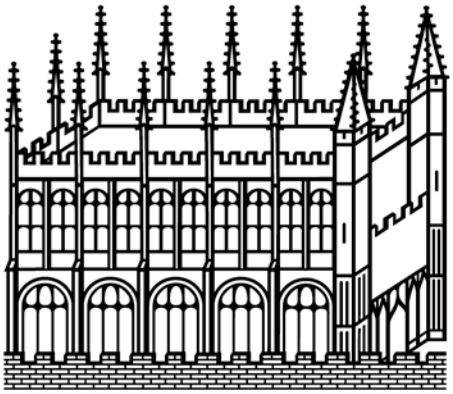

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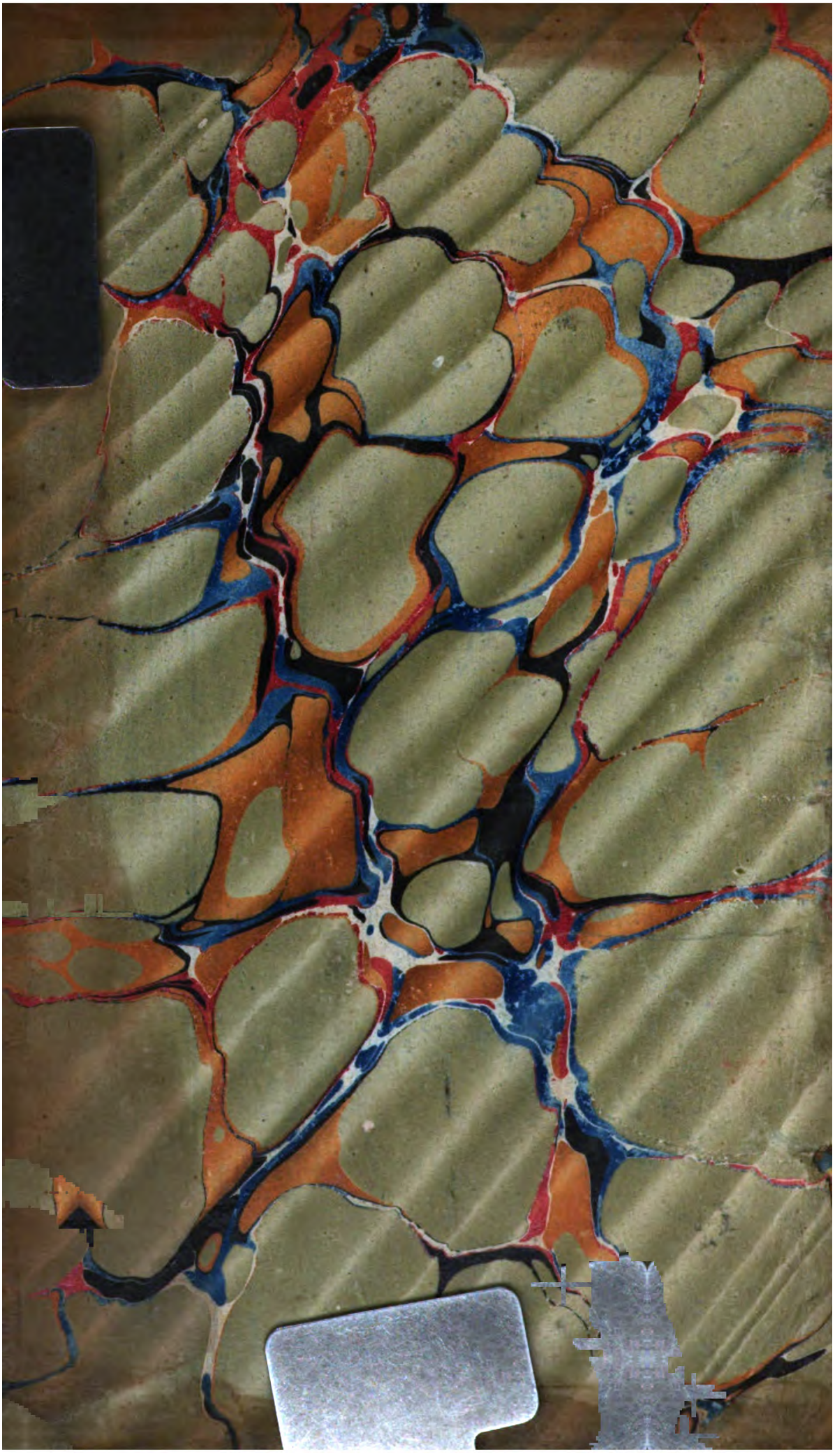

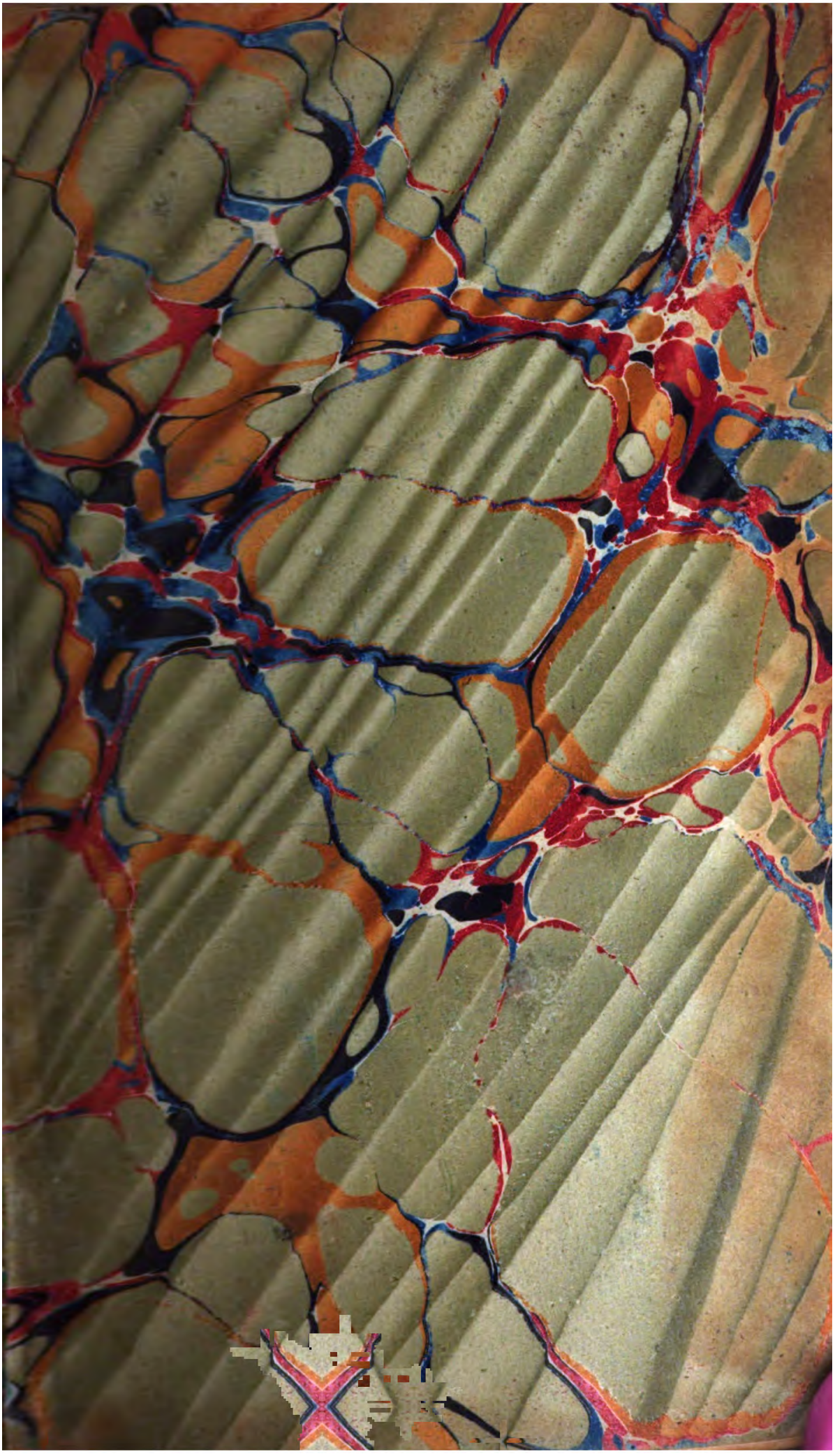

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The Right Honble
C. W. W. Wynn
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BRITISH AND FOREIGN

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CONTENTS.

ANHALT.

Page

CONVENTION with *Austria, Prussia,* &c. relative to the free Navigation of the *Elbe*...Dresden, 23d June, 1821... 953

AUSTRIA.

CORRESPONDENCE, &c. with *Great Britain,* relative to the repayment of the *Loans* raised for the Service of *Austria* .....1795 to 1818... 687

PAPERS, relative to the Changes of Government in *Naples* and *Piedmont,* and to the Proceedings of the Allied Sovereigns at *Troppau, Laybach,* &c. 1820, 1821.....1128, 1241

CONVENTION of *Armistice* between the *Austrian* and *Sicilian* Armies.....Capua, 20th March, 1821...1194

..... for the *Occupation* of *Naples* by the *Austrian* Army.....Aversa, 23d March, 1821...1195

..... with *Prussia, Saxony,* &c. relative to the free Navigation of the *Elbe*...Dresden, 23d June, 1821... 953

PAPERS relative to the withdrawal of the *Austrian* and *Russian* Ministers from Lisbon .....April to August, 1821... 772

BRAZIL.

DECREE of The King, confirming and adopting the *Constitution* of Government preparing by the Cortes in *Lisbon.* Rio de Janeiro, 24th February, 1821 .. 967

BRAZIL—*Continued.*

DECREE of The King, respecting the removal of the Seat of Government to *Lisbon*,—the Appointment of The Prince Royal to the Provisional Government at *Rio de Janeiro*,—and the Election in *Brazil* of Deputies to the *General Cortes* in *Portugal*...Rio de Janeiro, 7th March, 1821...
..... of the Cortes, containing the *Bases* of the *Political Constitution*.....Lisbon, 9th March, 1821...
..... of The King, respecting the *Powers* of The Prince Royal, as *Regent* and Lieutenant of the Kingdom of Brazil.....Rio de Janeiro, 22d April, 1821...
CONVENTION, for the incorporation of the Eastern Province of the *River Plate* with the Kingdom of *Brazil*, Monte Video, 31st July, 1821...1
NOTE of the *Portuguese* Envoy at *Buenos Ayres*, respecting the recognition of the Independence of *Chili*. Buenos Ayres, 11th August, 1821...1
CORRESPONDENCE with *Great Britain*, relating to the *Slave Trade*. 1817 to 1821...

BUENOS AYRES.

PROCLAMATION of the Governor and Captain General, respecting the designs of the *Brazilian* Government upon *Monte Video*.....27th March, 1821...1
DECREE, respecting the employment of *Foreigners* in the *Military* Service of *Buenos Ayres*...10th April, 1821...1
CORRESPONDENCE with the *British* Naval Officer, respecting the employment of *British* Subjects in do...April, 1821...1
CONVENTION, for the incorporation of the *Eastern Province* of the *River Plate* with the Kingdom of *Brazil*. Monte Video, 31st July, 1821...
CORRESPONDENCE with *The United States*, respecting the *identification* of American Vessels. August, 1821...

CHILI.

DECREE of the Supreme Director, declaring the *Blockade* of the Ports of *Peru*.....20th August, 1820...

CHILI—*Continued.*

Page

DECLARATION of the Supreme Director, modifying the *Blockade* of the Ports of *Peru* .....22nd June, 1821...1220

NOTE of do. to the Vice-President of *Colombia*, respecting the terms of any reconciliation with *Spain*. 17th August, 1821...1221

COLOMBIA.

TREATY of *Armistice* between the *Colombian* and *Spanish Armies*. Truxillo, 25th November, 1820...1225

PAPERS relating to the rupture of the *Armistice* between do. March, 1821...1232

ADDRESS of the First General Congress to the People, on the *Independence* of the Republic. Rosario de Cucuta, 6th June, 1821...1222

..... of the *Congress* to the People, on the *Closing* of the Session .....14th October, 1821...1235

DENMARK.

CONVENTION with *Austria, Prussia*, &c. relative to the free Navigation of the *Elbe*...Dresden, 23d June, 1821... 953

..... with *Prussia, Saxony*, &c. respecting the revision of Cargoes on the *Elbe*...Dresden, 23d June, 1821... 964

FRANCE.

ORDINANCE relative to *Tonnage* Duties on Vessels of *The United States* .....26th July, 1820... 522

..... do.....do.....23rd April, 1821... 523

LAW relative to the definitive regulation of the *Budget* of 1819... 577

..... fixing the *Budget* of Expenditures and Receipts for 1821... 583

PAPERS relative to the change of Government at *Naples*, and to the Proceedings of the Allied Sovereigns at *Troppau, Laybach*, &c. .....1820, 1821...1128

CORRESPONDENCE with *The United States*, relative to the *Claims* of *American* Citizens, for Spoliations upon their lawful Commerce.....1816 to 1822... 401

..... *Decrees, Orders in Council, Treaties*, &c. relating to do.....1800 to 1812... 462

FRANCE—*Continued.*

Page

CORRESPONDENCE with *Sicily*, relative to the *French Naval Force* in the Bay of *Naples*.
February, 1821...117

..... with *Turkey*, relative to the Differences between *Russia* and *The Porte*.
August, September, 1821...126

ARTICLES of the *Treaty* with *Switzerland*, 1803, relative to *Judicial Proceedings*, provisionally renewed....1821...128

CONVENTION with *The Netherlands*, for the reciprocal restitution of *Deserters*.....Paris, 2nd October, 1821... 59

SPEECH of The King, on the *Opening* of the *Chambers*.
5th November, 1821... 67

CORRESPONDENCE with *Great Britain*, relating to the *Slave Trade*.
1817 to 1821... 25

GREAT BRITAIN.

ACCOUNTS. FINANCE. *Public Income*. United Kingdom...1820... 97

..... Great Britain.....1820... 98

..... Ireland.....1820... 98

..... *Income* and Charge, *Consolidated Fund*.
1820...990, 99

..... Net Produce of the *Taxes*...1819, 1820... 99

..... Application of Public Monies, &c...1820...100

..... *National Debt*, in each Year, 1786 to 1821...128

..... Public *Funded Debt*, 5th Jan. 1821...1004, 101

..... *Unfunded Debt*...do.....1821...101

..... TRADE... *United Kingdom*.....1818 to 1820... 99

..... *Great Britain*.....do..... 99

..... *Ireland*.....do..... 99

..... NAVIGATION. *United Kingdom*...1818 to 1820, viz.

..... Vessels built and registered, &c.....100

..... Vessels employed, *Foreign Trade*.....100

CIRCULAR to the *British* Ministers at *Foreign* Courts, respecting the Proceedings of the Allied Sovereigns at *Troppau*, and *Laybach*, on the Affairs of *Naples*.
19th January, 1821...116

..... to the Ministers, &c. of Foreign Courts in London, relative to the renewal of the *Intercourse* of Foreign Vessels with *St. Helena*.....30th July, 1821...127

GREAT BRITAIN—*Continued.*

Page

CORRESPONDENCE, &c. with *Austria*, relative to the Repayment of the *Loans* raised for the Service of the Emperor.....1795 to 1818... 687

..... with *Buenos Ayres*, respecting the employment of *British* Subjects in the *Military* Service of that State.....April, 1821...1020

..... with *Sicily*, relative to the *British Naval Force* in the Bay of *Naples*. February, 1821 ..1172

..... RELATING TO THE SLAVE TRADE, viz.:

..... of the FOREIGN OFFICE, with the *British Commissioners*, 1819 to 1821, at

Sierra Leone..... 3 *Rio de Janeiro*.... 116

The Havannah ...116 *Surinam*..... 116

..... of Do. with *Foreign Powers*, 1817 to 1821, viz.

Spain.....116 *France*..... 257

Portugal..... ...116 *United States*..... 387

Netherlands.....116

.... of the ADMIRALTY, with British *Naval* Officers.....1819 to 1821... 789

..... of the COLONIAL OFFICE, with the Governor of *Sierra Leone*.....1819, 1820... 915

ORDERS IN COUNCIL, prohibiting the Exportation of *Gunpowder, Arms*, &c. to *Spain*, to certain parts of *Africa* and *America*, or to the *West Indies*, 575, 576

PAPERS, relative to the change of Government at *Naples*, and to the Proceedings of the Allied Sovereigns at *Troppau, Laybach*, &c.....1820, 1821...1128

SPEECH of The King, on the *Opening* of *Parliament*. 23d January, 1821... 1

..... of the Lords Commissioners, on the *Closing* of do. 11th July, 1821... 574

HAMBURGH.

CONVENTION with *Austria, Prussia*, &c. relative to the free Navigation of the *Elbe*..Dresden, 23d June, 1821... 95

HANOVER.

Page

CONVENTION with *Austria, Prussia.* &c. relative to the free Navigation of the *Elbe*..Dresden, 23d June, 1821... 95
..... with *Prussia, Saxony,* &c. respecting the revision of Cargoes on the *Elbe*...Dresden, 23d June, 1821... 96

HAYTI.—(*See St. Domingo.*)

HESSE CASSEL.

CONVENTION with *The Netherlands,* for the Abolition of the "*Droit de Détraction,*" &c.
Brussels, 8th March, 1821... 57

IONIAN ISLANDS.—(*See Seven Islands.*)

MECKLENBURGH SCHWERIN.

CONVENTION with *Austria, Prussia,* &c. relative to the free Navigation of the *Elbe*...Dresden, 23d June, 1821... 95
..... with *Prussia, Saxony,* &c. respecting the revision of Cargoes on the *Elbe*...Dresden, 23d June, 1821... 96

MEXICO.

LETTER of the Captain-General O'Donoju, relative to the termination of *Hostilities* between the *Spanish* and *Mexican* Armies.....Cordova, 26th August, 1821...123

NETHERLANDS.

CONVENTION with *Hesse Cassel,* for the Abolition of the "*Droit de Détraction,*" &c...Brussels, 8th March, 1821... 57
MESSAGE of the King to the States General, and *Projet* of Law, and Explanatory *Memoir,* respecting the new System of *Finance*.....30th April, 1821... 59

NETHERLANDS—*Continued.*

Page

CONVENTION with *France*, for the reciprocal restitution of *Deserters*.....Paris, 2d October, 1821... 596

SPEECH of the King, on the *Opening* of the *States General*. 15th October, 1821... 685

LAW respecting the *Second* Part of the *Budget* of Expenditure for 1822.....28th December, 1821... 571

..... respecting the Revenues applicable to the Payment of do. 28th December, 1821... 572

CORRESPONDENCE with *Great Britain*, relating to the *Slave Trade*. 1817 to 1821... 116

PERU.

PROCLAMATION of General San Martin, relative to the *Independence* of Peru.....Lima, 22d July, 1821...1270

DECREE of General San Martin, Protector, relative to the *Government* of the Free Departments...Lima, 3d August, 1821...1271

PORTUGAL.

SPEECH of the Conde de Sampayo, on the *Installation* of the *Cortes*..... .....Lisbon, 26th January, 1821... 972

DECREE of the King, confirming and adopting, for *Brazil*, the *Constitution* of Government preparing by the Cortes in *Lisbon*.....Rio de Janeiro, 24th February, 1821... 967

..... of the King, respecting the removal of the Seat of Government to Lisbon; the appointment of the *Prince Royal* to the Provisional Government at *Rio de Janeiro*; and the Election in *Brazil* of Deputies to the *General Cortes* in *Portugal*...Rio de Janeiro, 7th March, 1821... 968

..... of the Cortes, containing the *Bases* of the *Political Constitution*.....Lisbon, 9th March, 1821.. 973

SPEECH of the King, on taking the Oath to the *Bases* of the *Constitution*..... .....Lisbon, 4th July, 1821...1015

PAPERS relative to the withdrawal of the *Austrian* and *Russian* Ministers from *Lisbon*.....April to August, 1821... 772

NOTE of the *Portuguese* Envoy at *Buenos Ayres*, respecting the recognition of the *Independence* of *Chili*...11th Aug. 1821.. 1221

CORRESPONDENCE with *Great Britain*, relating to the *Slave Trade*. 1817 to 1821... 116

PRUSSIA.

Pa

PAPERS relative to the changes of Government in *Naples* and *Piedmont*, and to the Proceedings of the Allied Sovereigns at *Troppau, Laybach*, &c.....1820, 1821...1128, 12

CONVENTION with *Austria, Saxony*, &c. relative to the free Navigation of the *Elbe*..Dresden, 23d June, 1821... 9

..... with *Saxony, Hanover*, &c. respecting the revision of Cargoes on the *Elbe*...Dresden, 23d June, 1821... 9

RUSSIA.

PAPERS relative to the changes of Government in *Naples* and *Piedmont*, and to the Proceedings of the Allied Sovereigns at *Troppau, Laybach*, &c....1820, 1821...1128, 12

CONVENTION with *Sweden*, relative to exchanges of Private *Lands*, and the competency of the Criminal *Tribunals*, on the *Frontier*.....Tornea, $\frac{5}{17}$ January, 1821... 7

..... Treaty of Peace with do. 1809, and Act of *Demarkation*, 1810..... 749, 7

SPEECH of the Minister of *Finance*, on the *Opening* of the *Council of Credit* .....24th May, 1821... 7

CORRESPONDENCE with *Turkey*, relative to the Differences between *Russia* and *The Porte*.
May, July, 1821...12

PAPERS relative to the withdrawal of the *Austrian* and *Russian* Ministers from *Lisbon* .....April to August, 1821... 7

SARDINIA.

PAPERS relative to the changes of Government in *Naples* and *Piedmont*, and to the Proceedings of the Allied Sovereigns at *Troppau, Laybach*, &c. ...1820, 1821...1128, 1

SAXONY.

CONVENTION with *Austria, Prussia*, &c. relative to the free Navigation of the *Elbe*...Dresden, 23d June, 1821... 9

SAXONY.—*Continued.*

Page

CONVENTION with *Prussia, Hanover*, &c. respecting the revision of Cargoes on the *Elbe*...Dresden, 23d June, 1821... 964

SEVEN ISLANDS.

SPEECH of The Lord High Commissioner, on the *Opening* of the *Legislative Assembly* .....6th March, 1821...1278

PROCLAMATIONS relative to the observance of *Neutrality*, &c. in the Contest between *Turkey* and *Greece*. April to October, 1821...1282

SICILY.

PAPERS relative to the changes of Government in *Naples* and *Piedmont*, and to the Proceedings of the Allied Sovereigns at *Troppau, Laybach*, &c. ...1820, 1821...1128, 1241

CORRESPONDENCE with *Great Britain* and *France*, respecting the *British* and *French* Naval Forces in the *Bay of Naples*.....February 1821...1172

CONVENTION of *Armistice* between the *Austrian* and *Sicilian* Armies.....Capua, 20th March 1821...1194

..... for the *Occupation* of *Naples* by the *Austrian* Army.....Aversa, 23rd March, 1821...1195

SPAIN.

TREATY of Amity, Settlement, and Limits, with *The United States*.....Washington, 22nd February, 1819... 524

..... do.....do..... .....(Extracts) 1795... 540

..... of *Armistice* between the *Spanish* and *Colombian* Armies. Truxillo, 25th November, 1820...1225

PAPERS relating to the rupture of the *Armistice* between do. March, 1821...1232

SPEECH of The King, on the *Opening* of the *Cortes*. 1st March, 1821...1206

SPAIN—*Continued.*

Page

REPORT of the Minister for *Foreign Affairs* to the Cortes. 4th March, 1821...1210

DECREE of the Cortes, for the encouragement of Colonization, by *Spaniards* and *Foreigners*, in the *Spanish-American Colonies* ..... 27th June, 1821...1303

SPEECH of The King, on the *Closing* of the *Cortes*. 30th June, 1821...1212

LETTER of the Captain-General O'Donoju, relative to the termination of *Hostilities* between the *Spanish* and *Mexican* Armies.....Cordova, 26th August, 1821...1238

SPEECH of The King, on the *Opening* of the Extraordinary *Cortes* .....28th September, 1821...1214

CORRESPONDENCE with *Great Britain*, relating to the *Slave Trade*, 1817 to 1821... 116

ST. DOMINGO.

ADDRESS of the House of *Representatives* to the People, on the *Closing* of the *Session* ....16th November, 1821...1216

CONSTITUTIVE ACT of the Provisional Government of the Independent State of the *Spanish* Part of *Hayti*. Santo Domingo, 1st December, 1821... 557

DECLARATION of *Independence* of the *Dominican* Republic. Santo Domingo, 1st December, 1821... 564

SWEDEN.

CONVENTION with *Russia*, relative to exchanges of Private *Lands*, and the competency of the Criminal *Tribunals* on the *Frontier*....Tornea, $\frac{5}{17}$ January, 1821... 742

..... Treaty of Peace with do. 1809, and Act of *Demarkation*, 1810... ..... 749, 750

SPEECH of The King, on the *Opening* of the *Storthing* of *Norway*. 1st February, 1821... 761

SWEDEN.—*Continued.*

Page

MESSAGE of The King to the *Storthing*, relative to the modification of the *Constitution*.....2nd August, 1821... 762

SPEECH of do. on the *Closing* of the *Storthing* of *Norway*. 21st August, 1821... 766

SWITZERLAND.

ARTICLES of the *Treaty* with *France*, 1803, relative to *Judicial Proceedings*, provisionally renewed.....1821...1286

TURKEY.

FIRMAN of the Grand Seignior, in favour of the *Greeks* who have taken no part in the *Insurrection* against The Porte. 15th August, 1821...1287

..... of do., inviting the *Greeks* to return to their *Allegiance* to The Porte.....16th August, 1821...1290

CORRESPONDENCE with *Russia* and *France*, relative to the Differences between *Turkey* and *Russia*. May, September, 1821...1247

UNITED STATES.

ACT of Congress, imposing a new *Tonnage* Duty on *French* Vessels..... .....15th May, 1820... 521

..... releasing *French* Vessels from do. 3rd March, 1821... 522

..... to reduce and fix the *Military* Peace Establishment.....2nd March, 1821...1074

..... for carrying into execution the *Treaty* of Amity, Settlement, and Limits, with *Spain*, of 1819.....3rd March, 1821... 770

..... to amend the Act entitled "An Act for the gradual *increase* of the *Navy*" 3d March, 1821...1076

UNITED STATES—*Continued.*

Page

CORRESPONDENCE with *France*, relative to the *Claims* of American Citizens, for spoliations upon their lawful Commerce ..... 1816 to 1822... 401

..... *Decrees, Orders in Council, Treaties*, &c. relating to do. .....1800 to 1812... 462

..... with *Buenos Ayres*, respecting the *identification* of *American* Vessels .....August, 1821...1025

..... with *Great Britain*, relating to the *Slave Trade*, 1819 to 1821... 387

MESSAGE to Congress, on the *Opening* of the Session. 14th November, 1820... 513

PAPERS relative to the Establishment at the Mouth of *Columbia River* .....1813, 1818, 1823...1292

PROCLAMATION, repealing the Discriminating Duties of *Tonnage*, on *Norwegian* Vessels and Cargoes. 20th August, 1821...1093

.....repealing do. on *Oldenburg* Vessels and Cargoes .....22d November, 1821...1291

..... promulgating the *Treaty* of Amity, Settlement, and Limits, with *Spain*, of the 22d February, 1819.....22d February, 1821... 524

REPORT of the Secretary of the *Treasury* to Congress, on the state of the *Finances*.....1st December, 1820...1030

..... of do. (Supplementary) .....21st December, 1820...1048

..... of the Secretary of the *Navy*, relative to the employment of the Ships of War...11th December, 1820...1077

..... of the Secretary of War, containing a plan for the reduction of the *Army*.....12th December, 1820..1056

..... of do. relative to the gradual *increase* of the *Navy*.....18th December, 1820..1079

..... of the Secretary of the Treasury, relative to the *Exports* from The United States, *Tonnage*, &c. 1820. 28th December, 1820...1118

..... of do. relative to the *Imports* into The United States, 1818, 1819.....22d January, 1821...1124

..... of the Secretary of War, relative to the progress of the Board of Engineers in the selection of sites for *Fortifications*, &c..... .....12th February, 1821..1094

SPEECH of *James Monroe*, on his being sworn into Office as *President*.....5th March, 1821... 676

UNITED STATES.—*Continued.*

Page

STATEMENTS respecting the *Commerce* and *Finances* of The United States, viz. :—

..... Domestic and Foreign Merchandize *exported*, 1789 to 1820...1090

..... Annual Receipts.....do.....do.....1091

..... Exports and Imports.....1819...1092

TREATIES, &c. with Foreign Powers, viz.:

..... *Spain*. Treaty. Amity, Settlement, and Limits. Washington, 22d February, 1819.. 524

..... do. do. do. (Extracts) 1795... 540

..... *Creek Indians*. Treaty. *Boundaries*. Indian Spring, 8th January, 1821...1114

WIRTEMBERG.

SPEECH of the King, on the *Closing* of the First Session of the *States*.....26th June, 1821... 768

BRITISH AND FOREIGN

State Papers.

SPEECH of The King of Great Britain, on the Opening of Parliament, 23rd January, 1821.

My Lords, and Gentlemen,

I HAVE the satisfaction of acquainting you, that I continue to receive from Foreign Powers the strongest assurances of their friendly disposition towards this Country.

It will be a matter of deep regret to Me, if the occurrences which have lately taken place in Italy should eventually lead to any interruption of tranquillity in that quarter; but it will, in such case, be My great object to secure to My People the continuance of Peace.

Gentlemen of the House of Commons,

The measures by which, in the last Session of Parliament, you made provision for the expences of My Civil Government, and for the honour and dignity of the Crown, demand My warmest acknowledgments.

I have directed that the Estimates for the current Year shall be laid before you, and it is a satisfaction to Me to have been enabled to make some reduction in Our Military Establishments.

You will observe from the Accounts of the Publick Revenue, that, notwithstanding the receipts in Ireland have proved materially deficient, in consequence of the unfortunate circumstances which have affected the commercial credit of that part of the United Kingdom, and although Our Foreign Trade, during the early part of this time, was in a state of depression, the total Revenue has nevertheless exceeded that of the preceding Year.

A considerable part of this increase must be ascribed to the new Taxes; but in some of those branches which are the surest indications of internal wealth, the augmentation has fully realized any expectation which could have been reasonably formed of it.

The separate provision which was made for the Queen, as Princess of Wales, in the year 1814, terminated with the demise of His late Majesty.

I have in the mean time directed advances, as authorised by Law; and it will, under present circumstances, be for you to consider what new arrangements should be made on this subject.

My Lords and Gentlemen,

I have great pleasure in being able to acquaint you, that a considerable improvement has taken place, within the last half year, in several of the most important branches of Our commerce and manufactures; and that in many of the manufacturing Districts the distresses which prevailed at the commencement of the last Session of Parliament have greatly abated.

It will be My most anxious desire to concur in every measure which may be considered as calculated to advance Our internal prosperity.

I well know that, notwithstanding the agitations produced by temporary circumstances, and amidst the distress which still presses upon a large portion of My Subjects, the firmest reliance may be placed on that affectionate and loyal attachment to My Person and Government, of which I have recently received so many testimonies from all parts of My Kingdom, and which, whilst it is most grateful to the strongest feelings of My Heart, I shall ever consider as the best and surest safeguard of My Throne.

In the discharge of the important duties imposed upon you, you will, I am confident, be sensible of the indispensable necessity of promoting and maintaining, to the utmost of your power, a due obedience to the Laws, and of instilling into all classes of My Subjects a respect for lawful authority, and for those established Institutions, under which the Country has been enabled to overcome so many difficulties, and to which, under Providence, may be ascribed Our happiness and renown as a Nation.

CORRESPONDENCE OF THE FOREIGN OFFICE,

RELATIVE TO

THE SLAVE TRADE:

1819 to 1821; *viz.*

Class A.

Page

CORRESPONDENCE WITH HIS MAJESTY'S COMMISSIONERS AT SIERRA LEONE..... 3

Class B.

CORRESPONDENCE WITH SPAIN, PORTUGAL, AND THE NETHERLANDS, AND WITH HIS MAJESTY'S COMMISSIONERS AT THE HAVANNAH, RIO DE JANEIRO, AND SURINAM..... 116

Class C.

CORRESPONDENCE WITH FRANCE..... 257

Class D.

CORRESPONDENCE WITH THE UNITED STATES..... 387

Class A.

CORRESPONDENCE WITH HIS MAJESTY'S COMMISSIONERS AT SIERRA LEONE.

LIST OF PAPERS.

No. 1819. Page.

1. Viscount Castlereagh to His Majesty's Commissary Judge.....Foreign Office....19th Feb. 6
   Inclosure—Commission for a British Commissary Judge, a Commissioner of Arbitration, and a Secretary or Registrar, to reside at Sierra Leone, under the Treaty with Spain of 1817 7
2. Viscᵗ. Castlereagh to His Majesty's Commissioner of Arbitration.....Foreign Office ...19th Feb. 11
3. William Hamilton, Esq. to the Registrar to the Mixed Commission.....Foreign Office....19th Feb. 21
4. Viscᵗ. Castlereagh to His Majesty's Commissioners.....Foreign Office....19th Feb. 12
   Inclosure.—Interrogatories to be administered to the Witnesses belonging to the Vessel taken..... 13
5. Viscᵗ. Castlereagh to His Majesty's Commissioners .....(Circular)....Foreign Office....19th Feb. 17
6. Viscᵗ. Castlereagh to His Majesty's Commissioners.....Foreign Office.... 20th Feb. 17
   Inclosure.—Alvara of His Most Faithful Majesty..... .....26th January, 1818..... 18

No.			1819.	Page
7.	Viscᵗ. Castlereagh to His Majesty's Commissioners	Foreign Office	20th Feb.	25
	Inclosures.—Memoranda for the guidance of the Commissions			25
	Forms of Documents			28
8.	Viscᵗ. Castlereagh to His Majesty's Commissioners	Foreign Office	3d April	50
	Inclosure.—Declaration explanatory of Art. 2 of the Additional Convention with Portugal of 1817....London, 3rd April, 1819			50
9.	Viscᵗ. Castlereagh to His Majesty's Commissioners	Foreign Office	9th June	51
10.	His Majesty's Commissary Judge to Viscount Castlereagh	Sierra Leone	21st June	52
11.	His Majesty's Commissary Judge to Viscount Castlereagh	Sierra Leone	24th July	53
	Inclosure.—Case of the Spanish Ship *Josefa*			54
12.	His Majesty's Commissioners to Viscount Castlereagh	Sierra Leone	24th July	54
13.	His Majesty's Commissioners, and Registrar, to Viscount Castlereagh	Sierra Leone	24th July	55
14.	His Majesty's Commissary Judge to Viscount Castlereagh	Sierra Leone	23d Aug.	55
15.	Viscᵗ. Castlereagh to His Majesty's Commissioners	Foreign Office	18th Nov.	57
16.	Viscᵗ. Castlereagh to His Majesty's Commissioners	Foreign Office	30th Dec.	59
17.	Viscᵗ. Castlereagh to His Majesty's Commissioners	Foreign Office	30th Dec.	59
18.	Viscᵗ. Castlereagh to His Majesty's Commissioners	Foreign Office	1820 4th Jan.	59
19.	Viscᵗ. Castlereagh to His Majesty's Commissioners	Foreign Office	18th Jan.	59
20.	Viscᵗ. Castlereagh to His Majesty's Commissioners	Foreign Office	6th Feb.	60
21.	His Majesty's Commissary Judge to Viscount Castlereagh	Sierra Leone	1819 10th Oct.	61
	Inclosures.—Case of the Spanish Schooner *Nuestra Senora de la Regla*			62
	Case of the Spanish Schooner *Fabiana*			66
22.	His Majesty's Commissioners to Viscount Castlereagh	Sierra Leone	10th Oct.	69
23.	His Majesty's Commissioners to Viscount Castlereagh	Sierra Leone	12th Nov.	69
24.	His Majesty's Commissioners to Viscount Castlereagh	Sierra Leone	27th Nov.	71
25.	His Majesty's Commissary Judge to Viscount Castlereagh	Sierra Leone	30th Nov.	72
	Inclosures.—Case of thePortuguese Schooner *Cintra*			73
	Case of the Spanish Schooner, *Juanita*			74
	Case of the Schooner, *Virginie*			75
	Case of the Dutch Schooner, *Eliza*			76

No.			1819.	Page.
26.	His Majesty's Commissary Judge to Viscount Castlereagh	Sierra Leone	30th Dec.	78
	Inclosure.—Case of the Spanish Schooner *Esperanza*			79
27.	Viscᵗ. Castlereagh to His Majesty's Commissioners	Foreign Office	1820 27th Mar.	80
28.	His Majesty's Commissary Judge to Viscount Castlereagh	Sierra Leone	8th Jan.	80
	Inclosure.—Case of the Spanish Schooner, *Nuestra Senora de las Nieves*, alias *Voladora*,			81
29.	Viscᵗ. Castlereagh to His Majesty's Commissioners	Foreign Office	29th Mar.	81
30.	His Majesty's Commissary Judge to Viscount Castlereagh	Sierra Leone	20th Feb.	81
	Inclosure.—Case of the Schooner, *Francisco*			82
31.	His Majesty's Commissary Judge to Viscount Castlereagh	Sierra Leone	21st Feb.	82
	Inclosure.—Case of the Brig, *Marie*, captured under Netherland Colours			83
32.	His Majesty's Commissioners to Viscount Castlereagh	Sierra Leone	25th Feb.	84
	Inclosures.—Case of the Portuguese Schooner *Nova Felicidade*			85
	Case of the Schooner, *St. Salvador*, captured under Portuguese Colours			86
33.	His Majesty's Commissary Judge to Viscount Castlereagh	Sierra Leone	20th Mar.	90
	Inclosure.—Case of the Schooner, *Gazetta*, captured under Spanish Colours			90
34.	His Majesty's Commissioners to Viscount Castlereagh	Sierra Leone	6th May	90
35.	His Majesty's Commissary Judge to Viscount Castlereagh	Sierra Leone	27th June	91
	Inclosure.—Case of the Schooner, *St. Salvador* captured under Portuguese Colours			92
36.	His Majesty's Commissioners to Viscount Castlereagh	Sierra Leone	27th June	97
37.	Viscᵗ. Castlereagh to His Majesty's Commissary Judge	Foreign Office	1819 30th Nov.	102
38.	Viscᵗ. Castlereagh to His Majesty's Commissary Judge	Foreign Office	30th Nov.	102
39.	His Majesty's Commissary Judge to Viscount Castlereagh	Sierra Leone	1820 6th Nov.	103
	Inclosure.—Case of the Spanish Schooner, *Nuestra Senora de Montserrate*			104
40.	Viscᵗ. Castlereagh to His Majesty's Commissioners	Foreign Office	10th Sept.	106
41.	Viscᵗ. Castlereagh to His Majesty's Commissioners	(Circular) Foreign Office	24th Sept.	107
42.	Viscᵗ. Castlereagh to His Majesty's Commissioners, and also to His Majesty's Ambassadors at Madrid, and Brussels, and to His Majesty's Envoy at Rio de Janeiro	(Circular) Foreign Office	16th Nov.	107
43.	Joseph Planta, Jun. Esq. to Henry Goulburn, Esq.	Foreign Office	28th Nov.	107
44.	His Majesty's Commissioners to Viscount Castlereagh	Sierra Leone	1821 5th Jan.	108

No. 1.—Viscount Castlereagh to His Majesty's Commissary Judge.

SIR, *Foreign Office, 19th February,* 1819.

HIS Royal Highness The Prince Regent, acting in the name and on the behalf of His Majesty, has been pleased to appoint you to be His Majesty's Commissary Judge to the mixed English and Spanish Commission, to be established at Sierra Leone, under the Treaty between Great Britain and Spain, for preventing the illegal Traffick in Slaves, signed at Madrid, on the 23d of September, 1817, and pursuant to the Act of Parliament passed in the 58th Year of His Majesty's Reign, for carrying that Treaty into effect.

I have the honour to send you herewith His Royal Highness's Commission, appointing you to be His Majesty's Commissary Judge; Edward Fitzgerald, Esq. to be His Majesty's Commissioner of Arbitration; and Daniel Molloy Hamilton, Esq. to be His Majesty's Registrar, to the Board of Commission aforesaid.

I send you likewise a Copy of the Additional Article to the Treaty between Great Britain and Spain, of the 5th July, 1814, containing a Stipulation on the subject of the Traffick in Slaves; and also Copies of the Treaty of the 23d September, 1817, and of the Act of Parliament referred to. You will consider these Documents as laying down the general basis and rule of your conduct in the character to which His Royal Highness has been pleased to appoint you.

One of His Majesty's Vessels will be in readiness to convey you forthwith to Sierra Leone, so that no time may be lost in commencing the operations of this Commission.

His Catholick Majesty has nominated Dr. Santiago Janama, His Consul at Amsterdam, to be His Commissary Judge at Sierra Leone, under the Treaty in question; and Dr. Juan Camps, late Spanish Consul in Africa, to be His Commissioner of Arbitration.

The Vessel which carries you out will receive orders to touch at Cadiz to take up these Gentlemen, and convey them, together with you, to Sierra Leone.

Upon your arrival at that Place you will communicate to Mr. Fitzgerald His Royal Highness's Commission, together with the present Despatch, and its several other Inclosures. They are intended, as well as the other Instructions which I may address to you under this head, equally for that Gentleman and yourself.

You will yourselves take, in proper form, the Oath prescribed, and administer to Mr. Hamilton (the Registrar) the Oath prescribed for him. You will confer with the Spanish Officers already referred to; and, ascertaining that their Commission is proper in form and in substance, you will agree with them upon the most eligible course to be pursued, in respect to entering upon the duties of the Commission entrusted to your care, and you will forthwith enter upon them accordingly.

Although His Royal Highness is confident, from your approved integrity and discretion, that you will proceed in the adjudication and arbitration upon the fairest and most honourable principles, and without pressing too far any doubtful points; yet, for the clearer manifestation of the spirit with which He has been actuated in concluding the said Treaty, He is pleased to signify to you His special command, that, throughout the whole of the functions respectively entrusted to you and to Mr. Fitzgerald, you should be careful not to lose sight of your judicial character, and should uniformly endeavour to combine a fair and conscientious zeal for the prevention of the illegal Traffick in Slaves, with the maintenance of the strictest justice towards the parties concerned, and with the promotion of a spirit of conciliation and harmony between His Majesty's Subjects, and those of The King of Spain.

His Royal Highness has further commanded, that you shall from time to time transmit to this Office an account of your proceedings, in Letters addressed to His Majesty's Principal Secretary of State for Foreign Affairs, and that you shall conform to such further instructions and directions as you may hereafter receive from him.

I am, &c.

Thomas Gregory, Esq. CASTLEREAGH.

(Inclosure.)—Commission for a British Commissary Judge, a Commissioner of Arbitration, and a Secretary or Registrar, to reside at Sierra Leone, under the Treaty with Spain of 1817.

IN THE NAME AND ON THE BEHALF OF HIS MAJESTY.

(L. S.) GEORGE, P. R.

GEORGE the Third, by the grace of God, King of the United Kingdom of Great Britain and Ireland, Defender of the Faith, King of Hanover, &c. &c. &c. To all and singular to whom these presents shall come, greeting: Whereas by a Treaty concluded at Madrid on the 23d day of September, 1817, between Us and His Catholick Majesty, for preventing our respective Subjects from engaging in any illicit Traffick in Slaves, it is, amongst other things, stipulated and agreed, that, in order to bring to adjudication, with the least delay and inconvenience, the Vessels which may be detained for having been engaged in an illicit Traffick in Slaves, there shall be established within the space of a Year, at furthest, from the exchange of the Ratifications of the said Treaty, two Mixed Commissions, formed of an equal number of Individuals of the two Nations, named for that purpose by their respective Sovereigns, and that these Commissions shall reside, one in a Possession to Us belonging, the other within the Territories of His Catholick Majesty; one of which Commissions is stipulated by

the said Treaty to be always held upon the Coast of Africa, and the other in one of the Colonial Possessions of His Catholick Majesty: And it was by the said Treaty further stipulated and agreed, that the said Commissions should judge the Causes submitted to them without appeal, and according to the Regulations and Instructions annexed to the said Treaty, of which they should be considered as an integral part. And whereas it was, by the said Regulations annexed to the said Treaty, amongst other things provided, that the said Mixed Commissions should be composed in the following manner, that is to say, that We and His Catholick Majesty should each of us name a Commissary Judge and a Commissioner of Arbitration, who should be authorized to hear and decide, without appeal, all cases of Capture of Slave Vessels, which, in pursuance of the Stipulations of the said Treaty, might be laid before them, and that there should be attached to each Commission, a Secretary or Registrar, appointed by the Sovereign of the Country in which the Commission might reside: and whereas, by an Act of Parliament made and passed in the 58th year of Our Reign intituled, "An Act to carry into execution a Treaty made between His Majesty and the King of Spain, for the preventing Traffick in Slaves," it is, amongst other things enacted, that it shall be lawful for Us, by any Warrant under Our Royal Sign Manual, countersigned by one of our Principal Secretaries of State for the time being, to appoint such Commissary Judges and Commissioners of Arbitration as are in and by the said Treaty and Regulations thereunto annexed, mentioned to be apppointed by Us; and such Commissary Judges and Commissioners are thereby authorized and empowered to examine and decide all such cases of detention, Captures and Seizures of Vessels and their Cargoes, detained, seized, taken, or captured under the said Treaty, or Instructions or Regulations, as are by the said Treaty, Instructions, and Regulations, and by that Act made subject to their jurisdiction, and to proceed therein, and give such judgments, and make such orders therein, and do all other acts, matters, and things appertaining thereto, agreeably to the provisions of the said Treaty, and the Instructions and Regulations annexed thereto, as fully and effectually, to all intents and purposes, as if special powers and authorities for that purpose were specifically and particularly inserted and given in relation thereto in the said Act: And it was thereby further, amongst other things, enacted, that it should be lawful for the said Commissary Judges, or either of them, and they are thereby respectively empowered, to administer oaths to, and take the depositions of all Parties, Witnesses, and other Persons who may come or be brought before them to be examined, or for the purpose of deposing, in the course of any proceeding, before the said Commissary Judges, or before the said Commissary Judges and the Commissioner of Arbitration, in the cases in

which such Commissioners of Arbitration shall act with the said Commissary Judges under the said Treaty, Instructions, or Regulations, or that Act; and that it should also be lawful for the said Commissary Judges, or for the said Commissary Judges and Commissioners of Arbitration, in the cases aforesaid, to summon before them all Persons whom they may deem it necessary or proper to examine in relation to any suit, proceeding, or matter or thing under their cognizance, and to send for and issue Precepts for the producing of all such Papers as may relate to the matters in question before them, and to enforce all such Summonses, Orders, and Precepts, by such and like means, powers, and authorities as any Court of Vice-Admiralty may do: Now know ye, that we, reposing especial trust and confidence in the approved learning, wisdom, and fidelity, of our trusty and well-beloved Thomas Gregory, Esq. and of our trusty and well beloved Edward Fitz-Gerald, Esq. have named, made, constituted, and appointed, as we do by these presents name, make, constitute, and appoint, our said trusty and well-beloved Thomas Gregory, Esq. to be our Commissary Judge, and our said trusty and well-beloved Edward Fitz-Gerald, Esq. to be our Commissioner of Arbitration, under and pursuant to the said Treaty and Act of Parliament, to meet the Commissary Judge and Commissioner of Arbitration appointed or to be appointed by His Catholick Majesty, at our Possession or Settlement of Sierra Leone, on the Coast of Africa, there to be resident with them, and to form a Mixed Commission, according to the Stipulations of the said Treaty, for the adjudication of all such Causes as shall be submitted to the said Commission under the said Treaty, and according to the Regulations and Instructions thereto annexed: And we do hereby give and grant to our said Commissary Judge and Commissioner of Arbitration jointly, in all cases in which they shall or may, by the Regulations annexed to the said Treaty be required or directed to act together, and severally, in all cases in which either of them shall or may by the said Regulations be required or directed to act separately from the other, full power and authority to examine and decide all such cases of Detention, Captures and Seizures of Vessels and their Cargoes, detained, seized, taken, or captured under the said Treaty, or Instructions, and Regulations, as are by the said Treaty, Instructions, and Regulations, and by the said Act of Parliament, made subject to the jurisdiction of the Commissary Judges and Commissioners of Arbitration respectively, to be by Us appointed, and to proceed in all such cases, and give such judgments, and make such orders therein, and do all such other acts, matters, and things appertaining thereto, agreeably to the provisions of the said Treaty, and the Instructions and Regulations annexed thereto, as fully and effectually, to all intents and purposes, as if special powers and authorities for all and every such purposes were speci-

fically and particularly inserted and given herein in relation thereto. And we do hereby further give and grant to our said Commissary Judge, and our said Commissioner of Arbitration, full power and authority to administer oaths to, and take the depositions of all Parties, Witnesses, and other Persons who may come or be brought before them, or either of them, to be examined under the said Treaty, Instructions, or Regulations, or under the said Act of Parliament, and to summon before them, or either of them, all persons whom they, or either of them, may deem it necessary or proper to examine in relation to any suit, proceeding, matter, or thing under their respective cognizance, and to send for and issue Precepts for the producing of all such Papers as may relate to any matters in question before them or either of them; and to enforce all such Summonses, Orders and Precepts, by such and the like means, powers and authorities as any Court of Vice-Admiralty may do. And we do hereby require all and every our Officers and Ministers to be aiding and assisting to them, and each of them, in the due execution of this our Commission: Provided always, and we do hereby will and require, that our said Commissary Judge, and our said Commissioner of Arbitration, before they shall respectively enter upon the execution of any of the duties of their said respective Offices, shall, in the presence of the Principal Magistrate then residing and acting in our Possession or Settlement of Sierra Leone aforesaid, take the following Oath, which Oath such Magistrate is hereby, and by the said Act, authorised and required to administer. That is to say, "I, Thomas Gregory, (or I, Edward Fitz-Gerald,) do solemnly swear that I will, according to the best of my skill and knowledge, act in the execution of my Office as Commissary Judge, (or Commissioner of Arbitration,) faithfully, impartially, fairly, and without preference or favour either for Claimants or Captors, or any other Persons; and that I will to the best of my judgment and power, act in pursuance of, and according to the Stipulations, Regulations, and Instructions contained in, or annexed to the Treaty between His Majesty and His Catholick Majesty, signed at Madrid, on the 23d day of September, 1817. So help me God." And we having made choice of and appointed our trusty and well-beloved Daniel Molloy Hamilton, Esquire, to be Secretary (or Registrar) to the said Mixed Commission, pursuant to the said Treaty and Act of Parliament, Our said Commissary Judge is hereby authorized and required to administer to Our said trusty and well-beloved Daniel Molloy Hamilton, Esquire, before he enters on the duties of his said Office, the following Oath, that is to say, "I, Daniel Molloy Hamilton do solemnly swear that I will, according to the best of my skill and knowledge, act in the execution of my Office, and that I will conduct myself with respect to the authority of the Commissary Judges and Commissioners of Arbitration, of the Commission to which

I am attached, and will act with fidelity in all the affairs which may belong to my charge, and without preference or favour either for Claimants or Captors, or any other Persons. So help me God."

In witness whereof, we have signed these presents in the name and on the behalf of His Majesty.

Given at the Palace of Carlton-House, the 19th day of February, in the year of our Lord 1819, and in the 59th year of His Majesty's Reign.

By Command of His Royal Highness the Prince Regent, in the name and on the behalf of His Majesty.

(Countersigned.) CASTLEREAGH.

Memorandum.—Similar Instructions *mutatis mutandis* to those contained in the foregoing Paper, and in the Papers marked No. 4, No. 5, No. 7, and No. 9; and similar Commissions were issued to His Majesty's Commissioners at Sierra Leone, under the Treaties with Portugal, and with The Netherlands: and to His Majesty's Commissioners, at The Havannah, under the Treaty with Spain; to His Majesty's Commissioners at Rio de Janeiro, under the Treaty with Portugal; and to His Majesty's Commissioners at Surinam, under the Treaty with The Netherlands, for the prevention of the illegal Traffick in Slaves.

No. 2.—*Viscount Castlereagh to His Majesty's Commissioner of Arbitration.*

SIR, *Foreign Office, 19th February,* 1819.

His Royal Highness the Prince Regent, acting in the name and on the behalf of His Majesty, has been graciously pleased to appoint you to be His Majesty's Commissioner of Arbitration at Sierra Leone, under the Treaty between Great Britain and Spain, for preventing the illegal Traffick in Slaves, which was signed at Madrid, on the 23d of September 1817, and under the Convention between Great Britain and Portugal, concluded for the like purpose, at London, on the 28th of July 1817, and pursuant to the Acts of Parliament passed in the 58th Year of His Majesty's Reign, for carrying the said Treaty and Convention into effect.

Thomas Gregory, Esq. whom His Royal Highness has been pleased to appoint to be His Majesty's Commissary Judge at Sierra Leone, under the above-mentioned Treaty, Convention, and Acts of Parliament, will communicate to you the Commission and Instructions with which he is furnished, and which are equally destined for your guidance and authority, and for the guidance and authority of that gentleman. I beg leave, therefore, to refer you for your further information to Mr. Gregory, who will deliver this Despatch to you, and with whom you

will confer upon the best method of entering upon the respective duties entrusted to your care, according to the Commissions and Instructions in question.

I am, &c.

Edward Fitzgerald, Esq. CASTLEREAGH.

Memorandum.—Similar Instructions to the foregoing were issued to Mr. Fitzgerald, appointing him to be His Majesty's Commissioner of Arbitration at Sierra Leone, under the Slave Trade Treaty, signed between Great Britain and The Netherlands, at The Hague, on the 4th of May, 1818.

No. 3.—W. Hamilton, Esq. to the Registrar to the Mixed Commission.

SIR, *Foreign Office, 19th February,* 1819.

I HAVE the satisfaction to acquaint you, by direction of Lord Castlereagh, that you have been selected to be Registrar to the Mixed Commissions to be established at Sierra Leone, under the Treaties with Foreign Powers for the prevention of the illicit Traffick in Slaves.

You will receive from Mr. Gregory, His Majesty's Commissary Judge, and from Mr. Fitzgerald, His Majesty's Commissioner of Arbitration, at Sierra Leone, every information necessary to the discharge of the duties devolving upon you in the character of Registrar; and I am directed by his Lordship to desire, that you will conform to such Instructions and directions as you shall receive from the Commissioners for the guidance of your conduct in the Situation alluded to.

I am, &c.

Daniel Molloy Hamilton, Esq. WM. HAMILTON.

No. 4.—Viscount Castlereagh to His Majesty's Commissioners.

GENTLEMEN, *Foreign Office, 19th February,* 1819.

IT having been judged, that if a Set of general Interrogatories were furnished to you, to be administered by the Registrar appointed under your Commission, to the Witnesses, examined from Vessels brought in for your adjudication, it would be of material use for your guidance in the execution of the duties committed to you; a Set of general Interrogatories has accordingly been prepared, with reference to the points to be inquired into under the Treaties, according to the tenor of which you will be called upon to act.

These Interrogatories having been submitted to the Law Officers of the Crown, and having been approved by them, I send you herewith 10 Copies of the same; and I am to convey to you the Instructions of His Royal Highness the Prince Regent, that you take care that the questions here enumerated shall, so far as they may apply, be put to the several Witnesses to be examined under your Adjudication and Arbitration; and that, wherever special points may arise, which these

Interrogatories will not reach, so as to gain the desired information, you will frame additional Interrogatories to meet those points, being always mindful and cautious to obtain and weigh the whole facts of the Case, before you give your judgment upon it. I am, &c.

His Majesty's Commissioners. CASTLEREAGH.

(Inclosure.)—Interrogatories to be administered to the Witnesses belonging to the Vessel taken.

I. WHERE were you born? Where do you live, and how long have you lived in that place? Of what Prince or State are you a Subject? Have you ever been Subject of any other? If yea, of whom and when? Are you a married man, and if married, where do your wife and family reside?

II. Who appointed you to the Command of the Vessel taken? Where does he live, and of whom is he a Subject? Where did you take possession of her, and at what time? What was the name of the Person who delivered such possession to you, and where does he live, and of whom is he a Subject? How long have you known the Ship? When and where did you first see her, and where was she built, as far as you know or believe?

III. What is the name of the Master or Commander of the Vessel taken? How long have you known the said Master? Where was he born, and what is his fixed place of abode, or where does he generally reside? Is he married? If yea, where do his wife and family reside?

IV. Who appointed the Master to the Command of the Vessel, and where does such Person reside? Where did the Master take possession of her, and at what time, and what was the name of the Person who delivered the possession to him, and where doth he live? How long have you known the said Ship; when and where did you first see her, and where was she built, as far as you know or believe?

V. Were you present at the taking and seizing the Ship or her lading, concerning which you are now examined? Upon what pretence, or for what reason was the Vessel seized? Under what Colours did the Vessel sail? What other Colours were on board, and for what reason had you such other Colours?

VI. What is the name of the Ship taken? How long has she been so called? Do you know of any other name or names by which she has been called, and what and when? Of what tonnage or burthen is the said Ship? What was the number of the Officers and Mariners on board (exclusive of the Master?) To what Country does each of the said Officers and Mariners respectively belong? Did they all come on board at the same Port, or at different Ports, and who shipped or hired them, and when and where respectively?

VII. Had you, or any or either of the Officers or Mariners, any and what part, share, or interest in the Ship taken, or her lading? If yea, set forth who, and what goods or interest you or they have. In what capacity did you belong to the said Ship? Were any passengers on board the captured Ship? Were any of them secreted at the time of the Capture? Who were the passengers by name? Of what Nation, rank, profession, or occupation? From what place were they taken on board, and when? To what place were they destined, and upon what business? Had any and which of the passengers any and what property or concern or authority, directly or indirectly, regarding the Ship or Cargo, or any and what part thereof?

VIII. Where did the present Voyage begin, and where was it to have ended? What was the last clearing Port the Ship sailed from previously to the Capture? To what Ports or Places did the Ship sail, or at what Ports or Places did she anchor or touch during the Voyage in which she was taken? Why or for what reason did she anchor or touch at such Ports or Places? What communication, either by boats or otherwise, took place between the said Ship and the Shore, or the Natives belonging to such Port or Place.

IX. In what place, or in what Latitude, and at what time, stating particularly the year, month, and day, did you first see or observe the capturing Ship? Set forth as accurately as you can the place of Capture. When, and at what time did the chase of the Ship taken begin? Towards what Port or Place was the Ship taken steering at the time of her being first pursued? Was her course altered, or was any and what additional sail made, upon the appearance of the Vessel by which she was taken? Was her course at all times, when the weather would permit, directed to the Place or Port for which she appears to have been destined by the Ship's Papers? Was the Ship, before, or at the time of her Capture, sailing beyond or wide of the Place or Port to which she was destined by the Ship's Papers? At what distance was she therefrom when first pursued? Was her course altered during any part of the Voyage in which she was captured? If yea, at what time, and to what Port or Place? and set forth particularly the reason why her course was so altered.

X. What guns are mounted on board the Ship, and what arms and ammunition were belonging to and on board of her at the time of the Capture? Why was she so armed? Was any, and what resistance made at the time of Capture? Had you any, and what Instructions or Directions, and from whom, for resisting or endeavouring to avoid or escape from Capture, or for destroying, concealing, or refusing to deliver up any or either of your Ship's Documents and Papers on board? If yea, interrogate particularly as to the tenor of such Instructions, and all particulars relating thereto. Let the Witness be

asked if he is in possession of such Instructions, or Copies thereof; and if yea, let him be directed to leave the same with the Examiner to be annexed to his deposition.

XI. Who were the Owners of the Ship or Vessel, concerning which you are now examined, at the time when she was seized? How do you know that they were the Owners of the said Ship at that time? Of what Nation or Country are such Owners by birth? Where do they reside, and where do their wives and families reside, and of whom are they Subjects? How long have they resided there? Where did they reside before, to the best of your knowledge?

XII. Was any bill of sale made, and by whom, to the aforesaid Owners of the said Ship? If yea, in what month and year, where, and in the presence of what Witnesses was such bill of sale made? Where did you last see such bill of sale? What was the price or consideration for the said Ship? Hath such price or consideration been paid or satisfied; or has any, and what security been given for the payment of the same, and by what Person or Persons, and where do such Person or Persons now live? Was the sum so paid or secured a fair and true equivalent for the said Ship? Do you know, or believe in your conscience, such sale or transfer has been truly made, and not for the purpose of covering or concealing the real property? Do you verily believe that if the Ship should be restored, she will belong to the Persons now asserted to be the Owners, and to none others? Are there any private agreements for the return of the Ship to her former Owners at any and what period?

XIII. What are the names of the respective Laders, Owners, and Consignees of each respective lading of merchandize or Slaves on board the Ship taken? What Countrymen are they respectively? Where do they now live and carry on their business? How long have they resided there? Where did they reside before to the best of your knowledge? Where was the merchandize or Slaves now on board to be delivered, and for whose real account, risk, or benefit? Have any of the Consignees or Laders any and what interest in the said merchandize or Slaves? If yea, whereon do you found your belief that they have such interest? Can you take upon yourself to swear that you believe, that at the time of the lading, and at the present time, and also if the said merchandize and Slaves shall be restored and unladen at the destined Ports, the same did, do, and will belong to the same Persons whom you state to be the Owners, and to none others? What is the ground of such your knowledge and belief?

XIV. What lading did the Ship bring out on her last Voyage, and where was it shipped? Of what does the present Cargo consist? How many Slaves were taken on board from the time you commenced trading to the time of completing your present Cargo, distinguishing

males, females, and children under the age of 14 years? At what Port or Ports or Places were the said Slaves taken on board, and how many at each? Were they all taken from the shore or quay, or were any and how many Slaves (distinguishing as before) removed or transhipped on board your Vessel from any other Vessel? If yea, from what other Vessel, and to what Nation belonging, and when and where and by whom was the same so done, and from what place had the said Slaves been brought? Had any and how many, and of which description, of the Slaves died previous to the Capture? Have any and how many, and of which description of Slaves died between the Capture and the present time? Into what Ports or Places has the Vessel been carried since the Capture?

XV. Were and are all the Passports and other Papers, which were found on board the Ship taken, entirely true and fair, or are any of them false or colourable? Do you know of any matter or circumstance to affect their credit? If yea, set forth the same, and state particularly what variation has been made therein, and when, and why, and by whom.

XVI. Was the Ship, concerning which you are now examined, provided with a Royal Passport conformable to the model annexed to the Treaty between His Britannick Majesty and His Catholick Majesty, signed at Madrid, on the 23d of September, 1817? On what day, month, and year, as nearly as you can depose, did you receive such Royal Passport? By whom was it delivered to you? Who was the Minister of Marine of His Catholick Majesty when the said Passport was delivered to you? Who was the Principal Naval Authority of the District, Station, or Port from whence your Vessel cleared out? Let the Royal Passport be produced to the Witness then under examination, and let him be interrogated.—Are the signatures affixed to the said Passport in every respect true and genuine, so far as you know or believe?

XVII. Were any of the Papers, Bills of Lading, Letters, or other writings, which were on board the Ship at the time she took her departure from the last clearing Port, and before the Capture, burnt, torn, thrown overboard, destroyed, or cancelled, concealed, or attempted to be concealed, and when, and by whom, and who was then present? Were any Papers delivered out of the Vessel and carried away in any manner whatsoever? If yea, when, and by whom, and to whom, were the same delivered, and in whose custody, possession, or power, do you believe the same now are? What was the nature and contents of the Papers so delivered out, or carried away, as far as you know or believe?

XVIII. Are there, in any and what Country, any Bills of Lading, Invoices, Letters, or other writings, relative to the Ship and Cargo

concerning which you are now examined? If yea, set forth where and in whose possession, and what is the purport thereof, and when they were carried or sent into such Country, and by what means?

XIX. Was there any Charter-party signed for the Voyage in which the Ship was seized and taken? When, where, and between whom was such Charter-party made? Is it amongst the Papers delivered up? If not, where, and in whose possession does it now remain? What were the contents of it? How came it not to be on board the Vessel, and amongst her other Papers relating to the Voyage?

XX. Is the Ship or goods, or any and what part, insured? If yea, for what Voyage is such insurance made? And at what premium, and when, and by what persons, and in what Country was such insurance made? Under whose direction and management has the said Ship usually been, with respect to her employment in trade? With whom do you correspond on the concerns of the Vessel and Cargo?

XXI. Was bulk broken during any part of the Voyage, that is, from the time of your sailing from your original Port of clearance, up to the time when you were taken? Has bulk been broken, or any and how many and what Slaves disembarked at any time, since the Capture of the said Ship? If yea, how often has this been done? When and where, by whom, and by whose orders, and for what purpose, and in what manner?

No. 5.—Viscount Castlereagh to His Majesty's Commrs.—(Circular.)

GENTLEMEN, *Foreign Office, 19th February,* 1819.

IN reference to the VIIth Article of the Regulations for your guidance, annexed to the Treaty under which you are appointed, respecting the Emancipation of Slaves found on board of such Vessels as shall be condemned for an unlawful Voyage; I am to convey to you His Royal Highness's Instructions, that you keep a regular Register of Slaves, who may, under those Regulations, receive a Certificate of Emancipation, and be delivered over to the Authorities of the Country in which your Commission is acting; and that you will from time to time send to me, for the information of His Royal Highness's Government, certified Copies of the Registers so prepared.

I am, &c.

His Majesty's Commissioners. CASTLEREAGH.

No. 6.—Viscount Castlereagh to His Majesty's Commissioners.

GENTLEMEN, *Foreign Office, 20th February,* 1819.

HIS Most Faithful Majesty having promulgated an Alvará, under date of the 26th of January 1818, for the Regulation of the Slave Trade still carried on by His Most Faithful Majesty's Subjects, I have received the Commands of His Royal Highness the Prince Regent to send to you 10 Copies of the same in original and in translation; and

I am to desire, that you will cause a Copy thereof to be affixed in some public part of the Court where you preside, and that you will take such other means as may lie within your Province, to make the Alvará in question generally known. I am, &c.

His Majesty's Commissioners. CASTLEREAGH.

(Inclosure.)—Alvará of His Most Faithful Majesty, for the punishment of Persons concerned in the Slave Trade.—26th January, 1818.

(Translation.)

Eu El-Rey faço saber aos que este Alvará com força de Lei virem: Que attendendo a que a prohibição do Commercio de Escravos em todos os Portos da Costa d'Africa ao Norte do Equador, estabelecida pela ratificação do Tratado de 22 de Janeiro de 1815, e da Convenção Addicional de 28 de Julho de 1817; exige novas providencias, que, prescrevendo as justas e proporcionadas penas, que hão de ser impostas aos Transgressores, sirvão de regra certa de julgar, e decidir nos cazos occurrentes sobre este objecto, aos juizes e mais pessoas encarregadas da sua execução: Hei por bem ordenar o seguinte.

I, the King, make known to those to whom the present Alvará, having the force and effect of a Law, shall come, that, as the abolition of the Slave Trade in the Ports of the Coast of Africa, North of the Equator, established by the Ratification of the Treaty, dated the 22d of January, 1815, and of the Additional Convention, dated the 28th July, 1817, requires the adoption of fresh measures, which, fixing just and adequate penalties that shall attach to Offenders, may afford to Judges and other Persons charged with the execution of those measures, a standard for deciding upon such cases as shall occur relative to this object, think proper to ordain as follows:

Art. I. Todas as pessoas de qualquer qualidade e condição que sejão, que fizerem armar e preparar Navios para o resgate e compra de Escravos, em qualquer dos Portos da Costa d'Africa, situados ao Norte do Equador, incorreráõ na pena de perdimento dos Escravos, os quaes immediatamente ficaráõ libertos, para terem o déstino abaixo declarado: e lhe serão confiscados os Navios empregadas nesse trafico com todos os seus aparelhos e pertences, e juntamente a carga, qualquer que

Art. I. All Persons of whatsoever quality or condition, who shall proceed to fit out or prepare Vessels for the Traffick in Slaves, in any part of the Coast of Africa, lying North of the Equator, shall incur the penalty of the loss of the Slaves, who shall be declared free, with a destination hereinafterwards mentioned. The Vessels engaged in the Traffick shall be confiscated, with all their tackle and appurtenances, together with the Cargo, of whatever it may consist, which shall be on board, on account of

seja, que a seu bordo estiver por conta dos donos e fretadores dos mesmos Navios, ou dos carregadores de Escravos. E os Officiaes dos Navios, a saber, Capitão ou Mestre, Piloto, e Sobrecarga, serão degradados por 5 annos para Moçambique, e cada hum pagará huma multa equivalente á soldada e mais interesses que haveria de vencer na viagem. Não se poderáõ fazer seguros sobre taes navios, ou sua carregação; e fazendose, serão nullos; e os Seguradores, que scientemente os fizerem, serão condemnados no tresdobro do premio estipulado para o cazo de sinistro.

the Owners or Freighters of such Vessel, and of the Owners of such Slaves. The Officers of such Vessel, to wit, the Captain or Master, the Pilot and Supercargo, shall be banished for 5 years to Mosambique, and each shall pay a fine equivalent to the pay or other profits which he was to gain by the adventure. Policies of Insurance cannot be made on such Vessels, or their Cargoes; and if they are made, the Assurers who shall knowingly make them shall be condemned in triple the amount of the stipulated premium.

II. Na mesma pena de perdimento dos Escravos, para ficarem libertos, e terem o destino abaixo declarado, incorreráõ todas as pessoas de qualquer qualidade e condição, que os conduzirem a qualquer dos Portos do Brazil em Navios com bandeira que não seja Portugueza.

II. All Persons of whatever rank or condition who shall import Slaves into Brazil in Foreign Vessels shall incur the same penalty of the loss of the Slaves, who shall become freemen, and be provided for as hereinafter directed.

III. Todos os sobreditos cazos serão objecto de denuncia. E no cazo de ter havido confisco de Navio e de sua carga, ametade de todo o preço, que se realisar em arrematação publica, bem como ametade das outras penas pecuniarias, será para os Denunciantes, e a outra ametade para a minha real fazenda, á qual pertencerá tudo quando não houver Denunciante. No cazo porém de ter havido preza de navio, feita por embarcação de guerra; a respeito delle, e sua carga se observará o que he prescripto pelo Artigo 7, do Regulamento para as Commis-

III. Information shall be received relative to all the above cases. And if the Vessel and her Cargo have been confiscated, half of the whole proceeds of the property, sold by publick auction, as well as half of the fines, shall be given to the Informer, and the other half shall be paid into my Royal Treasury, to which the whole produce shall belong, if there be no Informer. In case, however, of a Vessel having been captured by a Ship of War, such Vessel and her Cargo shall be subject to the provisions specified in the 7th Article of the Regula-

sões Mixtas, addicionado em numero 3 à sobredita Convenção de 28 de Julho de 1817. Porém só poderáõ ser demandados dentro de 3 annos, contados, no cazo de preza ou confisco do navio, do dia da entrada do Navio no Porto da descarga, e findo este espaço, ficaráõ prescriptas e extinctas as acçoes.

IV. As Denuncias, e todos os autos do Processo até Sentença final e sua execução, serão feitos perante os Juizes dos Contrabandos e Descaminhos do lugar ou destrito, onde os Escravos forem conduzidos, ou perante qualquer outro Magistrado ou Juiz, que essa jurisdicção exercitar, aos quaes Hei por bem commetter esta jurisdicção, bem como a necessaria para executarem as Sentenças proferidas pelas Commissões Mixtas, nos cazos do seu conhecimento, e para julgar e conhecer dos outros Cazos que occorrerem, e suas dependencias, dando os competentes recursos na forma da Ordenação. Qualquer das partes porém poderá requerer á Commissão Mixta, para que julgue, se he, ou não, cazo de prohibição; e neste cazo se lhe remetteráõ os autos no estado, em que estiverem: E o que por ella for decidido, se executará.

tion concerning the Mixed Commissions, annexed, under number 3, to the above Convention of July the 28th, 1817. But in case the Ship should be captured or confiscated, it shall not be lawful to commence an action for the recovery of such Ship and Cargo, except within a term not exceeding 3 years, to reckon from the date of the Ship's entrance into the Port where she has unloaded, after the expiration of which period, the said action shall be inadmissible and void.

IV. Informations, and all proceedings, inclusive of the final Sentence and its execution, shall be brought before the Judges appointed to try Causes respecting contraband goods and embezzlement, in any place or district whither the Slaves have been carried, or before any other Magistrate or Judge competent to decide on those matters, to whom I deem proper to commit this jurisdiction, as well as the Authority requisite for carrying into execution the Sentences passed by the Mixed Commission, in cases cognizable by the latter, and for trying and determining other Cases that may occur, as also those accruing from them, allowing the party to bring an appeal conformably to the Ordinance. It shall, however, be lawful for either of the parties to apply to the Mixed Commission for them to determine, whether, or not, the Case have reference to the abolition, in which event the proceedings upon it shall be delivered up

to the Commission in the state in which they are; and whatever the Commission may decide, shall be carried into effect.

V. Os Escravos consignados à minha real fazenda pelo modo prescripto, no sobredito 7 Artigo do Regulamento para as Commissoes Mixtas, e todos os mais libertos pela maneira acima decretada, por não ser justo que fiquem abandonados, serão entregues no juizo da Ouvidoria da Comarca; e onde o não houver, naquelle que estiver encarregado da Conservatoria dos Indios, que Hei por bem ampliar, unindo-lhe esta jurisdicção; para ahi serem destinados a servir como libertos por tempo de 14 annos; ou em algum serviço publico de mar, fortalezas, agricultura, e de officios, como melhor convier, sendo para isso alistados nas respectivas estações; ou alugados em praça a particulares de estabelecimento e probidade conhecida, assignando estes termo de os alimentar, vestir, doutrinar, e ensinar-lhe o officio ou trabalho, que se convencionar, e pelo tempo, que for estipulado; renovando-se os termos e condições as vezes que for necessario, até preencher o sobredito tempo de 14 annos: Este tempo porém poderá ser diminuido por 2 ou mais annos, áquelles libertos, que por seu prestimo a bons costumes se fizerem dignos de gozar antes delle do pleno direito da sua liberdade. E no cazo de serem destinados a serviço publico na maneira sobredita, quem tiver authoridade na respectiva estação

V. The Slaves made over to my Royal Treasury in the manner specified in the above 7th Article of the Regulation concerning the Mixed Commissions, and those declared free by the above Article (as it would be unjust to abandon them without support) shall be delivered into the office of the Judge of the District, or, where there is none, into that of the Judge charged to watch over the rights of the Indians, whose powers I enlarge with that jurisdiction, to serve as freedmen for 14 years in any Publick Service of the Navy, the fortresses, agriculture, or manual trades, as may be thought most convenient, being for that purpose enrolled in the respective Stations; or shall be hired out to Individuals of known property and probity, who shall be bound to support, clothe, and instruct them, teaching them some handicraft or labour, that may be agreed upon, during the stipulated period; the terms and the conditions of which shall be renewed as often as necessary, till the 14 years are expired; the time of servitude may be shortened by 2 or more years, according as the good conduct of these Persons may entitle them to the enjoyment of full freedom. In case these freedmen are destined for the Publick Service, the Officer who shall have authority, in the respective Stations, to which they are assigned, shall nominate

nomeará huma pessoa capaz para assignar o sobredito termo, e para ficar responsavel pela educação e ensino dos mesmos libertos. Terão hum Curador, pessoa de conhecida probidade, que será proposto todos os triennios pelo Juiz, e approvado pela Mesa do Desembargo do Paço desta Côrte, ou pelo Governador e Capitão-General da respectiva Provincia; e a seu officio pertencera requerer tudo o que for a bem dos libertos; e fiscalizar os abuzos; procurar que no tempo competente se lhe dê resalva do serviço; e promover geralmente em seu beneficio a observancia do que se acha prescripto pela Lei a favor dos orfãos, no que lhes poder ser applicado, para o que será sempre ouvido em tudo, o que á cerca delles se ordenar pelo sobredito juizo.

a proper Person to fix the period as above-mentioned, who shall be responsible for their education and treatment. They shall have, as Curator, a Person of known probity, who shall be nominated every 3 years by the Judge, and approved by the Judicial Council or Governor, and Captain-General of the Province. To him it shall belong to provide every thing which may contribute to their well being, to testify abuses that may affect them, to procure them release after their proper term of Service, and enforce, generally, for their benefit, the observance of the Laws prescribed for the protection of orphans, in as far as those Laws are applicable to them, to the end that whatever is ordered concerning them may be strictly executed.

VI. Nos portos ao Sul do Equador, em que he permittido o Commercio de Escravos, se observarà o que está ordenado pelo Alvará de 24 de Novembero de 1813, com as modificações e declarações seguintes; a saber: Ficará abolida a distinção entre tonelladas, que excederem o numero de 201 e que não excederem este numero; e sem effeito o que á cerca destas ultimas he ordenado no dito Alvará, para ser regulada a carga de Escravos a razão de 5 por cada 2 tonelladas do porte de qualquer Navio, medida pelo antigo padrão. Da prohibição das marcas feitas comferro no corpo dos Escravos, serão exceptuadas e permittidas as marcas impressas com carimbos de prata.

VI. In the Ports to the South of the Equator, where the Traffick in Slaves is still permitted, the Regulations passed in the Law of the 24th November, 1813, shall be observed with the following modifications:—The distinction between Vessels which shall exceed or shall not exceed 201 tons, shall be abolished, and the number of Slaves shall be regulated according to the tonnage of the Vessel, in the proportion of 5 to every 2 tons, according to the ancient measure. The prohibition respecting marks made with iron on the body of the Slaves, shall not extend to marks imprinted with silver carimbos, which, being excepted, shall be permitted. It shall be allowed to the Persons

Será licito aos donos ou fretadores dos Navios empregar no serviço destes caldeiras de ferro ou de cobre indistinctamente, com tanto que estas sejão todas as viagens estanhadas de novo, o que se fiscalizará nas vizitas que se hão de fazer a bordo dos mesmos Navios: E quando a bordo destes não possão andar Cirurgiãos para curar os Escravos, pelos não haver, ou por outra razão equivalente, serão os donos ou fretadores obrigados a trazer a bordo dos ditos Navios pretos Sangradores, intelligentes e experimentados no tratamento das molestias, de que ordinariamente são infectados os ditos Escravos, e no conhecimento dos remedios proprios e adequados, de que elles uzão em seus curativos: porque em todos estes objectos tem mostrado a experiencia ser necessario declarar as providencias dadas naquelle Alvará, que se observará (com as sobreditas explicações) em tudo o mais, que nelle he disposto.

who own or freight Slave Vessels, to use, indiscriminately, iron or copper kettles, provided the latter be tinned anew every Voyage, which shall be ascertained by proper Officers visiting those Vessels. If Surgeons do not sail on board such Vessels, on account of the impossibility of procuring them, or for some other reason equally conclusive, the Owners shall be obliged to carry with them black Sangradores, experienced in the treatment of the diseases with which the Slaves are commonly afflicted, and in the remedies proper for curing them; because in regard to all these objects experience has evinced the necessity of specifying the provisions set forth in this Alvará, which, under the above modifications, shall be observed in all its details.

VII. Attendendo a que a mudança e alteração superveniente ao Commercio dos Escravos pelas restricçoes, ajustadas no sobredito Tratado e Convenção Addicional, exige que em grande parte se alterem e modifiquem as disposições das antigas Leis a este respeito feitas sem attenção áquella posterior mudança, pela qual muitas até ficarão sem ter aplicação: Hei por bem ordenar que em todos os Portos do Brazil seja licito importar Escravos trazidos dos Portos em que for licito este Commercio: E que os fretes fiquem

VII. Whereas the alteration effected in the Slave Trade by the restrictions contained in the above Treaty and Additional Convention, requires considerable modifications in the provisions of the former Laws enacted on this subject, independent of the last change which will tend to render many of them void, I think proper to order, that it shall be permitted to import into the Ports of Brazil, Slaves from any Ports where this Traffick is not prohibited, and that the freight shall continue to be settled by the parties.

á dispozição e convencão das partes.

Este se cumprirá como nelle se contém: Pelo que Mando á Mesa do Desembargo do Paço e da Consciencia e Ordens; Presidente do Meu Real Erario; Conselho da Minha Real Fazenda; Regedor da Caza da Supplicação do Brazil; Governador de Relação de Bahia; Governadores e Capitães Generaes; e mais Governadores do Brazil e dos meus Dominios Ultramarinos; e a todos os Ministros de Justiça, e mais Pessoas, a quem pertencer o conhecimento deste Alvará, o cumprão e guardem, não obstante qualquer Decizão em contrario, que Hei por derogada para este effeito sómente: E valerá como Carta passada pela Chancellaria, posto que por ella não ha de passar, e que o seu effeito haja de durar mais de hum anno, sem embargo da Lei em contrario.

Dado no Palacio do Rio de Janeiro, em 26 de Janeiro de 1818. REY.

THOMAZ ANTONIO DE VILLANOVA PORTUGAL.

Alvará com força de Lei, pelo qual Vossa Magestade ha por bem estabelecer penas, para os que fizerem Commercio prohibido de Escravos; e dar as convenientes providencias a respeito daquelles Escravos, que em consequencia das sobreditas penas ficarem libertos; tudo na forma acima declarada.

The present injunctions shall be strictly complied with; wherefore I direct the Tribunal of the Privy Council of Conscience and of Orders; the President of my Royal Exchequer; the Council of my Royal Treasury; the Chief Justice of the Supreme Court of Appeal in Brazil; the President of the Tribunal of Bahia; the Governors and Captains-General; and the other Governors of Brazil, and of my Dominions beyond Sea; also all the Ministers of Justice, and other Persons whom the present Alvará may concern, to comply with and observe the same, notwithstanding any decision that may be at variance with it, and which I rescind for this end only: and it shall have the force and effect of a Letter issued by the Chancellery, though it be not actually issued by the same, and though its validity extend beyond a year, notwithstanding the Law to the contrary.

Given at the Palace of Rio de Janeiro, the 26th of January, 1818. THE KING.

THOMAS ANTONIO DE VILLANOVA PORTUGAL.

Alvará having the force and effect of a Law, by which Your Majesty is pleased to enact penalties against those who shall carry on illicit Slave Trade, and to direct the proper measures respecting such Slaves as, in consequence of the above penalties, shall become free; all in the form set forth above.

No. 7.—Viscount Castlereagh to His Majesty's Commissioners.

GENTLEMEN, *Foreign Office, 20th February,* 1819.

THE printed Memoranda, of which I send to you herewith 10 Copies, have been drawn up with a view to afford you every requisite facility and assistance in the technical part of your duties as His Majesty's Commissary Judge and Commissioner of Arbitration.

You will communicate a Copy of them to the Commissioners of His Catholick Majesty, and to the Commissioners of His Most Faithful Majesty, and you will propose to them the adoption of the substance of this Document as the guide of the form of your proceedings, as far as circumstances will admit. I am, &c.

His Majesty's Commissioners. CASTLEREAGH.

(Inclosure.)—Memoranda for the guidance of the Commissions.

THESE Commissions are framed in pursuance of the following Treaties between His Britannick Majesty, and His Most Faithful Majesty the King of Portugal, His Catholick Majesty the King of Spain, and His Majesty the King of The Netherlands.

The Treaty with Portugal was made on the 28th July, 1817, and Ratifications were exchanged at Rio Janeiro on the 27th November, 1817.

The Treaty with Spain was made on the 23d September, 1817, and Ratifications exchanged at Madrid on the 22d November, 1817.

The Treaty with the King of The Netherlands was made on the 4th of May, 1818, and Ratifications exchanged at The Hague on the 25th of May, 1818.

It may not, in the first place, be improper to take a short review of these Treaties as they regard the illicit Traffick in Slaves.

The Treaties between this Country and Portugal and Spain, and the Acts of Parliament for carrying those Treaties into effect, declare illicit all Traffick in Slaves by British Ships;—all Traffick in Slaves by Portuguese or Spanish Ships, in Parts therein specified, and all such Traffick in other Parts by Portuguese or Spanish Ships, for or on account of the Subjects of any other Government, or bound for any Port not in the Dominions of the Sovereign to which the Ship may belong.

By the Treaty with the King of The Netherlands, that Sovereign engages within 8 months, or sooner if possible, from the exchange of the Ratifications, to prohibit all his Subjects, in the most effectual manner, and especially by Penal Law, the most formal, to take any part whatever in the trade of Slaves; and in the event of the measures already taken by the British Government, and to be taken by that of The Netherlands, being found ineffectual, or insufficient, the High Contracting Parties mutually engage to adopt such further measures,

by legal provision, or otherwise, as may from time to time appear best calculated to prevent all their respective Subjects from taking any share whatever in this nefarious Traffick.

It is expressly stipulated by all the High Contracting Powers, that no Vessels shall be detained, but those having Slaves actually on board: that they are to be carried as soon as possible, for judgment, to the nearest Place, where one of the Mixed Commissions is sitting, or which the Captor thinks he can soonest reach from the spot where the Slave Ship shall have been detained; and no Cruizer is legally authorized to detain any Vessel, unless such Cruizer forms part of the British, Portuguese, Spanish, or Netherland Royal Navies, and is furnished with the Special Instructions pointed out in the Treaties for visiting Merchant Vessels suspected of having Slaves on board; the visitation and search are directed to be done in the most mild manner; and in no case is the search to be made by an Officer holding rank inferior to that of Lieutenant in the British, Portuguese, or Netherland Royal Navies; or of Ensign of a Ship of the Line in the Spanish Navy.

By the Treaty with Spain it is declared to be illegal at present for any Spanish Subject to carry on the Slave-trade on any part of the Coast of Africa, North of the Equator, upon any pretext, or in any manner whatever; and His Catholick Majesty engages that the Slave-trade shall be abolished throughout the entire Dominions of Spain on the 30th May, 1820, and after that period it shall not be lawful for any Spanish Subject to purchase Slaves, or carry on the Slave-trade; but the same is then to cease entirely. A term, however, of 5 months from the said 30th May, 1820, is allowed for completing the Voyages of those Vessels which shall have cleared out lawfully, previous to the said 30th May, 1820.

By the Separate Article to the Additional Convention with Portugal, dated London, 11th September, 1817, it is stipulated, that as soon as the total Abolition of the Slave-trade for the Subjects of the Crown of Portugal shall have taken place, the two High Contracting Parties agree to adapt to that state of circumstances the Stipulations of of the said Convention, dated 28th July, 1817; but in default of such alterations, the Additional Convention of that date shall remain in force until the expiration of 15 Years, from the day on which the general Abolition of the Slave-trade shall so take place on the part of the Portuguese Government.

All Traffick in Slaves, by the Portuguese, to the Northward of the Equator is prohibited, and the only trading in Slaves to the South of the Equator, which is at present allowed to the Portuguese by the Treaty or Convention of 28th July, 1817, is limited to the Territories possessed by the Crown of Portugal upon the Coast of Africa; viz. the

Territory lying between Cape Delgado Bay and the Bay of Laurenzo Marques, upon the *Eastern* Coast of Africa; and upon the *Western* Coast, all the Territory which is situated from the 8th degree to the 18th degree of South Latitude.

By the IId Article of the Treaty it is declared, that the Territories over which the King of Portugal has retained the rights of Sovereignty on the Coast of Africa, South of the Equator, are those of Molembo and Cabinda upon the *Eastern* Coast, from the 5 deg. 12 min. to the 8th deg. South. This must be an error, as those Places are on the *Western* Coast of Africa.

Every Portuguese or Spanish Vessel engaged in this trade must be provided with a Royal Passport permitting such Traffick.

The Mixed Commissions are to consist of two Commissary Judges, and two Commissioners of Arbitration; one of each to be named by His Britannick Majesty, and the others by the Kings of Portugal and Spain, as they shall be established in their respective Dominions: to each Commission is to be attached a Secretary or Registrar, whose appointment is vested in the Sovereign of the Country in which the Commission may reside, and the Proceedings under the Commissions are to be written down in the language of the Country, where the same may be respectively established.

The British Government has undertaken to indemnify the Proprietors of all Portuguese Vessels improperly detained after the 1st July, 1814; but no claim for compensation can be admitted for a larger number of Slaves than was permitted according to the rate of tonnage of the Vessel captured; and the Individuals having a just claim are to be paid the same within the space of a Year, at farthest, from the decision of each Case.

It has been before observed that no Vessels are legally liable to be captured, but those having Slaves actually on board for the express purpose of the Traffick; so that a Vessel having Negro Servants or Sailors on board is not, for that reason, to be detained; and no Merchantman or Slave-ship is to be visited or detained whilst in the Port or Roadstead belonging to either of the High Contracting Powers, or within cannon-shot of the Batteries on shore, excepting on the Continent of Africa, North of the Equator; but no Slave-ship, either Portuguese or Spanish, is to be elsewhere detained near the land, or even on the High Seas, South of the Equator, unless after a chace, which shall have commenced North of the Equator: and if any Vessel be detained South of the Equator, the proof as to the illegality of the Voyage is to be exhibited *by the Captor;* and, in all cases of Slave-ships detained to the North of the Equator, the proof of the legality of the Voyage is to be furnished *by the Vessel so detained.*

It is stipulated, that, notwithstanding the number of Slaves found

on board any Vessel may not agree with the number contained in the Passport, yet that shall not be a sufficient reason to justify the detention of the Ship.

When a Slave-ship shall be detained, the Master thereof and a part, at least, of the Crew, are to be left on board, and the Captor is directed to draw up in writing an authentic Declaration, which shall exhibit the state in which he found the detained Ship, and the changes which may have taken place in it; and to deliver to the Master of the Slave-ship a signed Certificate of the Papers seized on board such detained Vessel, as well as the number of Slaves found on board. None of the Slaves are to be disembarked till after the Vessel shall have arrived at the Place, where the legality of the Capture is to be tried, unless urgent motives, deduced from the length of the Voyage, the state of health of the Negroes, or other causes, should make a disembarkation (entirely or in part) necessary before the Vessel's arrival: the Commander of the capturing Ship, however, takes upon himself the responsibility of such disembarkation, and the necessity thereof must be stated in a Certificate in proper form, and the following are considered as proper Declarations or Certificates, to be used as circumstances may arise.

(1.)—*Form of Declaration of the state of the Vessel at the time of Capture.*

I , Commander of His Britannick Majesty's Ship hereby declare, that on this day of being in or about latitude longitude I detained the Ship or Vessel named the sailing under Colours, armed with guns, pounders, commanded by who declared her to be bound from to with a Crew consisting of Men, Boys, Supercargo, Passengers, whose names, as declared by them respectively, are inserted in a List at foot hereof, and having on board Slaves, said to have been taken on board at on the day of and are enumerated as follows, viz.

	Healthy.	Sickly.
Men.....		
Women.....		
Boys.....		
Girls.....		

I do further declare that the said Ship or Vessel appeared [*or not*] to be seaworthy, and was [*or not*] supplied with a sufficient stock of water [*or not*] and provisions for the support of the said Negroes and Crew on their destined Voyage to

I do further declare

[*Here insert any observations of the state and condition of the Ship and Crew, and Slaves, which may appear important to notice and record.*]

To be witnessed by two Officers, of whom the Surgeon to be one, if on board.

(2.)—*Form of Certificate to be given to the Master of a Vessel captured.*

I Commander of His Britannick Majesty's Ship hereby certify, that on this day of being in or about latitude longitude I detained the Ship or Vessel named the sailing under Colours, armed with guns, pounders, commanded by who declared her to be bound from to with a Crew consisting of Men, Boys, Supercargo, Passengers, and having on board Slaves, viz

	Healthy.	Sickly.
Men.....		
Women.....		
Boys.....		
Girls.....		

and that the Papers and Documents seized by me on board the said Ship or Vessel, being marked from No. 1. to No. are enumerated in the following List.

[Here the List is to follow.]

(3.)—*Form of Certificate of the necessity of disembarking Slaves from a captured Vessel.*

I Commander of His Britannick Majesty's Ship hereby certify, that on the day of being in or about latitude longitude I detained the Ship or Vessel named the sailing under Colours, armed with guns, pounders, commanded by who declared her to be bound from to with a Crew consisting of Men, Boys, Supercargo, Passengers, and having on board Slaves, viz.

	Healthy.	Sickly.
Men.....		
Women.....		
Boys.....		
Girls.....		

I do further declare, that finding it necessary to disembark of the Slaves before the Vessel could arrive at

to which place it was my intention to send her for Adjudication on account of

[*Here insert the cause, such as there not being a sufficient quantity of provision or any other circumstance to justify the disembarkation.*]

I did on the day of disembark of the Slaves at where they remained

To be witnessed by two Officers.

(4.)—*Form of Proceeding, and steps to be taken on arrival in Port.*

THE following is recommended as a Form of Proceeding for the guidance of the Commissioners and Registrar, being assimilated, as near as can be, to the proceedings of the High Court of Admiralty; and with the view of making the subject more intelligible, the Case of a Portuguese Vessel is supposed to be captured by His Britannick Majesty's Ship of War *Confiance*, and carried to Sierra Leone.

The first step to be taken on the part of the Seizor, is immediately on the arrival of the detained Vessel in Port, to make an Affidavit, setting forth when and where the seizure was made, and to which must be annexed the whole of the Papers found on board the detained Ship, and that such Papers are in the same plight and condition, as when they were found or delivered up.

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(5)—*Form of Affidavit for that purpose.*

OUR Sovereign Lord the King against the Ship *Escravo*, Pereiro de Mattos, Master, her tackle, apparel, and furniture, the goods, wares, merchandize, and Slaves on board the same, taken by His Majesty's Ship of War *Confiance*, Sir James Lucas Yeo, Knt. Commander, and brought to Sierra Leone.

Appeared personally Sir James Lucas Yeo, Knight, Commander of His Majesty's Ship of War *Confiance*, duly authorized and empowered, according to the provisions of the Additional Convention to the Treaty between His Britannick Majesty and His Most Faithful Majesty, to make Seizures of Vessels under Portuguese Colours engaged in the Slave-trade, being duly sworn, maketh oath, that on the 9th day of the month of May, 1819, being in latitude and longitude he seized and detained the Ship or Vessel called *Escravo*, whereof Pereiro de Mattos was Master, by reason that the said Ship was employed in the Traffick in Slaves, contrary to the existing Treaties entered into with His Britannick Majesty and His Most Faithful Majesty the King of Portugal: and the Deponent further maketh oath, that the Papers, Writings, and Documents hereunto annexed marked from No. 1. to No. inclusive, were given or delivered up to this Deponent by the Master of the said Ship or Vessel, and that the same are now brought and delivered up, in the same plight and condition, as when so received by this Deponent, without

any fraud, addition, subduction, alteration, or embezzlement whatever, save the numbering and marking thereof.

On the 25th day of May, 1819, the said Sir James Lucas Yeo, Knight was duly sworn to the truth of this Affidavit. } *James Lucas Yeo.*

Before me,

Thomas Gregory, Commissary Judge [or as the case may be.]

It is not absolutely necessary that the Affidavit should be made by the Commander of the capturing Ship, the Officer in charge of the Ship captured is equally competent thereto.

In cases where there shall have been any suppression, concealment, or discovery of Papers, the same shall be set forth in the Affidavit; the circumstances and the place where the same were concealed or discovered shall be minutely stated, and if any Letters or Papers were delivered up at any other period, than at the time of Capture, that fact should be introduced in the Affidavit, together with the name of the Person or Persons who delivered same.

In the event of a Vessel being captured, and there being no Papers found on board of her, it will be necessary that the Captor should make the Affidavit conformable to the facts, in order that Proceedings may be instituted thereon, such Affidavit and Papers, or the Affidavit accounting for them, being the foundation of the Proceedings: and upon the Affidavit being brought in before one of the Commissary Judges or Commissioners of Arbitration, in the presence of the Registrar, a minute of the following tenor should be recorded by the latter Officer, who should keep a book, into which he should enter all the Acts, Minutes, and Decrees had under the Commission, as the same may respectively occur, which being indexed in the captured Ship's name, reference may be easily had to the whole of the proceedings in each Case.

(6.)—*Form of Minute, upon decreeing Monition.*

The Ship *Escravo*, Pereiro de Mattos, Master.

Our Sovereign Lord the King against the Ship or Vessel *Escravo*, whereof Pereiro de Mattos was Master, her tackle, apparel, and furniture, and all and singular the goods, wares, merchandize and Slaves on board the same, and therewith seized and taken by His Majesty's Ship *Confiance*, Sir James Lucas Yeo, Knight, Commander, and brought to Sierra Leone, and against all Persons in general.

On which day A. B. exhibited for our Sovereign Lord the King, and brought in Attestation of Sir James Lucas Yeo, Knight, Commander of His Majesty's said Ship *Confiance*, with Ship Papers annexed, marked from No. 1. to No. inclusive. That the said Ship *Escravo*, whereof Pereiro de Mattos was Master, during her Voyage

from to was taken and seized by reason that the said Vessel was employed in the Traffick in Slaves, contrary to the existing Treaties entered into with His Britannick Majesty, and His Most Faithful Majesty the King of Portugal, and brought into this Port for Adjudication, wherefore he prayed, and the said Commissary Judge at his Petition decreed, that all Persons whatsoever, who have, or pretend to have, any right, title, or interest in the said Ship *Escravo*, and her lading so seized and taken, be monished, cited, and called to judgment, so that they appear before the said Commissary Judges, named in the Mixed Commission, established at this Place, at on the 20th day after service of the said Monition, to shew and allege in due form of Law a reasonable and lawful cause, if any they have, why the said Ship *Escravo*, and her lading so seized and taken, should not be pronounced at the time of the seizure of the same to have been employed in an illegal Traffick in Slaves; and further directed that it be thereby intimated unto the said Persons, that if they do not appear at the time and place aforesaid, and shew a reasonable and just cause to the contrary, the Commissary Judges will proceed to Adjudication on the said Capture, and may pronounce the said Ship *Escravo*, and her cargo, liable to be adjudged forfeited, and to be disposed of, as directed by the said Treaties, and may pronounce all and singular the Slaves, found on board, to be emancipated from slavery, the absence, or rather contumacy of the Persons so cited and intimated in any wise notwithstanding.

(7.)—*Form of a Monition.*

GEORGE the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, to C. D., or his Deputy whomsoever, greeting: Whereas our trusty and well-beloved Thomas Gregory, and E. F. the Commissary Judges appointed by us, and His Most Faithful Majesty the King of Portugal, to hear and determine all, and all manner of causes and complaints as to Ships, Goods and Slaves, seized and taken for the illegal Traffick in Slaves, and in contravention of the Treaties or Conventions between us, and His said Most Faithful Majesty, specially constituted and appointed, rightly and duly proceeding at the Petition of A. B. on behalf of Sir James Lucas Yeo, Knight, Commander of our Ship of War *Confiance*, hath decreed all Persons in general who have or pretend to have any right, title or interest in the Ship or Vessel called the *Escravo*, whereof Pereiro de Mattos was Master, her tackle, apparel, and furniture, and the goods, wares, merchandize, and Slaves on board the same, taken and seized by our said Ship of War *Confiance*, to be monished, cited, and called to Judgment at the time and place underwritten, and to the effect hereinafter expressed (justice so requiring); we therefore strictly charge and command you jointly

and severally that you omit not, but that by affixing these presents upon at the usual time of the publick resort of Merchants and other Persons thither, and by leaving thereon affixed a true Copy thereof, you do monish and cite, or cause to be monished and cited, peremptorily, all Persons in general, who have, or pretend to have, any right, title, or interest in the said Ship, her tackle, apparel, and furniture, and the goods, wares, merchandize, and Slaves laden therein, to appear before the said Commissary Judges, in our Colony of Sierra Leone, upon the 20th day after service of these presents, if it be a Court-day, or else on the Court-day next following, between the hours of 9 and 11 A. M. of the said day, then and there to shew and allege in due form of Law, a reasonable and lawful cause, if they have any, why the said Ship, her tackle, apparel, and furniture, and the goods, wares, merchandize, and Slaves on board the same should not be pronounced to have been employed illegally, and to be disposed of, as is directed by the Treaties or Conventions in such case made and provided; and further to do and receive in this behalf as to justice shall appertain, and that you duly intimate, or cause to be intimated, peremptorily, to all Persons aforesaid in general, to whom by the tenor of these presents we also intimate, that if they shall not appear at the time and place abovementioned, or appearing shall not shew a reasonable and lawful cause to the contrary, the aforesaid Commissary Judges do, intend, and will proceed to adjudication on the said Capture, and may pronounce that the said Ship *Escravo*, her tackle, apparel, and furniture, and the goods, wares, and merchandize as aforesaid are liable and subject to be adjudged forfeited, and to be disposed of, as directed by the Treaties in that case made and provided; and also to pronounce all and singular the Slaves to be emancipated, the absence or rather contumacy of the Persons so cited and intimated in any wise notwithstanding; and that you duly certify to the said Commissary Judges what you shall do in the premises, together with these presents. Given at Sierra Leone aforesaid, under the Seal of the said Commission, this 25th day of May, 1819, and of our Reign the 59th.

(L.S.) D. M. HAMILTON, *Registrar.*

This Monition must be prepared by the Registrar, and delivered to the Person representing the Captor, who is to cause a Copy thereof to be made and delivered to the Person to whom the Monition is addressed, and such Person is then to execute the same, by affixing the original for a short period at the place mentioned therein, and then leaving the Copy affixed. The original Monition is then to have the following Certificate endorsed thereon, and signed by the Person executing it.

"I do hereby certify, that I duly affixed this Monition for some time upon and left a true Copy thereof affixed to the said Place."

C. D.

The Commissioners are directed to proceed, in the first place, upon the examination of the Papers of the Vessel, and the Depositions, on Oath, of the Captain, and 2 or 3, at least, of the principal Individuals on board of the detained Vessel. The Master is the only Individual specifically pointed out, whose examination is absolutely necessary to be taken, leaving it at the option of the Captors to select any other Person belonging to the captured Vessel; but it has been usual in Prize Courts to direct that either the Mate or the Boatswain should be one of the other Witnesses to be examined; these Persons being considered as the most likely to have a correct knowledge of the general circumstances attending the course and employment of the Vessel. If there be a Supercargo on board, he should be also examined, as supposed to be intimately acquainted with all the circumstances relating to the cargo, and the trade in which it was engaged.

The Witnesses should be produced and sworn as soon as possible after their arrival in Port, and, if practicable, at the same time that the Attestation of the Captor is exhibited and the Monition prayed as before stated; and if any of them do not sufficiently understand the language of the Country where the Commission is holden (it being directed that the proceedings, under each Commission, should be in the language of the Country where it may be held) the Oath must be administered through an Interpreter, who, unless he be a Notary Publick, must be previously sworn, that he will faithfully interpret the Oath, as also the Depositions of the Witnesses.

Upon the production of the Witnesses, the Registrar should enter upon record a Minute to the following purport:

Ship *Escravo*, Pereiro de Mattos, Master.

A. B. produced as Witnesses in preparatory in the above Cause, the said Pererio de Mattos, the Master, C. D. the Mate, and E. F. one of the Mariners, who were duly sworn and monished: the said C. D. and E. F. by the interpretation of G. H. who was first sworn faithfully to interpret between the Parties in this Cause, without favour or affection to either of them.

(8.)—*Form of Oath to the Interpreter.*

"You swear that you are well versed in the English and Portuguese languages, that you will faithfully interpret between the Parties in this Cause without favour or affection to either of them."—"So help you God."

If the Interpreter be a Notary Publick, no Oath is necessary.

(9.)—*Form of Oath to be administered to the Master and others belonging to the captured Ship.*

"You are produced as a Witness respecting the Ship *Escravo*, of which you are [Master, Mate, or as the fact may be] and you swear,

many that at the time of your examination, you will speak the truth, the whole truth, and nothing but the truth, indifferently between the Parties concerned."—" So help you God."

Upon the Witnesses being so produced and sworn, they should be admonished by the Registrar to attend and undergo their examination at such times as he may appoint, and which should be within 24 hours after they have been produced and sworn as aforesaid, or as soon after as possible. The Registrar, or such Person as he may appoint, subject to the approbation of the Commissary Judges, is the proper Officer to take down the Examinations, and he should be a Notary Publick, if one can be had; if not, it would be proper that an Oath should be administered to the Person selected, that he will, as Examiner, execute such office faithfully, impartially, fairly, and without preference or favour, either for Claimant, Captor, or any other Person: such Examination is to be taken down in writing on the Interrogatories, which have been prepared for that purpose, and are hereto annexed, and which it is believed, will embrace all the material points necessary to be inquired into in most cases; but should any additional Interrogatories be rendered necessary, there can be no objection to the same being administered for the purpose of obtaining evidence of particular facts; but it would be advisable upon such anoccurrence, and the better to answer the purposes of justice, that such additional Interrogatories should previously be approved by the Judges of the Commission, preparatory to their being administered to the Witnesses, as it will prevent Parties from entering into extraneous matter, which should, as much as possible be prevented.

No Person should be present during the examination, except the Registrar or the Examiner, and the Witness under examination (together with the Interpreter, if the same be by interpretation.) The Examiner must carefully take down the Witness's answer to each Interrogatory separately, and not blend two or more Interrogatories together. If a Witness plead ignorance, or appear to withhold the disclosure of facts presumed to be within his knowledge, the Examiner should admonish him, of the Oath he has taken to speak the truth, the whole truth, and nothing but the truth, and to endeavour to obtain from him a disclosure of all he knows of the matters inquired after; and that if he cannot absolutely speak to the precise fact interrogated, he should answer to the best of his belief.

In the event of any of the Persons neglecting or refusing to attend to be sworn and examined under the Commission, a Compulsory or Monition should be prayed before one of the Commissary Judges, and a Minute to the following effect recorded by the Registrar:

A. B. alleged, that Pereiro de Mattos, the Master, is a material Witness to be examined in the said Cause, and that notwithstanding applications have been made to him to attend for that purpose, he

hath hitherto declined, [or refused] to attend.—Compulsory, decreed at petition of A. B.

(10.)—*Form of the Compulsory, to be prepared by the Registrar.*

GEORGE the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith. To C. D. or his Deputy whomsoever, greeting: Whereas our trusty and well-beloved Thomas Gregory and E. F. the Commissary Judges, appointed by us and His Most Faithful Majesty the King of Portugal, to hear and determine all and all manner of Causes and Complaints, as to Ships, Goods, and Slaves, seized and taken in consequence of the Treaties or Conventions between us, and His said Most Faithful Majesty, for the purpose of preventing the illicit Traffick in Slaves, especially constituted and appointed in a certain business moved and prosecuted before us under the said Commission, on behalf of Sir Jame Lucas Yeo, Knight, Commander of our Ship *Confiance*, against the Ship called the *Escravo*, whereof Pereiro de Mattos was Master, her tackle, apparel, and furniture, and the goods, wares, merchandize, and Slaves on board the same, taken by our said Ship of War *Confiance*, and brought to Sierra Leone, rightly and duly proceeding at the Petition of A. B. alleging that Pereiro de Mattos is a necessary Witness in the said Cause or business, but he has refused to come and give his testimony therein, unless by Law compelled thereto, hath decreed the said Pereiro de Mattos to be monished, cited, and called to Judgment at the time and place underwritten, and to the effect hereinafter expressed, justice so requiring, we do therefore strictly charge and command you, jointly and severally, that you omit not, by reason of any liberty or franchise, but that you monish and cite, or cause to be monished and cited peremptorily and personally, the said Pereiro de Mattos, that he appear before the Commissary Judges aforesaid, or their Registrar, at on the day of next ensuing, between the hours of 9 and 11 of the said day there, then and there to take the Oath by Witnesses usually taken, and to testify the truth of what he knows in this behalf; and further to do and receive in this behalf as to justice shall appertain, under pain of the Law, and the peril which will fall thereon, and that you duly certify to the said Commissary Judges what you shall do in the premises, together with these presents. Given at Sierra Leone, under the Seal of the said Mixed Commission, the day of May, in the Year of our Lord 1819, and of our Reign the 59th.

(L.S.) D. M. HAMILTON.

Although this Compulsory has only the name of one Person introduced into it, yet any indefinite number of Persons may be included in one Compulsory, which Instrument is to be delivered to the Person at whose application the same may have been prayed, who should make as

Copies as may be wanted, to be served upon the Parties, and the mode of service is by shewing the Original to each of them under Seal, and leaving with them a true Copy thereof.

The Person serving this Instrument should write and sign a Certificate on the back thereof of the following tenor.

This Compulsory was duly served on by shewing the same under Seal to them respectively, and leaving with each of them a true Copy thereof, this day of May, 1819.

By me, C. D.

In case either of the Persons named in the Compulsory do not pay due obedience to the same, they should be pronounced to be contumacious and ordered to be attached; and under such order, kept in custody until they express a readiness to undergo their examination, when they may be dismissed on paying the expences they have occasioned. The Attachment, like all other Instruments which issue from the Commission, should be prepared by the Registrar, and may easily be done by varying the preceding form of Monition to an Attachment, by directing the said C. D. to cause "to be attached and arrested, and him so attached and arrested to keep under safe and secure arrest until." [*Here insert the cause for which the Attachment issues.*]

The Examinations are not to be perused or inspected by any Person until the whole are completed, and publication thereof decreed, which should be done at the prayer of the Person acting on behalf of the Captors, and should not then be perused by any Person, except the Parties in the Cause; and no Claimant is to have reference thereto until his Claim (hereafter mentioned) has been duly filed; and no examinations of other Witnesses on the Standing Interrogatories are to be taken, after the evidence has been inspected either by Captor or Claimant, unless the Commissary Judges should give directions for that purpose.

Upon publication being decreed, it is the duty of the Registrar to furnish the Captor and Claimant with Official Copies of the Examinations, if required, and of such of the Papers as may be ordered by either Party, and also to cause translations to be made of any other of the Papers as may be in a Foreign Language, and to deliver Copies of such translations to the Parties in the Cause; the expence of the translations should be charged to the Party ordering the same, the opposite Party having only to pay the expence of the Copies. It should be observed that whatever Copies of Papers are ordered by one Party, and intended to be used as evidence in the Cause, must also be delivered to the opposite Party. The translations are of course to be kept in the Registry for the use of the Officers of the Court.

It has been usual in Admiralty Courts, after the Monition has been executed, for the Person representing the Captors to give an allegation

stating the grounds of detention, and which must be delivered by him to the Registrar to be filed; and the following is the form of an Allegation, which may be varied according to the circumstances applying to each particular Capture:

(11.)—*Form of Allegation.*

Before the Mixed Commission appointed by His Britannick Majesty, and His Most Faithful Majesty the King of Portugal.

On the day of May, 1819,

In the Case of the Ship *Escravo*, whereof Pereiro de Mattos was Master.

Our Sovereign Lord The King against the said Ship *Escravo*, whereof Pereiro de Mattos was Master, her tackle, apparel, and furniture, and the goods, wares, merchandize, and Slaves on board the same, taken and seized by His Majesty's Ship *Confiance*, Sir James Lucas Yeo, Knight, Commander, and brought to Sierra Leone, and against all Persons in general.

On which day A. B. exhibited for the said Sir James Lucas Yeo, Knight, by all lawful ways and means, and to all effects in Law whatsoever alleged, pleaded, and articulately propounded as follows, to wit:

1st. That in and by a certain Convention entered into between His Royal Highness The Prince Regent, acting in the name and on the behalf of His Majesty, and His Most Faithful Majesty the King of Portugal, and signed at London the 28th day of July, 1817, having for its object the prevention of any illicit Traffick in Slaves by British and Portuguese Subjects, it is therein expressly stipulated and agreed as follows:

"The Territories in which the Traffick in Slaves continues to be permitted, under the Treaty of the 22d of January, 1815, to the Subjects of His Most Faithful Majesty, are the following:"

"1st. The Territories possessed by the Crown of Portugal upon the Coast of Africa to the South of the Equator, that is to say: upon the Eastern Coast of Africa, the Territory lying within Cape Delgado-Bay, and the Bay of Laurenco Marques, and upon the Western Coast all that which is situated from the 8th to the 18th degree of South Latitude."

"2d. Those Territories on the Coast of Africa to the South of the Equator, over which His Most Faithful Majesty has declared that he has retained his rights, namely."

"The Territories of Molembo and Cabinda."

And that in furtherance of the terms of the said Convention, it was also declared and stipulated that Commissions should issue, and Commissions did accordingly issue, authorizing and empowering the Commissary Judges, and others, therein respectively named, in conjunction with the Commissary Judges, and others named, or to be named, by,

and on the part and behalf of His said Most Faithful Majesty, to proceed upon all and all manner of seizures of all Ships, Goods, and Slaves belonging to either of the said High Contracting Parties, that were, or should be, taken by any Ship or Spips belonging to the Royal Navies of Great Britain and Portugal, and duly authorized to seize and detain all Ships and Vessels found, or engaged in the illicit Traffick of Slaves, contrary to the provisions of the said existing Treaties, and to hear and determine the same according to the true intent and meaning of the said Convention; and the party proponent doth allege and propound every thing contained in this and the subsequent Articles of this Allegation jointly and severally.

2d. That the said Ship *Escravo*, whereof the said Pereiro de Mattos was Master, her tackle, apparel, and furniture, and the goods, wares, merchandize, and Slaves, Natives of Africa on board the same, were on or about the 9th day of May, 1819, seized and taken by His Majesty's said Ship *Confiance*, Sir James Lucas Yeo, Knight, Commander, being duly and legally authorized and deputed to make Seizures and Captures of Ships, Goods, and Slaves, trading contrary to the provisions of the said Treaty; and that the said Ship *Escravo* was at the aforesaid Seizure thereof, engaged or employed in an illicit Traffick in Slaves, contrary to the provisions of the said Treaty, and thereby the said Ship, her tackle, apparel, and furniture, and the goods, wares, and merchandize laden therein, were liable and subject to Confiscation and Condemnation, and ought to be confiscated and condemned to Our Sovereign Lord The King, and the said Slaves, Natives of Africa, ought to be emancipated and delivered over to His Majesty, to be employed as servants or free labourers, and the party proponent doth allege and propound as before.

3d. That all and singular the premises were and are true, publick and notorious, and thereof there was and is a publick voice, fame, and report, of which legal proof being made, the party proponent prays right and justice to be effectually done and administered in the premises by you the Commissary Judges and others named in the Commission established at Sierra Leone, for carrying into effect the Convention aforesaid; and that the said Ship, her tackle, apparel, and furniture, and the goods, wares, and merchandize taken therein as aforesaid, be pronounced to have been engaged or employed illegally, and as such liable to Confiscation and Condemnation; and that the Slaves, Natives of Africa on board the same, be entitled to be emancipated from Slavery, and to decree the said Slaves, viz. men, women, boys, and girls, to be delivered over to His Majesty, to be employed as servants or free labourers, in pursuance of the said Treaty or Convention of the 28th July, 1817.

(Signed) A. B.

If no claim be given for the property, the Commissary Judges are, upon the return of the Monition, to proceed to Sentence upon the evidence before mentioned, and in case of their not agreeing in opinion on the Sentence to be pronounced, they are to draw by lot the name of one of the two Commissioners of Arbitration, who, after having considered the Documents and proceedings, is to consult with the two Commissary Judges, and the final Sentence is to be pronounced conformably to the opinion of the majority of the above-mentioned Commissary Judges, and of the above-mentioned Commissioner of Arbitration.

The form of the Sentence will follow hereafter, but it may not be improper here to observe, that in cases where there is no Claimant before the Court, the following words should precede every interlocutory decree or act in the proceedings:—

"In pain of Parties cited thrice called and not appearing, A. B. [the Person acting for the Captors] prayed, &c. &c."

(12.)—*Form of a Claim.*

Ship *Escravo*, Pereiro de Mattos, Master, May, 1819.

The Claim of the said Pereiro de Mattos, the Master of the said Ship, a Subject of His Most Faithful Majesty the King of Portugal, for the said Ship, her tackle, apparel, and furniture, goods, wares, and merchandize, and Africans, or so many thereof as were on board the said Ship at the time of the Capture thereof, by His Majesty's Ship *Confiance*, Sir James Lucas Yeo, Knight, Commander, and brought to Sierra Leone; and for the value of such of the Slaves as may have departed this life since the said Capture, for the said Ship, her tackle, apparel, and furniture, and her Cargo, as the sole property of
an Inhabitant and Native of Rio Janeiro, and as protected by the Treaty or Convention between His Britannick Majesty, and His said Most Faithful Majesty, dated 28th July, 1817. And for his, the Claimant's, private adventure of two Africans, and for one African, the private adventure of the Mate of the said Ship. And for all costs, charges, losses, damages, demurrage, and expences, as have arisen or shall or may arise by means of the Capture and detention of the said Ship and her Cargo as aforesaid.

To be signed by the Master or Person making the Claim.

(13.)—*Form of the Affidavit to annex to the Claim.*

Ship *Escravo*, Pereiro de Mattos, Master, May, 1819.

Appeared personally the said Pereiro de Mattos, the Master of the said Ship, and maketh oath, that he is a Subject of His Most Faithful Majesty the King of Portugal, and was Master of the said Ship, at the time of the Capture thereof by His Majesty's Ship *Confiance*, Sir

James Lucas Yeo, Knight, Commander, and that the said Ship was so captured on the 9th day of this present month of May, in the prosecution of her Voyage from , on the Coast of Africa, to , with a Cargo consisting of Africans, and brought to Sierra Leone. And he further maketh oath that , of Rio Janeiro, a Subject of His said Most Faithful Majesty, was at the time of the said Capture and now is the true, lawful, and sole Owner and Proprietor of the said Ship *Escravo*, her tackle, apparel, and furniture, and of the said Cargo and Slaves on board the same. The Deponent is the true, lawful, and sole Owner and Proprietor of the two Africans, one of which is a privileged African, and the other a present from

That the Mate of the said Ship is also the true, lawful, and sole Owner and Proprietor of one African; and the Deponent further maketh oath, that he verily believes the said Ship, Cargo and Slaves are protected by the Treaty or Convention between His Britannick Majesty and His said Most Faithful Majesty [here the Master, or whoever gives the claim, should state any circumstances he may be advised for the interest of himself and Owners;] and he further maketh oath, that no Person or Persons, other than the Persons before mentioned, have any right, title, or interest in the said Ship, her tackle, apparel and furniture, goods, wares, merchandize, or Slaves, on board the same at the time of the Capture and Seizure thereof, and that he is duly authorized to make the Claim hereunto annexed, and that the same is a true and just Claim, and that he shall be able to make due proof and specification thereof.

On the day of May, 1819, the said Pereiro de Mattos was duly sworn to the truth of this Affidavit, and of the Claim hereto annexed.

Pereiro de Mattos.

Before me,

Thomas Gregory, Commissary Judge.

In the observations before made, it will be seen that the common and ordinary case of a detained Portuguese Vessel is presumed, and the regular course of proceeding to have taken place, viz. that the Captor, immediately upon bringing the Vessel into Port, proceeds to the Adjudication thereof; but in the event of his not doing so within a reasonable time after the arrival of the Vessel, the mode of proceeding will be, for the Person representing the Owners of the property to have a Claim and Affidavit prepared as before-mentioned, and he should then appear before one of the Commissary Judges and pray a Monition against the Captor to proceed to Adjudication, and a Minute to the following effect should be filed by the Registrar amongst the proceedings:

(14.)—*Act of Court, decreeing Monition to proceed to Adjudication.*

BEFORE our trusty and well-beloved Thomas Gregory, Commissary Judge, on the day of 1819,

Present, D. M. Hamilton, Registrar.

Ship *Escravo*, Pereiro de Mattos, Master, taken and seized by His Britannick Majesty's Ship, *Confiance*, Sir James Lucas Yeo, Knight, Commander, and brought to Sierra Leone.

On which day G. H. exhibited, for and on behalf of Pereiro de Mattos, and alleged that the said Ship *Escravo*, whereof the said Pereiro de Mattos was Master, having taken on board her cargo at sailed therewith bound to but in the prosecution of her said voyage was seized and taken upon suspicion of being engaged in an illicit Traffick in Slaves and brought to Sierra Leone; but notwithstanding the premises, no proceedings have been had to bring the said Ship, Cargo, and Slaves to Adjudication, and he now exhibited a Claim of the said Pereiro de Mattos for the said Ship, Cargo, and Slaves, as the sole property of of Rio Janeiro, Merchant, a Subject of His Most Faithful Majesty the King of Portugal, together with the sworn attestation of the said Pereiro de Mattos thereto annexed, which he prayed to be admitted; and the said Commissary Judge at his Petition decreed the said Sir James Lucas Yeo, Knight, Commander of His Britannick Majesty's Ship *Confiance*, to be monished to appear before him and E. F. the Commissary Judge appointed by His Most Faithful Majesty, specially constituted and appointed in this behalf, at situate in and place of judicature, there, on the 6th day after he shall have been served with a Monition under Seal of this Commission to that effect, if it shall be a Court-day, otherwise on the Court-day then next following, at the usual and accustomed hours of hearing Causes there, then and there to proceed to the Adjudication of the said Ship, Cargo, and Slaves therein and therewith taken and seized as aforesaid, whether trading legally in the Traffick of Slaves or not, and to shew and allege in due form of Law a reasonable and lawful cause, if they have or know any, why the said Ship, Cargo, and Slaves should not be restored to the said Pereiro de Mattos the Claimant, for the use of the Owner and Proprietor thereof, with costs, charges, damages, demurrage and expences, with intimation that if they do not appear at the time and place aforesaid, or appearing do not shew good and sufficient cause concludent in law to the contrary, the said Commissary Judges, or some other competent Judges in this behalf, do intend to proceed, and will proceed to the decreeing the said Ship, Cargo, and Slaves to be restored to the said Pereiro de Mattos, for the use of the aforesaid Owner and Proprietor thereof, with his costs, charges, damages, demurrage, and expences, the absence or rather contumacy of the said Sir James Lucas Yeo, Knight, in anywise notwithstanding.

It will then be the duty of the Registrar to prepare a Monition calling upon the Captor to proceed to Adjudication, and the following is a form for that purpose.

(15.)—*Form of Monition to proceed to Adjudication.*

GEORGE the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, to all and singular Our Vice-Admirals, Justices of the Peace, Mayors, Sheriffs, Baliffs, Marshals, Constables, and to all Our Officers, Ministers, and others, as well within liberties and franchises, as without, greeting: Whereas Our trusty and well-beloved Thomas Gregory, Commissary Judge, appointed by Us under the Mixed Commission at Sierra Leone, for the purpose of preventing the illegal Traffick in Slaves, specially constituted and appointed to hear and determine all and all manner of causes and complaints as to Ships, Goods and Slaves seized and taken in such illicit traffick, in a certain business moved and prosecuted before him under the said Commission, on behalf of Pereiro de Mattos the Master and Claimant of the Ship *Escravo*, her tackle, apparel, and furniture, and the goods, wares, merchandize, and Slaves taken on board the same, for and on behalf of of Rio Janeiro, Merchant, Inhabitant and Subject of His Most Faithful Majesty the King of Portugal, the true, lawful and sole Owner and Proprietor thereof at the time the said Ship, Cargo and Slaves were taken and seized by Our Ship of War the *Confiance*, Sir James Lucas Yeo, Knight, Commander, and brought to Sierra Leone, against the said Sir James Lucas Yeo, Knight, rightly and duly proceeding, at the Petition of G. H. on behalf of the said Master and Claimant, alleging that the said Ship *Escravo* was taken and seized as aforesaid on the 9th day of May instant, and was at the time of such Capture bound on a voyage from to with a cargo of and Slaves; and that notwithstanding the Capture and Seizure aforesaid, no proceedings whatever have been had to bring the said Ship, Cargo and Slaves to Adjudication, hath decreed the said Sir James Lucas Yeo, Knight, to be monished, cited, and called to judgment at the time and place under written, and to the effect hereinafter expressed (justice so requiring): we do therefore strictly charge and command you jointly and severally, that you omit not by reason of any liberty or franchise, but that you monish and cite, or cause to be monished and cited peremptorily the said Sir James Lucas Yeo, Knight, that he appear before us, or the Commissary Judge or Judges of the said Commission, at situate at , the 6th day after he shall be served therewith, if it be a Court-day, or else the next Court-day following, between the usual hours of hearing of Causes, then and there to proceed under the said Commission to the legal Adjudication of the said Ship,

her tackle, apparel and furniture, and the goods, wares, merchandize, and Slaves on board the same, taken and seized as aforesaid, whether the same has been justly detained or not, or to shew and allege in due form of Law a reasonable and lawful cause, if any, why the said Ship, her tackle, apparel, and furniture, and the goods, wares, merchandize, and Slaves on board the same should not be decreed to be released from the aforesaid Capture, and restored and delivered to the said Pereiro de Mattos, the Master and Claimant, for the use of the Owner and Proprietor thereof, together with all such costs, damages, and expences arising or to arise from or by means of the said Capture and detention, and further to do and receive as to justice shall appertain, and that you intimate moreover, or cause to be intimated peremptorily to the said Sir James Lucas Yeo, Knight (to whom by the tenor of these presents we do also intimate), that if he shall not appear at the time and place above-mentioned, or appearing shall not shew a reasonable and lawful cause to the contrary, the said Commissary Judges do intend and will proceed to the decreeing the said Ship, her tackle, apparel and furniture, and the goods, wares, merchandize, and Slaves to be released from the Capture and Seizure aforesaid, and to be restored and delivered to the said Pereiro de Mattos, the Master and Claimant, for the use of the Owner and Proprietor thereof, together with all the costs, damages, and expences arising, or to arise from, or by means of the said Capture and Seizure, the absence, or rather contumacy of the said Sir James Lucas Yeo, Knight, in anywise notwithstanding; and that you duly certify us, or the said Commissary Judges, what you shall do in the premises, together with these presents.—Given at Sierra Leone, under the Seal of the Mixed Commission, the day of in the Year of our Lord 1819, and of our Reign the 59th. (L. S.) D. M. HAMILTON, Registrar.

NOTWITHSTANDING the Proceedings may commence in this form, the Ship's Papers should be brought into the Registry, or accounted for, and the Witnesses produced, sworn, and examined in the manner before pointed out; for although the above Monition intimates that the Commissary Judges should pronounce the Captor contumacious if he does not appear and proceed to Adjudication, yet that of itself and without the regular evidence would not be a sufficient cause to warrant the Commissary Judges to make a final Decree or Sentence, which, it must not be forgotten, is without appeal; should the Captor appear to the said Monition, the same steps and proceedings are in every respect to be taken on his behalf as has been before stated, viz.; the praying of the Monition, the producing of the Witnesses, and giving in the Allegation, &c.

(16.)—*Form for Decree, where the Commissary Judges do not agree in the Sentence they are to pronounce.*

Ship *Escravo*, Pereiro de Mattos, Master.

G. H. prayed the Claim by him given to be admitted, and the said Ship, Cargo and Slaves to be restored as claimed, with costs, damages, and expences. A. B. on behalf of the Captors prayed the said Claim to be rejected, and the said Ship and Cargo to be condemned, and the Slaves to be emancipated. The Commissary Judges having heard the said Claim and proofs read, directed the cause to stand over for further hearing before them and Edward Fitzgerald, Esq. one of the Commissioners of Arbitration, who was drawn by lot, by reason of the said Commissary Judges not agreeing in the Sentence they ought to pronounce.

(17.)—*Form for a Decree of Condemnation.*

Ship *Escravo*, Pereiro de Mattos, Master.

G. H. prayed the Claim by him given to be admitted, and the said Ship, Cargo, and Slaves to be restored as claimed, with costs, damages and expences. A. B. on behalf of the Captors prayed the said Claim to be rejected, and the said Ship and Cargo to be condemned, and the Slaves to be emancipated. The Commissary Judges and Commissioner of Arbitration [if the fact be so,] having heard the said Claim and proofs read, pronounced the said Ship *Escravo*, her tackle, apparel, and furniture, and the goods, wares, and merchandize laden therein to have been at the time of the Capture and Seizure thereof engaged in the illicit Traffick in Slaves, and as such subject and liable to confiscation, and condemned the said Ship, her tackle, apparel, and furniture, and the goods, wares, and merchandize laden therein, as taken in such illicit Traffick by His Majesty's Ship of War, *Confiance*, Sir James Lucas Yeo, Knight, Commander; and moreover pronounced the said Slaves, Natives of Africa, to be emancipated from Slavery, and to be employed as servants or free labourers; and also, that it had been proved, that at the time of passing the said Sentence men,
women, boys, and girls,
children under 14 years of age, did compose the whole of the Slaves so decreed to be emancipated.

(18.)—*Form for a Decree of Restitution.*

Ship *Escravo*, Pereiro de Mattos, Master.

G. H. prayed the Claim by him given to be admitted, and the said Ship, Cargo, and Slaves to be restored as claimed, with costs, damages, and expences. A. B. on the behalf of the Captors prayed the said Claim to be rejected, and the said Ship and cargo to be condemned, and the Slaves to be emancipated. The Commissary Judges and Commissioner of Arbitration [if the fact be so,] having heard the

said Claim and proofs read, admitted the said Claim, pronounced the Ship, Cargo and Slaves to belong as claimed, and conformably to the provisions of the Treaty, decreed the same to be restored to the Claimant for the use of the Owner and Proprietor thereof, together with the costs, damages, and expences incurred in consequence of the aforesaid Seizure, and referred it to the Registrar to ascertain the amount thereof, and report the same to the Commission.

(19.)—*Form for a Decree where further proof is directed to be made.*

G. H. prayed the Claim by him given to be admitted, and the said Ship, Cargo, and Slaves to be restored as claimed, with costs, damages, and expences. A. B., on behalf of the Captors, prayed the said Claim to be rejected, and the said Ship and Cargo to be condemned, and the Slaves to be emancipated. The Commissary Judges having heard the said Claim, and proofs read, admitted the said Claim for the Ship, Cargo, and Slaves, and directed further proof to be made *as to the Port or Place where the said Slaves were taken on board,* [*or as the fact may be.*] And moreover assigned the Claimant to exhibit such further proof within . (A time should be specified, and considering the great loss of demurrage and expences which must necessarily be occasioned by the detention of a cargo of Slaves, the same should be as short as possible.)

The time to be limited for the further proof to be exhibited must depend entirely upon the nature of the proof required, and the place from whence it is to be procured; and in case the same is not produced within the time prescribed, and no satisfactory reason given on Oath, for the non-production thereof, the Commissary Judges should proceed to give their Judgment against the Party directed to produce such further proof.

The nature of the further proof ordered must of course depend upon the circumstances of each particular Case. It may sometimes be required on account of an alleged want of provisions, or the damaged state of the Vessel, or other causes immediately connected therewith, in which case the Commissary Judges might be better satisfied of the facts by having an inspection made by indifferent Persons, than by requiring Affidavits in explanation either of Captor or Claimant, and the following is a form for a Commission of Inspection, which is to be prepared by the Registrar, and should be directed to such Persons as may be approved of by the Commissary Judges.

(20.)—*Form of Commission of Inspection.*

GEORGE the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith. To , greeting: Whereas our trusty and well-beloved Thomas Gregory, our Commissary Judge named in the Mixed Commission established at Sierra Leone, for the purpose of preventing the

illegal Traffick in Slaves, and E. F., the Commissary Judge named by His Most Faithful Majesty the King of Portugal, specially constituted to hear and determine all and all manner of causes and complaints as to Ships, Goods, and Slaves seized and taken in such illicit Traffick, in a certain business, moved and prosecuted before the said Commissary Judges on our behalf, against the Ship called the *Escravo*, whereof Pereiro de Mattos was Master, her tackle, apparel, and furniture, and the goods, wares, merchandize, and Slaves on board the same, taken by our Ship *Confiance*, Sir James Lucas Yeo, Knight, Commander, and brought to Sierra Leone; and also against Pereiro de Mattos, the Claimant of the said Ship, Cargo, and Slaves, rightly and duly proceeding on the day of the date hereof, at the Petition of

hath decreed the said Ship and the goods, wares, and merchandize laden therein

[*Here state the particulars required to be inspected either of Ship or otherwise.*]

justice so requiring, we do therefore by these presents authorize and empower you jointly and severally, and do strictly charge and command you, that you forthwith inspect and view the said Ship [and the several goods, wares, and merchandize on board the said Ship] *Escravo*, and that you reduce the same into a true, perfect, and particular Inventory in writing, and that you transmit a Certificate, by you subscribed, of the particulars, names, and descriptions, and sortments of the said goods, together with their general marks and numbers, and the nature, use, quantities, and qualities thereof, to our aforesaid Commissary Judges immediately after the execution thereof, together with these presents. Given at Sierra Leone aforesaid, under the Seal of the said Commisson, the day of in the Year of our Lord 1819, and of our Reign the 59th.

(L.S.) D. M. HAMILTON, Registrar.

It is the practice of the Court of Admiralty, when costs, damages, or expences are decreed by the Court, for the Party, in whose favour the Decree has been made, to bring in his account of such costs, &c. as he considers himself entitled to, which is referred to the Registrar to ascertain the amount due, and the Registrar takes to his assistance 1 or 2 Merchants of known respectability, and makes his report as to the amount to be paid under the Decree. Either Party is at liberty to object to the report; but in case no objection is made thereto within a short period after its being brought in, the same is confirmed by the Court. Although this is the practice in the High Court of Admiralty, yet, as the allowance to be made for demurrage and other damages is so clearly pointed out under the Treaties, it may not be generally applicable to these Commissions. If, however, there should be any occasion to estimate damages not within the precise terms of the Treaties,

it may be convenient that the practice of the Court of Admiralty should be adopted.

(21.)—*Form of a Registrar's Report.*

Ship *Escravo*, Pereiro de Mattos, Master.

To the trusty and well-beloved the Commissary Judges named in the Mixed Commission established at Sierra Leone.

Whereas by your Decree of the day of 1819, you pronounced the said Ship, Cargo, and Slaves to have belonged as claimed, and decreed the same to be restored to the Claimant, for the use of the Owner and Proprietor thereof, with costs, damages, and expences, and referred the consideration of such costs, damages, and expences to your Registrar, and on the day of following you referred an account, brought in on behalf of the Claimant, of the costs, damages, and expences, to report thereon. Now I do most humbly report, that having taken the same, together with what was urged by the Parties and their Agents on both sides into consideration, I am of opinion, that the Claimant is intitled under your said Decree, to the several sums mentioned in the Schedule hereunto annexed. All which is humbly submitted by

D. M. HAMILTON, Registrar.

It is directed by the Regulations for the Mixed Commissions, and forms part of the Treaties, that in case of the Condemnation of a Vessel, for an unlawful Voyage, she shall be declared lawful Prize, as well as her Cargo, of whatever description the same may be, with the exception of the Slaves, and the said Vessel and Cargo are ordered to be sold for the profit of the two Governments. It will therefore be proper that some Officer should be appointed by the Commissary Judges for the purpose of executing such Sales, and the following is the form of a Commission to issue for that purpose, which is to be prepared by the Registrar.

(22.)—*Form of a Commission of Appraisement and Sale.*

GEORGE the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, to

greeting: Whereas our trusty and well-beloved Thomas Gregory, our Commissary Judge, named in the Mixed Commission, established in our Colony of Sierra Leone, for the purpose of preventing the illegal Traffick in Slaves, and E. F. the Commissary Judge, named by His Most Faithful Majesty, the King of Portugal, specially constituted to hear and determine all and all manner of causes and complaints, as to Ships, Goods, and Slaves, seized and taken in such

illicit traffick, in a certain business moved and prosecuted before the said Commissary Judges, on our behalf, against the Ship called the *Escravo*, whereof Pereiro de Mattos was Master, her tackle, apparel, and furniture, and the goods, wares, merchandize, and Slaves on board the same, taken by our Ship *Confiance*, Sir James Lucas Yeo, Knight, Commander, and brought to Sierra Leone, rightly and duly proceeding, hath decreed a Commission to issue for the appraisement and sale of the said Ship *Escravo*, and all and singular the goods, wares, and merchandize on board the same (justice so requiring.) We do therefore, by these presents, authorise and empower you jointly and severally, and do strictly charge and command you, that you fail not to reduce into writing, a full, true, and perfect inventory of the said Ship and cargo, and that you choose two good and lawful men [or one if the property is small] well experienced in such affairs, and swear them faithfully and justly to appraise the same, according to their true value, and that you so appraise and value, or cause the same to be so appraised and valued, and the appraisement being taken, that you expose, or cause the aforesaid Ship *Escravo*, and all and singular the goods, wares, and merchandize on board the same, to be exposed to publick sale, and that you sell or cause the same to be sold to the best bidder, and that you pay or cause to be paid, the produce money arising from such sale into the hands of the Registrar of our aforesaid Commission, within 2 months from the day of the date hereof, and that at the same time you duly transmit the appraisement subscribed by you, and the said Appraisers, together with the account of such sale, also subscribed by you, to our aforesaid Commissary Judges, together with these presents. Given at Sierra Leone aforesaid, under the Seal of the said Commission, the day of in the Year of our Lord 1819, and of our Reign the 59th.

(L.S.) D. M. HAMILTON. Registrar.

It will be seen by the tenor of the Commission, that the property is to be sold, and the Commission returned with the account of sales and proceeds, to the Registry, within 2 months. If, however, in any instance, this period should be considered too short, it may be extended by application to the Judges, otherwise the Commission should be returned, and the proceeds paid into the hands of the Registrar by the time limited in the Commission; and on failure thereof, the Commissary Judges may enforce the same by Monition or Attachment, and the Registrar should, every 6 months, make a return of the business done under the Commission, and also transmit an account, together with the amount of the proceeds, to such Person or Persons as His Majesty's Government may think proper to appoint.

No. 8.—Viscount Castlereagh to His Majesty's Commissioners.

GENTLEMEN, *Foreign Office, 3d April,* 1819.

IN reference to Article II. of the Convention between Great Britain and Portugal, of the 28th July, 1817, I send to you for your information a Copy of an Arrangement, which has this day been signed by the Conde de Palmella and myself, respecting the expressions made use of in the Article in question, as to the situation of the Territories of Molembo and Cabinda.

You will freely communicate to your Portuguese Colleagues a certified Copy of this Document: and you will consider yourselves authorized to take cognizance of it in your Proceedings, as an integral part of the Convention of the 28th of July, 1817. I am, &c.

His Majesty's Commissioners. CASTLEREAGH.

(Inclosure.)—Declaration explanatory of Article II. of the Convention with Portugal, of the 28th of July, 1817. *Signed at London, 3d April,* 1819.

HAVENDO-SE concluido entre Sua Magestade Britannica e Sua Magestade Fidelissima huma Convençaõ, assignada em Londres, aos 28 de Julho de 1817, que tem por objecto o impedir o trafico illicito d'Escravatura:

E tendo-se declarado pelo Artigo II. da sobredita Convençaõ que o trafico d'Escravatura continua a ser permittido aos Vassallos Portuguezes, unicamente em certos Territorios que no mencionado Artigo se descrevem:

E porquanto os Territorios de Molembo e Cabinda, se achaõ designados no sobredito Artigo como situados na costa Oriental de Africa, o que evidentemente se mostra sur hum engano de palavras, pois que os ditos Territorios de Molembo e Cabinda estaõ de facto situados na costa *Occidental,* e naõ na costa *Oriental* de Africa:

Declaraõ os abaixo assignados que se terá por annulada a palavra *Oriental* n'aquella parte de Artigo

(Translation.)

WHEREAS a Convention, having for its object the prevention of the illicit Traffick in Slaves, was concluded between His Britannick Majesty and His Most Faithful Majesty, and signed at London on the 28th of July, 1817:

And whereas by Article II. of that Convention the Traffick in Slaves was declared still to be permitted to Portuguese Subjects, only within certain Territories therein described:

And whereas the Territories of Molembo and Cabinda are decribed by that Article to be on the Eastern Coast of Africa; and whereas this description is evidently a verbal mistake, the said Territories of Molembo and Cabinda, lying in fact upon the *Western* and not upon the *Eastern* Coast of Africa:—

It is hereby declared, by the Undersigned, that the word *Eastern,* in that part of Article II.

II. acima mencionada, substituindo-se-lhe a palavra *Occidental*, e que a ultima parte de referido Artigo fica portanto sendo de teor seguinte:

"Os Territorios de Molembo e Cabinda na Costa *Occidental* da Africa, desde o 5 grau e 12 minutos até ao 8 grau de Latitude Meridional."

Convieraõ outrosim os abaixo assignados em que a presente Declaraçaõ seja considerada como parte integrante da sobredita Convençaõ.

Em testemunho e fé do que os abaixo assignados, Secretario d'Estado de Sua Magestade Britannica da Repartiçaõ dos Negocios Estrangeiros, e Enviado Extraordinario e Ministro Plenipotenciario de Sua Magestade Fidelissima, junto a Sua Magestade Britannica, firmáram a presente Declaraçaõ con os seus proprios punhos, e a sellarem com os Sellos das suas Armas, em Londres, aos 3 dias do mez de Abril, do Anno do nascimento de Nosso Senhor Jezus Christo, 1819.

(L.S.) CONDE DE PALMELLA.
(L.S.) CASTLEREAGH.

above alluded to, shall be held to be annulled, and the word *Western* to stand in its place; and the latter part of the Article in question shall accordingly be held to run thus:—

"The Territories of Molembo and Cabinda, upon the *Western* Coast of Africa, from the 5th deg. 12 min. to the 8th deg. South Latitude."

It was further agreed between the Undersigned, that the present Declaration shall be considered as an integral part of the said Convention.

In witness and in faith of the above, the Undersigned, His Britannick Majesty's Secretary of State for Foreign Affairs, and His Most Faithful Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of St. James's, have hereunto set their Hands and Seals, at London, this 3d day of April, in the Year of our Lord 1819.

(L.S.) CASTLEREAGH.
(L.S.) COUNT DE PALMELLA.

No. 9.—*Viscount Castlereagh to His Majesty's Commissioners.*

GENTLEMEN, *Foreign Office, 9th June*, 1819.

In reference to the latter part of a former Dispatch I have to desire, that in reporting your proceedings for the information of His Royal Highness's Government, you will send home to me Copies or Abstracts of the Evidence on each Ship brought before you for judgment, with a view of putting His Royal Highness's Government in possession of

every possible intelligence and Document that may be of service on the subject of the Traffick in Slaves. I am, &c.
His Majesty's Commissioners. CASTLEREAGH.

No. 10.—His Majesty's Commissary Judge to Viscount Castlereagh.—(Received 15th September.)

My Lord, *Sierra Leone, 21st June*, 1819.

I had the honour, under date of the 1st of May, to inform your Lordship of my arrival at Cadiz, and of my being about to proceed immediately from thence, with His Catholick Majesty's Commissary Judge and Commissioner of Arbitration, to this Place, in order to enter upon the duties entrusted to our care, under the Mixed Commission, for preventing the illegal Traffick in Slaves.

I now take the earliest opportunity of informing your Lordship that we landed here on the 8th instant, and agreeably to my Instructions, I, without loss of time, fully communicated with Mr. Fitzgerald, His Majesty's Commissioner of Arbitration, on the subject of our Appointments; and laid before him His Royal Highness's Commission, with the other Documents which I brought with me relating to the duties of my Mission. We immediately, together with the Spanish Commissary and Commissioner, took, in proper form, the Oath prescribed, and administered to Mr. Hamilton, (the Registrar) the Oath prescribed for him.

His Excellency Governor M'Carthy, in pursuance of the Instructions which he has received from His Majesty's Government, has ordered a convenient house to be got ready for us, as an Office to carry on the duties of the Mixed Commissions, and Mr. Fitzgerald, Mr. Hamilton, and myself are perfectly prepared, in conjunction with the Spanish Commissary and Commissioner, to enter upon our duties accordingly, whenever any Spanish Slave-vessel, acting in violation of the Treaties, may be captured and sent into this Port by any of His Majesty's Cruizers. In the mean time I have to observe for your Lordship's information, that Mr. Hamilton (who had been employed by Captain Willis, when on this Station last Year,) has put into my hands the Documents relating to the detention of the Spanish Slave-ship the *Josefa*, captured on the 15th of May, 1818, by His Majesty's Ship *Cherub*, and on the 26th of November, sent into this Place, where she sunk on the 24th of May last, after having first landed her Slaves, (28 in number), who were delivered over to the Governor. I shall immediately, in conjunction with Don Francisco le Fer, the Spanish Commissary, go into the merits of this Case, and in my next Dispatch shall have the honour of laying the results before your Lordship.

I am sorry to be under the necessity of informing your Lordship, that no Commissioners are yet come forward from Rio Janeiro on the

part of His Most Faithful Majesty, and, consequently, it is not in our power, at present, to take cognizance of any Portuguese Vessel that may be sent in under the before-mentioned circumstances; there are however, now actually here, 2 small Portuguese Vessels, a Schooner and a Brig, captured by His Majesty's Ship *Tartar*, Commodore Sir George Collier.

I now presume to assure your Lordship, that in the execution of the duties of my Mission, I shall ever keep in view that part of my Instructions, wherein I am commanded to endeavour uniformly to combine a fair and conscientious zeal for the prevention of the illegal Traffick in Slaves, with the maintenance of the strictest justice towards the Parties concerned, and with the promotion of a spirit of conciliation and harmony between His Majesty's Subjects and those of the Kings of Spain and Portugal. I will only add, that in every part of the performance of my official duties, my utmost zeal and exertions will be used to evince how anxious I am to merit the full approbation of your Lordship, and to shew that the Commission with which I have been honoured by His Royal Highness the Prince Regent, has not been unworthily bestowed. I have, &c.

Viscount Castlereagh, K.G. THOMAS GREGORY.

No. 11.—*His Majesty's Commissary Judge to Viscount Castlereagh.*—*(Received 23d October.)*

My Lord, *Sierra Leone, 24th July,* 1819.

I had the honour of addressing your Lordship under date of the 21st ultimo, and I have now that of inclosing a Duplicate thereof, as also to inclose a Statement of the Case of the Spanish Slave-ship *Josefa*.

As my Colleague, Don Francisco Le Fer, the Spanish Commissary Judge, does not conceive himself authorized to take the above-mentioned Case of the *Josefa* into consideration, on account of its being unknown whether or not Captain Willis, the Captor, was provided with the Special Instructions alluded to in the IXth and XIth Articles of the Treaty of the 23d September, 1817, I have not deemed it necessary to press the matter upon him; especially as I conceive that no detriment can happen either to the Captors or to the captured, by delay; the Ship being sunk, and the few unfortunate Slaves who were landed from her profiting by the humane care and protection of Governor Mac Carthy.

The Portuguese Commissioners have not yet arrived from Rio de Janeiro. I have the honour to be, &c.

Viscount Castlereagh, K. G. THOMAS GREGORY.

(Inclosure.)—Case of the Spanish Ship Josefa, *Buenaventura Llarena, Master.*

THIS Ship sailed from Puerto Rico for the Coast of Africa, on the 22d of February, 1818, 3 months subsequent to the exchange of the Ratifications of the Treaty of the 23d September, 1817. After making the Coast of Africa, near Mesurado, in Latitude 6 deg. 5 min. N. they commenced trading, and purchased 45 Slaves between that Place and Cape Appollonia in Latitude 5 deg. N. On the 15th of May the *Josefa*, was captured whilst lying off Cape Appollonia, by His Majesty's Ship *Cherub*, Captain Willis, and taken to Jamaica, from whence she was sent to The Havannah, and from this latter Place to Sierra Leone, where she arrived on the 26th November, 1818, and, on the 24th of May last, being in a very leaky state, she sunk.

On leaving Puerto Rico, the *Josefa* had on board as Supercargo, an American Citizen, of the name of Samuel Ives, who, just before the capture of the Vessel, left her in the long boat, taking with him 10 Slaves.

The Crew of the *Josefa*, consisted of 33 Men; 20 Spaniards, and 13 Foreigners, principally Americans.

Ives, the Supercago, directed the course of the Ship, and pointed out to the Master the Places where he intended to trade for Slaves.

Such is, in abstract, the Declaration on Oath of the Master of the *Josefa*. His avowal of the fact of 45 Slaves having been purchased betwixt Cape Mesurado and Cape Appollonia, corroborated by the circumstances of part of the Slaves having been found on board at the time of the Capture, and the Ship not being in possession of the requisite Royal Passport, are more than proofs sufficient to stamp the Voyage with illegality.

No.12.-His Majesty's Commissioners to Visct. Castlereagh.-(Rec. Oct.23.)

MY LORD, *Sierra Leone, 24th July,* 1819.

WE have the honour to inform your Lordship, that when the Members of the Mixed Commission met, on the morning of the 9th June, at the Government House, preparatory to taking the Official Oaths, the British Commission was, in the first instance, produced and read; and, in pursance of your Lordship's Instructions to us, to ascertain that the Commission of our Spanish Associates was proper in form and substance, we invited them to produce it. We were informed, that they had not any Commissions similar to ours; but they exhibited to us their respective Letters of Appointment, signed by the Marquis de Casa Irujo, comprizing some short Instructions relative to the Treaties and other matters. Mr. Camps, the Commissioner of Arbitration, observed at the same time, that every Government had its own forms of authenticating its Agents.

In obedience to your Lordship's Instruction, to combine a spirit of conciliation and harmony with the due discharge of our official duties, and with the most cordial disposition to fulfill that injunction, we forebore to make any exception, and the Oaths were accordingly taken by all the Members of the Commission; but, on separate consultation, at repeated opportunities, we have concurred in the propriety of notifying to your Lordship the absence of a Royal Commission from His Catholick Majesty, in order that immediate proceedings might be taken to supply the deficiency, if your Lordship should think that necessary.

We have, &c. THOMAS GREGORY.

Viscount Castlereagh, K. G. EDWARD FITZGERALD.

P.S. A Copy of the printed Memoranda, which were drawn up with a view to afford us assistance in the technical part of our conduct, as His Majesty's Commissary Judge and Commissioner of Arbitration, have been, agreeably to your Lordship's directions, communicated to the Commissioners of His Catholick Majesty; and they agree to adopt with us the Regulations therein stated.

No. 13.—*His Majesty's Commissioners and Registrar to Viscount Castlereagh.—(Received 23d October.)*

My Lord, *Sierra Leone, 24th July*, 1819.

We feel it a particular obligation of duty to convey to your Lordship in the strongest manner, our acknowledgments for the respect shewn to the Mixed Commission for this Settlement and its objects, by His Excellency Governor Mac Carthy, and also for his hospitality and personal attention to all the Members of the Commission.

We have, &c. THOMAS GREGORY.

EDWARD FITZGERALD.

Viscount Castlereagh, K. G. D. M. HAMILTON.

No. 14.—*His Majesty's Commissary Judge to Viscount Castlereagh.—(Received 8th October.)*

My Lord, *Sierra Leone, 23d August*, 1819.

I have now to inform your Lordship, that Captain Kelly, of His Majesty's Ship *Pheasant*, brought into this Port, on the evening of the 19th instant, a small Portuguese Schooner, called the *Nova Felicidade*, Antonio Ioaquin, Master, which Vessel Captain Kelly captured on the 30th of July, in Latitude 2 deg. 23 min. North, with 71 Slaves on board: and that Captain Strong, of His Majesty's Ship *Morgiana*, brought in the next day the Spanish Schooner the *Nuestra Senora de Regla*, commanded by Santiago Mazana, which Vessel Captain Strong captured in Latitude 4 deg. 43 min. North, on the 13th instant, with only 1 Slave on board.

As to Captain Kelly's Prize, the Portuguese Schooner, the *Nova Felicidade*, there not being any Commissioners yet come forward from

Rio de Janeiro, on the part of His Most Faithful Majesty, that Vessel cannot at present be brought to adjudication; and the case must therefore remain in the same state as those Vessels captured by Commodore Sir George Collier, to which subject I alluded in my last Dispatch of the 21st of June.

And as to the Case of the *Nuestra Senora de Regla*, captured by Captain Strong, that must also stand over for the present, owing to the melancholy state of health to which Don Francisco Le Fer, the Spanish Commissary Judge, is now in: that Gentleman, I am sorry to observe, has been at the point of death; and is still in a most precarious situation, occasioned by the Fever of the Country,

In my last Dispatch, I had the honour to state to your Lordship, that the printed Memorandum of Regulations, intended for the use of the Mixed Commission, and which I was directed to submit to the consideration of the Gentlemen of the Spanish Commission, had been accordingly laid before them, and approved of by them, as it was intimated to me by Don Franciso Le Fer, the Spanish Commissary Judge. The unfortunate illness of this Gentleman having in some measure, brought forward Mr. Camps, the Commissioner of Arbitration, who has hitherto declined appearing as a Member of the Mixed Commission, to take any part in discussing questions relative to that Commission; this Gentleman now objects to the Regulations, in so much as neither himself or his Colleague have received directions from their own Court to adopt them as the guide of their proceedings.

Conceiving it, therefore, my duty to state this circumstance to your Lordship, I, at the same time, humbly suggest the expediency of the Regulations in question being sent to them officially by their own Court, with orders to adhere to them, as forming the model of the proceedings of the Mixed Commission Court: I also humbly beg leave to suggest the expediency of similar Orders being sent from His Most Faithful Majesty to the Commissioners on the part of Portugal; as also from His Majesty the King of The Netherlands, to the Members of the Mixed Commission, who may be sent hither from that Country.

In consequence of the application of Captain Kelly whose Letter I have the honour of inclosing, I immediately procured Governor Mac Carthy's sanction to have the Slaves landed, and they are now under His Excellency's protection. I have, &c.

Viscount Castlereagh, K. G. THOMAS GREGORY.

(Inclosure.)—B. M. Kelly, Esq. to Thomas Gregory, Esq.

SIR, *H. M. S.* Pheasant, *Sierra Leone, 20th August*, 1819.

THE great inclemency of the weather, added to the present exposed state of the unfortunate Slaves on board the Portuguese Schooner *Nova Felicidade*, detained by me, and now lying in this River, rendering it absolutely necessary for the preservation of their health, and

perhaps their lives, that they should be immediately removed to a place of greater shelter and comfort, I have to request you will be pleased to give some directions for that purpose. I am, &c.

Thomas Gregory, Esq. B. M. KELLY, *Commander.*

No. 15.—Viscount Castlereagh to His Majesty's Commissioners.

GENTLEMEN, *Foreign Office, 18th November,* 1819.

I HAVE duly received your Dispatches to the 23d August, and have laid the same before The Prince Regent.

I send to you herewith the Copy of a Letter addressed to me by the Count de Palmella, the Portuguese Envoy at this Court, under date of the 29th October, 1819, and of my answer to the Count, dated this day, respecting the non-arrival of the Portuguese Commissioners at Sierra Leone, and the consequent proposition of the Count de Palmella, that you should proceed to the judgment of the Portuguese Vessel the *Nova Felicidade;* and I am to convey to you the Instructions of His Royal Highness the Prince Regent, that you proceed to the judgment of that Vessel, without waiting for the arrival of the Portuguese Commissioner, according to the tenor of this Correspondence.

I am, &c.

His Majesty's Commissioners. CASTLEREAGH.

(Inclosure 1.)—Count de Palmella to Viscount Castlereagh.

MY LORD, *Londres, ce 29 Octobre,* 1819.

J'AI reçu la Lettre que Votre Excellence m'a fait l'honneur de m'adresser en date du 25 courant, dans la quelle, après vous être referé à l'extrait (qui accompagnait votre Lettre) du rapport reçu d'un des Commissaires Britanniques à Sierra Leone, relativement au Navire Portugais, *Nova Felicidade,* que le Batiment de guerre de Sa Majesté Britannique y a amené, et qui, faute de Commissaires de la part de Sa Majesté Très Fidelle n'a pas pu être jugé, votre Excellence me recommande de représenter à ma Cour les inconvéniens qui résultent du retard de l'arrivée des susdits Commissaires Portugais à Sierra Leone, et la nécessité d'en presser le départ, àfin de remédier, le plutôt possible, à ces mêmes inconvéniens.

En réponse, je dois vous assurer, My Lord, que mon Gouvernement ne mérite aucunement d'être blamé du retard dont vous semblez l'accuser dans votre Lettre. Malgré toute sa sollicitude, il n'a pas pu trouver des Personnes capables qui aient voulu accepter la place de Commissaire à Sierra Leone; et c'est ce qui l'a obligé, à la fin, de m'autoriser à les choisir d'entre les individus Portugais établis à Londres, si je le pouvais, ou de transmettre cette même autorisation à Messieurs les Gouverneurs du Royaume de Portugal. Voilà aussi ce que j'ai du faire, et je me flatte, à l'heure qu'il est, que Leurs Excellences

auront trouvées des Personnes capables, qui aient voulu accepter le susdit emploi de Commissaires à Sierra Leone, et qu'elles ne tarderont pas à se rendre à leur destination.

En attendant, permettez moi de vous proposer, My Lord, de faire appliquer au cas actuel du navire *Nova Felicidade* cette partie de l'Art. XIV du Réglement pour les Commissions Mixtes, qui regarde cette établie à Sierra Leone, où il est dit " que dans le cas de mort d'un ou de plusieurs des Commissaires, ceux qui leur survivront, seront autorisés à juger les batimens dont les cas seront portés par devant cette Commission, bien entendu cependant *qu'il restera aux parties interessées la faculté d'appeler de ce jugement* par devant la Commission Mixte établie à Rio de Janeiro.

En faisant cette proposition, je prie votre Excellence de la regarder comme une nouvelle preuve du désir constant qui anime le Gouvernement de Sa Majesté Très Fidelle, de voir remplies complettement, et aussi promptement que possible, les Stipulations de la Convention Additionnelle du 28 Juillet, 1817.

J'ai honneur d'être, etc.

Viscount Castlereagh, K. G. LE COMTE DE PALMELLA.

(Inclosure 2.)—Viscount Castlereagh to Count de Palmella.

Foreign Office, 18th November, 1819.

THE Undersigned has the honour to acknowledge the receipt of the Count de Palmella's Note of the 29th October, 1819, expressive of the difficulties experienced by the Government of His Most Faithful Majesty in selecting proper Persons, able and willing, to undertake the duties of Portuguese Commissioners at Sierra Leone; and proposing, that, in the particular Case of the *Nova Felicidade*, the Adjudication should be proceeded in by the British Commissioners alone, in the absence of any on the part of His Most Faithful Majesty: under an application to them of that part of the Art. XIV. of the regulation for the Mixed Commissions, which states, that in the case of the death of one or both of the Portuguese Commissioners at Sierra Leone, judgment shall be proceeded in by the remaining Individuals of the Mixed Commission there.

The Undersigned has received His Royal Highness's directions to give instructions to His Majesty's Commissioners, in conformity with the above-mentioned proposition on the part of the Count de Palmella, subject, nevertheless, to the understanding, that neither the British Captors nor His Majesty's Government, shall be held to be liable to any increased expence arising out of the non-arrival of the Portuguese Commissioners. The Undersigned, &c.

Count de Palmella. CASTLEREAGH.

No. 16.—*Viscount Castlereagh to His Majesty's Commissioners.*

GENTLEMEN, *Foreign Office, 30th December,* 1819.

I HAVE the honour to send herewith to you, for your information, the Copy of a Note, dated the 13th of October, 1819, from M. de Villanova Portugal, the Secretary of State at Rio de Janeiro, to Mr. Chamberlain, His Majesty's Chargé d'Affaires at that Court;* by which you will perceive the steps which the Brazilian Government have taken, in execution of the IVth and VIIth Articles of the Convention of the 28th of July, 1817, I have, &c.

His Majesty's Commissioners. CASTLEREAGH.

No. 17.—*Viscount Castlereagh to His Majesty's Commissioners.*

GENTLEMEN, *Foreign Office, 30th December,* 1819.

I HAVE the honour to acquaint you, that advices have been received from His Majesty's Chargé des Affaires at Rio de Janeiro, bearing date the 13th of October, 1819, stating, that the Government of Brazil had caused Passports to be struck off, and Instructions to be printed, with which Vessels engaged in the Slave Trade ought to be provided, in conformity with the IVth and VIIth Articles of the Convention of the 28th July, 1817, and that all the Vessels carrying on that Trade, had in consequence begun to be cleared, as well from Rio de Janeiro as from the other Ports in Brazil, with the formalities indicated therein. Orders had likewise been sent to Mosambique, Angola, and St. Thomas's, to build Schooners and other Vessels of War, to be especially employed in preventing the illicit Traffick in Slaves, according to the Stipulations of the VIIth Article of the above-mentioned Convention. I am, &c.

His Majesty's Commissioners. CASTLEREAGH.

No 18.—*Viscount Castlereagh to His Majesty's Commissioners.*

GENTLEMEN, *Foreign Office, 4th January,* 1820.

I HAVE the honour to furnish you, for your information, with the accompanying Copy of a Dispatch, dated the 13th of October, 1819, from His Majesty's Chargé des Affaires at Rio de Janeiro, relating to the delay of the installation of the Mixed British and Portuguese Commission at that Place, and to the Commission given by His Most Faithful Majesty to the Conde de Palmella, to select proper Persons to be His Most Faithful Majesty's Commissioners at Sierra Leone.

I am, &c.

His Majesty's Commissioners. CASTLEREAGH.

No. 19.—*Viscount Castlereagh to His Majesty's Commissioners.*

GENTLEMEN, *Foreign Office, 18th January,* 1820.

IN reference to your Dispatch, dated the 15th of July, 1819, on the mode of appointment of the Spanish Commissioners at Sierra Leone,

* See Class B.

I inclose to you a translation of the Note which was addressed upon this subject by the Spanish Secretary of State to Sir Henry Wellesley, on the 1st of December, 1819.

As it is therein stated to be customary, that the Spanish Secretary of State should sign Commissions of this description, and that his signature is sufficient to give to the proceedings of the Spanish Commissioners the same validity as would be imparted to them by the Royal Sign Manual, there need be no further hesitation on this point.

I am, &c.

His Majesty's Commissioners. CASTLEREAGH.

(Inclosure.)—The Duke de San Fernando y Quiroga to Sir H. Wellesley.—(Translation.)

SIR, *Palace, 1st December,* 1819.

I HAVE laid before the King, my august Master, your Excellency's Nóte of the 24th November last, in which, on account of the difference existing in the mode of appointment of the Spanish and British Commissioners at Sierra Leone, (and consequently at The Havannah) that of the former being signed only by His Majesty's First Secretary of State, while that of the latter is made out under the Royal Sign Manual, your Excellency requests that a decision may be taken by the Spanish Government, whether the appointment signed by the said Secretary is sufficient to give to the proceedings of the Spanish Commissioners the same solemnity and validity as would be imparted to them by the Royal Sign Manual—and His Majesty commands me to reply to your Excellency, that, according to the practice and usage of His Cabinet, with regard to such Commissions, the signature of His First Secretary of State gives all the necessary force to the proceedings of the Spanish Commissioners in the present instance, since the date of their nomination; by which declaration all further apprehension must be precluded with regard to the difference in the powers of the Mixed Commissioners alluded to in your Excellency's aforesaid Note.

I avail myself, &c.

L. EL DUQUE DE SAN FERNANDO Y QUIROGA.

The Right Hon. Sir H. Wellesley.

No. 20.—Viscount Castlereagh to His Majesty's Commissioners.

GENTLEMEN, *Foreign Office, 6th February,* 1820.

I HAVE the honour to acquaint you that the Count de Palmella, the Portuguese Envoy at this Court, has announced to me, that the Governors of the Kingdom of Portugal have, in virtue of the authority delegated to them to that effect by His Most Faithful Majesty, nominated Messieurs Joaõ Jacomo Altavilla, and Joaquim Cesar de la Figaniere, to form part of the Mixed British and Portuguese Commission at Sierra Leone, the first mentioned Gentleman as Commissary

Judge, and the second as Commissioner of Arbitration, on the part of His Most Faithful Majesty.

These two Gentlemen, who are now at Lisbon, will take their departure by the first convenient opportunity; probably by one of His Majesty's Ships, if, without injury to His Majesty's Service, the Ship can touch at Lisbon to accommodate them with a passage to Sierra Leone.

I am, &c.

His Majesty's Commissioners. CASTLEREAGH.

No. 21.—*His Majesty's Commissary Judge to Viscount Castlereagh.*
(Received 13th February, 1820.)

My Lord, *Sierra Leone, 10th October,* 1819.

I HAVE the honour to inform your Lordship that, after having waited with anxious hope for the recovery from severe illness of my Colleague Don Francisco Le Fer, and finding that there was little chance (as the result has proved), of his being speedily in a state to attend to any business whatever, both Mr. Fitzgerald and myself deemed it necessary to solicit Don José Camps to act for him as Commissary Judge on the part of His Catholick Majesty, in taking cognizance of the Capture and Detention, by the *Morgiana*, of the Spanish Schooner *Nuestra Senora de la Regla.* M. Camps at firstdeclined to act in any shape in the business, but at length, after having stated the grounds on which he would agree to sit at the Board, he met us, Mr. Fitzgerald and myself, and proceeded in conjunction with us to the Adjudication of the Vessel, the Case of which was rather intricate, owing to there being but one Slave on board at the time of her Capture.

For your Lordship's information, I have the honour to inclose herewith a Copy of the Case and Condemnation (which took place on the 13th ultimo) of the Spanish Schooner above alluded to, as also a Copy of the conditions which Don José Camps insisted on before he would proceed to the Adjudication of that Vessel.

I have further the honour of stating to your Lordship, that Captain Strong sent into this Port another Prize on the 3d instant, the Spanish Schooner *Fabiana,* which he captured by the Boats of the *Morgiana* on the 18th ultimo, after a long chace, in latitude 4 deg. 10 min. N. and longitude 7 deg. 52 min. W. with 13 Slaves on board.

The Case of the *Fabiana,* which, with a Copy annexed thereto of the Condemnation of that Vessel, I have also the honour of inclosing for your Lordship's information, is so clear in stamping the voyage with illegality, that no question could arise as to the Sentence which we ought to pronounce, and the Sentence of Condemnation was accordingly pronounced unanimously.

In your Lordship's Dispatch, under date of the 9th of June, addressed to Mr. Fitzgerald and myself jointly, it is desired, that in reporting our proceedings here for the information of His Royal Highness's Government, we should send to your Lordships Copies or Ab-

stracts of the evidence on each Vessel brought before our Board for judgment, in order to put His Royal Highness's Government in possession of every possible intelligence and Document that may be of service on the subject of the Traffick in Slaves. Your Lordship's commands on this, as on every other occasion, will be strictly attended to.

If the Abstracts of the Cases of the two Spanish Schooners, the *Nuestra Senora de Regla* and the *Fabiana*, which I have now the honour to inclose, should not be deemed sufficient for the information of His Royal Highness's Government, I shall, on receiving such notification, immediately send Copies of all the original Documents found on board the captured Vessels, as well as Copies of the answers to the Interrogatories, and every other sort of evidence that may come before the Court. I have, &c.

Viscount Castlereagh, K. G. THOMAS GREGORY.

(Inclosure 1.)—Recapitulation of Evidence in the Case of the Nuestra Senora de la Regla.

THE Captain of the *Morgiana*, maketh oath as to the facts of the Capture of the *Nuestra Senora de la Regla*, on the 10th of August, 1819, in 4 deg. 43 min. N. latitude, and 9 deg. 3 min. W. longitude, and to there being 1 Slave on board; and that when the Schooner was captured, the Captain of her was at Petit Bassa, where he was supposed to be treating for his cargo, and purchasing Slaves for his return.

Bora, the Negro, who was found on board the Schooner, and in consequence of which she was detained, swears, through the interpretation of 3 of his Countrymen, that he was sent on board as a Slave, and treated as such whilst there.

Mr. W. Winnet, Midshipman of the *Morgiana*, maketh Oath, that the Second Mate of the Schooner the *Nuestra Senora de la Regla*, repeatedly declared to him, that their standing into Petit Bassa for the Captain would be of no use, for, on his seeing the *Morgiana*, he would know what was the matter, and would run into the bush. Mr. Winnet further maketh Oath, that he is decidedly of opinion the Schooner had no need to put into Petit Bassa for repairs; that the repairs could have been done at sea, that there were materials on board for the purpose, and that he himself with 10 Seamen could have put her in a state, in a few hours, to proceed to any Port to the South of the Equator.

Mr. H. S. Head, Lieutenant of the *Morgiana*, maketh Oath, that on the 14th of August he was sent by Captain Strong to endeavour to bring off from Petit Bassa the Captain of the Schooner, with a view that he might have an opportunity to give reasons why she should not be brought away, but could not succeed.

The declarations of the 2 Mates and the Boatswain belonging to the Schooner *Nuestra Senora de la Regla* will go for very little, as it

cannot be supposed that they should criminate themselves. They allege, that she put into Petit Bassa to repair her damages, but they were forced to allow that a Negro had been brought on board at that Place; they could not, however, say whether he was or was not a Slave.

J. Millet, the Second Mate, allows, that before the Schooner reached Petit Bassa the dry goods were opened and arranged in the Cabin.

Mr. Seymour, the Harbour Master and Pilot, a Person conversant in shipping, and well acquainted with Petit Bassa, having frequently been there; and Mr. Simmons, the Shipwright, were commissioned by the Court to go on board the *Nuestra Senora de la Regla*, and examine into her situation, as to the damages which the 2 Mates and the Boatswain allege she had sustained. Mr. Seymour maketh oath that the damages in question were not such as to make it at all necessary to put in any where to repair—that Petit Bassa was not a place where any repairs could be made; and moreover that the repairs might easily have been done at sea, there being sufficient materials on board for that purpose. Mr. Simmons corroborates on oath the whole of Mr. Seymour's statement, except that of Petit Bassa not being a place fit to repair in—to this he could not speak, never having been there.

Case of the Schooner Nuestra Senora de la Regla, *Santiago Mazana, Master.*

This Vessel was fitted out at The Havannah, and furnished with a Royal Passport, and with all the other requisite Documents in due form for a Trading Slave Vessel going to the South of the Equator.

She was captured on the 10th of August, 1819, in North Latitude 4 degrees 43 minutes, and West Longitude 9 degrees 3 minutes, by His Majesty's Ship the *Morgiana*, Captain Strong, and brought to Sierra Leone on the 19th of the same month for Adjudication.

The Master of the *Nuestra Senora de la Regla*, was *not* on board of her when she was taken possession of—he had been left 7 or 8 days before at Petit Bassa, from whence it appears the Vessel was driven to sea in a gale of wind.

There was one Slave found on board when the Schooner was captured.

The two Mates and the Boatswain of the Schooner allege that the motive for the Captain's anchoring off Petit Bassa was to repair the damages they had suffered on the Voyage from The Havannah. But it is clearly proved by the annexed evidence of Mr. Winnet, the Midshipman of the *Morgiana*, Mr. Seymour, the Harbour Master and Pilot, and Mr. Simmons, the Shipwright, that the damages sustained were not of such magnitude as to make it at all necessary to put in any where before they might have crossed the Equator—that there were

plenty of materials on board to repair those damages—that they could have been repaired better at sea than at Petit Bassa, and consequently the Captain must have had other motives than those alleged for going to that Place of notorious Slave dealing: he had been there before, and was acquainted with Sambo, the Chief, a known dealer in Slaves. Petit Bassa is in about 6 degrees North Latitude, and about 9 degrees West Longitude: the Schooner was captured about 56 miles to the South of that Place, where the Captain was landed—and near 20 degrees, or 1200 miles distance (counting the Latitude and Longitude together) from any Port to the South of the Equator, where she could have legally traded for Slaves.

It may be necessary here to take notice, that there was no regular Log-book found on board—as the book given in as such by Captain Strong was any thing but a Log-book; and the unintelligible scrawl subsequently produced by the first Mate, goes to nothing, except that it states the time of the Schooner's having been at anchor off Petit Bassa, to be nearly 3 days, whereas the 2 Mates and the Boatswain had before declared on oath that they put to sea again the day after they had first anchored.

Lieutenant Head's oath, that he was sent in the *Morgiana's* Boat by Captain Strong when that Ship stood close into Petit Bassa, accompanied by the Schooner, to invite the Captain of that Vessel off to defend his Cause, and the Captain declining such an invitation, is the strongest presumptive proof that his Cause could not be defended.—And, under all the circumstances of the case, I feel myself bound to declare, it is my decided opinion that the *Nuestra Senora de la Regla* was engaged in an illicit Traffick in Slaves; if my opinion is erroneous I am happy to think it will be set right by those of more experience and better judgment—by my Colleagues: but I feel no diffidence in the Decision which I am about to pronounce, namely, that the Vessel and Cargo ought to be condemned.

THOMAS GREGORY.

(Inclosure 2.)—Sentence of the Mixed Commission, in the Case of the Nuestra Senora de la Regla.

Court of the British and Spanish Mixed Commissions, Sierra Leone.

Before Thomas Gregory, Esq. Commissary Judge, and Edward Fitzgerald, Esq. Commissioner of Arbitration of His Britannick Majesty, and Don José Camps, Commissioner of Arbitration of His Catholick Majesty The King of Spain, (Don Francisco Le Fer, His said Catholick Majesty's Commissary Judge being unable to attend through severe sickness.)

Present, Daniel Molloy Hamilton, Esq. Notary Publick, Registrar.

Monday, the 13th day of September, in the Year of our Lord 1819, *Nuestra Senora de la Regla,* Spanish Schooner, Santiago Mazana, Master.

Our Sovereign Lord the King, against the said Schooner, her tackle, apparel, and furniture, and the goods, wares, and merchandize, and the Slave on board the same, taken and seized by His Majesty's Ship *Morgiana,* Charles B. H. Strong, Esq. Commander, and brought to Sierra Leone, and against all Persons in general.

In pain of Parties cited, thrice called, and not appearing, Robert Barry Fitzgerald, Esq. prayed the said Schooner and cargo to be condemned and the Slave to be emancipated. The said Commissary Judge and Commissioners of Arbitration having heard the Proofs read, pronounced the said Spanish Schooner *Nuestra Senora de la Regla,* her tackle, apparel and furniture, and the goods, wares, and merchandize laden therein, to have been at the time of the capture and seizure thereof engaged in the illicit Traffick in Slaves, and as such subject and liable to confiscation: and condemned the said Schooner, her tackle, apparel and furniture, and the goods, wares and merchandize, laden therein, as lawful prize, and as taken in such illicit Traffick by His Majesty's Ship of War *Morgiana,* Charles B. Strong, Esq. Commander, and moreover pronounced the said Slave, a native of Africa, to be emancipated from slavery, and to be employed as a servant or free labourer, and also that, it had been proved that at the time of passing the said sentence, one man did compose the whole of the Slaves so decreed to be emancipated.

And the said Commissary Judge and Commissioners of Arbitration further pronounced and decreed that, in consequence of the said Master, Don Santiago Mazana, being left on shore at Petit Bassa, and being thereby possibly unable to claim the said Schooner, cargo and Slave, or to bring further proof in the time limited by the Treaty for that purpose; a reasonable time be allowed for his claiming the proceeds that shall arise from the sale of the said Schooner and cargo consequent upon the aforesaid condemnation,—such reasonable time for such claim not to exceed one year from this day; and that neither in the event of such claim, nor otherwise, shall the said Charles B. Strong Esq. be subject or liable to pay any costs, demurrage, or other damages whatsoever, on account of the capture and seizure of the said Schooner, cargo and Slave.

(Inclosure 3.)—Don José Camps to Messrs. Gregory and Fitzgerald.

Sierra Leone, 3rd September, 1819.

THE Undersigned having seen the Petition of Mr. R. B. Fitzgerald, Proctor for Captain Strong, of His Britannick Majesty's Ship *Morgiana,* praying the Undersigned and Thomas Gregory, Esq. His Britannick Majesty's Commissary Judge, to proceed to the adjudication of the Spanish Schooner *Nuestra Senora de la Regla,* thinks it his duty to

make the present Declaration to His Britannick Majesty's Commissary Judge and Commissioner of Arbitration, of the Mixed Commission of which he himself is a Member.

When, in consequence of the weighty reasons urged in the conference with the said Commissioners, the Undersigned first proposed, and afterwards agreed, to act in the proceedings to be instituted in the case of the said Schooner, he did so, reserving to himself his right as Commissioner of Arbitration, whenever judgment on the said Vessel should be pronounced.

However, considering that the process is finished; that the subject in question is of a kind that by delay occasions expences, which the maintenance of a numerous crew increases, and that the same object now detained in the River is in danger of perishing, and that all the parties concerned in the case suffer great inconveniences; such as were experienced in the case of the Spanish Ship *Josefa*, now completely lost to all parties for want of judgment; the Undersigned cannot but agree in giving to the Treaty from which the Mixed Commission is derived, a liberal interpretation convenient to each Government, and to every party concerned, by looking upon the unfortunate illness suffered by His Catholick Majesty's Commissary Judge as a civil or moral death, for as such it may be held in this Country, in which the least of the probabilities respecting human life, is that the four Commissioners will not be all of them at the same time in good health, or that all of them will be able at the same time to perform the duties consigned to their care.

Upon these considerations, the Undersigned has no objection to concur in pronouncing immediate sentence upon the *Nuestra Senora de la Regla*. But, as from the mere fact of doing so, the equilibrium which should be preserved in the Mixed Commission would be thereby destroyed, the Undersigned could only undertake the charge on the condition, that the parties concerned, if they thought proper, should have the same right of appealing to the Mixed Commission at The Havannah as is given to them by the Treaty in case of the death of one of the four Commissioners in Africa: and on condition that the party applying for judgment should, on being acquainted with the present Declaration, again petition the Undersigned on the subject.

The Undersigned has the honour on the present occasion, &c.

Messrs. Gregory and Fitzgerald. JOSE CAMPS.

(Inclosure 4.)—Case of the Spanish Schooner Fabiana, *Juan Garcia, Master.*

THE *Fabiana* was fitted out and sailed from The Havannah on the 4th of June last, furnished with the regular Royal Passport and every requisite Document required for a Slave-trading Vessel, destined to the South of the Equator; instead, however, of proceeding to the

South, conformably to the Vessel's Papers, she came to an anchor off Trade Town, a notorious Slave Trading Place, in latitude 5 deg. 40 min. North, and longitude 9 deg. 45 min. West, where the Captain was landed on the afternoon of the 1st of September, when he gave orders that the Vessel should again put to sea, and stand off and on in the neighbourhood.

The next morning, 3 Slaves were brought on board by canoes from the shore, on which the Officers and Crew unanimously protested against the illegal conduct of the Captain, who remained on shore carrying on his traffick.

On the evening of the 6th, the Schooner's boat came off, bringing 4 more Negroes; and on the afternoon of the 8th a large canoe brought 6 more Slaves, with orders from the Captain that the Vessel should cruize in sight of the place a few days longer.

On the 18th of September the *Fabiana*, in endeavouring to regain her Station, where the Captain was left on shore, and from whence she had been driven almost 150 miles to the south and east, by the prevalent winds and currents which reign on this Coast, was captured by His Majesty's Ship *Morgiana*, Captain Strong, in latitude 4 deg. 10 min. North, and longitude 7 deg. 52 min. West, and brought to Sierra Leone on the 3d instant for adjudication.

It may be remarked here, that the *Fabiana* was found at sea in the same situation that the former prize of Captain Strong, the *Nuestra Senora de la Regla*, was captured in, namely with no Captain on board.

The fact of there being 13 Slaves on board the *Fabiana*, and most of them in irons at the time of capture, with the circumstance of the Officers and Crew protesting against the illegal conduct of their Captain, in sending such Slaves on board from a place to the north of the Equator, rendered any discussion on the occasion quite unnecessary; and the Court, therefore, as soon as the Papers could be arranged, proceeded to judgment, and on the 7th instant pronounced the Sentence of Confiscation against the said Spanish Schooner and cargo, with the emancipation of the 13 Slaves.

(Inclosure 5.)—Recapitulation of Evidence in the Case of the Spanish Schooner, Fabiana.

THE correctness of Captain Strong's narrative respecting the capture on the 11th of September, in latitude 4 deg. 10 min. North, longitude 7 deg. 52 min. West, of the *Fabiana*, with 13 Slaves, who were taken on board the Schooner at Trade Town, in latitude 5 deg. 40 min. North, and longitude 9 deg. 45 min. West, is sworn to (in the absence of Captain Strong) by the second Lieutenant of the *Morgiana*, Mr. H. S. Head.

Augustine Marsal, the first Mate of the *Fabiana*, maketh oath as to the fact of 13 Slaves—12 men and 1 woman being taken on board at Trade Town. This is corroborated by the oath of Pedro Betra, the Second Mate.

Juan Priva, the Boatswain of the Schooner, maketh oath, that they first took a Pilot on the coast, and proceeded to Trade Town, where 3 Negroes were put on board, when the first Mate protested against the Captain for sending them; that 4 more Negroes were sent some days after, and at length 6 more. And, to the interrogatory put by the Court as to how these Negroes were treated, his answer was, that some of them were put in irons—that they were fed with rice, &c.

There are three entries made in the Schooner's log-book, under their respective dates, of the Slaves being sent on board, and a notification under each entry, that the Officers and Crew protested against the illegal conduct of their Captain in sending the Slaves on board.

Finally, without any other proof to stamp the voyage with illegality, there is a Protest, drawn up and signed by the 2 Mates, the Boatswain, and all the Crew, against their Captain's conduct in trading in Slaves to the North of the Equator.

Sierra Leone, 7th October, 1819. THOMAS GREGORY.

(Inclosure 6.)—Sentence of the Mixed Commission.

COURT of the British and Spanish Mixed Commission, Sierra Leone.

Before Thomas Gregory, Esq. Commissary Judge of His Britannick Majesty; Edward Fitzgerald, Esq., His Britannick Majesty's Commissioner of Arbitration; and Don José Camps, Commissioner of Arbitration of His Catholick Majesty The King of Spain, (His said Catholick Majesty's Commissary Judge being ill).

Present, Daniel Molloy Hamilton, Esq., Registrar.

Thursday the 7th day of October, in the Year of our Lord 1819.

Fabiana Spanish Schooner, Don Juan Garcia, Master.

Our Sovereign Lord The King against the said Schooner, her tackle, apparel, and furniture, and the goods, wares, and merchandize, and Slaves on board the same, taken and seized by His Majesty's Ship *Morgiana*, Charles B. Strong, Esq. Commander, and brought to Sierra Leone, and against all persons in general.

In pain of Parties cited, thrice called, and not appearing, Robert Barry Fitzgerald, Esq. prayed the said Schooner and cargo to be condemned, and the Slaves to be emancipated. The said Commissary Judge and Commissioners of Arbitration, having heard the proofs read, pronounced the said Spanish Schooner, *Fabiana*, her tackle, apparel, and furniture, and the goods, wares, and merchandize laden therein, to have been at the time of the Capture and seizure thereof engaged in the illicit Traffick in Slaves, and, as such, subject and

liable to confiscation; and condemned the said Schooner, her tackle, apparel, and furniture, and the goods, wares, and merchandize laden therein, taken in such illicit traffick, by His Majesty's Ship of War *Mergiana*, Charles B. Strong Esq., Commander; and moreover pronounced the said Slaves, natives of Africa, to be emancipated from Slavery, and to be employed as servants, or free labourers; and also, that it had been proved, that at the time of passing the said Sentence, 12 men and 1 girl did compose the whole of the Slaves so decreed to be emancipated.

No. 22.—His Majesty's Commissioners to Viscount Castlereagh.
(Received 18th February, 1820.)

My Lord, *Sierra Leone, 10th October,* 1819.

On the 4th September we had the honour to receive, by His Majesty's Brig *Snapper*, your Lordship's Letter addressed to us, transmitting His Majesty's Commission appointing us respectively to the same offices under the Treaty with the King of The Netherlands, which we already had the honour to hold under the other Treaties for preventing illicit traffick in Slaves.

We beg leave to assure your Lordship of our grateful sense of this additional important trust, and of our determination to execute the duties attached to it, with the same fidelity as those belonging to our prior Commissions.

Immediately after the arrival of the *Snapper*, we again took the oaths comprised in the Commission, in the presence of His Excellency Governor Mac Carthy, in conjunction with Colonel Van Sirtema and M. Bonnouvrié, Commissary Judge and Commissioner of Arbitration of His Majesty The King of The Netherlands, at whose instance we had previously been sworn in the same manner and form, soon after their arrival here in His Netherland Majesty's Frigate *Comet*, on the 28th August, in order that they might be enabled to announce by the same Vessel, to their Government, and to the Ports on this coast belonging to The Netherlands, the actual establishment of the Commission.

No further proceeding has hitherto been required under The Netherland Commission.

We have the honour to be, &c.

THOS. GREGORY,
EDWD. FITZGERALD.

Viscount Castlereagh, K. G.

No. 23.—His Majesty's Commissioners to Viscount Castlereagh.
(Received 12th February, 1820.)

My Lord, *Sierra Leone, 12th November,* 1819.

Lieutenant Hagan, of His Majesty's Brig *Thistle*, having on the 7th instant brought into this harbour 2 Schooners, taken trading under Netherland Colours, we proceeded on the 8th to hold a preliminary

meeting with the Commissary and Arbitrator of His Majesty The King of The Netherlands, for the purpose of making the necessary arrangements for taking the cases of these Vessels under consideration.

The necessary subordinate appointments under the Commission having been made with much difficulty on the part of the Dutch Commissioners, it was proposed to the Commissioners of His Majesty The King of The Netherlands, that Mr. Robert Barry Fitzgerald and Mr. John O'Neil Walsh, should be admitted as Proctors; having been already admitted and sworn in the Spanish Court. This proposition, however, was distinctly and decidedly opposed by Mr. Van Sirtema, who considered the admission of Proctors inconsistent with the Treaty, unnecessary and inexpedient.

The Court, as described by the Treaty, he considered as a close Court, to comprehend only the sitting Judges, the Secretary and the Witness under examination, or such other party as may be called in for purposes of business. We expressed ourselves of a different opinion as to the construction of the Treaty, observing that the very name of a Court included every thing incidental, without specifying the details: but finding Mr. Van Sirtema determined, and Mr. Bonnouvrié coinciding with him, "as the Treaty made no mention of Proctors," we agreed that no Proctors should be admitted to practice in the Court; always reserving the right of giving due attention to the claims of those parties, who might think the assistance of a Proctor necessary to the management of their particular affairs before the Commissioners. We had previously communicated to Messrs. Van Sirtema and Bonnouvrié, the regulations and forms sent out for our direction; but these being framed entirely on the practice of Courts of Admiralty, and recognising Proctors or Agents of parties, were of course not accepted.

We conceive it not out of order to mention here, that on the following day, (the 9th instant), in the Spanish Court, M. Le Fer, His Catholick Majesty's Commissary Judge, proposed to rescind the resolution, admitting the same gentlemen as Proctors, and declared that he would not proceed with any business, if Proctors were admitted.

M. Le Fer's proposition for expunging from the Journal the minute recognizing the admission of Mr. Robert Barry Fitzgerald and Mr. John O'Neil Walsh, as Proctors in the Spanish Court, was, upon representation, altered to a resolution, that no Proctors should be admitted to practice within the Court until further notice. The object of this modification was to avoid casting any imputation upon these gentlemen, whose character and conduct were admitted to be beyond reproach.

On the 10th instant, in the Netherland Court, the discussion respecting Proctors was resumed in full sitting, in consequence of an application from Lieutenant Hagan, representing the heavy penalties

attached to the failure of Captors, in establishing grounds of condemnation, and insisting upon his right to the assistance of a Proctor to manage his prosecutions, declaring himself personally incompetent to the charge, and disabled from attending to it by the calls of his Naval Command. After a discussion of several hours, the sitting terminated with a Minute, recording the opinion of the British Commissioners, that Proctors ought to be admitted, when parties require the assistance of such persons as necessary to the due management of their affairs before the Court. The Commissioners for The Netherlands were of the opposite opinion, which was recorded in the same Minute. The Secretary was permitted to communicate this Minute to Lieutenant Hagan, as the answer to his application.

We have the honour to be, &c.

THOS. GREGORY.

Viscount Castlereagh, K. G. EDWD. FITZGERALD.

No. 24.—His Majesty's Commissioners to Viscount Castlereagh.
(Received 12th February, 1820.)

My Lord, *Sierra Leone, 27th November,* 1819.

On the 23d of November all the Members of the Commission were again convened, in consequence of a representation by Letter from Lieutenant Hagan, stating the difficulties under which he laboured in prosecuting the Schooner *Eliza,* from being refused the aid of a Proctor, and not knowing what was in evidence concerning that Vessel; as well as from being deprived of the due facilities of bringing forward further proofs, which he regarded as most essential to the ends of justice. He prayed that the evidence already before the Court might be published for his information; and, understanding that the 2 Judges had pronounced opposite opinions, and that an Arbitrator was introduced, he was desirous that the further proofs, which he considered so essential, should be let in before the final decision. After a whole day consumed in deliberations and discussions, Mr. Van Sirtema was at length persuaded to concur in the propriety of allowing Mr. Hagan a Copy of the Evidence. The Interrogatories proposed in further proof by Mr. Hagan were also admitted and examinations took place upon them; but, ultimately, these examinations were excluded from the materials of the judgment, in which Mr. Bonnouvrié, the Arbitrator for His Majesty The King of the Netherlands, pronounced on the evidence originally before the Judges, that the Schooner *Eliza* was lawful prize; thus concurring fully with the British Judge, as explained more particularly in the Despatch relating to the case and condemnation of that Vessel.

We find in all these transactions the strongest grounds for wishing the speedy consent of the Foreign Courts to the rules and regulations sent out for the guidance of the Mixed Commission; for the greater

part of every sitting is now consumed, at least in the Court of The Netherlands, in debates upon points of practice, with scarcely the hope or prospect of bringing these debates to any good or permanent result, much less to any result that could bear comparison with the provisions for the same objects contained in that summary.

We have the honour to be, &c.

THOMAS GREGORY.

Viscount Castlereagh, K. G. EDWARD FITZGERALD.

No. 25.—His Majesty's Commissary Judge to Viscount Castlereagh, (Received 12th February, 1820.)

My Lord, *Sierra Leone, 30th November, 1819.*

I have the honour to state, for your Lordship's information, that since the beginning of the present month, His Majesty's Cruizers, the *Morgiana*, the *Snapper*, and the *Thistle*, have sent in here, for adjudication, the following 4 Slave-trading Vessels, captured under the Portuguese, Spanish, and Netherland Flags, viz.

The Schooner *Cintra*, captured under Portuguese Colours by the *Morgiana*, Captain Strong, off Manna, in Latitude 6 deg. 29 min. North, and Longitude 11 deg. 12 min. West, with 26 Slaves, who had been taken on board 2 days prior to the Capture. The Commissioners on the part of His Most Faithful Majesty not being yet arrived from Rio de Janeiro, the adjudication of the *Cintra* must stand over for the present; in the mean time, I have the honour to inclose the Statement No. 1, detailing the circumstances of the Case.

The Spanish Schooner, the *Juanita*, with 9 Slaves on board, captured by the *Snapper*, Lieutenant Henderson, Commander, in Latitude 5 deg. 39 min. North, and Longitude 4 deg. West, off Quitta, where the Slaves were shipped, and the Master of the Schooner was landed to sell his goods and to purchase Slaves, having been put on shore prior to the Capture. The circumstances connected with this Case are detailed in the Statement, No. 2, here inclosed.

The Schooner, the *Virginie*, captured under Netherland Colours by the *Thistle*, Lieutenant Hagan, Commander, in Latitude 5 deg. 29 min. North, and Longitude 9 deg. West, with 31 Slaves on board. The Master, Officers and Crew, all but one, deserted the Vessel, and landed before the *Thistle's* boat could get possession of her. The circumstances attending this Capture are detailed in the Statement, No. 3, here inclosed.

The Schooner *Eliza*, under Netherland Colours, captured also by the *Thistle*, in Latitude 5 deg. 39 min. North, and Longitude 9 deg. West. The *Eliza*, on her being chased by the *Thistle*, ran on shore before she was captured, and landed a number of Slaves prior to the Brig's Boat getting on board. There was 1 Slave however found on board the Schooner, and the irons still on deck, which had been knocked from

the legs of those who were hurried on shore in Canoes, which hovered about the Vessel to receive them. The circumstance of there being but 1 Slave left in the *Eliza* has caused some difficulty in the Court, when the matter was brought before the Board for its cognizance and adjudication, as will be seen by the Statement No. 4., which I have the honour also to enclose for your Lordship's information.

In the Case of the *Eliza* before alluded to, I have stated the grounds upon which my conviction was founded, when I declared it to be my decided opinion, that the Master of her was captured actually in carrying on the Slave Trade in violation of the Treaty subsisting between his own Country and that of Great Britain. The Vth Article of the Treaty, it is true, states that "no Cruizer shall detain any Vessel not having Slaves on board," and it appears to be principally owing to this expression "Slaves," that Mr. Van Sirtema founded his opposition to the condemnation; but the *Eliza* had 1 Slave on board, and landed many others, in sight of the Captor; and moreover she was fitted up in every respect as a Slave Trader; and consequently, in my opinion, has been justly comdemned, according to the spirit, if not altogether according to the letter, of the Treaty. If my opinion is erroneous, I can only say, that I formed it with conscious rectitude and from the general impression which the whole Case made upon my mind.

I feel it my duty humbly to state to your Lordship, that notwithstanding both Mr. Fitzgerald and myself have ever, in conformity to the instructions given to us jointly under date of the 11th of May last, studiously endeavoured to cultivate a spirit of conciliation and harmony with the Commissary and Commissioner of His Majesty The King of The Netherlands, we have not been so fortunate as to succeed, hardly in any one instance, to please the former of these persons, Mr. Van Sirtema, the Commissary Judge. In the affair of the *Eliza*, he appears to be more the anxious advocate of these convicted dealers in Slavery than the Judge, and he has not even hesitated to blame his Colleague, M. Bonnouvrié, the Commissioner of Arbitration on the part of The Netherlands, for having decided agreeably to his own conscience.

I should not have presumed to have troubled your Lordship with this recital of my own opinion, had it not been supported by the more enlightened judgment of Mr. Fitzgerald, my respectable Colleague, who, with myself, deems it expedient jointly, but humbly, to represent the various instances wherein unnecessary obstacles have been opposed in the way of our now constant and daily duties. I have, &c.

Viscount Castlereagh, K. G. THOMAS GREGORY.

(*Inclosure* 1.)—*Case of the Schooner,* Cintra, *Juan Dupony, Master, captured under Portuguese Colours.*

THE *Cintra* was seized by the Boats of His Majesty Ship the *Morgiana,* Captain Strong, on the night of the 26th of October last, in la-

titude 6 deg. 29 min. North, and longitude 11 deg. deg. 12 min. West, at an anchor off Manna, a notorious Slave trading place on the coast, where the Vessel had, 2 days prior to her capture, embarked 26 Slaves, who were still on board; which probably would not have been the case had there been time to land them; but the night favoured the approach of the Boats, and they boarded the Schooner unperceived. The Master of the *Cintra*, Juan Dupony, declares on oath, that he is a French Subject, but at present domiciled at Trinidad de Cuba; that James Dorley of Baltimore, an American Citizen, appointed him Master of the *Cintra;* that her crew consisted of 19 in number, 2 of whom were Spaniards, 9 Americans and the rest Frenchmen, most of whom were shipped at Bristol, in The United States, where the Schooner took in her cargo to trade on the coast of Africa; that the voyage began at Bristol, in The United States, and was to have ended at Trinidad de Cuba; that he believes the owners to be the beforementioned James Dorley of Baltimore, and W. Baker, now residing in Trinidad de Cuba, both American Citizens; that he took the 26 Slaves on board, himself, for account of the beforementioned owners, and that they were to be delivered to the said W. Baker, at Trinidad de Cuba; that the Slaves were all taken on board at Manna, where the cargo was landed.

The *Cintra*, had no Royal Passport to authorise her to trade in Slaves, even South of the Equator; nor had she any Document whatever, to identify her as a Portuguese Vessel, except a Passport granted in the year 1818, by the then Governor of Port Praya, wherein she is called a Portuguese Vessel. Her being however captured under Portuguese Colours, with 26 Slaves on board, taken in at Manna, in Latitude 6 deg. 29 min. North, and destined for the Island of Cuba, will be quite sufficient, I conceive, for the Commissioners of His Most Faithful Majesty to join in the condemnation of the Vessel, when they arrive here. But, at present, all that could be done was to request His Excellency Governor Mac Carthy to take charge of the Slaves, who have been accordingly landed, and delivered over to him in the same manner as those who were brought in here in a Portuguese Vessel, by Captain Kelly, on the 19th August last.

Sierra Leone, 22d November, 1819. THOMAS GREGORY.

(Inclosure 2.)—Case of the Spanish Schooner, Juanita, *J. B. Nunez, Master.*

THIS Vessel was fitted out at and sailed from The Havannah, on the 27th of July 1819, furnished with a Royal Passport to trade for Slaves to the South of the Equator; but, instead of proceeding to the Equator, the Master was put on shore at Quitta, a Slave-trading Place in latitude 6 deg. North and longitude 4 deg. West, where the cargo was landed and Slaves collected; 9 of whom were on board the Schooner when she was captured, on the 30th of September last, in latitude 5

deg. 39 min. North, and longitude 4 deg. West, by His Majesty's Brig the *Snapper*, Lieutenant Henderson, Commander, and brought to Sierra Leone, on the 8th of November for adjudication.

The Master of the *Juanita* being on shore at Quitta, as before stated, at the time of her Capture, the Vessel was commanded by the Chief Mate, Diego Dias de la Roca, (who died on his passage up to Sierra Leone,) and the Second Mate being taken on board of the *Snapper*, there was no other competent witness to examine than the Boatswain, Juan Antonio Montone; who was sworn, and deposed, that the Master of the Schooner shipped at Quitta the 9 Slaves who were found on board at the time of her Capture, and that the Slaves were consigned to the owners of the Vessel, Don Domingo Massias of The Havannah.

Mr. T. M. Marshall, Midshipman of the *Snapper*, who conducted the *Juanita* to Sierra Leone, was sworn as to the facts stated in Lieutenant Henderson's declaration relative to the seizure. And there remaining no doubt as to the illicit traffic in which the Schooner was engaged, the Court decided immediately on the Case, and on the 12th instant pronounced sentence of confiscation against the said Schooner *Juanita*, with the emancipation of the Slaves.

Sierra Leone, 22d November, 1819. THOMAS GREGORY.

(Inclosure 3.)—Case of the Schooner Virginie, *B. Canez, a Frenchman, Master, captured under Netherland Colours.*

THE *Virginie* was seized by His Majesty's Brig the *Thistle*, Lieutenant Hagan, Commander, on the 10th of October last, in latitude 5 deg. 29 min. North, and longitude 9 deg. West, and brought to Sierra Leone, on the 8th instant, for adjudication.

When the *Virginie* was first discovered by the *Thistle*, she was at an anchor, off Rock Sesters, and on being approached, the crew cut the cables and endeavoured to run on shore; but not succeeding in their attempt, the Master, Mate and Crew, (John Peters a seaman excepted,) quitted her before the *Thistle's* Boat could come up. There were on board the *Virginie* 31 Slaves, men, women and children.

John Peters, the seaman who was found still in the Vessel, deposed on oath, that the Master of the Schooner was named Canez, that he was a Frenchman, and that his place of residence was Guadaloupe, where he had his family; that the possession of the Vessel was given to Canez, by a Mr. Suffram of St. Thomas's, that she sailed under Dutch Colours, that some of the Sailors and all the Officers were Frenchmen, that the voyage began at St. Eustatia and was to have ended at Guadaloupe, that part of the cargo was landed at Currow, where the 31 Slaves were shipped.

There being full proof of the illegality of the voyage, the Court, on

the 15th instant, pronounced Sentence of Condemnation against the said Schooner the *Virginie*. THOMAS GREGORY.
Sierra Leone, 22nd November, 1819.

(Inclosure 4.)—Case of the Dutch Schooner Eliza, *John Discombe, Master.*

THIS Vessel was captured by His Majesty's Brig *Thistle*, Lieutenant J. R. Hagan, Commander, on the 9th of October, in latitude 5 deg. 35 min. North, and longitude 9 deg. West; although the Schooner sailed under Netherland Colours, there was not a single native Dutchman on board of her. John Discombe, the Master, declared himself to be a Frenchman; he had, however, a very short time before his undertaking the present Voyage become a Subject of His Netherland Majesty, by Papers which he procured from the Authorities at St. Eustatia. The Voyage began at the Danish Island of St. Thomas's, and according to Discombe's oath, on the Interrogatories put to him by the Court, was to have ended there, as stated in a fictitious Charter Party which was found amongst the Papers delivered to the Captor: this Document was signed by one Daniel Jacobs, (supposed to be a Jew,) and the Master of the *Eliza;* and it set forth that the Vessel was to trade for the produce of Africa (but not for Slaves) and return with it to the before-mentioned Daniel Jacobs. The *Eliza* was, however, fitted out in every respect for carrying on the Slave-trade. She had a complete tier of water on board in casks; she had large boilers, such as Slave-vessels use; she had a quantity of rice on board, which was taken in at St. Thomas's (West Indies) and took more in on the Coast: there were a quantity of buckets and tubs on board, such as Slave-Vessels use; with a quantity of irons and hand-cuffs, for confining Slaves; the Vessel was fitted with a platform on deck over the water, and with gratings for her hatchways, such as Slave-traders use; the *Eliza* took 2 Passengers on board at St. Thomas's, one of the name of Adams, who Discombe calls his Servant, and one who was put on shore on the Coast; there was found in Discombe's pocket a Note, written by him to this Adams, on the subject of procuring Slaves.

The Schooner on her being chased by the *Thistle* ran on shore before she was captured, and landed a number of Slaves prior to the Brig's Boat getting on board her. There was 1 Slave, however, still on board whose irons could not be got off in time. This Man swears that he was taken on board as a Slave, and that irons were put on his legs; that 9 more Men Slaves were in the same situation, namely in irons; that there were also several Women and Boys, Slaves on board of the Schooner, with himself; that the irons of the 9 Men-slaves were taken off; and that those 9 Men, with the Women, were hurried into Canoes and sent on shore, before the capturing boat reached the

Schooner; that the Boys were urged to jump into the water and swim on shore.

The Affidavits of the 2 Officers belonging to the *Thistle* state, that on boarding the Schooner, they found on the Vessel's deck the irons exhibited in Court.

Notwithstanding all that is stated above, and the Statement is proved by the clearest evidence, namely, the inspection of the Schooner, the depositions on oath of the 2 Officers of the *Thistle*, and that of the captured Slave himself; notwithstanding this evidence, the Master and Mate of the *Eliza*, a Mr. Nelsthorp (a Passenger from the West Indies, who, by the by, states, on his oath, that the only motive of his visiting the Coast of Africa was for the benefit of his health, though there is no doubt but that he came to Africa to purchase Slaves,) and John Hatchett, a Sailor, also swear that the before-mentioned Slave, as well as the Women, Children, and the other 9 Negroes alluded to, were on board as mere Passengers. Passengers in irons forsooth!

I believe this is the first instance that it ever was conceived to be the custom to keep Passengers in irons! But as we are not permitted to use pleasantry in so serious a question as the violation of the Laws of one's Country, (and I am firmly of opinion that Mr. Discombe, as a Subject of His Majesty the King of The Netherlands, has been detected in violating the Laws of his Country,) I will come as soon as possible to my conclusion. It surely would be a wild conceit to suppose that any Court of Justice should be bound by mere swearing; it is the swearing credibly that is to decide its judgment. The evidence of Mr. Discombe and his People is, in my opinion, a mass of perjury, and consequently it can have no weight with me.

After considering, with anxious care, the several points in question, the general impression which the whole has made upon my mind is, that I should not do my duty, were I not decidedly to declare, that the Master of the Schooner the *Eliza*, has been captured in carrying on the Slave Trade, in violation of the Treaty subsisting betwixt his own Country and that of Great Britain; and consequently that the Vessel ought to be condemned as legal prize.

Although my Colleague, the Commissary Judge Mr. Sirtema, on the part of His Majesty the King of The Netherlands, does not coincide with me in this opinion, which has made it expedient to call in the assistance of one of the Commissioners of Arbitration, and the lot was drawn in favour of the Commissioner of The Netherlands, Mr. Bonnouvrié, I have the happiness to find my opinion confirmed by the decision of that Commissioner; and this day Sentence was pronounced against the *Eliza*, accordingly.

Sierra Leone, 25th November, 1819. THOMAS GREGORY.

No. 26.—His Majesty's Commissary Judge to Viscount Castlereagh.
(Received 25th March, 1820.)

My Lord, *Sierra Leone, 30th December*, 1819.

On the 23d instant Captain Strong, of His Majesty's Ship *Morgiana*, brought in here the Spanish Schooner *Esperanza*, with 39 Slaves on board, captured by that Ship's Boat in latitude 5 deg. 49 min. North, and longitude 9 deg. 57 min. West: and on the 28th His Majesty's Ship *Myrmidon* sent in another Spanish Schooner, called the *Nuestra Señora de las Nieves*, with 122 Slaves on board, captured by the *Myrmidon's* Boats, in latitude 7 deg. North, and longitude 12 deg. West.

The *Esperanza* was condemned as legal prize on the 27th instant; and I have the honour to inclose for your Lordship's information the Case of that Vessel.

The Court would have proceeded this day to the adjudication of the *Nuestra Señora de las Nieves*, had it not been prevented by the indisposition of Mr. Hamilton, the Registrar, who has been unwell for some days: the Slaves, however, were all landed, as some of them were rather sickly.

I have, &c.

Viscount Castlereagh, K. G. THOMAS GREGORY.

(Inclosure 1.)—Declaration of Captain Strong.

I, Charles Burrough Strong, Commander of His Britannick Majesty's Sloop *Morgiana*, hereby declare, that on the 10th December, 1819, being in or about the latitude 5 deg. 49 min. North, longitude 9 deg. 57 min. West, I detained the Ship or Vessel named the *Esperanza*, sailing under Spanish Colours, armed with 1 gun, an 8-pounder, commanded by Don Pedro Martin Puex, who declared her to be bound from Porto Rico to ———, as appears by Passport, to the South of the Line, with a Crew consisting of 24 Men (2 of whom were killed in boarding her, and 2 others, with the Supercargo were on shore at Grand Bassa), the rest, whose names are declared by them respectively, are inserted in a List at the foot hereof, and having on board 40 Slaves, said to have been taken on board at Petty Bassa, Grand Bassa, Manna, River Sertes, &c. between the 1st day of November, 1819, and the date hereof, and are enumerated as follows:

	Healthy.	Sickly.
Men.....	12	1
Women.....	12	
Boys.....	12	
Girls.....	3	

I do further declare that the said Ship or Vessel appeared to be sea-worthy, and was supplied with a sufficient stock of water and provisions for the support of the said Negroes and Crew on their destined Voyage. It appears that part of the cargo has been landed to pay

for the Slaves at present on board. I must now call the attention of the Court to the serious charge which I make against the Captain of the Slave-vessel, or, more properly speaking, this dealer in human flesh, of firing upon the Subjects of His Britannick Majesty, when in the lawful discharge of that duty their Country has ordered them to perform. His Majesty's Ship under my command has now on board 3 Men wounded, and unfit to perform their duty at present; and had not the Officer with the rest, done their duty with the greatest bravery, they must have fallen a sacrifice to those lawless Villains, who, besides carrying on a strictly forbidden trade, I have every reason to believe, by the conduct of one of them, about a month back, to an English Merchant Brig called the *William Rathbone*, are Pirates and Robbers upon any Vessel they think they are superior to.

CHARLES B. STRONG, *Commander.*

Witness, GEORGE MATTHEW ROGERS, *First Lieutenant.*

JAMES FORRESTER, *Acting Surgeon,*

List of the Crew found on board.

Don Pedro Martin Puex, Master; Anastacio Payreli, Mate; Santiogo Gioms, Gabriel Diom, Juan Guttierrey, Ignacio Severins, José Marteney, Domino Enreigne, Nicholas Perez, José Alezro, Manuel Rodregoz, Juan Perez, Francisco Gonzalez, Pasqual Claro, Cayetiono Bron, Gregoria Rodrigoz, Juan Bentic Moller, José Rodrigoz, and Domino Fluchin. Antonio Ceresta and Juan Gil, killed in boarding.

(Inclosure 2.)—Case of the Spanish Schooner Esperanza, *Pedro Martin Puex, Master.*

THIS Vessel was fitted out in August last at Puerto Rico, furnished with a Royal Passport and the other requisite Documents for the Slave-trade South of the Equator.

She was captured on the 10th of December, by the Boats of His Majesty's Ship the *Morgiana*, Captain Strong, in latitude 5 deg. 49 min. North, and longitude 9 deg. 57 min. West, and brought to Sierra Leone for adjudication on the 23d. She had on board when taken possession of, 40 Slaves, 1 of whom died on the passage up to Sierra Leone; they were shipped very near the latitude in which the Vessel was captured, namely at Petty Bassa, Grand Bassa, Grand Cora, Manna, River Sertes, &c. as stated in Captain Strong's declaration; which Statement is corroborated by the oaths of the Master, Mate, and Boatswain, of the Schooner

The Crew of the *Esperanza*, when she arrived on the Coast of Africa, consisted of 24 in number, including the Master and a Person named Stephen Charles, who acted as Supercargo, and is supposed by the Master to be a Scotchman, but described in the Muster-roll to be from London: this Stephen Charles, with 2 of the Crew, were left

at Grand Bassa: and the Schooner having made all possible exertion to beat off the *Morgiana's* Boats, 2 more of her Crew were killed, and the Master severely wounded, on being boarded: Lieutenant Head and 3 Seamen of the *Morgiana* were also wounded.

On the 27th instant Sentence of Condemnation was pronounced against the Schooner *Esperanza.* THOMAS GREGORY.

Sierra Leone, 30th December, 1819.

No. 27.—Viscount Castlereagh to His Majesty's Commissioners.

GENTLEMEN, *Foreign Office, 27th March* 1820.

I SEND to you herewith the Copy of the Letters Patent, under date of the 11th of January, 1820, which have been transmitted to me by the Count de Palmella, as constituting the appointment by the Governors of Portugal, of M. Joaõ Jacomo Altavilla, to be His Most Faithful Majesty's Commissary Judge, and of M. Joaquim Cesar de la Figaniere, to be His Most Faithful Majesty's Commissioner of Arbitration, at Sierra Leone.

I also furnish you with a Copy of the Answer which, by His Majesty's Command, I have this day returned to the Communication of the Count de Palmella upon this subject;* and I have to desire that you will, in conformity thereto, enter provisionally upon the duties of the Commission with the Portuguese Gentlemen referred to.

I have, &c.

His Majesty's Commissioners. CASTLEREAGH.

No. 28—His Majesty's Commissary Judge to Viscount Castlereagh.
(Received 27th March, 1820.)

MY LORD, *Sierra Leone, 8th January,* 1820.

IN my last Letter I informed your Lordship, that, on the 28th ultimo, His Majesty's Ship *Myrmidon,* Captain Leeke, sent into this river the Spanish Schooner *Nuestra Senora de las Nieves,* alias *Voladora,* Francisco Lopez, Master, with 122 Slaves, captured in latitude 7 deg. North, and longitude 12 deg. West.

On the 3d instant, the Court proceeded to the Adjudication of this Vessel, and, as not the slightest doubt was entertained of the illegality of the traffick in which it had been engaged, it was condemned, and its Slaves emancipated.

I have the honour to inclose a Copy of the Case of the *Nuestra Señora de las Nieves* for the information of your Lordship, and subscribe myself with the greatest respect, &c.

for THOMAS GREGORY,

Viscount Castlereagh, K. G. E. GREGORY.

P. S. I regret to inform your Lordship that the cause of Mr. Thomas Gregory not signing his own name, on the present occasion, is owing to

* See Class B. No. 93.

the illness under which he now labours. The fever which is peculiar to this Country, and from which he escaped during the rainy season, seized him a few days ago. I have, however, the happiness to acquaint your Lordship, that he is not considered to be in any immediate danger.

E. GREGORY.

(Inclosure.)—Case of the Spanish Schooner Nuestra Senora de las Nieves, *alias* Voladora, *Francisco Lopez, Master.*

THIS Vessel (which was brought into Sierra Leone on the 28th December) was fitted out in June last at The Havannah, and furnished with a Royal Passport to trade for Slaves South of the Equator.

She was captured on the night of the 11th ultimo, by the Boats of His Majesty's Ship *Myrmidon,* Captain John Leeke, in latitude 7 deg. North, and longitude 12 deg. West, in the neighbourhood of the Gallinas, where, between the 29th October and 11th December, she had taken on board 122 Slaves, all of whom were found on board at the time of capture.

As not the slightest doubt was entertained by the Court of this Vessel having traded illegally, she was declared to be lawful prize, and Sentence of Condemnation was pronounced against her accordingly this day.

THOS. GREGORY.

Sierra Leone, 3rd January, 1820.

No. 29.—Viscount Castlereagh to His Majesty's Commissioners.

GENTLEMEN, *Foreign Office, 29th March,* 1820.

I HAVE the honour to acknowledge the receipt of your Dispatch, under date the 10th October, 1819, detailing the adjudication of the Spanish Schooners *Nuestra Senora de la Regla* and *Fabiana,* and inclosing Copies of the Cases and Condemnation of those Vessels: and I have to state to you, in reference thereto, that the Papers which were inclosed on these Cases and Condemnation, fully answer the purpose alluded to in my Dispatch of the 9th of June, 1819. I am, &c.

His Majesty's Commissioners. CASTLEREAGH.

No. 30.—His Majesty's Commissary Judge to Viscount Castlereagh (Received 8th May.)

MY LORD, *Sierra Leone, 20th February,* 1820.

I HAVE the honour to inform your Lordship, that, on the 5th instant, His Majesty's Ship *Tartar,* Commodore Sir George Collier, brought into this Port, for adjudication, the Spanish Schooner *Francisco,* which Vessel was captured at anchor on the night of the 30th January, by the *Tartar's* Boats, in the River Ponga, in latitude 10 deg. 10 min. North.

There were found on board the *Francisco,* when the Boats took possession of her, 69 Slaves, who have been landed, emancipated, and deli-

vered over in the usual way to His Excellency Governor Mac Carthy, in consequence of the condemnation of the Schooner, which took place on the 8th instant, as stated in the Copy of the Case here inclosed for your Lordship's information. I have the honour to be, &c.

Viscount Castlereagh, K. G. THOS. GREGORY.

(Inclosure)—Case of the Schooner Francisco, *Francisco Onez, Master, sailing under Spanish Colours.*

THIS Vessel was fitted out in August last at Matanzas, in the Island of Cuba, by Madden and Simpson, supposed to be Subjects of The United States, with a Crew of 23 Individuals, exclusive of the Master, who was a Spaniard; the Supercargo a Mr. Mackenzie, the First and Second Mate, and 8 of the Crew were Subjects of The United States; the rest consisted of Spaniards.

The Master and Supercargo of the *Francisco*, with all the Vessel's Papers were on shore at the time of the Capture, (which took place in the night of the 30th of January,) by the Boats of His Majesty's Ship *Tartar*, Commodore Sir George Collier; she was at an anchor in the River Ponga, in latitude 10 deg. 10 min. North, and 40 miles West of Sierra Leone; there were found on board 69 Slaves.

The *Francisco* was brought to Sierra Leone on the 5th instant, and on the 8th the Court proceeded to the adjudication.

The fact of there being 69 Slaves found on board, and the declarations on oath of the First and Second Mates of the Schooner, to the Interrogatories put to them, that the Slaves were all shipped in the River Ponga, carry such conviction with it of the illicit traffick in which the Vessel was engaged, that the Court had no hesitation in pronouncing immediate Sentence of Condemnation against her, and the emancipation of the 69 Slaves. THOS. GREGORY.

Sierra Leone, 8th February, 1820.

No. 31.—His Majesty's Commissary Judge to Viscount Castlereagh.
(Received 8th May.)

MY LORD, *Sierra Leone, 21st February*, 1820.

I HAVE the honour to state for your Lordship's information, that on the 5th instant, Commodore Sir George Collier brought in here for adjudication, the Brig *Marie*, captured under Netherland Colours. She was taken possession of, on the night of the 30th ultimo, by the Boats of His Majesty's Frigate *Tartar*, at anchor in the Rio Ponga, in latitude 10 deg. 10 min. North. There were found on board the *Marie*, 9 Negro Men and 3 Boys. The Master, Boatswain, (the First Mate being on shore at Kissing, and the Second Mate being dead) and 1 Seaman belonging to the Brig, who were examined as Witnesses, all declared on their oaths, that the 9 Negro Men and 1 of the Boys above alluded to were not Slaves intended for part of the *Marie's* Cargo, but

that they were sent by one Curtis, a Slave-dealer, to pump and assist in doing the duty of the Brig, in consequence of the deplorable state of health of the Master and Crew, many of whom had already died at the Rio Ponga. These Witnesses, however, allowed that the other 2 Boys had been purchased by John Brown, the First Mate, as Slaves, and that they had been sent on board as such. This was considered sufficient proof for the Court to decide on the illegality of the Voyage, and the *Marie* was condemned accordingly, as your Lordship will perceive by the Copy of the Case which I have the honour to inclose.

Commodore Sir George Collier was displeased that the Court did not allow Special Interrogatories to be put to the 9 Negroes above-mentioned: for my own part (although there was already sufficient proof to proceed to condemnation,) I had no objection to comply with Sir George's wishes; but the notorious opposition which I have to encounter on every, the most trifling occasion, from M. Von Sirtema, the Netherland Commissary Judge, left me no other alternative than either to give way to his opinion, on a point which I conceived not to be highly essential, or incur the risk of not strictly obeying the Instructions conveyed to Mr. Fitzgerald and myself, in your Lordship's Dispatch, under date of the 11th May, wherein it is enjoined to us to promote a spirit of conciliation and harmony with the Commissioners of His Majesty the King of The Netherlands. This I have ever studiously endeavoured to do, but, I am sorry to observe without success.

I have the honour to be, &c.

Viscount Castlereagh, K. G. THOS. GREGORY.

(Inclosure.)—Case of the Brig Marie, *Francis Vigne, Master, captured under Netherland Colours.*

THE *Marie* was built at Baltimore, and, in the beginning of April last, the present Master, Francis Vigne, a native of Genoa, was put into the possession of her by a Monsieur Souffron, at St. Thomas's, when M. Souffron ordered the Master to proceed with the Vessel to St. Martins, where the Owner, a Mr. Moses Phillips resided, and where, he was informed, he would be provided with Dutch Papers: he was accordingly furnished with a Certificate of Naturalization, on the 14th April, 1819, by the Governor of St. Martins. This Certificate was the only Document that authorized him to use The Netherland Flag: the Officers and Crew consisted of several Nations, but there was not one on board the Vessel, of the Nation whose Flag the Master had assumed.

Mr. Moses Phillips, the Owner of the Brig, dispatched her with a Cargo, consisting of Articles calculated for the Slave Trade, to the Coast of Africa, which Cargo was landed at the Slave Factory of Kissing, in the River Ponga.

On the night of the 30th January, the *Marie* was captured at an anchor in the River Ponga, in latitude 10 deg. 10 min. North, and 40 miles West of Sierra Leone, by the Boats of His Majesty's Frigate the *Tartar*, Commodore Sir George Collier, Bart. K. C. B. and brought to this place on the 5th instant for adjudication.

There were found on board the Brig when she was taken possession of by the *Tartar's* Boats 9 Negro Men and 3 Boys.

The Master, Francis Vigne, the Boatswain, Francis Jourdon, and Joseph Pearson, a Seaman, all declare on their oaths, that the 9 Negro Men, and 1 of the Boys, were not Slaves intended to form part of the *Marie's* return Cargo, but that they were lent by one Curtis, a notorious English Slave-dealer in the River Ponga, in consequence of the Master and great part of the Crew of the Brig being ill, and unable to pump and do the other duty of the Vessel; they, however, allow that the 2 other Boys, who were found on board, were purchased and sent there as Slaves by John Brown, the First Mate of the *Marie*, as his property; he, as well as the Master, Francis Vigne, being interested in the Vessel and Cargo.

This John Brown, the First Mate, was on shore at the time of the capture, and the Second Mate, with part of the Crew, had some time before died in the River Ponga.

The fact of the 2 Boys before alluded to, being Slaves, no doubt remained as to the illegality of the Voyage; and their emancipation, with the condemnation of the brig *Marie*, the Court immediately decreed.

The other 9 Negroes were delivered to His Excellency Governor Mac Carthy. THOS. GREGORY.

Sierra Leone, 15th February, 1820.

No. 32.–His Majesty's Com^rs. to Visct. Castlereagh.–(Rec. 11th May.)

My Lord, *Sierra Leone, 25th February*, 1820.

Agreeably to your Lordship's Commands expressed in your Dispatch dated the 18th of November last, we, without waiting for the arrival of the Portuguese Commissioners, and conforming ourselves to the arrangement entered into by your Lordship and the Count de Palmella, the Portuguese Envoy at the British Court, proceeded to the adjudication of the Portuguese Schooner *Nova Felicidade*, and in consequence pronounced Sentence of Condemnation against her.

We had the honour to inclose for your Lordship's information an Abstract of the Case of that Vessel, stated from the Interrogatories, which were taken by the Registrar of the Commission, and from the other Documents which were given in by Captain Kelly at the time he brought the Schooner to Sierra Leone in August last.

We have now the honour to inform your Lordship that, on the 6th instant, His Majesty's Ship *Myrmidon*, Captain Leeke, brought into

this Port the Portuguese Schooner, *Saint Salvador*, which Vessel was captured at an anchor off Manna, in latitude 6 deg. 34 min. North, on the 25th of January, by the *Myrmidon's* Boats.

The circumstances attending the Capture and detention of the *Saint Salvador* are fully stated in the Copy of the Case of that Vessel, which we have also the honour of here inclosing, but the Commissioners on the part of His Most Faithful Majesty not having yet arrived, we cannot proceed to the final adjudication of the Schooner, until they make their appearance, or that we receive your Lordship's instructions (as in the Case of the *Nova Felicidade*,) not to await the arrival of the Portuguese Commissioners. In the mean time Captain Leeke, after having landed the Master and Crew of the *Saint Salvador*, put a Midshipman and a few invalid seamen on board, to take care of the Vessel, until she can be brought to final adjudication.

We have the honour to be, &c.

THOMAS GREGORY.

Viscount Castlereagh, K. G. EDWARD FITZGERALD.

(Inclosure 1.)—Case of the Portuguese Schooner, Nova Felicidade, *Antonio Ivaguim da Trinidade, Master.*

THE *Nova Felicidade*, a small Schooner, measuring only 11 tons, was fitted out on the 23d of June last, at Prince's Island.

The owner of her, José Feriara Gomez, the Acting Governor of that Island, granted the Vessel a Pass, authorizing her to proceed to the Portuguese Settlements of Cabinda and Molembo, south of the Equator: there was no Royal Pass on board.

In lieu, however, of going to the above-mentioned Portuguese Settlements, the *Nova Felicidade* proceeded to Old Calabar, situated in latitude 6 deg. North, where she took 71 Slaves on board.

Seven of these Slaves were the property of Antonio Ivaguim da Trinidade, the Master of the Schooner, and were put on board by himself; one belonged to his Boatswain, and another to one of his Seamen; the remainder of the 71 Slaves were shipped on board by one Baras, a Portuguese Captain belonging to Prince's Island.

The Vessel was captured on the 30th of July last, in latitude 2 deg. 23 min. North, and longitude 9 deg. 50 min. West, by His Majesty's Ship *Pheasant*, Captain B. M. Kelly, and brought to Sierra Leone on the 18th of August.

Although the Master of the *Nova Felicidade* first declared that he had taken in his Slaves at Cabinda, yet when he, his Officers and Crew, were interrogated on oath, they all declared that they had been at no other port than Old Calabar, where they took in the before-mentioned 71 Slaves.

The proof being so clear that the *Nova Felicidade* was engaged in an illicit traffick in Slaves, the Members of the Court pronounced

Sentence of Condemnation against her, and emancipated the Slaves, who had been provided for by His Excellency Governor Mac Carthy, on their being landed in August last.

THOMAS GREGORY.

Sierra Leone, 25th February, 1820. EDWARD FITZGERALD.

(Inclosure 2.)—Case of the Schooner St. Salvador, *Antonio José Alvarez, Master, captured under Portuguese Colours.*

THE *St. Salvador* was taken possession of on the 25th of January, at an anchor off the River Manna, by His Majesty's Ship *Myrmidon*, Captain John Leeke, and brought to Sierra Leone on the 8th instant. On the Tender of the *Myrmidon* approaching the Schooner, a Boat was seen to depart from her, endeavouring to reach the shore, but was prevented, and taken to the *Myrmidon*. On board this Boat was a Negro, who declared himself to be a Slave taken from the Schooner, in consequence of which the Vessel was detained. The Slave's name is Popo, alias Will Carr, a Krooman, who had lived 2 Years at Sierra Leone. He declares on his oath, (assisted by an intelligent interpreter named Tom Read,) that he was sold by Charles Gomez, a Slave-dealer at Manna, to the Supercargo, who sent him on board to be inspected and approved of by the Master of the *St. Salvador;* that he was put in irons, and that he had been 1 day and 1 night on board before he was relieved by the Captors.

As the Slave's deposition is too voluminous to insert here, a Copy of it will be annexed.

Mr. Baker, Master's Mate of the *Myrmidon*, declares on oath, that on his approaching the captured Vessel he saw 2 empty Boats astern of her, 1 of which was soon hauled up on the starboard side, and put off with Negroes in her for the shore; this was the Boat which was brought alongside of the *Myrmidon's* Tender, as before stated, and out of which Popo, alias Will Carr, the Slave, was taken.

The *St. Salvador*, prior to her capture, had been chased by the *Myrmidon* and escaped.

Lieutenant F. E. Smith and Mr. Charles Leech, a Midshipman, who were put into the Schooner to conduct her to Sierra Leone, declare on oath, that Antonio José Alvarez, the Master of the Vessel, told them that when he was thus chased he had 25 Slaves on board, that he escaped by tacking on its becoming dark, and landed the Slaves at the Gallinas the next morning.

On Special Interrogatories being put by the Captors (with the consent of the Court) to Antonio José Alvarez, as to the fact of his informing Lieutenant Smith "that on the night the *St. Salvador* was chased by the *Myrmidon*, there were 25 Negroes on board, and that they were all landed the next morning:" his answer is "No," which he qualifies thus: "he told him (Lieutenant Smith) that another Schooner

which was chased by the *Myrmidon's* Boats at the same time that the *St. Salvador* was chased, had on board 25 Slaves, who were all landed at the Gallinas."

It appears by the declarations on oath to the Standing Interrogatories put to the Master of the *St. Salvador*, that she was purchased at Baltimore by himself, for account of a Mr. Martinez, of the Island of Bona Vista, Cape de Verd—that for the present voyage (this not being the first on account of the same owners,) she was laden at Bristol in The United States, with a cargo which he, the Master, purchased for his and Mr. Martinez's account. The Vessel proceeded with this cargo (it being adapted for the Slave Trade) to Bona Vista, from whence she was dispatched with the cargo for the coast of Africa. Her Crew, exclusive of the Master, consisted of 32 in number, namely, 10 Americans, 6 Portuguese, and 16 Italians and French.

She was fitted up in every respect for a Slave-trading voyage, with the intention of taking back from the Coast of Africa a cargo of Slaves to The Havannah, for account of the said Master and Mr. Martinez, the other owner.

The *St. Salvador* was armed with 8 eighteen-pound carronades, and ammunition corresponding thereto.

Part of the *St. Salvador's* cargo was landed at Cape Mount, and the remainder, except a few trifling articles which are still on board, was put on shore at Manna, where the Supercargo, a Mr. C. P. Green, was landed to collect Slaves, as appears by a Letter in his hand-writing, addressed to the First Mate of the Schooner, John Fletcher, who acknowledges on his oath the Letter to be genuine, a Copy of which Letter is annexed.

That the *St. Salvador* was engaged in an illicit Slave Trade, there is no doubt.

The 4th Section of Article the 1st of the Convention, signed at London the 28th of July, 1817, prohibits Portuguese Vessels from carrying Slaves to any Port not in the Dominions of Portugal; the *St. Salvador* was to have taken her Slaves (as allowed on oath by the Master, Mate, &c.,) to The Havannah.

Article the 4th requires that all Portuguese Vessels shall be furnished with a Royal Passport. The *St. Salvador* had no such Passport, and the only Pass she possessed was one from the Governor of Bona Vista.

Article the 6th of the Instructions annexed to the Convention stipulates that 2 thirds of the Crew of all Portuguese Vessels shall be native Portuguese; the *St. Salvador* had on board no more than 6 Portuguese Seamen.

Were the Commissioners on the part of His Most Faithful Majesty on the spot, it is conceived that they would coincide in the opinion which the British Members of the Mixed Commission Court have

formed on this Case—namely, that the *St. Salvador* has been detected in carrying on an illicit Traffick in Slaves; and they are further of opinion, upon the whole of the evidence, that the Negro, Popo, was on board the *St. Salvador* as a Slave, and that the detection and seizure of the Boat in the act of taking him out of the *St. Salvador* to put him on shore, is a sufficient finding on board, to make it their duty to reserve the case for adjudication.

The Court in the mean time feel it their duty to declare, that Captain Henry John Leeke, of His Majesty's Ship *Myrmidon*, has been fully justified in detaining the said Schooner *St. Salvador*.

Sierra Leone, 25th February, 1820.

Answers to Special Interrogatories put to Popo, otherwise Will Carr.

SAITH he knows the Portuguese Schooner, but does not know her name—pointed her out from the street in front of the Court. Saith he was on board the Schooner 1 day and 1 night before Captain Leeke seized her—he was in irons during that time. As soon as the Man-of-War was seen, the Sailors opened the hatches, took off his irons, and put him in the Boat, to be sent on shore to the other Slaves. There were 22 Slaves on shore belonging to the Schooner—they were kept in a big house. Charles Gomez sent him on board the Schooner, sold him for a Slave, and took the Schooner's money. The deponent owed Gomez 3 iron bars; Gomez asked Deponent to pay him, Deponent could not. Gomez said he had waited too long, and he would sell him; he sold him for 100 bars in rum—Gomez took the 100 bars in rum, powder, and tobacco, which Deponent saw Gomez take—he did not give any to the Deponent. The next day, after selling him, Gomez took him on board to shew him to the Captain, to know if he was satisfied with the bargain made on shore with the Supercargo; he stopt on board for the night, and remained till the Man-of-War approached. After putting Deponent on board, Gomez went on shore, and on the approach of the Man-of-War next morning, Gomez came on board the Ships to take away the Slaves—this is always done by Gomez and other Slave-dealers on the approach of Ships of War, for which they are always looking out, so that no Slaves should be found actually on board on their coming up.

Deponent saith that his debt to Gomez was contracted in this manner:—Deponent was coming from his own Country for Sierra Leone in a Kroo Canoe, he became sick and went on shore, and coming along the shore, Gomez gave him 3 iron bars to carry to his house. Deponent did not know Gomez's house; he enquired of a woman, who said she belonged to Gomez, and took the iron bars from him. The woman did not tell Gomez. Gomez said Deponent had stolen the iron bars, insisted on payment, and seized him for it. Deponent saith he knows the Sailors of the Schooner who put him into the Boat to be taken on

shore. Deponent points out the Mate and James Belcher, a Seaman, who, with another Seaman, not present, were the Persons who put him into the Boat; the Mate gave the order.

About 5 days ago the Mate told him, if the Judge should ask him whether he was a Slave, and he would say "*No,*" he the Mate would give him 100 dollars, and take him back to the Gallinas and land him there.

Deponent asked the Mate for what he put him in irons, and said he could not tell the Judge he was not a Slave. The Mate made him the offer twice on board the Schooner, and yesterday again a third time as they were coming up the steps from the water side, near the Governor's house. The Mate took hold of Deponents's finger and made him the offer. Saith another man named Will Doe left Kroo Country in the same Canoe with Deponent. This Will Doe went back to Kroo Country from Gallinas, with Country cloth, purchased with tobacco received in payment for Fillipi, at Cape Mount. The Kroo men are thus employed all along the coast.

POPO, his ⋈ mark.
TOM READ, his ⋈ mark.

Taken and sworn before Thomas Gregory, Esq. Commissary Judge, and Edward Fitzgerald, Esq. Commissioner of Arbitration, at Free Town, Sierra Leone, this 18th day of February, 1820.

In presence of
R. B. FITZGERALD, *Deputy Register.*

The Supercargo to the First Mate of the St. Salvador.

Peter Careful's Big Town, 20th December 1819.

As soon as you receive this, go immediately to C. Gomez Town, and put these 2 Boys, John and Peter, in irons—secure, and see that that old fellow Slave-man is secured hand and foot, as I learn by the Kroomen they have sent word they will soon be clear; and give orders that there is a strict watch kept over them. I want, if the beach is smooth, to send a barrel of rice on shore for the Slaves at Gomez Place, and see what Slaves is collected from the Gentleman at that place. They are collecting here as fast as they can. I shall be down in 2 or 3 days. Should Gomez ask any thing about my Slaves at Cape Mount, tell him I have 100, and am likely to get the whole to bring down with me in 3 or 4 days. You can make your excuse to bring the rice, and it was my orders, before I left the Vessel, to secure those Boys, as I saw an uneasiness with them the last time I was there. Be back to Cape Mount as soon as possible. I am well, but found it a very long walk to this town, which fatigued me very much. Give my respects to Captain Alvaros, wishing this to find you all in good health. I wish you to make dispatch in going to Gomez's Town.

Your's respectfully,

Mr. Fletcher. P. C. GREEN.

No. 33.—His Majesty's Comm^r. Judge to Visc. Castlereagh.—(Rec. 25 May.)

MY LORD, *Sierra Leone, 20th March, 1820.*

ON the 20th of last month I had the honour to inclose an Abstract of the Case of the Spanish Schooner the *Francisco*, and I have now the honour to state, for your Lordship's information, that, on the 17th instant, Commodore Collier sent into this Port for adjudication the Spanish Schooner the *Gazetta*, captured by His Majesty's Frigate *Tartar* on the 2d instant, in latitude 5 deg. North, and longitude 10 deg. West, with 81 Slaves on board, all shipped from places North of the Equator, which is proved by the evidence of the Master, the Mate, and the Boatswain of the Schooner, and fully stated in the Abstract of the inclosed Case. I have the honour to subscribe myself, &c.

Viscount Castlereagh, K. G. THOMAS GREGORY.

(Inclosure.)—Case of the Schooner Gazetta, *Mariano Carbo, Master, captured under Spanish Colours.*

THE *Gazetta* was fitted out by Don Antonio Gola at Santiago de Cuba, in the month of November last, with a Crew consisting of 17 in Number, and was furnished with a Royal Passport to trade for Slaves South of the Equator. She was captured on the 2d of March in latitude 5 deg. North and longitude 10 deg. West, by His Majesty's Frigate *Tartar*, Commodore Sir George R. Collier, K. C. B. and brought to Sierra Leone for adjudication on the 17th. There were on board at the time of capture 81 Slaves, consisting of 27 Men, 13 Women, 21 Boys, and 20 Girls, purchased and shipped at Grand Bassa and Trade Town, where part of the Cargo was landed to pay for the purchase of the Slaves.

On the Interrogatories being put by the Court to Mariano Carbo, the Master of the Schooner, to the Mate and the Boatswain, they all unanimously declared on their oaths, that the 81 Slaves were taken on board at the before-mentioned notorious Slave-trading places, Grand Bassa and Trade Town, North of the Equator: this fact being proved, it clearly stamped the illegality of the voyage; and the Court, therefore, immediately pronounced Sentence of Condemnation against the *Gazetta*, and that part of her Cargo which still remained on board, with the emancipation of the 81 Slaves.

Sierra Leone, 18th March, 1820. THOMAS GREGORY.

No. 34.—His Majesty's Comm^r. to Visct. Castlereagh.—(Rec. 5th July.)

MY LORD, *Sierra Leone, 6th May,* 1820.

WE have the honour to inform your Lordship, that His Majesty's Ship *Morgiana*, Captain Sandilands, lately brought into Sierra Leone a Schooner called *La Invincible the Second*, Benjamin Towner, Commander, found at sea, cruizing under Artigas Colours. This Schooner

had a very short time before been a Spanish Slaver called the *Industria*, and while employed in taking in Slaves in the Rio Pongas, was taken with some Slaves on board by another Cruizer called *La Invincible*, fitted out at Baltimore, and commanded by one Job Northrup. This Northrup shifted his Flag on board the *Industria*, and having subsequently taken a superior Vessel, an American named the *Swift*, transferred himself with the greater part of his Crew, to that Vessel, and gave up the Command of the *Industria*, now named *La Invincible the Second*, to Benjamin Towner, his first Officer, who has a printed Artigas Commission of old date apparently fabricated.

Not any one of the original Spanish Crew was on board; some of the original Papers were; but the Log-book had not any date of Year, and the whole were extremely indistinct and difficult to be fixed; some of the Slaves taken in by the Spaniards in the Rio Pongas, were, however, still on board when the Vessel was brought in here.

Captain Sandilands was exceedingly desirous that proceedings should be taken against this Vessel as a Spanish Ship illegally trading in Slaves, and with a view to this object the Papers were sent successively to all the Members of the Commission, and perused by them.

The British Commissioners on communicating together on the subject, were of opinion that, although the Case appeared to involve many points altogether foreign to the objects of the Commission, yet it might be taken into consideration, if any disposition should be shewn on the Spanish side to take cognizance of it.

But the Spanish Commissary Judge, Mr. Le Fer, having more than once distinctly refused to enter into it, and Mr. Camps, the Spanish Arbitrator, after a very attentive examination, not being able to find any actual proof of the original Spanish character, to warrant him in taking any step to cause it to be brought under discussion, nothing could be done in the Mixed British and Spanish Court respecting it.

The Vessel being, we suppose, found not to be tangible in any other way, has been allowed to depart, the Slaves on board her at her arrival, taken by Northrup forcibly from several Slaving-vessels of all Nations, were landed here while she was thought likely to be subject to a charge of piracy, and remain in the interior of the Colony.

We think it proper to put your Lordship in possession of these particulars of this Case. We have the honour to be, &c.

THOMAS GREGORY.

Viscount Castlereagh, K. G. EDWARD FITZGERALD.

No.35.–His Majesty's Comm^r. Judge to Visc. Castlereagh.–(Rec. Aug.10.)

MY LORD, *Sierra Leone, 27th June,* 1820.

I HAVE the honour to inform your Lordship that on the 2d instant I held a Meeting at the Office of the Mixed Commissions with M.

Altavilla, His Most Faithful Majesty's Commissary Judge, in order to take cognizance of the two reserved Cases of the Portuguese Schooner the *Cintra* and the *St. Salvador.* The case of the *Cintra* (an Abstract of which was forwarded to your Lordship under date of the 30th November last,) with the whole of the Evidence, being so clear as to stamp the voyage with illegality, M. Altavilla did not hesitate a moment in joining with me in the comdemnation of the Vessel.

But on our proceeding to the consideration of the Case of the *St. Salvador,* I have to observe that, after several adjourned Meetings, we ultimately differed in opinion as to the Sentence which we ought to pronounce, and we were under the necessity of drawing for one of the Commissioners of Arbitration; the lot falling on M. Figaniere, the Portugueze Commissioner, that Gentleman coincided in opinion with his Colleague, the Commissary Judge, and consequently, the majority of the votes being that the Vessel could not be condemned as lawful prize, she was decreed liberated accordingly.

Although an Abstract of the Case of the *St. Salvador,* so far as it had been orginally gone into, was forwarded in a joint Dispatch to your Lordship under date of the 25th of February last, I deem it necessary for the better information of your Lordship, that the whole should be now stated together; and I have, therefore, the honour to inclose another Copy of that Abstract, with a continuation of the Case, comprehending the grounds on which the Portugueze Commisioners had formed their opinions on the decision they had made, in opposition to my view of the Case.

As I intend to embark for England in the Ship which takes this Dispatch, I shall, soon after its arrival, have the honour of paying my personal respects to your Lordship: and, if I should be so fortunate as to find that my conduct during my residence in this Colony has met with your Lordship's approbation, I shall feel happy indeed.

In the mean time I have the honour, &c.

Viscount Castlereagh, K. G. THOS. GREGORY.

(Inclosure).—Case of the Schooner St. Salvador, *Antonio José Alvarez, Master, captured under Portuguese Colours.*

[See Inclosure 2, in No. 32.]

On the 2d of June, 1820, a meeting took place at the Board Room in order to take into consideration the foregoing reserved Case of the *St. Salvador,* when that Case with all the other Documents relating to the Vessels were laid before M. Altavilla, His Most Faithful Majesty's Commissary Judge, who, after some discussion proposed to adjourn until the next day, when a second meeting was held, and M. Altavilla delivered in a Paper (No. 1.) of which the annexed is a Copy; he then requested that the British Commissary would reconsider the opi-

nions which he had already fully stated verbally, in support of a condemnation, as being a decision most conformable to the spirit, if not conformable to the letter of the Convention betwixt the two Crowns, and as M. Altavilla further requested that a Statement in writing should be given, (as he had adopted that mode to express his opinion) Mr. Gregory, in order, as far as possible, to comply with the request, although it was a novel mode of conducting proceedings in the Mixed Commissions, gave his final opinion in writing, at their subsequent Meeting, on the 7th as stated in No. 2, to which, after a suspension of three days, the Portugueze Commissary gave in a second Statement (No. 3.) the Copy of which is also here annexed.

There remaining now no further chance of an approximation of opinion, it became necessary to draw by lot the name of one of the Commissioners of Arbitration, and the lot falling on Mr. Figaniere, the final meeting was held at the Board-room this day; the result thereof is stated in the minute of which the following is a Copy, viz.

British and Portuguese Mixed Commission, Sierra Leone.

Before T. Gregory, Esq. His Britannick Majesty's Commissary Judge, Joaõ Jmo. Altavilla, Esq. His Most Faithful Majesty's Commissary Judge, and J. Cesar de la Figaniere é Moraõ, Esq. His Most Faithful Majesty's Commissioner of Arbitration. Present, Mr. F. Sawyer, Clerk to the Mixed Commissions, R. B. Fitzgerald, Esq. Deputy Registrar, being too ill to attend.

Monday the 19th day of June, in the Year of our Lord 1820.

The Schooner *St. Salvador*.

The abovementioned Commissary Judges and the Commissioner of Arbitration, having this day met, in order to finally determine on the Case of the above-mentioned Schooner, and J. C. de la Figaniere, Esq. His Most Faithful Majesty's Commissioner of Arbitration, coinciding in opinion with his Colleague J. J. Altavilla, Esq. the Commissary Judge, that the *St. Salvador* ought not to be condemned as lawful prize, the majority of votes pronounced her to be released accordingly.

Resolved, that the Registrar lay before the Board a Statement of the Sale of the said Schooner, *St. Salvador*, that Vessel having been, by way of safety, disposed of by Captain Leeke.

Resolved, that as Mr. J. C. de la Figaniere é Moraõ, His Most Faithful Majesty's Commissioner of Arbitration, wishes, for his own satisfaction, to have his reasons inserted in the minute, for joining in opinion with his Colleague, they are accordingly stated as follows:—

"In the Case of the Portuguese Schooner *St. Salvador*, Captain Antonio José Alvarez, the two worthy Commissary Judges not having agreed, and the lot falling upon me, as one of the Commissioners of Arbitration, to give my opinion for the final decision of said Schooner,

I have the honour to say, that, minutely observing all the Papers relative to said Vessels, the Additional Convention, Instructions for ourselves, and those for Men-of-War, stationed by both Nations to prevent the illicit Slave-trade, I find that for the detention of any Vessel, be it to the North or Southward of the Equator, is, *to have Slaves on board.* The *St. Salvador*, by the confession even of the Captors, and the answers upon oath of the Captured to the interrogations put to them, had no Slaves on board at the time of the seizure; but it seems that Captain Leeke thought it his duty to detain this Vessel, on account of seeing a Boat with several Negroes in it, that he presumed one of them was a Slave going on shore from the Schooner; however, I'll observe that, should this Negro really have been a Slave on board, Captain Leeke did not follow his Instructions; for had he observed them, the Ist Article plainly says, '*and should any Slaves be found on board,*' according to the tenor of the VIth Article of the aforesaid Additional Convention, and as to what regards the Portuguese Vessels, should there be ground to suspect that the said Slaves have been embarked on a part of the Coast of Africa, where the traffick in Slaves can no longer be legally carried on, in consequence of the Stipulations in force between the two High Powers: '*in these cases alone,*' the Commander of said Ship-of-War '*may detain them,*' &c.; also the 2nd section of the said Article expressly says—'Ships on board of which no Slaves shall be found intended for purposes of traffick shall not be detained on any *account* or *pretence* WHATEVER;' therefore not finding any on board said Schooner, he could not on any *pretence* detain her. In the Vth Article of the Convention, which we must execute *au pied de la lettre,* is to be seen 'that Vessels-of-War provided with their Special Instructions, may visit such Merchant Vessels of the two Nations as may be suspected, upon reasonable grounds, of having Slaves on board acquired by an illicit traffick and *(in the event* ONLY *of their actually finding Slaves on board)* may detain and bring away such Vessels, &c.'

"In the VIth Article of the same it expressly says,—'no Portuguese or British Cruizers shall detain any Slave-ship *not having Slaves actually on board.*'

"However I'll still draw the Case to its extremity, as there are some Persons who think that the Boat is part of the Vessel—'*Scapha Navis non est instrumentum Navis*', says Valin VI. T. XIV. Art. II. s. 15., and Lisboa's 6th Treaty, Chap. I. sec. 6. says that the Jurisconsult Paulo was not of opinion that the Boat is an integral part of the Vessel, saying, '*Scapha Navis non est instrumentum Navis, etenim mediocritate, non genere ab ea differt;*' moreover I'll grant it is part of the Vessel: in all the Evidence I see that Popo was in *Gomez' boat,* that had come on board and was rowing towards shore. .

"Was not the *St. Salvador* off the River Manna to carry on an illicit Slave-trade? I'll not insist upon it, for it is not the point we treat upon, *it would have been the second one,* should the Vessel have been judged legally detained.

"I beg leave further to observe, that the main duty of the Mixed Commission is to ascertain and judge 'upon the legality of the capture.'—(Inst. for the Mixed Commission, Art. I. s. 3.)

"Therefore, by what I have had the honour to insert above, I deem it fully proved, and my duty to say, that the Portuguese Schooner, *St. Salvador,* Captain Antonio José Alvarez, was illegally detained by His Britannick Majesty's Sloop *Myrmidon,* Henry Leeke, Esq. Commander, and that said Vessel, her apparel, and every thing on board, &c. at the time of seizure, should be restituted to her Owner or Owners, as also a just and complete indemnification, as per VIIIth Article of the Instructions for the Mixed Commission.

"J. CEZAR DE LA FIGANIERE E MORAO,
"*Commissioner of Arbitration of His Most Faithful Majesty.*"
Sierra Leone, 19*th June,* 1820.

With respect to Mr. Figaniere's conclusion, wherein he observes that a "just and complete indemnification should be made to the Owners of the *St. Salvador,*" he was given to understand that *that* was no part of the business for which the present meeting was convened to decide upon, but that it must stand over for future consideration, in case any Claimant came forward to make such a demand; and then it would be, in the first instance, the province of the two Commissary Judges to take cognizance of such a Claim; and, on their not agreeing as to the decision which ought to be made, then it would be for them to draw lots for an Arbitrator.
Sierra Leone, 19*th June,* 1820.

No. I. The first and principal duty of the Mixed Commission is to ascertain if the captured Vessel has been justly detained.

The 2nd section of the 1st Article of the Instructions for the Men-of-War of both Nations employed to prevent illicit Slave-trade runs thus: "Ships *on board* of which *no Slaves* shall *be found* intended for purposes of traffick, shall *not be detained* on *any account* or *pretence whatsoever,*" and

In the VIth Article of the Additional Convention, it is said, that "no Cruizer, Portuguese or British, shall detain any Vessel not having Slaves *actually on board.*"

And in the Case of the Portuguese Schooner *St. Salvador,* Captain Antonio José Alvarez, captured by His Britannick Majesty's Ship *Myrmidon,* Captain Leeke, on the 25th of January, and brought into

this Port for adjudication the 18th February. It is to be seen by its process.

In the declaration of Captain Leeke, of the *Myrmidon*, it is said that the Negro was *not actually on board* of the *St. Salvador* but in a Boat.

By that of John Baker, Master's Mate of the *Myrmidon*, it is also said that the Negro *was in a Boat*, and not on board the Schooner.

Therefore, even by the declarations of the *Captors*, it is evident there were no Slaves *actually on board* at the time of detention.

Further, the answer to the fifth interrogation put to Captain Alvarez; he declares (upon oath) that the Negro was taken *in a Boat*, and that there were *no Slaves on board* at the time of the detention.

And the answer to the same interrogation, put to the Mate, John Fletcher, corresponds with that of the Captain.

The same question being also put to Henry Perkins, the Carpenter, his answer was, that "he does not know why the Schooner was captured, nor could there be any reason, as there was *no Slave on board.*"

And what Billings Faden, Mariner, answers to the same interrogation, corresponds with the 3 former, saying (upon oath) that a Person belonging to King Gomez, was supposed (by the Captors,) to have been a Slave on board; but does not say the Negro was *on board*, nor that he was a Slave.

Therefore, by what here is demonstrated, there can be no doubt remaining respecting the illegality of the detention, for both the declarations of the Officers of His Britannick Majesty's Corvette the *Myrmidon*, and the answers upon oath to the Interrogatories put to the Captain, other Officers and Men of the Portuguese Schooner, *St. Salvador*, all come to the same point and declare that there were no Slave nor Slaves *on board* the said Schooner, at the time of her detention.

The first and principal point being demonstrated, that the *St. Salvador* was not legally detained—

The Mixed Commission cannot, nor has the power of condemning any Vessel *upon suspicion* of making any illegal traffick in Slaves, but only when found in the fact, with Slaves on board.

Sierra Leone, 3d June, 1820.

No. 2. After an attentive reconsideration of the whole of the Case of the Portuguese Schooner, *St. Salvador*, and of the evidence on both sides, I feel it my duty to declare it to be my decided opinion, that the Negro Popo was actually and illegally on board the said Schooner as a Slave; and that having been put into a Boat for the purpose of being conveyed to the shore on the approach of the *Myrmidon*, the seizure of

him in the Boat, while the Boat was in the act of taking him from the Schooner to the Shore—the whole of this transaction having taken place in the presence and under the view of the Captors, was a sufficient *finding on board* to authorize and to justify the detention of the said Schooner by Captain Leeke, of His Britannick Majesty's Ship *Myrmidon*;—That the said Schooner was actually engaged in an illicit traffick in Slaves, is moreover absolutely proved by the Letter from the Supercargo Green, to the Mate Fletcher, acknowledged by the latter, and the testimony of the Slave Popo. On both these grounds, fortified by a multitude of circumstances too numerous to be recited on paper, I feel it my duty to declare that the said Schooner should now be condemned as lawful prize. THOMAS GREGORY.

Sierra Leone, 7th June, 1820.

No. 3. As Commissary Judge of His Most Faithful Majesty, I am to follow precisely all the Articles of the Convention between the two Powers of Portugal and England, as various cases may require; and as such, I deem it my duty not to agree to the condemnation of the Portuguese Schooner *St. Salvador*; for, having attentively considered the whole of its process, by which I find that the Negro Popo was not *actually on board*, but in a Boat, at the time of the capture, and this declared both by the Captors and Captured, I, therefore beg leave to say, that should I agree to its condemnation, it would be acting against the 2nd Section of the Ist Article of the Instructions for the Men-of-War, and the VIth Article of the Additional Convention.

That the said Schooner might be engaged in an illicit traffick, is a second part to ascertain, if captured with Negroes on board: but, first—it must be detained with Negroes actually on board to be a legal one: and appealing to what I had the honour to say on the 3d instant, the Mixed Commission is not authorised to condemn any Vessel upon suspicion of making any illegal commerce in Slaves, but only when found in the fact with Slaves on board as the said Articles authorises us to do.

Sierra Leone, 10th June, 1820.

No. 36.—His Majesty's Comm^rs. to Visct. Castlereagh.—(Rec. 10th Aug.)

My Lord, *Sierra Leone, 27th June,* 1820.

At the close of the Statement of the Case of the Portuguese Schooner *St. Salvador*, José Alvarez, Master, which we had the honour to address to your Lordship on the 25th of February last, we expressed our confidence "That the Commissioners of His Most Faithful Majesty, if they were on the spot, would coincide in the opinion which the British Members of the Mixed Commission had formed on the Case, namely, that the *St. Salvador* has been detected in carrying on an illicit traffick in Slaves; and they are further of opinion, upon the whole of the

evidence, that the Negro Popo was on board the *St. Salvador* as a Slave, and that the detention and seizure of the Boat in the act of taking him out of the *St. Salvador* to put him on shore, is a sufficient finding on board to make it their duty to reserve the case for adjudication. The Court in the mean time feel it their duty to declare, that Captain Henry John Leeke, of His Majesty's Ship *Myrmidon*, has been fully justified in detaining the said Schooner *St. Salvador.*"

It was matter of great mortification to us to find that the Portuguese Commissioners when they came successively to take cognizance of the Case, did not coincide in our opinion, but formed a judgment directly opposite, and that, moreover, upon the primary facts and questions upon which we had principally founded our's.

We at the same time feel much satisfaction that, as these Gentlemen have opinions so very different from our's, the Case remained open to the full legal operation of those opinions: for it would have been much more painful to know that they had such opinions, and that the Case was closed against their influence.

As, however, we formed our opinion with more attentive and scrupulous consideration, under the two-fold responsibility of having to form it without the advantage of consultation with the Commissioners of His Most Faithful Majesty; and, as the principles and views upon which it was formed, unless they shall be corrected by your Lordship, will probably have the same weight with us in future Cases, it becomes essential to submit to your Lordship, a few observations, not only in explanation of the grounds upon which we hold our persuasion, but further, with a view to prevent, by any arrangement which your Lordship may make, the differences which must otherwise be expected to prevail in a multitude of Cases, if those Gentlemen should be equally fixed in their sentiments, and if these sentiments should be made as fully known among the Slave-traders on this Coast as they are likely to be.

We found it proved in the evidence on the Case, that the Negro Popo was on board the Schooner as a Slave: that, on the approach of the *Myrmidon* and of her Tender, he was put into a Boat for the purpose of his being conveyed to the shore,—that this Boat was stopped by the Tender in her way to the shore; and we were of opinion, that, as the whole of those proceedings were within sight and under the view of the Captors, they amounted to a sufficient finding on board to authorize the detention of the Schooner by Captain Leeke; and we felt ourselves further bound, on the view of the whole of the depositions and examinations, to reserve the Case for adjudication on the arrival of the Portuguese Commissioners.

The Portuguese Gentlemen form their judgment solely upon the precise point that the Negro Popo was taken actually not on board the Schooner, but in a Boat; and on that point they pronounce the de-

tention to be illegal. The facts of the Negro being on board when the Captors approached, of his being, under their view, put into the Boat in order to evade them, of his being taken in that situation, which we considered equivalent to an actual finding on board, they hold not to be so considered ; and that those facts, as well as all the other proofs of a Slave-trading voyage, in full activity of a traffic contrary to all the provisions of the Treaty and Convention, are matter of no consideration whatsoever in the Case.

We believe our opinion is in unison with the established principles and practice of Admiralty law, as well as those of the separate laws of every particular Nation in matters of contraband, to which the Foreign Commissioners are generally inclined to assimilate the illegal Traffic in Slaves; we believe we are equally in accord with the most approved tenets on all cases that can bear assimilation to that traffic. But as we were led by our experience, under the other Commissions, to expect that those with whom this Case might come to be decided, would regulate their opinions by their own constructions of the Treaty and Convention, without any reference to legal authorities or principles, we chose rather to found our proceedings on the broad and simple basis of the fair and candid interpretation of the provisions and obligations to which the Sovereigns were reciprocally pledged—guiding ourselves in that interpretation by the good faith in which the Treaty and Convention must be taken to have been framed, and never losing sight of the impartiality that should belong always to the judicial office, to which we are especially sworn, under a provision made in the Convention for that object, and to which we are moreover most strongly enjoined and instructed by your Lordship's Letter of the 20th February 1819.

Under all these impressions, and under the authority and the obligation of the second Clause of the first Article of Instructions for the Mixed Commissions, which says "the Mixed Commissions shall judge according to the letter and spirit of the Treaty of the 22d January 1815, and of the Additional Convention," we felt ourselves bound to lay before your Lordship the opinion now again expressed ; for after the most attentive reconsideration, with comparative reference to the judgment and reasonings of the Portuguese Gentlemen, we still think, decidedly, that, the putting of a Slave who is or has been on board a Slave Ship for the purposes of illicit traffic in Slaves, over the side of that Ship into a Boat, and moving him off to a little distance, in the presence and in the view of those authorized to prevent that illicit traffic, could not by possibility have been contemplated in framing the Teaties,—for this consideration extends to all of them—as a legal ground of exemption from the penalties attached to that illicit traffic. We consequently think that such exemption should not be allowed now, and that the allowance of it would be to defraud the British Go-

vernment of the object which is sought by the Treaties. We think we regard the device described in its just light, when we consider it as an evasion contrived by the illicit Slave-traders, for the purpose of screening themselves and their unlawful adventures from the penalties which the fair construction and enforcement of the Treaties should attach to them; and we further consider that such an artifice, if pleaded before the Judges under the Treaties, ought to be repelled and rejected.

We are inclined to think that the question of having or not having Slaves on board, with its necessary adjunct "for the purposes of the traffick,"—although it is the primary question, may not in all cases be the principal question; and certainly not always the sole question.

Where a number of Slaves are found within the Vessel, illegally embarked for the purpose of the traffic; the first and every other object of inquiry are satisfied at once. But in doubtful cases, where differences intervene upon the points comprehended in that primary question, as to what is a finding on board,—Slave, or not a Slave,—for the purposes of the traffick, or not for those purposes, &c.—that primary question may, it seems to us, be more properly considered as an inlet to the main general question, whether the Vessel is actually engaged in an unlawful Traffick in Slaves or not: and, from the investigation of this main general question, material and decisive elucidation may be derived to clear up and settle the doubt under the primary question, and in the event of a restitution the best means for forming a fair judgment upon the ulterior question, whether any and what damages are due. For it appears just and reasonable that, as the primary question admits so many points of doubtful and difficult construction, all of which are to be decided by the Judges, the Captor, although he incurs a heavy responsibility when he brings an ambiguous Case to judgment, ought to be kept unharmed, when the main fact of being actually at the time engaged in illicit traffick is fully established, provided the circumstances under the primary question were of such a nature as to furnish reasonable ground of belief and expectation that the whole of the facts, when investigated, would warrant the detention.

The 8th Article of the Regulations for the Mixed Commission has the following provision on this head, corroborative of the reasoning here submitted:—

The two High Contracting Parties, wishing to avoid as much as possible every species of fraud in the execution of the Additional Convention of this date, have agreed, that if it should be proved, in a manner evident to the conviction of the Judges of the two Nations, and without having recourse to the decision of a Commissioner of Arbitration, that the Captor has been led into error by a voluntary and reprehensible fault on the part of the Captain of the detained Ship; in that case only the detained Ship shall not have the right of receiving, during the days of her detention, the demurrage stipulated by the present Article.

In application of this Article to the present Case—we have already described the trans-shipment of the Negro Popo from the Schooner on board of which he was, for the purpose of illicit Traffick in Slaves, into a Boat for the purpose of conveying him to the shore, as an attempt to defraud the British Government of the object sought by it in the Treaty and Convention; and we do not think it easy to conceive any thing more fraudulent, when it is considered in conjunction with all the facts and circumstances of the case. The actual Traffick in Slaves going on at the moment between the Supercargo Green and Peter Careful, commonly called King Peter, and also with Charles Gomez, who brought the Negro Popo on board the Schooner as a Slave, for the Captain's approval of the purchase of him by Green, and who was conveying him back to the shore for the fraudulent purpose of preventing the seizure of the Schooner, must we suppose be admitted beyond all question to be at least "a voluntary and reprehensible fault" on the part of the Captain of the detained Ship, which, in conjunction with the fraudulent trans-shipment, ought to preserve the Captor from any possible hazard of a visitation in damages.

Your Lordship may possibly be desirous of some explanation as to the cause of the superior credit given to the testimony of the Negroes found in this Vessel, and in others in the situation of Slaves, in opposition to the testimony of the Master, and sometimes also to that of the Mates and Mariners. We lament to say, the reason is, that a system of perjury is organized and practised among all those Slave-dealers, which is generally discovered by their prevarications upon some plain and apparently indifferent collateral object of examination, upon which no arrrangement or preparation has been thought necessary,—some fact, or some Document that cannot be overcome is generally discovered, and the plain narrative of the Negro prevails by the inherent force of truth.

It might have been expected that some question would be raised upon the Cases in which *one Slave* was found on board the Vessel—when the Treaties uniformly have the plural term *Slaves*.

In the first Case, which was tried under the Spanish Commission, M. Camps, the Spanish Arbitrator, sat with Mr. Gregory and Mr. Fitzgerald, (M. Le Fer, the Spanish Commissary Judge, being then disabled from attending to business by severe indisposition,) only a single Negro was found,—the whole of Crew swore that he was not on board as a Slave; but his own statement, confirmed by circumstances, was believed; and his being single was considered only as rendering the decision of the Case more difficult and less satisfactory in the diminished weight of the evidence, which would have been less open to controversy if there had been 2 or more Slaves.

That Case being a difficult one, and being the first that was decided, being accompanied also with much deliberation and discussion upon

the various points, and with perfect unanimity in the conclusion, had considerable weight as a precedent with all the Commissions, and probably will continue so to have.

We trust your Lordship will see in this statement, and in the facts and circumstances of the Case to which it has relation, as laid before your Lordship in the evidence, reason to be satisfied with the integrity and impartiality with which we have discharged our duties, jointly and separately, as we have been called upon to act in the business.

We trust your Lordship will see that our conduct and our sentiments fully correspond with the injunction given in your Lordship's Letter to Mr. Gregory, dated 20th February, 1819, to be "careful not to lose sight of the judicial character, and to endeavour uniformly to combine a fair and conscientious zeal for the prevention of the illicit Traffick in Slaves, with the maintenance of the strictest justice towards the parties concerned, and with the promotion of a spirit of conciliation and harmony between His Majesty's Subjects and those of His Most Faithful Majesty." We have the honour to be, &c.

THOS. GREGORY.

Viscount Castlereagh, K. G. EDWARD FITZGERALD.

No. 37.—Viscount Castlereagh to His Majesty's Commissary Judge.

SIR, *Foreign Office, 30th November,* 1819.

HIS Royal Highness the Prince Regent has been graciously pleased to accede to your wish of resigning your Appointment, as His Majesty's Commissary Judge at Sierra Leone, under the Treaties with Foreign Powers for the prevention of the illicit Traffick in Slaves; and His Royal Highness having been graciously pleased to appoint E. Gregory, Esq. to be His Majesty's Commissary Judge at Sierra Leone, upon your resignation, you will introduce Mr. E. Gregory to His Majesty's Commissioner of Arbitration, and to the several Portuguese, Spanish, and Dutch Commissioners, as your Successor; and you will give him every information in your possession, towards the due execution of his duties in the abovementioned character; and, after seeing him duly fixed in that Situation, you have the permission of His Royal Highness to return to England.

I have the satisfaction to add, that your conduct, as His Majesty's Commissary Judge at Sierra Leone, has received His Royal Highness's perfect approbation. I have, &c.

Thomas Gregory, Esq. CASTLEREAGH.

No. 38.—Viscount Castlereagh to His Majesty's Commissary Judge.

SIR, *Foreign Office, 30th November,* 1819.

I HAVE the satisfaction to acquaint you, that His Royal Highness the Prince Regent has been graciously pleased, in the name and on the behalf of His Majesty, to appoint you to the Situation of His Ma-

jesty's Commissary Judge at Sierra Leone, under the Treaties with Foreign Powers for the prevention of the illegal traffick in Slaves, vacant by the resignation of Thomas Gregory, Esq. I send to you herewith the Commission of His Royal Highness the Prince Regent to this effect.

Your residence at Sierra Leone under the late Commissary Judge will have made you acquainted with the proceedings of the Commission; and I have only to refer you, for your information and guidance, to the Instructions which were addressed to Mr. Gregory and Mr. Fitzgerald, jointly, on their appointment, and which you will consider as equally binding upon you.

Further Instructions will, as circumstances shall render necessary, be sent jointly to His Majesty's Commissioner of Arbitration and yourself, upon the points which are entrusted to you. I am, &c.

Edward Gregory, Esq. CASTLEREAGH.

Mem. The Commission granted to Mr. E. Gregory is to the same purport as that before granted to Mr. Thomas Gregory.

No. 39.—His Majesty's Commissary Judge to Viscount Castlereagh.
(Received 22d December.)

My Lord, *Sierra Leone, November* 6, 1820.

I have the honour to inform your Lordship, that, on the 30th ultimo, His Majesty's Brig-of-War, *Thistle*, Lieutenant Hagan, Commander, brought into this River the Spanish Schooner *Nuestra Senora de Montserrate*, Isidro de Urioste, Master, captured on the 16th of October last, in the River of Little Cape Mount, latitude 6 deg. 38. min. North, long. 10 deg. 55 min. West, with 85 Negroes on board.

On the 1st instant, the Mixed British and Spanish Commission proceeded to the adjudication of the said Schooner; and, subsequently, finding that she had been illegally engaged in the traffick of Slaves, 48 of the Negroes above-mentioned having been purchased as Slaves in the River of Little Cape Mount, on account of the Owners of the Vessel, and 37 having been shipped on board thereof for the account of French Subjects, pronounced Sentence of Condemnation against her, and decreed 84 of the said Slaves (one having died on the passage to Sierra Leone) to be emancipated, and to be delivered over to the proper Authorities of the Colony. I have the honour to inclose, for the information of your Lordship, an Abstract of the Case of the *Nuestra Senora de Montserrate.*

I have further the honour to acquaint your Lordship, that, on the 1st instant, His Majesty's Sloop *Pheasant*, Captain Kelly, arrived in this River with 50 Negroes on board. Captain Kelly, in a Letter addressed by him to the Acting Registrar, wherein he requested to be informed whether the Mixed British and Spanish Commission would take cognizance of the said Negroes, stated that he had recovered

them from the native Inhabitants of the Town of Accra, on the Gold Coast of Africa; that they were said to have been landed on the coast by a Spanish Schooner, the said Schooner having effected her escape when pursued by His Majesty's Sloop under his command; that he had not been able to procure any Papers, or to ascertain her name, or that of her Commander, Owners, or the Port to which she belonged.

The Acting Registrar having laid before me Captain Kelly's Letter, I requested that he would notify its contents to Don Francisco Le Fer, His Catholick Majesty's Commissary Judge, with an invitation to meet me to confer thereon; that gentleman received in consequence a communication on the matter in question from the Acting Registrar, but declined my invitation for a Conference, on the ground that the Treaty required that the Mixed Commission should only judge the case of such Negroes as should be taken from Spanish Vessels, and under certain circumstances. I deemed it therefore expedient and conformable to my duty, to desire the Acting Registrar to acquaint Captain Kelly with Don Francisco Le Fer's determination; as also with my own view of the subject, to this effect, that, as the Commander of His Majesty's Ship *Pheasant* did not possess any evidence to prove, that the Negroes referred to by him were, in fact, the property of Subjects of His Catholick Majesty, and that as the said Negroes were taken from the Town of Accra, on the Gold Coast of Africa, and not from any Vessel detained by the said Commander of His Majesty's Ship *Pheasant*, in virtue of the Treaty between His Britannick Majesty and His Catholick Majesty, for the prevention of the illicit Traffick in Slaves, no proceedings could be established respecting them in the Mixed British and Spanish Commission at Sierra Leone. I understand that Captain Kelly has since landed the aforesaid Negroes under his charge, and that he has delivered them over to the Government of the Colony.

I have the honour to subscribe myself, &c.

Viscount Castlereagh, K. G. E. GREGORY.

(Inclosure.)—Abstract of the Case of the Spanish Schooner Nuestra Senora de Montserrate, *Isidro de Urioste, Master.*

THIS Vessel, fitted out for a Slave-trading voyage, provided with a Royal Passport, and commanded by Isidro Pasqual, sailed from The Havannah in the month of November 1819, arrived at Manna, latitude 6 deg. 29 min. North, longitude 11 deg. 12 min. West, in January following; and in the same month cast anchor in the River of Little Cape Mount, latitude 6 deg. 38 min. North, longitude 10 deg. 55 min. West, where, on the 16th October, 1820, she was captured by His Britannick Majesty's Brig of War *Thistle*, Lieutenant Hagan, Commander, with 85 Negroes on board.

From the depositions of the several Witnesses concerned in this Case, it appears that the Schooner *Montserrate*, although she was provided with the requisite Documents to enable her to fulfil every object of a traffick then permitted by the Treaty of the 23d September, 1817, between His Britannick Majesty and His Catholick Majesty, was taken by her original Master, Isidro Pasqual, to Manna, situated on that part of the Coast of Africa where the Trade in Slaves was interdicted to Spanish Subjects by the most formal prohibition. After touching at Manna, the Master proceeded with her to the River of Little Cape Mount, where he landed his cargo, and where, whilst engaged in an illicit Traffick of Slaves, he, in a short space of time, fell, through the climate, a victim to his lawless pursuits. The management of the Vessel and of her concerns then devolved on Isidro de Urioste, First Mate, who, not alarmed at the penalties attached to a violation of the Treaty, or discouraged by the death of his Commander, and by that of the greater part of his Crew, carried on the illicit traffick, and up to the time of his Capture by the Brig of War *Thistle*, had, according to his own declaration, purchased and shipped on board of the Schooner, from the same place, 143 Slaves, of which number, however, 48 only were found on board when detained by His Majesty's Cruizer.

At the same time that the Master was thus infringing the laws of his Country, he was violating them in another respect, by giving the protection of the Spanish Flag to a French Subject, who from the Schooner *Montserrate* traded in Slaves, contrary to the 4th Section of the 5th Article of the Treaty, which declares as illicit any traffick in Slaves, carried on under the British or Spanish Flag for the account of the Subjects of any other Government.

The French Subject in question is Réné Rialland, passenger on board of the *Nuestra Senora de Montserrate*, who states that he was First Lieutenant on board of a French Schooner named the *Industry*, fitted out at Nantes, in France, by Haentgens, Brothers, Merchants of that place, for a Slave-trading voyage to the Coast of Africa; that his Vessel being wrecked on the Bar of the River of Little Cape Mount, he shipped what property he could save there from on board of the *Nuestra Senora de Montserrate*, together with some Slaves that he had already purchased from the Natives on shore; that he carried on the traffick in Slaves whilst on board of the Spanish Schooner, giving for them in barter part of the goods taken from the *Industry*; and that at the date of Capture he had collected 60 Slaves, which were to have been taken by the *Nuestra Senora de Montserrate* to The Havannah, on his paying freight to the Master, at the rate of 90 dollars per head; of the 60 Slaves, he says, that only 37 were on board of the Spanish Schooner when taken by the *Thistle*.

The view of this Case being rendered so clear by evidence, of which the foregoing is the substance, of the Master and Sailors of the

Nuestra Senora de Montserrate, and of that of Réné Rialland, no doubt can arise as to declaring that the said Schooner was captured whilst carrying on an illicit Traffick in Slaves; that the before-mentioned 85 Negroes found in her were purchased as Slaves, and, consequently, that she should be condemned, together with the effects on board thereof.

His Catholick Majesty's Commissary Judge concurring in such declaration, the Court decreed the condemnation, as lawful prize, of the Spanish Schooner *Nuestra Señora de Montserrate*, and effects belonging thereto, of the private adventure of the Master, Isidro de Urioste, together with the goods and property appertaining to the French Schooner *Industry*, placed on board of the said Spanish Schooner by Réné de Rialland. The Court further decrees the emancipation of 84 Slaves, being those now on board of the *Nuestra Senora de Montserrate*, and orders that they be delivered over to the proper Authorities of the Colony, to be employed as servants or free labourers.

Sierra Leone, 2nd November, 1820. E. GREGORY.

No. 40.—Viscount Castlereagh to His Majesty's Commissioners.

GENTLEMEN, *Foreign Office, 10th September*, 1820.

I HAVE received your several Dispatches respecting the inconvenience which had arisen in the proceedings of the Court at Sierra Leone; 1st, from the objections made by the Dutch Commissioners to the forms of the practice of the Court; and 2dly, from their being without instructions as to the disposal of the proceeds of prize Vessels and goods condemned under the Treaty.

These points have been under the consideration of His Majesty's Government; and Lord Clancarty was directed to call the attention of the Dutch Government to them, and to impress upon the Dutch Ministers the necessity of sending out such instructions to their Commissioners as should obviate the difficulties complained of.

The Government of The Netherlands have fully coincided with the British Government on the first of these points; and I transmit for your information and guidance, the Copies of two official Notes from the Dutch Minister for Foreign Affairs,* stating that the necessary instructions had been issued to the Dutch Commissioners, to adopt the printed Memoranda of Regulations for the guidance of the Court, and also not to object to the employment therein of Proctors and Agents.

I hope shortly to acquaint you, that the Dutch Government have furnished their Commissioners with instructions on the other points in your Dispatch. I am, &c.

His Majesty's Commissioners. CASTLEREAGH.

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* See Class B.

No. 41.—Viscount Castlereagh to His Majesty's Commissioners.
(Circular.)

GENTLEMEN, *Foreign Office, 24th September*, 1820.

BY the accompanying Copy of a Dispatch, which, by the King's command, I have addressed to His Majesty's Ambassadors at Madrid, and at The Hague, and to His Majesty's Envoy at Rio de Janeiro,* you will perceive the view which His Majesty's Government has taken, as to the interpretation of that part of the Treaties for preventing the illegal Traffick in Slaves, which enacts that Ships of War may detain, and bring in, Vessels suspected of illegal traffick, *in the event only of their actually finding Slaves on board:* and I am to desire, that you will, as far as lies in your power, adopt this construction of the Treaties; and also, that you will, in all your communications with the Commissioners of Spain, Holland, and Portugal, press upon them the justice and expediency of adopting an interpretation, so congenial to the design of the Treaties, and to their general tenor and spirit.

I am, &c.

His Majesty's Commissioners. CASTLEREAGH.

No. 42.—Viscount Castlereagh to His Majesty's Commissioners, &c.
(Circular.)

GENTLEMEN, *Foreign Office, 16th November*, 1820.

I HEREWITH inclose to you for your information, the Copy of a Communication from the Admiralty, under date of the 11th of October 1820, containing a list of such of His Majesty's Ships and Vessels, as are now cruizing, supplied with the Instructions referred to in the several Treaties with Foreign Powers, for preventing the illegal Traffick in Slaves, specifying the names of their Commanders, and the Stations to which they belong. I am, &c.

CASTLEREAGH.

His Majesty's Commissioners.

Inclosure.—See Correspondence furnished by the Admiralty.

No. 43.—Joseph Planta, Jun. Esq. to Henry Goulburn, Esq.

SIR, *Foreign Office, 28th November*, 1820.

IN reference to the subject of the disposal of Crews of Vessels condemned at Sierra Leone for illegal Slave trade, I am directed by Viscount Castlereagh to send to you, for the information of Earl Bathurst, the Copy of a Dispatch which his Lordship has this day addressed to His Majesty's Ambassadors in The Netherlands and in Spain, and His Majesty's Envoy in Brazil, calling upon the Governments of those Countries to give directions as to the maintenance and disposal of such Individuals, their Subjects, as may form part of the Crews of

* See Class B.

Vessels condemned as above mentioned. In respect to British Subjects, whose cases may come under consideration in this view, I am farther directed by Viscount Castlereagh to request, that you will be pleased to move Earl Bathurst to call the attention of the Attorney-General in the Settlement of Sierra Leone to the enforcement of the Laws of this Country against such Offenders. I am, &c.

Henry Goulburn, Esq. J. PLANTA, JUN.

No. 44.—His Majesty's Commissioners to Viscount Castlereagh.

MY LORD, *Sierra Leone, 5th January,* 1821.

WE have the honour to state to your Lordship that the Spanish Schooner *Nuestra Senora de Montserrate* was condemned here on the 2d November, 1820, and 84 Slaves liberated, this being the only Case of illegal Slave-trade which has been brought before the Mixed Courts for adjudication, since the opening of the new Commission,

As your Lordship would probably not be prepared to expect so great and so sudden a diminution in the business of these Courts, we are induced to think that some explanation of the causes which have led to that diminution may not be unacceptable. In this view we have the honour to state to your Lordship as the result of the best information which we have been enabled to collect:

1st. That the reduction in the number of Cases for adjudication being, of course, occasioned by a similar reduction in the previous acts of capture and detention, has for its original cause the actual reduced state of the Trade.

2d. That the number of Captures made under circumstances which led to condemnation, and the activity of the Cruizers in visiting and watching those Vessels which they could not detain at the moment, have very much damped the ardour and restrained the enterprizes of the traders.

3d. That the supplies of Slaves on the coast are not obtained in the same numbers nor with the same facility and promptitude, even at the most noted Slave-trading Stations, as they were in former times and recently also.

4th. That the great tardiness and difficulty of obtaining supplies of Slaves at the trading stations on the coast are caused by embarrassments in the preceding operations of the trade in the interior, which embarrassments had previously arisen from the failure of the usual facilities of disposing of Slaves on the coast.

The facts here enumerated to your Lordship are the necessary effects of a system of restraints connected with each other in regular succession, and each reciprocally productive of the other.

The Slave Ships have been prevented from taking off, with their usual activity, the Slaves collected on the coast; the native Collectors

at the Sea Towns have in consequence ceased to keep any number of Slaves in readiness for Ships that may casually come to take them; and since their opportunities of immediate sale have been cut off, they have ceased to take the Slaves off the hands of the dealers and holders in the interior, or to purchase them with alacrity when brought down: those in the interior are consequently become less alert, and are unprepared to supply occasional demands when they arise on the coast. Thus, in the same proportion as reciprocal facilities sustained and extended the trade in former times, the checks and restrictions now imposed operate reciprocally to discourage and reduce it.

The intelligence upon which this statement is founded has been furnished principally by the results of the Cruizes of His Majesty's Ships on this Station, subsequent to the opening of the new Commission.

To the northward of the Colony, the River Pongas, which is the principal haunt of the Slave-traders on this part of the coast, has been specially visited by His Majesty's Brig *Snapper*, Lieutenant Nash commanding, in company with the American Sloop of War *John Adams*, Captain Wadsworth. This junction would, it was thought, combine a twofold authority for Capture, according as the Vessels found in the river should assume the American character, or that of any of the Powers comprehended in the Treaties establishing the Mixed Commissions. Four Vessels were found, 2 Brigs, and 2 Schooners. There were strong reasons to think the property American, but as the Flag and the Papers were Spanish, the American Officer, who was strictly forbidden to interfere with Foreign Flags, would not venture to make any seizure, and, as there were not any Slaves on board of the traders, the British Officer was equally debarred from detaining them.

His Majesty's Brig, *Thistle*, Lieutenant Hagan commanding, has since visited the same river, and His Majesty's Brig *Snapper*, now commanded by Acting Lieutenant Pratt, cruizes constantly in its vicinity to prevent any escape. According to the reports from these Ships the same Vessels continue in the river; their Cargoes have been landed, but the Slaves in return are not yet obtained. The length of time during which the Seamen have continued exposed to the pestilential air of the river has occasioned among them very destructive sickness, which, it is said, few if any have survived. Recent information through Merchants of the Colony confirms this intelligence.

With respect to the state of the trade in the range of the Cruizers to the southward of this Colony, we have learned, by His Majesty's Ship *Pheasant*, Captain Kelly, which arrived here about 2 months since from the southern Station, that it has fallen into similar decay. Captain Kelly had chased a Vessel supposed to be Spanish, which escaped by superior sailing, having first landed at Accra about 50 Slaves which she had on board when the chase commenced. These Slaves were sur-

rendered to Captain Kelly and brought to Sierra Leone. Want of proof prevented legal proceedings, but the Slaves were landed and given in charge to the Acting Governor, and placed on the Establishment for liberated Negroes, as is usual in such cases. Captain Kelly had not fallen in with any other Slave-trading Vessel; nor had he received any further information of the large Ships, strongly armed and manned for resisting search and capture, which were reported to be on the southern coast about 6 months since.

His Majesty's Brig *Thistle*, Lieutenant Hagan, took the Spanish Schooner *Nuestra Senora de Montserrate* in a small river near Cape Mount with 85 Slaves. On board the *Nuestra Senora de Montserrate* were the Mate and Seamen and some Slaves belonging to a French Schooner which had come in there for the same purpose, and had gone on shore and been lost. The Master of this French Vessel had died. The Slaves transferred from her were included in condemnation with those of the *Nuestra Senora de Montserrate*, as already stated in the abstract of the Case of this Vessel which, under date of the 2d November, 1820, His Majesty's Commissary Judge had the honour of transmitting to your Lordship.

Lieutenant Hagan had heard only of one Vessel in the trade at the adjacent Stations to the southward of Cape Mount. That Vessel had been commanded by a Person well known in this Colony as a determined Slave-trader; this Person called Buntzen professed himself a Danish Subject domiciled at St. Thomas's, but he traded under the Spanish Flag. Immediately before Lieutenant Hagan received his intelligence, Buntzen had been assassinated by one of his Seamen in a quarrel occasioned by the refusal of some liquor. It is added that the Native Dealers refused to admit the right of the successor in the command of this Vessel, to the Slaves purchased for her, and that the voyage was in consequence frustrated.

At Gallinas, nearer to this Colony 2 French Vessels have been employed in taking in Slaves; one of these, named *La Catharine*, has, it is said, succeeded in carrying off 150. The other is supposed to be still on the coast, having been very lately seen by His Majesty's Ship *Pheasant* and His Majesty's Brig *Thistle*, when she had not got any Slaves on board. It is therefore hoped that she may be met by one of 2 French Cruizers which a short time ago passed down the coast in search of Slave-traders of their own Nation. These Cruizers are *Le Henon*, of 22 guns, commanded by Captain Du Plessis, and the *Iris*, of 14 guns, Lieutenant Laine. No intelligence has hitherto been received of any capture made by either of these Cruizers, and we learn by recent accounts from the *Gambia* that the *Iris* has returned to her station off the French Settlements in that quarter.

The information obtained through His Majesty's Cruizers, and here recited in substance, will probably be deemed sufficient to sustain the

fact of the actual reduced state of the traffick in Slaves. But as hopes and wishes may in such a case easily mislead into too sanguine calculation and too easy belief, it may not be amiss to add some further matters derived from the same or equally authentic sources.

That a great length of time is now necessary to complete a Cargo of Slaves is a fact universally known and does not require to be established by proofs: during the lapse of this time there are three modes of passing the interval:

1st. Having landed the trade goods and a trading Agent, to cruize off and on, visiting the Station occasionally for general purposes, but principally in order to ascertain the progress of the collection, so as to suit the final approach for embarkation to the completion of the numbers. In this practice which for some time was general, the frequent visitations by His Majesty's Cruizers, and the close observation of the movements of Slave-trading Vessels leading frequently to their ultimate capture, especially in cases in which a few Negroes casually on board could not be landed or sworn off as unconnected with the Vessels and with the trade, have occasioned interruptions so inconvenient as to discourage the practice in a great degree.

2d. To put into small rivers, creeks or bays adjacent to the place of trade, and there remain until every preparation is made to put to sea with a full cargo. The recent capture of the *Nuestra Senora de Montserrate*, has shewn that such situations are not secure from attack and capture, and it is in these situations particularly, that the delay on the coast proves so fatal to the Seamen; the atmosphere of the Mangrove swamps, by which all the small rivers are bordered, is malignant and destructive beyond calculation. The fevers generated by the miasma arising from these swamps, have deprived the Slave Ships now in the River Pongas of nearly the whole of their Crews. It is possible, however, that by means of trained Slaves, an effort to put to sea may be made by one or more of these Vessels, if their Cargoes of Slaves should be collected, or other Slave-traders arriving may lend a few hands which would be sufficient.

3d. Another mode of passing the interval betwixt the arrival of a Vessel on the coast and that of her departure thence with her cargo of Slaves, is to make a voyage to some convenient Port, and there remain until there is reason to think the collection completed, and every thing ready for embarkation. The Isles of Cape Verd are most convenient for this purpose, but, in a recent instance, an American trader who had landed his goods in the River Pongas, and passed thence to the Isles of Cape Verd to await the collection of his Slaves, chanced to enter the Harbour of Bona Vista while the American Sloop of War *Hornet*, Captain Reid, was lying there. The Seamen of the Slave-trader gave information to Captain Reid that she was employed in that traffick and she was, in consequence, seized and sent to The United States.

Thus in every alternative, dangers and difficulties, losses and capture, are placed in the way of those who are so desperately devoted as to continue to pursue the illegal traffick.

The presence of 3 American Sloops of War of the 1st Class, strongly manned, has contributed greatly to restrain the trade and to multiply the embarrassments of all those concerned in it. These Vessels have made many captures, which have been sent to The United States for adjudication; a general terror has, in consequence, been spread with respect to those mixed adventures of Subjects of different Nations, which have been in use since the conclusion of the Treaties of Abolition; for, although the American Commanders are strictly prohibited from interfering with Foreigners, the obvious appearance of American interest would, without a doubt, be followed by a seizure, and circumstances which would not warrant seizure might probably be attended with other consequences scarcely less unpleasant to the Americans illegally interested.

From this statement it will be apparent that the execution of the Treaties for the suppression of illicit traffick in Slaves, has, within the short period since the establishment of the Mixed Commissions at this place, so materially checked that traffick that it may be considered in rapid progress towards extinction, for it must continue to decline while the present restraints are kept in activity, and there can be no doubt that they will be kept in activity until the extinction shall be fully accomplished.

We trust we may be admitted to offer to your Lordship our congratulations on this result, which is the more gratifying as the system established by the Treaties was altogether new, and was consequently subject to many imperfections, and these imperfections were again the more embarrassing as the details of construction and of practice could not be settled without the intervention of time and experience.

The decline of the Slave-trade in the interior of Africa is the point of greatest importance in this communication; especially as we are led to think that a progressive discontinuance tending to permanent cessation, is not beyond the range of reasonable calculation.

Slavery exists in every Country of Africa, but domestic Slaves are not often sold in the course of traffick. Captives in War and Persons condemned by form of law are the general stock of the trade, and it is found that hostile aggressions and unjust accusations, kidnapping and all kinds of atrocities ministering to the supplies of the Slave-market, are employed according to the inducements furnished by immediate opportunity of sale, and disused when the prospect of disposing of the victims is remote and uncertain. The cost of maintaining and the trouble of guarding Slaves destined for sale, are burthens not easily to be borne, for the Countries themselves are deficient in the means of subsistence as well as in those of safe custody. The labour of a Slave

destined for the traffick cannot be employed to any beneficial purpose, as such employment would give too many facilities to the disposition to escape, which already excites attempts too often successfully executed, or defeated by the sacrifice of the life of the party.

The desire of Foreign luxuries is the great motive for making Slaves, and as those luxuries can be supplied through the intermediation of any other branch of African Commerce, there will not be any incentive remaining to counteract the inconveniences at present attached to the Slave-trade. During the existence of the Slave-trade no effort can substitute any commerce for one so universally established and so deeply fixed in the minds of the People by the habits of ages. But when that accustomed great resource shall be found no longer available, others of a less odious nature will be embraced with equal ardour, and pursued with the same persevering industry and attachment. It may be hoped that no very great length of time would be necessary to impress on the minds, even of the most barbarous, the superior gratification of an innocent and virtuous commerce, compared with the criminal and cruel enjoyments purchased by the enslavement and sale of their fellow creatures.

The practicability of this substitution, and the happy effects produced by it, are already exemplified in the timber trade now flourishing in the river of Sierra Leone, and in the virtuous industry and affluence diffused by that trade through a large extent of Country adjacent to the creeks and bays into which the river divides itself.

The exportation of rice from this Colony afforded for some time a prospect of a trade likely to prove doubly beneficial, inasmuch as it would establish itself co-extensively and consistently with the improvement of agriculture. The sales of African rice in the West India markets have not recently been very encouraging. Some unfavourable influence has, in consequence, been felt in Africa, but there is reason to hope that the check will not be of long duration, for it has already begun to pass away. Palm oil is the article of legitimate commerce next in importance; but this, as well as ivory, gold, and every thing else that the Country affords, can only be considered as subsidiary to some one of sufficient magnitude to constitute a staple such as the Slave-trade has been, as the timber trade now is in this Colony, and as the rice may, it is to be hoped, more generally become.

The articles of African produce exported from this Colony, with the exception of timber and camwood, both of which are found in the Sierra Leone River, are derived from the Sherbro, close to the southward, and from several rivers to the northward, of which the River Pongas is the most important. In all these rivers the Slave-trade is carried on, as far as means and opportunity will admit; but chiefly in the River Pongas. The Slaves obtained in that river, and in all the others

of the coast adjacent to it, are furnished by the Foulahs, or, as they are sometimes called by European travellers, the Poules of Foutah Jallow. This Nation occupies an extensive Territory about 150 or 200 miles from the coast. The People are powerful and warlike, and accustomed to the breeding and the use of horses; they can collect a numerous irregular cavalry, and, by sudden and rapid irruptions into the neighbouring Countries, with this force, they have generally been successful in carrying off great numbers of Slaves. Recently, as it is reported, they have had to maintain some sharp contests, and have sustained losses which may give them a disinclination to these pursuits. This consequence may be more reasonably expected, as the embarrassed condition of the trade on the coast will operate conjointly with the losses in the interior, although we have recently heard that the Foulah Chiefs have made an effort to overcome these embarrassments and to re-open the Slave-trade in the River Pongas. But the most favourable grounds of hope with respect to the Foulahs arise from other considerations. The great national occupation of this People consists in rearing and feeding cattle, and this Colony affords a beneficial market for their live stock, the consumption of which is already very considerable, with a progressive increase likely in a short time to make ample compensation to them for the loss of the Slave-trade. They make likewise some butter, which the Colonists would purchase in as great quantity as this improved market would induce them to supply. Their horses also may be sold with advantage, and some are occasionally brought hither by small traders of the Colony. Horses cannot be reared in the Colony, and those that are imported are seldom of long life, consequently the demand must continue and must increase with the growth of the Settlement. The present supplies are brought chiefly from the Gambia and from the Isles of Cape Verd. The Foulah horses are rather unsightly, but they are stout and serviceable, and, as they are natives of a climate nearly the same as that of Sierra Leone, they may be expected to prove more healthy than the others.

With these ample means of legitimate commerce, the Foulahs, it may be confidently hoped, will prosper by the extinction of the Slave-trade, rather than suffer by the diminution of it, and the trade which they may establish with this Settlement would supply, in return, European commodities not only sufficient for their own wants, but give a large surplus to be transmitted to other Countries more remotely situated in the interior of Africa. The circumstances of the present moment are particularly favourable to the formation of a direct intercourse with this People. Hitherto the trade between them and the Colony has been carried through intermediate marts on the coast; one of these is Malagia, the Capital of a Chief called Sanassee, and the other is Fourricaria which belongs to Almami. These Chiefs are of the Mandingo

Nation, the paramount Sovereignty of which is claimed by Almami; the homage and tribute incident to this claim has been refused by Sanassee, and a War has in consequence arisen, which has caused much inconvenience to travelling, as well as to agriculture and all pacific occupations, although attended with little bloodshed. The trade of the Foulahs, especially, has suffered so much interruption and depression, that the Chiefs of that People have been induced to make overtures to the traders at the River Pongas, with a view to obtain the necessary, supplies of European commodities by that channel. Almami of Teembo, and the Chiefs in immediate subordination to him, had previously addressed a publick Letter to the Governor of this Colony and to the African Chiefs on the coast, praying the interposition of their influence for the re-establishment of the peace so much desired. This has induced the Colonial Government to dispatch a Mission, long contemplated, for the purpose of inducing Almami of Teembo and the other Chiefs of the Foulah Nation to open an intercourse with the Colony by a more direct communication through Port Logo, at the head of one of the branches of the Sierra Leone River. Confident hopes are entertained of successful results from this Mission, the management of which has been entrusted to Mr. O'Beirne of the medical staff.

We have not adequate means of ascertaining whether the coast to the southward possesses commodities capable of constituting a staple; but time and the enterprize of British Travellers and traders, stimulated by the active spirit of beneficence which directs and sustains the efforts made in every direction for the improvement of Africa, will, we are sure, bring forth resources on that part also of the coast, commensurate to those already in action in other parts.

In the trading stations near to Cape Mount, large quantities of Country cloths are purchased, at a shilling or fifteenpence each, to be retailed in this Colony at five and six shillings. These cloths are of cotton, first coarsely woven in webs of 4 inches wide, and subsequently sewed together in pieces of 6 or 7 feet in length and 4 feet in breadth. They are used as coverings for tables and for country sofas and small beds, and occasionally as warm clothing for the person. As many as 1,500 of these cloths have been comprised in one shipment for the Colony; 4 and 500 are common numbers. They are previously brought from a great distance in the Interior, and by the accounts of recent travels in the Countries towards the sources of the Nile, it appears that cloths of a similar description are brought thither from the same places of manufacture. When it is considered that the payments for these cloths are made on this side of Africa entirely in goods brought from Europe, it will be matter of astonishment that the manufacturers can make them for so small a remuneration as that which they may be supposed to receive, when the ultimate price in the Country, after passing, in all probability, through the hands of several traders, is so small as that

which we have mentioned. It has been suggested that the exportation of the cotton in a crude state would be found a mode of trade, in this article, likely to produce great advantages to the Africans as well as to those who might purchase from them. Time and improved understanding will probably lead to this mode of interchange, but at present it is mere matter of conjecture.

We have now brought this Communication to a close, and we have only to add our humble hope that the matters contained in it may be thought not unbecoming in us to offer to your Lordship's notice, nor unworthy of your Lordship's attention.

With the greatest respect, we have, &c.

E. GREGORY.

Viscount Castlereagh, K. G. EDWARD FITZGERALD.

Class B.

***CORRESPONDENCE** with Spain, Portugal, and The Netherlands relative to the execution of Treaties contracted by them with Great Britain, for the prevention of illicit Traffick in Slaves; and Correspondence with His Majesty's Commissioners in the Colonies of those Powers.*

LIST OF PAPERS.

No.			1817.	Page.
1.	Wm. Hamilton, Esq. to the Count de Palmella.	Foreign Office,	5th Aug.	121
2.	H. Chamberlain, Esq. to Viscount Castlereagh.	Rio de Janeiro,	2nd Oct.	121
3.	Sir Henry Wellesley to Viscount Castlereagh.	Madrid,	23rd Dec.	121
	Inclosure.—Cedula issued by His Catholick Majesty. December 1817.			
4.	H. Chamberlain Esq. to Viscount Castlereagh.	Rio de Janeiro,	28th Nov. 1818.	122
5.	Sir H. Wellesley to Viscount Castlereagh	Madrid,	12th Feb.	122
	Inclosure.—Form of Spanish Passport			122
6.	Sir H. Wellesley to Viscount Castlereagh	Madrid,	19th Mar.	124
7.	H. Chamberlain, Esq. to Viscount Castlereagh.	Rio de Janeiro,	21st Feb.	124
8.	Viscount Castlereagh to the Earl of Clancarty.	Foreign Office,	19th May	125
9.	Viscount Castlereagh to H. Chamberlain, Esq.	Foreign Office,	10th June	125
10.	Viscount Castlereagh to Sir H. Wellesley	Foreign Office,	11th June	126
11.	H. Chamberlain, Esq. to Viscount Castlereagh	Rio de Janeiro,	4th April	127
12.	H. Chamberlain, Esq. to Viscount Castlereagh.	Rio de Janeiro,	11th April	128
	Inclosure.—List of Slaves imported into Bahia in 1817			128
13.	H. Chamberlain, Esq. to Viscount Castlereagh.	Rio de Janeiro,	9th May	128
14.	Sir H. Wellesley to Viscount Castlereagh	Madrid,	23rd July	130
15.	Sir H. Wellesley to Viscount Castlereagh	Madrid,	3rd Aug.	130
16.	Sir H. Wellesley to Viscount Castlereagh	Madrid,	6th Aug.	130
17.	Viscount Castlereagh to H. Chamberlain, Esq.	Foreign Office,	10th Sept.	132

No.			1818.	Page
18.	H. Chamberlain, Esq. to Viscount Castlereagh.	Rio de Janeiro,	19th Jan.	133
	Inclosure.—List of Slaves imported into Rio de Janeiro in 1817			134
19.	H. Chamberlain, Esq. to Viscount Castlereagh.	Rio de Janeiro,	31st Jan.	135
20.	H. Chamberlain, Esq. to Viscount Castlereagh.	Rio de Janeiro,	7th Feb.	136
21.	The Chevalier Guerreiro to Earl Bathurst	London,	22nd Oct.	137
	Inclosures.—Decrees respecting the Mixed Commission at Rio de Janeiro. 18th Aug			137
22.	H. Chamberlain, Esq. to Viscount Castlereagh.	Rio de Janeiro,	22nd Aug.	139
23.	H. Chamberlain, Esq. to Viscount Castlereagh.	Rio de Janeiro,	23rd Aug.	141
24.	Earl Bathurst to the Chevalier Guerreiro	Foreign Office,	13th Nov.	142
25.	The Earl of Clancarty to Viscount Castlereagh.	Brussels,	13th Nov.	143
26.	Viscount Castlereagh to H. Chamberlain, Esq.	Foreign Office,	27th Nov.	143
	Inclosure.—The Prince Regent of Great Britain to the King of Portugal. 9th December			144
			1819.	
27.	Viscount Castlereagh to Sir Henry Wellesley.	Foreign Office,	31st Jan.	145
28.	Viscount Castlereagh to Sir Henry Wellesley.	Foreign Office,	31st Jan.	145
29.	Viscount Castlereagh to Henry Chamberlain, Esq.	Foreign Office,	31st Jan.	146
30.	Viscount Castlereagh to Henry Chamberlain, Esq.	Foreign Office,	31st Jan.	147
31.	Viscount Castlereagh to the Count de Palmella.	Foreign Office,	12th Feb.	148
32.	Sir Henry Wellesley to Viscount Castlereagh.	Madrid,	4th Feb.	149
33.	Viscount Castlereagh to His Majesty's Commissioners at Rio de Janeiro	Foreign Office,	20th Feb.	149
			1818.	
34.	Henry Chamberlain Esq. to Viscount Castlereagh.	Rio de Janeiro,	19th Dec.	149
			1819.	
35.	Joseph Planta, Jun. Esq. to G. W. Chad, Esq.	Foreign Office,	23rd Feb.	150
36.	Viscount Castlereagh to H. Chamberlain, Esq.	Foreign Office,	28th Feb.	151
37.	G. W. Chad, Esq. to Joseph Planta, Jun. Esq.	Brussels,	28th Feb.	151
	Inclosure.—Law of the King of the Netherlands	20th November, 1818		152
38.	G. W. Chad, Esq. to Joseph Planta, Jun. Esq.	Brussels,	6th Mar.	152
39.	G. W. Chad, Esq. to Viscount Castlereagh.	Brussels,	26th Mar.	153
40.	Viscount Castlereagh to the Count de Palmella.	Foreign Office,	29th Mar.	154
41.	Sir Henry Wellesley to Viscount Castlereagh.	Madrid,	15th Mar.	154
42.	Viscount Castlereagh to His Majesty's Commissioners at Rio de Janeiro	Foreign Office,	3rd April	154
43.	H. Chamberlain, Esq. to Viscount Castlereagh.	Rio de Janeiro,	22nd Jan.	155
	Inclosure.—Account of the number of Slaves imported into Rio de Janeiro in 1818			155
44.	Viscount Castlereagh to G. W. Chad, Esq.	Foreign Office,	6th April	156
45.	Viscount Castlereagh to H. Chamberlain, Esq.	Foreign Office,	7th April	157
			1820.	
46.	Viscount Castlereagh to Sir Henry Wellesley.	Foreign Office,	8th April	158
			1819.	
47.	G. W. Chad, Esq. to Viscount Castlereagh.	Brussels,	19th April	159
48.	Baron Fagel to Viscount Castlereagh	London,	1st May	160
49.	G. W. Chad, Esq. to Viscount Castlereagh.	Brussels,	29th April	160
50.	H. Chamberlain, Esq. to Viscount Castlereagh.	Rio de Janeiro,	20th Feb.	161
51.	Viscount Castlereagh to G. W. Chad, Esq.	Foreign Office,	11th May	162
52.	Viscount Castlereagh to G. W. Chad, Esq.	Foreign Office,	11th May	163
53.	G. W. Chad, Esq. to Viscount Castlereagh.	Brussels,	8th May	164

No.				1819.	
54.	G. W. Chad, Esq. to Viscount Castlereagh	....	Brussels, ...	25th May	165
55.	H. Chamberlain, Esq. to Viscount Castlereagh	.	Rio de Janeiro,..	7th May	165
56.	Wm. Hamilton, Esq. to H. Chamberlain, Esq.		Foreign Office,..	16th July	166
57.	Viscount Castlereagh to H. Chamberlain, Esq.		Foreign Office,..	17th July	166
58.	Baron Fagel to Viscount Castlereagh.....		Whitehall Place,	19th July	167
59.	Viscount Castlereagh to G. W. Chad, Esq.....		Foreign Office,..	20th July	167
60.	Viscount Castlereagh to the Earl of Clancarty.		Foreign Office,..	30th July	168
61.	The Earl of Clancarty to Viscount Castlereagh.		Brussels,.....	6th Aug.	168
62.	Viscount Castlereagh to the Right Hon. Edward Thornton at the Brazils.....		Foreign Office,..	6th Sept.	168
63.	His Majesty's Commissioners at Rio de Janeiro to Viscount Castlereagh.....		Rio de Janeiro,.	21st Aug.	169
64.	Viscount Castlereagh to Sir H. Wellesley.....		Foreign Office,..	13th Oct.	170
65.	H. Chamberlain, Esq. to Viscount Castlereagh.		Rio de Janeiro,..	21st Aug.	170
66.	The Count de Palmella to Viscount Castlereagh.		South Audley St.	16th Oct.	171
67.	H. Chamberlain, Esq. to Viscount Castlereagh.		Rio de Janeiro..	31st Aug.	171
68.	Viscount Castlereagh to the Count de Palmella.		Foreign Office,..	21st Oct.	171
69.	Viscount Castlereagh to the Count de Palmella.		Foreign Office,..	25th Oct.	172
70.	Viscount Castlereagh to Sir H. Wellesley.....		Foreign Office,..	23rd Oct.	172
71.	The Count de Palmella to Viscount Castlereagh,		London,.....	25th Oct.	173
	Inclosure.—The King of Portugal to the Prince Regent of Great Britain.....21st August.....				173
72.	Viscount Castlereagh to the Count de Palmella.		Foreign Office,..	28th Oct.	174
73.	The Count de Palmella to Viscount Castlereagh.		London,.....	29th Oct.	175
74.	The Earl of Clancarty to Viscount Castlereagh.		The Hague,....	5th Nov.	176
75.	Viscount Castlereagh to the Earl of Clancarty..		Foreign Office,..	11th Nov.	177
76.	Viscount Castlereagh to Count de Palmella....		Foreign Office....	19th Nov.	179
77.	The Earl of Clancarty to Viscount Castlereagh.		The Hague.....	16th Nov.	179
78.	H. Chamberlain, Esq. to Viscount Castlereagh.		Rio de Janeiro....	12th Oct.	180
79.	H. M's. Commrs at Rio de Janeiro to Viscount Castlereagh.....		Rio de Janeiro....	13th Oct.	180
80.	H. Chamberlain, Esq. to Viscount Castlereagh.		Rio de Janeiro...	13th Oct.	181
	Inclosures. Form of Passport for Portuguese Slave Vessels				182
	Instructions intended for the British and Portuguese Ships-of-War employed to prevent illicit Traffick in Slaves.....				182
81.	H. Chamberlain, Esq. to Viscount Castlereagh.		Rio de Janeiro...	13th Oct.	182
82.	The Count de Palmella to Viscount Castlereagh.		London.....	31st Dec.	182
83.	The Earl of Clancarty to Viscount Castlereagh.		The Hague.....	28th Dec.	185
				1820.	
84.	The Count de Palmella to Viscount Castlereagh.		London.....	27th Jan.	185
85	The Earl of Clancarty to Viscount Castlereagh.		The Hague.....	28th Jan.	186
86.	H. M.'s Commrs. at Surinam to Viscount Castlereagh		Surinam.....	1819. 23rd Nov.	188
	Inclosure.—Proclamation issued by The Netherland Government ..... 17th Sept. 1818.....				188
				1820.	
87.	Viscount Castlereagh to the Count de Palmella.		Foreign Office....	15th Feb.	190
88.	H. M.'s Commrs. at Rio de Janeiro to Viscount Castlereagh.....		Rio de Janeiro...	1819. 22nd Dec.	190
	Inclosure. Protocol. Installation of the Mixed Commission.....				191

1820.

89. Viscount Castlereagh to the Count de Palmella. Foreign Office... 1st Mar. 192

90. The Count de Palmella to Viscount Castlereagh. London..... 6th Mar. 192

Inclosure. Notification. Appointment of the Portuguese Commissioners..... 193

1819.

91. H. M's. Comm^rs. at The Havannah to Viscount Castlereagh.....Havannah..... 12th Nov. 195

1820.

92. H. M's Comm^rs. at Rio de Janeiro to Viscount Castlereagh.....Rio de Janeiro....10th Jan. 195

Inclosure. Protocol of the Proceedings of the Mixed Commission..... 196

1819.

93. Viscount Castlereagh to the Count de Palmella. Foreign Office....27th Mar. 197

94. H. M.'s Comm^rs. at Surinam to Viscount Castlereagh.....Surinam .....15th Nov. 198

Inclosure.—Notification. Appointment of the Mixed Commission... 198

95. H. M.'s Comm^rs. at Surinam to Viscount Castlereagh.....Surinam.....27th Dec. 199

1820.

96. The Count de Palmella to Viscount Castlereagh. London..... 1st April. 199

97. H. T. Kilbee, Esq. to W. Hamilton, Esq.....Havannah..... 6th Feb. 200

H. T. Kilbee, Esq. to W. Hamilton, Esq.....Havannah..... 8th Mar. 201

The Earl of Clanwilliam to H. T. Kilbee, Esq..Foreign Office....17th April. 202

00. Viscount Castlereagh to Sir Henry Wellesley. Foreign Office,...17th April. 203

101. The Right Hon. E. Thornton to Viscount Castlereagh.....Rio de Janeiro...14th Feb. 203

102. H. M.'s Comm^rs. at Rio de Janeiro to Viscount Castlereagh.....Rio de Janeiro... 7th Mar. 204

Inclosures—Protocols of Conferences of the Mixed Commission at Rio de Janeiro..... 204

103. H. M.'s Comm^rs. at Surinam to Viscount Castlereagh.....Surinam..... 1st April. 206

104. H. M.'s Comm^rs. at Surinam to Viscount Castlereagh.....Surinam..... 6th April. 207

105. Don Santiago Usoz to Viscount Castlereagh..Portland Place...29th May 208

106. Viscount Castlereagh to the Earl of Clancarty. Foreign Office....30th May. 210

107. Viscount Castlereagh to the Count de Palmella. London..... 1st June. 211

108. Sir H. Wellesley to Viscount Castlereagh....Madrid .....18th May. 212

109. Sir H. Wellesley to Viscount Castlereagh....Madrid .....27th May. 214

110. Viscount Castlereagh to M. Santiago Usoz...Foreign Office....11th June. 215

111. Count de Palmella to Viscount Castlereagh...London.....12th June. 217

112. H. M.'s Comm^rs. at The Havannah to Viscount Castlereagh.....Havannah.....13th May. 218

113. Viscount Castlereagh to the Earl of Clancarty. Foreign Office....14th July. 219

114. Viscount Castlereagh to H. M.'s Comm^rs. at Surinam.....Foreign Office....16th July. 220

115. The Earl of Clancarty to Viscount Castlereagh. The Hague.....25th July. 221

116. The Earl of Clancarty to Viscount Castlereagh. The Hague.....11th Aug. 222

117. Sir H. Wellesley to Viscount Castlereagh....Madrid ..... 3rd Aug. 223

118. The Earl of Clancarty to Viscount Castlereagh. The Hague.....15th Aug 225

119. H. T. Kilbee, Esq. to Wm. Hamilton, Esq...Havannah.....29th June. 227

120. Viscount Castlereagh to the Earl of Clancarty. Foreign Office....22nd Sept. 228

No.		1820,	Page
121.	Viscount Castlereagh to His Majesty's Ambassadors at Madrid and in The Netherlands, and to His Majesty's Envoy at Rio de Janeiro.	Foreign Office....	22nd Sept. 228
122.	The Earl of Clancarty to Viscount Castlereagh.	Brussels.....	10th Oct. 230
123.	H. M.'s Commrs. at Rio de Janeiro to Viscount Castlereagh.	Rio de Janeiro....	31st July. 231
124.	The Earl of Clancarty to Viscount Castlereagh.	Brussels.....	13th Oct. 231
125.	The Earl of Clancarty to Viscount Castlereagh.	Brussels.....	20th Oct. 232
126.	H. T. Kilbee, Esq. to W. Hamilton, Esq.....	Havannah	31st Aug. 233
127.	H. T. Kilbee, Esq. to the Earl of Clanwilliam.	Havannah.....	31st Aug. 234
128.	The Earl of Clancarty to Viscount Castlereagh.	Brussels.....	10th Nov. 234
129.	Viscount Castlereagh to the Earl of Clancarty.	Foreign Office....	16th Nov. 238
130.	The Earl of Clancarty to Viscount Castlereagh.	Brussels.....	24th Nov. 238
131.	Viscount Castlereagh to H. M.'s Commrs. at Rio de Janeiro, Surinam, and The Havannah.	Foreign Office....	28th Nov. 239
132.	H. M.'s Commrs. at Surinam to Viscount Castlereagh.	Surinam.....	14th Aug. 240
133.	H. T. Kilbee, Esq. to W. Hamilton, Esq....	Havannah.....	25th Sept. 240
	Inclosure. List of Spanish Vessels which have cleared out for the Coast of Africa from the Port of The Havannah, between the 1st of January, 1819, and the 30th of May, 1820, inclusive, and which have not yet returned.....		240
134.	Viscount Castlereagh to the Earl of Clancarty.	Foreign Office....	18th Dec. 241
135.	Viscount Castlereagh to His Majesty's Ambassadors at Brussels and Madrid, and His Majesty's Envoy at Rio Janeiro.....	Foreign Office....	18th Dec. 241
136.	Viscount Castlereagh to H. M.'s Commrs. at Surinam.....	Foreign Office....	27th Dec. 242
137.	The Earl of Clancarty to Viscount Castlereagh.	Brussels	26th Dec. 242
138.	H. T. Kilbee, Esq. to Wm. Hamilton, Esq....	Havannah.....	8th Nov. 1821. 246
139.	Viscount Castlereagh to Sir H. Wellesley.....	Foreign Office....	16th Feb. 248
140.	The Earl of Clanwilliam to H. T. Kilbee, Esq.	Foreign Office....	16th Feb. 250
141.	The Earl of Clancarty to Viscount Castlereagh.	Brussels.....	27th Feb. 250
142.	Viscount Castlereagh to the Right Hon. E. Thornton	Foreign Office....	5th Mar. 251
143.	Viscount Castlereagh to the Right Hon. E. Thornton	Foreign Office....	5th Mar. 252
144.	H. M.'s Commrs at The Havannah to Viscount Castlereagh.....	Havannah.....	10th Jan. 253
145.	Sir H. Wellesley to Viscount Castlereagh....	Madrid.....	7th Mar. 253
146.	H. M.'s Commrs at Surinam to Viscount Castlereagh.....	Surinam	12th Dec. 256
147.	Viscount Castlereagh to the Earl of Clancarty.	Foreign Office....	21st Mar. 256

No. 1.—William Hamilton Esq. to the Count de Palmella.

Foreign Office, 5th August, 1817.

Mr. Hamilton presents his compliments to the Count de Palmella, and in compliance with his request, has the honour to transmit to him a complete collection of the Acts passed by the British Legislature relative to the Slave-trade, in order that the Count may communicate the same to his Government for their information, with reference to the IIId Article of the Convention of the 28th ultimo, between Great Britain and *Portugal* upon that subject.

Mr. Hamilton avails himself of this opportunity, &c.

The Count de Palmella.

No. 2.—H. Chamberlain Esq. to Visct. Castlereagh.—(Rec. 10th Dec.)

My Lord, *Rio de Janeiro, 2nd October,* 1817.

The Slave-trade from this Port has lately experienced so very extraordinary an increase, that it becomes me to report the circumstance to your Lordship. No less than 27 Vessels of various classes have sailed for Cargoes of Slaves during the last 2 months, (in August 6 and in September 21) whose description and destination are as follows:

Cabinda,	9 Ships.	Angola,	3 Brigs.
Ditto,	9 Brigs.	Mosambique,	2 Ships.
Ditto,	3 Schooners.	Ditto	1 Brig.

And several more Vessels are preparing, being already in a forward state, for the same destinations.

Your Lordship will no doubt be much struck with the sudden extension of the trade with Cabinda: I am totally unable to account for it, except from the circumstance of its greater vicinity to the prohibited districts, from whence it may have the means of procuring Negroes with more facility, and at less expence, than can be done at the other more southern Ports.

The Portuguese Slave Ships generally bring between 400 and 600 Negroes each; taking the Cargoes of those that sailed in September as averaging only 450, the total number imported by them will be 9,450, being very nearly half the supply brought in any former years.

I have the honour to be, &c.

Viscount Castlereagh, K. G. H. CHAMBERLAIN.

No. 3.—Sir H. Wellesley to Visct. Castlereagh.—(Rec. 5th Jan. 1818.)

My Lord, *Madrid, 23d December,* 1817.

I have the honour to transmit to your Lordship a Royal Cedula of His Catholick Majesty, announcing the regulations under which the Trade in Slaves is to be carried on by His Subjects, for the period for which it is allowed to continue, according to the engagement between their Britannick and Catholick Majesties.

This Cedula is addressed to all the Spanish Authorities in the Colonial Dominions of His Catholick Majesty.

I understand that the Treaty is in the press, and will also be published shortly, I have, &c.

Viscount Castlereagh, K. G. H. WELLESLEY.

(Inclosure.)—Cedula issued by His Catholick Majesty, in December, 1817, for the Restriction and ultimate Abolition of the Trade in Slaves, by Subjects of Spain.

[See Vol. State Papers, 1824, 1825. Page 199.]

No. 4.-H. Chamberlain Esq. to Visct. Castlereagh.-(Rec. 10th Feb. 1818.)

My Lord, *Rio de Janeiro, 28th November,* 1817.

I had the honour to receive by His Majesty's Ship *Blossom,* which arrived in the evening of the 23rd instant, your Lordship's Dispatch, dated the 25th August, inclosing the Ratification by His Royal Highness the Prince Regent, of the Additional Convention, and the Instruments thereunto annexed, concluded at London on the 28th of July last, between His Majesty and His Most Faithful Majesty, for the purpose of preventing their Subjects from engaging in any illicit Traffick in Slaves.

The next morning I wrote a Note to the Chevalier de Bezerra, and received in reply an invitation to meet His Excellency on the 27th, for the purpose of exchanging the Ratifications, which I had the honour to do yesterday at his house in the usual manner. I have, &c.

Viscount Castlereagh, K.G. H. CHAMBERLAIN.

No. 5.—Sir H. Wellesley to Visct. Castlereagh, K. G.—(Rec. 28th Feb.)

My Lord, *Madrid, 12th February,* 1818.

I have the honour to inclose the Passport, with which those of His Catholick Majesty's Subjects who may in future engage in the Slave-trade must be provided, conformably to the Stipulations of the Treaty signed at Madrid on the 23d of September 1817. I have, &c.

Viscount Castlereagh, K. G. H. WELLESLEY.

(Inclosure.)-Form of Passport for Spanish Slave Vessels.-(Translation.)

Ferdinand, by the Grace of God, King of Castille, of Leon, of Arragon, of the Two Sicilies, of Jerusalem, of Navarre, of Granada, of Toledo, of Valencia, of Gallicia, of Majorca, of Minorca, of Seville, of Sardinia, of Cordova, of Corsica, of Murcia, of Jaen, of the Algarves, of Algeciras, of Gibraltar, of the Canary Islands, of the East and West Indies, Isles and Terra Firma of the Ocean: Archduke of Austria; Duke of Burgundy, of Brabant and of Milan; Count of Apsburg, Flanders, Tirol, and Barcelona; Lord of Biscay and of Molina, &c. &c. &c. Whereas I have granted permission for the Ves-

sel called of tons, and carrying
Men, and Passengers, Master, and
Owner; both Spaniards and Subjects of my Crown, to proceed bound to the ports of and coast of Africa, from whence she is to return to the said Master and Owner having previously taken the required Oath before the Tribunal of Marine of the proper Naval Division, from whence said Vessel sails, and having legally proved, that no Foreigner has any share in the above-mentioned Vessel and Cargo, as appears by the Certificate annexed to this Passport; which Certificate is given by the same Tribunal, in consequence of the steps taken in pursuance of the directions contained in the Ordinance of Matriculation of 1802.

The said Captain, and
Owner of the said Vessel, being under an obligation to enter solely such Ports on the Coast of Africa as are to the South of the Line; and to return from thence to any of the Ports of my Dominions; where alone they shall be permitted to land the Slaves whom they carry, after going through the proper forms, to shew that they have, in every respect, complied with the provisions of my Royal Decree of the 23d of September, 1817, by which the mode of conveying Slaves from the Coast of Africa to my Colonial Dominions is regulated: and should they fail in any of these conditions, they shall be liable to the penalties denounced by the said Decree, against those who shall carry on the Slave Trade in an illicit manner. I therefore command all General and other Officers, commanding my Squadrons and Ships; the Captain-Generals of the Departments of Marine; the Military Commandants of the Provinces of the same, their Subalterns, Captains of the Ports, and all other Officers and Persons belonging to the Navy; the Viceroys, Captain-Generals, or Commandants of Kingdoms and Provinces; the Governors, Majors, and Justices of the Towns upon the sea coast of my Dominions of the Indies; the Royal Officers or Judges of Entries therein established; and all others of my Subjects to whom it belongs, or may belong, not to give her any obstruction, nor to occasion her any inconvenience or detention; but rather to aid her, and to furnish her with whatever she may want for her regular navigation: and of the Vassals and Subjects of Kings, Princes, and Republicks, in friendship and alliance with me; of the Commanders, Governors, or Chiefs, of their Provinces, Fortresses, Squadrons and Vessels, I require that they likewise shall not impede her in her navigation, entry, departure, or detention in the Ports, to which, by any accident, she may be carried, but permit her to provide and supply herself therein with whatever she may be in need of: for which purpose, I have commanded this Passport to be made out: which, being signed for its validity by my Secretary of State for the dispatch of

Marine, shall serve for the time that a voyage going and returning, may last: after the conclusion of which, it shall be returned to the Commandant of Marine, Governor or other Person by whom it may have been issued, adding for its proper use the corresponding Note. Given at on This Royal Passport for Spanish Merchant Ships employed in the lawful Commerce of Slaves, &c. It was issued by me the underwritten on the day of this date, the requisites of the Ordinances having been complied with, and with the obligation to return it immediately on the return from the voyage.

Given at the of 18 .

No. 6.—Sir H. Wellesley to Viscount Castlereagh.—(Rec. 2d April.)

My Lord, *Madrid, 19th March,* 1818.

M. Pizarro repeated to me lately, how much it was the desire of the *Spanish* Government to fulfil all the Stipulations of the Slave-trade Treaty, and among others that which relates to the establishment of Mixed Commissions for the adjudication of Vessels, detained under a suspicion of having been engaged in an illicit Traffick in Slaves.

He said that, as the residence of one of the Commissions was to be in a Spanish Colonial Possession, His Catholick Majesty had fixed upon the Canary Islands as most eligible for that purpose, and that he was prepared to nominate Persons who were to act for Spain, as soon as the British Government should have determined upon the place where the other Commission which is to be established upon the Coast of Africa, is to reside. He begged me to write to your Lordship upon the subject. I am, &c.

Viscount Castlereagh, K. G. H. WELLESLEY.

No. 7.—H. Chamberlain, Esq. to Visct. Castlereagh.—(Rec. 1st May.)

My Lord, *Rio de Janeiro, 21st February,* 1818.

I have the honour to inform your Lordship, that I have this day spoken to the Minister on the subject of the Alvará stipulated in Article III. of the Additional Convention, and have learnt from His Excellency, that he himself made out the draft of this Instrument, since when it had been delivered to the Conde dos Arcos for his consideration. He did not say whether it had yet been submitted to His Majesty for Royal confirmation, but he appeared rather to believe that such was the case. I have, &c.

Viscount Castlereagh, K. G. H. CHAMBERLAIN.

No. 8.—Viscount Castlereagh to the Earl of Clancarty.

My Lord, *Foreign Office, 19th May,* 1818.

Your Excellency will receive by this Messenger the Ratification in due form, on the part of His Royal Highness the Prince Regent, of the Treaty for the repression of illicit Slave-trade, which you have concluded and signed with the Government of The Netherlands.

With reference to the VIIth Article of that Treaty, which stipulates, amongst other things, that the two Sovereigns, at the period of the exchange of the Ratifications, shall declare, each for his own Dominions, in what Places the Courts of Justice described in that Article shall respectively reside, I am commanded by H. R. H. the Prince Regent to instruct your Excellency, to declare the Settlement of Sierra Leone on the Coast of Africa, to be the Place which His Royal Highness has designated for the above purpose, in His Majesty's Dominions.

Your Excellency will have the goodness to transmit to me, without delay, the Ratification of this Treaty on the part of the King of The Netherlands, which you will receive in exchange for that of His Royal Highness. I am, &c.

H. E. The Earl of Clancarty, G. C. B. CASTLEREAGH.

No. 9.—Viscount Castlereagh to Henry Chamberlain, Esq.

Sir, *Foreign Office, 10th June,* 1818.

I have the honour to transmit to you 6 printed Copies of the Treaty concluded on the 28th of July last Year, between His Majesty and the King of Portugal, for restricting the Traffick in Slaves, and for repressing illicit Slave-trade on the part of His Most Faithful Majesty's Subjects; I send also to you 6 printed Copies of the Act of the British Legislature, for confirming the engagements which the Prince Regent has taken on the part of His Majesty, and for enabling the Executive Government to carry into effect the several Stipulations contained therein.

I have not yet received from you the Copy of His Most Faithful Majesty's Ordinance for rendering it criminal to carry on an illicit Trade in Slaves, which was to have been promulgated immediately on the Ratifications of the Treaty being exchanged, but I am willing to hope that I shall receive it by the first Packet; and, in the mean time, I have received the Prince Regent's commands to instruct you, to invite the Governmentof His Most Faithful Majesty, forthwith to nominate the Commissioners who are to reside, conjointly with those appointed by the Prince Regent, in execution of the several Clauses of the Treaty, in the Brazils and at Sierra Leone, the latter being the Place fixed upon by this Government as the most fitting, under all circumstances, for bringing in for adjudication Vessels detained for carrying on an illicit Traffick in Slaves.

I trust that you will meet with no difficulties in prevailing on the Portuguese Government to come to an early decision on this point, and that you will also be able to acquaint me what Port in the Brazils has, in pursuance of the VIIIth Article of the Convention of the 28th of July, 1817, been fixed upon by the King of Portugal, for the residence of the Transatlantic Commissioners.

As soon as I shall obtain from you this information, I shall lose no time in receiving the Prince Regent's commands for sending out the British Commissioners to their respective posts; and I shall be anxious to learn at what period it is considered likely that the Portuguese Commissioners will be dispatched to Sierra Leone, in order that the British Commissioners may be there at the same time, or sooner if possible.

You will endeavour to accelerate this arrangement, and you will fix as early a period with M. Bezerra as possible, for the departure of the Commissioners, notifying the same to me. You will also represent to that Minister, how much the friendly and harmonious execution of this new system is likely to depend on the choice made by the respective Governments, of proper Commissioners, who, in their enlightened views of strict and impartial justice, and by their knowledge of the Law of Nations, may render their Judgments at once such as shall command universal confidence and respect. I am, &c.

Henry Chamberlain, Esq. CASTLEREAGH.

No. 10.—Viscount Castlereagh to Sir Henry Wellesley.

SIR, *Foreign Office, 11th June,* 1818.

I HAVE the honour to transmit to your Excellency 6 printed Copies of the Treaty concluded by you on the 23d of September last Year, between His Majesty and the King of Spain, for restricting, and finally abolishing the Slave-trade, on the part of His Catholick Majesty's Subjects. I send also to your Excellency, 6 printed Copies of the Act of the British Legislature, for confirming the engagements which the Prince Regent has taken on the part of this Country, and for enabling the Executive Government to carry the several Stipulations contained therein into effect.

I have already received from your Excellency, with your Dispatch dated the 23d of December, 1817, a Copy of the Spanish King's Ordinance, respecting the criminality of carrying on the illicit Trade in Slaves; and I have now received the Prince Regent's commands to instruct your Excellency, to invite the Government of His Catholick Majesty, forthwith to nominate the Commissioners, who are, conjointly with those appointed by the Prince Regent, in execution of the Treaty, to reside in one of the Spanish Possessions in America and at Sierra Leone: this last being the Place fixed upon by this

Government as the best adapted, under all circumstances, for bringing in for adjudication, Vessels detained for carrying on an illicit Traffick in Slaves.

I trust that your Excellency will meet with no difficulties in prevailing on the Spanish Government to come to an early decision on this point; and that you will also be able to acquaint me what Spanish Port in the West Indies has, in pursuance of the XIIth Article of the Convention of the 23d of September, 1817, been named by the Catholick King for the residence of the Transatlantic Commissioners.

As soon as I shall obtain from your Excellency this information, I shall lose no time in receiving the Prince Regent's commands for sending out the British Commissioners to their respective Posts; and you may assure M. de Pizarro, that His Royal Highness's Government will willingly give directions that the Vessel which will carry out our Commissioners shall call at Cadiz, if wished for by the Court of Madrid, for their Spanish Colleagues; an arrangement which may probably be agreeable to the Spanish Government, and which will greatly tend to expedite the commencement of their labours.

You will endeavour to accelerate this arrangement, and you will fix as early a period with M. de Pizarro as possible, for the departure of the Commissioners, notifying the same to me. You will also represent to that Minister, how much the friendly and harmonious execution of this new system is likely to depend on the choice made by the respective Governments, of proper Commissioners; who, in their enlightened views of strict and impartial justice, and by their knowledge of the Law of Nations, may render their Judgments at once such as shall command universal confidence and respect.

I am, &c.

H. E. Sir Henry Wellesley, G. C. B. CASTLEREAGH.

No. 11.—*H. Chamberlain, Esq. to Visct. Castlereagh.*—(*Rec. 13th June.*)

My Lord, *Rio de Janeiro, 4th April,* 1818.

Having gone to the Royal Farm at Santa Cruz, I had an opportunity of again reminding Señor Thomas Antonio of the *Alvará* respecting the Slave-trade, and was referred by His Excellency to the Conde dos Arcos, in Town. On my return, I waited upon this Minister, who explained that the late delay had arisen from a decision not having yet been taken on some minor regulations to be introduced into it.

The King and the Minister have since returned to Town, but nothing is yet done in the matter; and it only remains for me to express my regret at the delay of this Government in performing the important engagements to which they are solemnly pledged.

I have the honour to be, &c.

Viscount Castlereagh, K. G. H. CHAMBERLAIN.

No. 12.—*H. Chamberlain, Esq. to Visct. Castlereagh.*—(*Rec.* 18*th June.*)

My Lord, *Rio de Janeiro,* 11*th April,* 1818.

I have the honour to forward here inclosed an Account of the Number of Slaves imported into the Port of Bahia, during the Year 1817.

I have the honour to be, &c.

Viscount Castlereagh, K. G. H. CHAMBERLAIN.

(Inclosure.)—List of Portuguese Vessels which imported Slaves into this Captaincy of Bahia, from the 1*st Jan.* 1817 *to the* 1*st Jan.* 1818.

No.	Date of Arrival.	Names of Vessels.	From what Ports.	How many Slaves.	To whom consigned.
1	Jan. 16	*Pastora de Lima.*	Mozambique	290	Domingos Joze de Almeida. Lima.
2	17	*Tebaio*	Ditto	133	Adriano Demanjo Braga.
3	17	*Paquete Real* ...	Cabinda	350	Felipe Justiano Costa Ferreira.
4	27	*Bom Caminho*	Ciulemane	304	Miguel Goncalvres, ditto.
5	Mar. 14	*Benignetta*	Cabinda	516	Felisberto Caldeiro.
6	29	*Avoador*	Mosambique	515	Ditto.
7	Apr. 28	*Formiga*.....	Ditto	204	Manuel Joze Machado.
8	May 4	*Vigilante*	Angolas	374	Euzebio Alves de St. Guim.
9	26	*Constante*	Cabinda	343	Custodio Joze Leite.
10	July 16	*Commerciante*...	Ditto	474	Nobre Sobrinho Morreira.
11	Aug. 3.	*Diligente*	Ditto	180	Joquim Joze Duarte Silva.
12	5	*Bom Fim*.....	Ditto	542	Joquim Joze de Oliveira.
13	26	*Triunfo*	Angola	503	Euzebio Alves de St. Guimo.
14	Oct. 2	*St. Lawrence* ...	Cabinda	471	Francis. Joaquim Carneiro.
15	16	*Paquete de Bahia*	Ditto	478	Nobre Sobrinho Morreira.
16	26	*Sociedade*	Ditto	393	Joaquim Joze Duarte Silva.
16				6070	

Errors excepted.

Bahia, 3*d Jan.* 1818. A. CUNNINGHAM.

No. 13.—*H. Chamberlain, Esq. to Visct. Castlereagh.*—(*Rec.* 12*th July.*)

My Lord, *Rio de Janeiro,* 9*th May,* 1818.

Since the last Packet sailed, I have several times renewed my entreaties with the Minister, for the publication of the Alvará respecting the Slave Trade, and have been as frequently assured that it should take place without delay. In the early part of last week it was positively promised for the following Saturday, and I acquiesced in the request then made for the detention of the Packet, beyond her regular sailing day, in order that there might be no plea for the Alvará not going by her.

Finding, however, that another week had nearly elapsed without any publication taking place, I called at the Minister's house on

Thursday evening, to urge the necessity of avoiding further delay, but not finding His Excellency at home, I wrote him yesterday morning a few pressing lines on the subject.

I have the honour to inclose a Copy of this Communication, together with the translation of a Note which I received in reply yesterday evening, stating that Orders had been given for the Alvará being printed by this evening. I hope the promised Copies will be sent to me in time to be transmitted by the Packet.

The necessity for this Alvará is daily becoming more and more evident, the Slave Trade at this Port having now increased beyond all former example: 25 Vessels have arrived here since the beginning of the Year, none bringing less, and many of them more, than 400 of these unhappy Beings, which makes the importation at least 10,000 during the last 4 months; giving at the rate of 30,000 per annum, whilst heretofore the annual Importation has generally been under 20,000. I have the honour to be, &c.

Viscount Castlereagh, K.G. HENRY CHAMBERLAIN.

P.S. It is now 11 at night, and no Copies of the Alvará have been sent to me. H. C.

(Inclosure 1.)—Henry Chamberlain, Esq. to M. de Villanova Portugal.

M. Le Commandeur, *Friday Morning, 8th May,* 1818.

The Alvará respecting the Slave Trade, stipulated in the IIId Article of the Convention, signed in London, on the 28th July, 1817, not having been published yesterday morning, I decided, in consequence of the approaching departure of the Packet, to have the honour of calling upon your Excellency in the evening, in order to ascertain whether I might hope that the publication, promised for Saturday last, would take place before the sailing of the Packet, that is to say, in the course of to-day or to-morrow.

I therefore called at your country house, but not being so fortunate as to find your Excellency at home, I take the liberty of acquainting you in this manner with the motive of my visit, requesting you will have the goodness to inform me, whether the said publication may be expected before Saturday evening.

Your Excellency knows too well the high importance which my Court attaches to this Alvará to render it necessary to repeat it here; and, more than 4 months having elapsed since the term stipulated by the Convention, your Excellency will easily conceive my earnest desire that this Packet should convey the official intelligence of its publication. I hasten to renew, &c.

H.E. M. de Villanova Portugal. HENRY CHAMBERLAIN.

(*Inclosure 2.*)—*M. de Villanova Portugal to Henry Chamberlain, Esq.*
(Translation.) *Rio Comprido, 8th May,* 1818.

SENHOR Thomas Antonio de Villanova Portugal presents his compliments to Mr. Henry Chamberlain, and in reply to his Official Letter of this morning, has the honour to acquaint him, that the Alvará respecting the Commerce in Slaves being already in the Press, he has just sent the necessary orders that it be printed off by to-morrow night, and that one or two Copies be sent to Mr. Chamberlain the moment they are ready, in order that he may transmit them according to his wish by the Packet.

Senhor Thomas Antonio de Villanova Portugal renews, &c.
Henry Chamberlain, Esq.

No. 14.–*Sir H. Wellesley to Viscount Castlereagh.–(Rec. 5th August.)*
MY LORD, *Madrid, 23d July,* 1818.

I RECEIVED yesterday your Lordship's Dispatch, dated the 10th of June, directing me to invite the Government of His Catholick Majesty forthwith to nominate the Commissioners who are to decide, conjointly with those appointed by the Prince Regent, in execution of the several Clauses of the Slave Trade Treaty. M. Pizarro being still at the Baths of Sacedon, I must wait till his return, but I shall lose no time in addressing a Note to him conformably to your Lordship's instructions. I have, &c.
Viscount Castlereagh, K. G. H. WELLESLEY.

No. 15.–*Sir H. Wellesley to Viscount Castlereagh.–(Rec. 22d August.)*
MY LORD, *Madrid, 3d August,* 1818.

M. PIZARRO has agreed to the establishment of one of the Slave Trade Commissions in the West Indies instead of the Canary Islands, and has fixed upon The Havannah as the place of its residence. He has no objection to the establishment of the other Commission at Sierra Leone. He has likewise informed me, that His Catholick Majesty will thankfully avail himself of the Prince Regent's offer, to convey the Spanish Commissioners to the places of their destination. He proposes to reply to my Note upon this subject in the course of a few days, and to state the names of the Persons who are to be appointed Commissioners. As soon as I receive this Communication, it shall be forwarded to your Lordship. I have, &c.
Viscount Castlereagh, K. G. H. WELLESLEY.

No. 16.—*Sir H. Wellesley to Viscount Castlereagh.–(Rec. 22d Aug.)*
(Extract.) *Madrid, 6th August,* 1818.

I HAVE the honour to forward to your Lordship a translation of the Note which I have received from M. Pizarro, in reply to mine, rela-

tive to the appointment of Mixed Commissions, in fulfilment of the XIIth Article of the Slave Trade Treaty.

Until M. Pizarro's return from Sacedon, I was not aware of his disposition to consent to the establishment of one of the Commissions at The Havannah, instead of the Canary Islands; and I apprehended some difficulty in obtaining his concurrence in this arrangement, because, in all the previous conversations which had passed between us upon this subject, he appeared anxious that the residence of one of the Commissions should be fixed in those Islands.

He informs me that the 2 Persons who are appointed to the Commission which is to reside at Sierra Leone, have every requisite necessary to the performance of the duties to be assigned to them. The names of the Persons who are to exercise these duties at The Havannah, will have already been communicated to your Lordship: one of them, M. Arango, is a Member of the Council of Indies; and I understand from M. Pizarro, that the other Commissioner is the Intendant of The Havannah.

Viscount Castlereagh, K.G. H. WELLESLEY.

(*Inclosure.*)—*M. Pizarro to Sir Henry Wellesley.*

(Translation.) *Palace, 3d August*, 1818.

I HAVE received your Excellency's Note of the 25th of July, in reply to mine of the 23d June, upon the subject of the necessity of carrying into effect the provisions of the XIIth Article of the Treaty for the Abolition of the Slave Trade, relative to the appointment of the Mixed Commission.

The delay upon such an important point occasioned a renewal of the representation through the channel of the Ambassador of the King, my Master, in London; and, at the same time that the evil consequences that might result from delay on the part of the British Government were pointed out, it was stated to the latter, that His Catholick Majesty, changing his first idea of establishing it in the Canary Islands, had fixed upon The Havannah as the place of residence of the Trans-Atlantick Commission, and the appointment already made of the Spanish Individuals, composing that Commission, was likewise notified.

In this state of the matter, I have nothing further to state to your Excellency in reply to your Note, but that His Majesty nominates, on his part, for the Commission of Sierra Leone, Don Santiago Jonama, his Secretary and Consul at Amsterdam, in the quality of Judge, and in that of Commissioner, Don Juan Camps, His Majesty's late Consul in Africa. And I have also to give to the British Government, through its worthy Representative at this Court, the sincerest thanks for its attention in facilitating the means of conveyance of the Spanish Commissioners, of which advantage I do not doubt that

those appointed to Sierra Leone will avail themselves. Those belonging to The Havannah Commission are already on the spot.

I have thus the honour to reply to your Excellency's Note, and I avail myself, &c.

The British Ambassador. JOSE PIZARRO.

No. 17.—Viscount Castlereagh to Henry Chamberlain, Esq.

Foreign Office, 10th September, 1818.

SIR,

IN consequence of a Communication which His Majesty's Secretary of State for the Colonial Department has recently received from the Governor of the Cape of Good Hope, as to the legality of affording assistance and supplies to *Portuguese* Slave Ships touching at that Settlement, it has been thought necessary to refer the question to the consideration of His Majesty's legal advisers. I herewith inclose, for your information, an Extract of their Report upon the subject, and I have to request that you will take an early opportunity of communicating to the Government of His Most Faithful Majesty, the restrictions which the Laws of this Country impose upon Slave Ships of Foreign Powers receiving assistance or supplies in the Ports of His Majesty's Colonies, under any other circumstances than those of stress of weather, peril of the sea, or other inevitable accident.

I am, &c.

Henry Chamberlain, Esq. CASTLEREAGH.

(Inclosure.)—His Majesty's Law Officers to Earl Bathurst.

(Extract.) *Doctor's Commons, 27th August,* 1818.

WE are honoured with your Lordship's Letter of the 11th instant, transmitting several Dispatches addressed to your Lordship by Lord Charles Somerset, the Governor of the Cape of Good Hope, stating various doubts as to the intent and meaning of the several Laws passed for the abolition of the Slave Trade, and as to the duties required of him in the particular cases to which his Correspondence refers; and requesting that we should take these Dispatches into consideration, and report to your Lordship, for the information of the Prince Regent, our opinion upon the several points on which difficulties have arisen, and principally directing our attention to the following subject:

Whether there is any legal objection to the Governor of the Cape affording relief or assistance to Portuguese Slave Vessels, touching at that Colony, on their passage from Mosambique to Brazil, such Vessels carrying on the Slave Trade agreeably to the Laws of *Portugal,* and not contrary to the Treaties subsisting between Great Britain and Portugal.

In obedience to your Lordship's directions we have considered the Dispatches, and the points to which your Lordship has particularly

directed our attention; and we have the honour to report to your Lordship that the various Acts which have been passed for the Abolition of the Slave Trade, have not only prohibited His Majesty's Subjects, and Persons resident in his Colonies, from directly trading in Slaves, but also from aiding and assisting "in the carrying away or removing of a Slave or Slaves, or for the purpose of being sold, transferred, used, or dealt with as a Slave or Slaves, any Person or Persons whatsoever, from any part of Africa, or from any other country, territory, or place whatsoever, either immediately or by transhipment at Sea or *otherwise*, directly or indirectly." It appears to us, therefore, that within the spirit, if not within the words of this enactment, it is illegal for any Person (and of course for the Governor) to afford assistance to Portuguese Slave Vessels touching at the Cape, for the purpose of enabling them to carry into effect, more conveniently, the transport of Slaves from Africa to South America; for though such traffick is permitted by the Laws of Portugal, and the Subjects of that Country cannot be interrupted in carrying it on, still, by the Statutes of this Country, Persons under the protection of this Government cannot assist, or be at all concerned with the Portuguese therein; we consequently think that supplies, either of articles of food, or of money, cannot safely be afforded to Portuguese Ships, for the purpose of enabling them to carry on this trade. The Slave Trade Acts have, however, introduced exceptions to this general prohibition in cases of absolute distress, and provide that "no penalty or forfeitures shall be incurred by any landing, importing, transhipping, or carrying away Slaves, where it shall be proved to the satisfaction of the Court, that the prohibited act entirely arose from stress of weather, peril of the Sea, or other inevitable accident, the burthen of which proof shall in all cases be on the Claimant or Defendant." On this authority, we think that, where assistance or relief is required at the Cape, in consequence of the distressed state of the Crew and the Slaves, it may and ought to be afforded; but the extent of such relief and assistance should be measured and limited by the necessity and urgency of the case.

No. 18.—*H. Chamberlain, Esq. to Visc. Castlereagh*—(*Rec. 27th Sept.*)

My Lord, *Rio de Janeiro, 19th Jan.* 1818.

I have the honour to transmit herewith for your Lordship's information, a statement of the Vessels employed in bringing Slaves from the Coast of Africa to this Port during the last Year, specifying the number of Negroes embarked in each, and the mortality during the passage. I have the honour to be, &c.

Viscount Castlereagh, K. G. H. CHAMBERLAIN.

(Inclosure.)—List of Slaves imported into Rio de Janeiro in 1817.

Date.	Name.	Class.	Whence.	Numbers embarked	Of which had died.
1817.					
Jan. 25	*Athaneo*	Brig	Cabinda	599	54
29	*Trajano*	Brig	Cabinda	463	4
Feb. 2	*Maria*	Ship	Cabinda	519	62
2	*Bom Fim*.....	Corvette	Benguela	614	16
17	*Esqueira*	Brig	Mozambique	607	86
24	*Caçador*.	Brig	Angola	594	24
27	*Flor de Rio*.....	Ship	Cabinda	511	123
March 13	*Pastora*.....	Brig	Bahia	114	—
26	*Emilia*.....	Brig	Cabinda	444	29
April 2	*S. Pedro de Sul*...	Brig	Benguela	442	14
11	*Diligente*.....	Schooner	Cabinda	137	8
11	*S. João Americano*	Brig	Cabinda	597	73
11	*Grão Penedo*.....	Brig	Cabinda	546	59
23	*Marianna Daphne*	Brig	Angola	321	14
May 19	*Resolução*.....	Ship	Mozambique	401	47
31	*Serpento*.....	Brig	Cabinda	439	10
June 1	*Lusitania*.....	Ship	Cabinda	738	89
8	*Reino de Brazil*...	Brig	Cabinda	427	75
10	*Maria Thomazin*...	Ship	Cabinda	388	20
22	*Vulcano*	Brig	Angola	420	11
July 14	*General Silveira*....	Brig	Benguela	500	64
15	*Livramento*.....	Brig	Cabinda	541	60
Aug. 5	*Amalia*.....	Ship	Angola	813	37
18	*Diligente*	Brig	Cabinda	466	73
Sept. 18	*Tejo*.....	Brig	Angola	490	73
21	*Flor de Mar*.	Ship	Angola	540	84
26	*Feliz Dias*.....	Brig	Angola	282	68
Oct. 5	*Leopoldina*	Ship	Cabinda	489	48
11	*Santa Roza*.....	Brig	Cabinda	464	25
17	*Golfinho*.....	Brig	Cabinda	476	77
	Bom Fim.....	Brig	Benguela	604	30
26	*Caçador*.....	Brig	Angola	594	37
Nov. 8	*Mercurio*	Brig	Benguela	496	7
17	*Patrocinio*..	Schooner	Cabinda	324	22
20	*Voador*.....	Brig	Cabinda	382	6
21	*Pequeña Ventura*...	Brig	Cabinda	239	25
23	*Senhora dos Remos*	Brig	Cabinda	229	14
Dec. 8	*Maria*.....	Ship	Cabinda	530	30
9	*Duque de Braganza*	Ship	Mozambique	606	69
20	*S. Pedro de Sul*....	Brig	Benguela	445	10
20	*Triunfo do Brazil*	Brig	Loanda	637	26
25	*Protector*.....	Ship	Mozambique	807	339

No. 19.—H. Chamberlain, Esq. to Visct. Castlereagh.—(Rec. Sept. 27.)

My Lord, *Rio de Janeiro, 31st Jan.* 1818.

So long as the period stipulated in the IIId Article of the Additional Convention of London of the 28th July, 1817, for the promulgation of the Alvará, prescribing the punishment to be inflicted upon *Portuguese* Subjects participating in an illicit traffick in Slaves, had not expired, I did not feel myself called upon to trouble the Minister upon a measure, which I naturally concluded was in preparation, and would be made publick before the expiration of the appointed time.

Finding, however, that no Alvará had been promulgated up to the evening of the 26th instant, I endeavoured to see His Excellency Sr. Thomas Antonio de Villanova Portugal on the subject, on the morning of the 27th, but he was with the King, and orders were left with his Porter, that he could not see any body upon business until after the Acclamation.

In this dilemma, and in consideration of the urgency of the case, which admitted no delay, I proceeded to the Foreign Office, where I had a conference with the Official Maior, and explained the motive that had led me to address myself to him contrary to the usual custom;—Foreign Ministers in this Country treating only with the Secretary of State upon business.

Your Lordship will be as much surprised as I was, to learn, that no progress whatever had been made in preparing the Alvará; in a word that it had been entirely forgotten. Such inattention to one of the very important points of the Convention seems hardly credible.

The Gentleman with whom I conversed felt the importance and urgency of the case as much as I did; and promised to see Sr. Thomas Antonio without a moment's delay, but he stated a new difficulty about the drawing up of the Alvará, founded on their want of information of the principles of British Legislation in this respect. Luckily I had the means of supplying the deficiency, and sent him the same day all the Acts of Parliament relating to the Abolition of the Slave-trade.

Yesterday I received a private Note from him, returning the Acts, and stating that the necessary Extracts had been made for the formation of an Alvará, according to the Stipulation of the IIId Article, and accompanied by an assurance that it would certainly be published in the course of a very few days. He requested at the same time, in Sr. Thomas Antonio's name, that the departure of the Packet might be delayed till Sunday, the 8th of February, in which I readily acquiesced, hoping that the Alvará may be published before that day, so as to be transmitted by her.

I have, &c.

Viscount Castlereagh, K. G. H. CHAMBERLAIN.

No. 20.—H. Chamberlain, Esq. to Visct. Castlereagh.—(Rec. 27th Sept.)

My Lord, *Rio de Janeiro, 7th February,* 1818.

Since I had the honour to address your Lordship on the 31st of January, on the subject of the non-promulgation of the Alvará therein mentioned, I have seen and spoken to the Minister respecting it. His Excellency promised that every practicable exertion should be made to carry this Stipulation of the Additional Convention into effect, but he said that for the present the press of business was so great, as totally to prevent his being able to pay as much attention to this object as he could wish.

The manner of his conversation, rather than his expressions, appearing to manifest a feeling, on his part, that the promulgation of the Alvará, although faithfully to be complied with, was not a matter of such immediate and urgent necessity, now the Convention itself had been published, as I am sure His Royal Highness the Prince Regent's Servants consider it to be, I determined to address a short Note to His Excellency, in the hope of drawing forth some more precise promise, and which should serve at the same time to satisfy your Lordship, that I have not relaxed in my endeavours to procure the fulfilment of the Stipulation.

I have the honour to enclose the Copy of my Note on this occasion, and a Translation of the Minister's reply; and I beg leave to assure your Lordship, that I will not cease to press the affair until the promulgation has been made. I have the honour to be, &c.

Viscount Castlereagh, K. G. H. CHAMBERLAIN.

(Inclosure 1.)—Henry Chamberlain, Esq. to M de Villanova Portugal.

Rio de Janeiro, ce 6 Février, 1818.

Le Soussigné &c. désirant transmettre à sa Cour par le Paquebot sur le point de partir, quelque assurance officielle sur l'objet de la publication de l'Alvará stipulé par le 3 Article de la Convention Additionnelle de Londres, du 28 Juillet, 1817, a l'honneur de s'adresser, dans cette vue, à Son Excellence Monsieur le Commandeur, Thomas Antonio de Villanova Portugal, &c. et de prier Son Excellence de vouloir bien le mettre à même d'informer sa Cour, quand la promulgation de cet Alvará (dont le terme stipulé est dejà échu depuis le 27 du mois passé) aura en effet lieu.

La haute importance que le Cabinet Britannique attache à cette partie de la Convention Additionnelle est trop bien connue, pour qu'il soit nécessaire au Soussigné d'ajouter un mot pour démontrer l'urgence de cette demande de sa part.

Il a l'honneur de prier Son Excellence de vouloir bien agréer de nouveau les assurances, &c.

S. E. M. de Villanova Portugal. H. CHAMBERLAIN.

(Inclosure 2.)---M. de Villanova Portugal to Henry Chamberlain, Esq.
(Translation.) *Palace of Rio de Janeiro, 6th February,* 1818.

THE Undersigned, &c. having laid before the King, his Master, the Note which Mr. H. Chamberlain, &c. addressed to him under this day's date, has to inform him, that it not having been possible to publish the Alvará stipulated by the IIId Article of the Additional Convention of London, of the 28th July of last Year, in consequence of the immensity of business which has been caused by His Majesty's Acclamation; and it not being now practicable to publish it in consequence of the near departure of the Packet, he assures Mr. Chamberlain, in order that he may, according to his desire, make it known to his Court, that orders shall be given for the publication of the said Alvará after the Packet is gone.

The Undersigned renews, &c.

THOMAS ANTONIO DE VILLANOVA PORTUGAL.

Henry Chamberlain, Esq.

No. 21.—The Chevalier Guerreiro to Earl Bathurst.
(Extract.) *Londres, ce 22 Octobre,* 1818.

LE Soussigné, Chargé d'Affaires de Sa Majesté Très Fidelle, auprès de Sa Majesté Britannique, a l'honneur d'adresser à Son Excellence Milord Bathurst, par ordre de sa Cour, Copie d'un Décret par lequel le Roi, son Maitre, vient de nommer les Individus qui doivent composer celles des deux Commissions qui, en conformité de ce qui a été stipulé dans l'Article VIII de la Convention du 28 Juillet, 1817, doit siéger dans les Etats de Sa Majesté Très Fidelle, et de désigner la Ville de Rio pour servir de lieu de résidence à la susdite Commission. Il joint aussi Copie des Ordres qui ont été expédiés au Tribunal de Commerce de Rio de Janeiro, en lui enjoignant de proposer sans délai les Personnes qui seroient jugées les plus convenables pour remplir les fonctions de Commissaires à Sierra Leone, que Sa Majesté Britannique a déclaré devoir être le lieu où doit résider l'autre Commission.

S. E. Milord Bathurst. R. GUERREIRO.

(Inclosure 1.)—Decree of the King of Portugal, appointing Rio de Janeiro as the Seat of the Mixed Commission, and nominating the Portuguese Commissioners to the same.—18th August, 1818.

(Translation.)

IT being necessary to fix on some Place of my Dominions for the residence of one of the Mixed Commissions, to be appointed in conformity with the Stipulations contained in the VIIIth Article of the Convention, concluded on the 28th of July, 1817, by way of Supplement to the Treaty bearing date the 22d of January, 1815, and also to nominate the Portuguese Commissioners, Judge and Arbitrator, who, according to the above Article, and the IId Article of the Regulations

respecting the Commissions, which Article is annexed to the same Convention, are, together with the Secretary, likewise to be appointed by me, to form the Portuguese part of that Commission; it is my pleasure to determine on the City of Rio de Janeiro as the place of residence for the above Commission, to be established in my Dominions; and taking into consideration the character, learning, and endowments of Silvestre Pinheiro Ferreira, one of the Deputies of the Royal Board of Commerce, Agriculture, Manufactures, and Navigation of this Kingdom, and the Ultra-marine Dominions, and of John Pereira de Souza, of this City, Merchant; I think proper to appoint the former to be the Judge, and the latter to be the Arbitrator of that Commission.

Let Thomas Antonio de Villanova Portugal, of my Council, Minister and Secretary of State of the Affairs of the Realm, and charged, *ad interim*, with the care of the Department for Foreign Affairs and War, take notice hereof, and see it carried into execution by means of the necessary orders.

Palace of the Royal Finances of Santa Cruz, the 18th of August, 1818.

(A true Copy.) With His Majesty's Signature.

R. GUERREIRO.

(Inclosure 2.)—Instructions to the Tribunal of Commerce at Rio de Janeiro, relative to the Appointment of Commissioners to the Mixed Commission at Sierra Leone.—18th August, 1818. (Translation.)

THE King our Lord having, by a Decree, bearing date this day, been pleased to fix upon the City of Rio de Janeiro, as the place of residence for the Mixed Commission to be established in his Dominions, conformably with the Provisions of Article VIII of the Convention concluded the 28th of July of last Year, by way of Supplement to the Treaty of January 22, 1815, while His Majesty, at the same time, has appointed Commissioners, Judge, and Arbitrator, on the part of Portugal, the Persons specified in the above Decree, who, in conjunction with the English Commissioners, to be, in the same manner, nominated by His Britannick Majesty, are to form the before-mentioned Commission; it is incumbent upon me to transmit to you herewith a Copy of this Decree, for you to communicate it to the Royal Board of Commerce, Agriculture, Manufactures, and Navigation of this Kingdom of the Brazils, and Ultra-marine Dominions, that they may take due notice of, and forward it to the proper place, as well as to the Merchants in general. And as it is also necessary to appoint, on the part of Portugal, Commissioners, a Judge, and an Arbitrator, as well as a Secretary, who, according to the Provisions of the above VIIIth Article, are to constitute, together with the English Commissioners, a Commission to be established in the Dominions of His Britannick Majesty, the English Government having already fixed on the Settlement of Sierra Leone as

the place in which this Commission is to reside; His Majesty has, moreover, been pleased to direct the same Royal Board of Commerce to propose, as speedily as possible, such Persons as they shall think qualified for filling, at Sierra Leone, the Posts of Commissioners, Judge, Arbitrator, and Secretary; which you will also impart to the Board, that they may see the same carried into effect accordingly.

God preserve you,

Palace of the Royal Finance of Santa Cruz, 18th August, 1818.

THOMAS ANTONIO DE VILLANOVA PORTUGAL.

SENHOR LUIZ JOSE DE CARVALHO E MELLO.

(A true Copy.)

LE CHEVALIER GUERREIRO.

No. 22.—H. Chamberlain Esq. to Visct. Castlereagh.—(Rec. 22d Oct.)

MY LORD, *Rio de Janeiro, 22d August,* 1818.

I HAVE the honour to transmit herewith a Copy of the Note I addressed to M. de Villanova Portugal, in obedience to your Lordship's Dispatch of the 10th June, received on the 4th instant, by the *Lord Hobart* Packet.

I delivered the Note myself to the Minister at Santa Cruz, and am happy to be able to state to your Lordship, that His Excellency gave me the strongest assurances of the readiness of the Government to comply immediately with the request therein contained; which assurances I had afterwards the honour to hear repeated by His Majesty.

At the request of the Minister, and almost upon his promise, to notify to me, before his departure, what Port in Brazil the King had been pleased to name for the residence of the Commissioners, I consented to detain the packet 4 days; that, is, from the 19th to the 23d; nevertheless I have received no communication on the subect, although, during our interview, M. de Villanova Portugal stated that it would be either Bahia, or Rio de Janeiro.

With respect to Sierra Leone, His Excellency said, the only difficulty he apprehended was, whether any person fit for the situation of Commissioner could be persuaded to go there, but that he would use his best endeavours to send proper persons, and I beg your Lordship to be assured that I will not allow the matter to sleep. I have, &c.

Viscount Castlereagh, K. G. H. CHAMBERLAIN.

(Inclosure.)—Henry Chamberlain, Esq. to M. de Villanova Portugal.

Rio de Janeiro, 10th August, 1818.

THE Undersigned, &c. having received, by the *Lord Hobart* Packet, some Copies of the Convention of London of the 28th July, 1817, relative to the Slave-trade, printed and presented to both Houses of Parliament by Command of His Royal Highness the Prince

Regent, and of the Act that has been passed by the Legislature, to enable the Executive Government to carry into effect the several Stipulations contained therein, has the honour to transmit herewith to His Excellency the Commander Thomas Antonio de Villanova Portugal, &c. a Copy of each of these important Documents.

His Royal Highness's Government, in their last Dispatches to the Undersigned, express some disappointment, at not having yet received ftom hence the stipulated Alvará of His Most Faithful Majesty, respecting the criminality and punishment of those who may be detected in carrying on an illicit Trade in Slaves, which was to have been promulgated within 2 months after the exchange of the Ratifications of the Additional Convention; to accelerate which promulgation as much as lay in his power, the Undersigned had the honour several times to wait upon His Excellency, and particularly after the period stipulated for the publication had elapsed.

The Undersigned begs leave to announce to His Excellency, that he has been honoured by the Prince Regent's Commands, to invite the Government of His Most Faithful Majesty, forthwith to nominate the Commissioners who are to reside, conjointly with those appointed by His Royal Highness, in execution of the several Clauses of the Additional Convention, in the Brazils and at Sierra Leone; this last being the place fixed upon by the British Government, as the most fitting, under all circumstances, for bringing in for adjudication Slave-traders detained for carrying on an illicit traffic.

The British Cabinet confidently trusts, that there will be no difficulty on the part of His Most Faithful Majesty's Government in making this nomination without delay, and likewise in declaring, which Port of His Brazil Majesty is pleased, in pursuance of the VIIIth Article of the said Convention, to appoint for the residence of the Commissioners, whose station is to be in this Kingdom.

The Undersigned begs leave to announce to His Excellency, that it is the intention of his Government to send out the British Commissioners to their respective Ports, so soon as it shall be in possession of this information; and, for the sake of securing the arrival at Sierra Leone of those destined to be fixed there, at the same time with those to be sent from this Country, or even sooner if possible, it is particularly desirous to learn, at what period it is likely that the Portuguese Commissioners will be dispatched to that Port; and the Undersigned being instructed to request, that their departure may take place with all practicable brevity, begs the favour of His Excellency to take the trouble to communicate to him His Majesty's decision in this respect, so soon as it may be made known.

The Undersigned at the same time has the honour to represent to His Excellency, how much the friendly and harmonious execution of this new system is likely to depend on the choice made by the re-

spective Governments of proper Commissioners, who, in their enlightened views of strict and impartial justice, and by their knowledge of the Law of Nations, may render their judgment at once such as shall command universal confidence and respect.

Having thus executed the orders entrusted to him, the Undersigned has the honour to request his Excellency the Commander Thomas Antonio deVillanova Portugal, to accept the assurances of his highest and most distinguished consideration.

H. E. M. de Villanova Portugal. H. CHAMBERLAIN.

No. 23.—H. Chamberlain Esq. to Visct. Castlereagh.—(Rec. 22d Oct.)
(Extract.) *Rio de Janeiro, 23d August,* 1818.

At a late hour last night, I received from M. de Villanova Portugal a Note and Inclosures, of which I have the honour to transmit Copies and translations herewith, by which your Lordship will learn, that His Most Faithful Majesty has fixed upon this Port for the residence of the Mixed Commission to be established in the *Brazils,* under the VIIIth Article of the Treaty of London, of the 28th July 1817; and that the Deputy of the Board of Trade, Senhor Silvestre Pinheiro Fereira, and Senhor João Pereira de Souza, Merchant, have been named Commissary Judge and Commissioner of Arbitration.

The Minister asserts, that the Law imposing penalties upon an illegal Traffick in Slaves, was promulgated on the 26th of January last but it was not printed till the month of May. By reference to the Copy I had the the honour to send to your Lordship's Office, it will be seen, that it had not passed through and been registered at, the various Departments of Government (which must take place previous to promulgation) until some time in that or the preceding month.

Viscount Castlereagh, K. G. H. CHAMBERLAIN.

(Inclosure 1.)—M. de Villanova Portugal to H. Chamberlain, Esq. Palace of the Royal Farm of Santa Cruz, 20th August, 1818.
(Translation.)

The Undersigned has laid before The King his Master, the Note which Mr. Chamberlain addressed to him on the 10th instant, inclosing 2 Copies of the Additional Convention of London, of the 28th July 1817, to the Treaty of the 22d January 1815, and of the Act, passed subsequently, to carry into effect the Stipulations of the said Convention; and Mr. Chamberlain having observed, that the British Government had expressed, in their last Dispatches, some disappointment at not having yet received the Law which His Most Faithful Majesty had engaged to promulgate in his Dominions, imposing the penalties which were to be incurred by those who should engage in an illicit Traffick in Slaves, he cannot avoid remarking, that this Law

having been promulgated on the 26th of January of the present year, as Mr. Chamberlain, without doubt, is aware, and the date of the printed Copies shews, the error into which the British Government has fallen in this respect, can be easily rectified by Mr. Chamberlain's stating the real fact at his convenience.

With respect, however, to the place within His Majesty's Dominions where one of the Mixed Commissions is to reside, and the nomination of the Portuguese Commissioners, Mr. Chamberlain having declared the intentions of His Royal Highness the Prince Regent of Great Britain, and the choice which His Government has made of the Establishment of Sierra Leone for the residence of the Commission to be established within the British Possessions in Africa, the Undersigned has to acquaint him, that The King his Master, not desiring to delay on his part, the due execution of the Stipulations of the said Convention, has been pleased, as soon as the Official Declarations contained in the before-mentioned Note were made known to Him, not only to fix the place within His Dominions where one of the Commissioners is to reside, and to name the Portuguese Commissioners that are to form it, but to direct, at the same time, the Board of Trade of this Kingdom to propose those who are to go to reside at Sierra Leone, as will be seen by the inclosed Copies of the Decree and Aviso; and His Majesty is also ready to name, in the like manner, the Portuguese Commissioners who are to form part of the Mixed Commission which is to be established in London, according to the dispositions of the said Convention. The Undersigned renews, &c.

THOMAS ANTONIO DE VILLANOVA PORTUGAL.

Henry Chamberlain, Esq.

No. 24.—Earl Bathurst to the Chevalier Guerreiro.

Foreign Office, 13th November, 1818.

THE Undersigned, one of His Majesty's Principal Secretaries of State, has the honour to acknowledge the receipt of the Note of the Chevalier de Guerreiro of the 22d ultimo; in which are enclosed, 1st. a Copy of the Decree of His Most Faithful Majesty, designating the City of Rio de Janeiro as the place of residence of the Mixed Commission to be established in the Portuguese Dominions, and nominating the Judge and Arbitrator who are to act on the part of the King of Portugal in the said Commission, in conformity with the VIIIth Article of the Convention concluded at London on the 28th of July 1817; and, 2dly, another Decree of His Most Faithful Majesty, directing the Royal Board of Commerce at Rio de Janeiro to propose for His Majesty's approval such persons as may be qualified to act as Commissioners on the part of Portugal, at the Settlement of Sierra Leone, the place fixed upon by His Britannick Majesty for the residence of

the other Mixed Commission to be appointed under the same Convention.

The Undersigned has received the Prince Regent's Commands to return His Royal Highness's acknowledgments for these communications, and to acquaint the Chevalier de Guerreiro, for the information of his Government, that no time will be lost in the nomination of the Persons, who are to meet the Portuguese Commissioners under the said Convention, on the part of His Britannick Majesty.

The Undersigned avails himself, &c.

The Chevalier Guerreiro. BATHURST.

No. 25.—The Earl of Clancarty to Visct. Castlereagh.—(Rec. Nov. 23)

My Lord, *Brussels, 21st November,* 1818.

I have the honour herewith to transmit for your Lordship's information, a Copy of the Law* which has been passed here, in execution by this Court of the 1st Article of the Treaty relative to the Slave Trade and reciprocal right of search, signed between this Crown and that of Great Britain, on the 4th of the month of May last.

I remain with great respect, &c.

Viscount Castlereagh, K. G. CLANCARTY.

No. 26.—Viscount Castlereagh to Henry Chamberlain, Esq.

Sir, *Foreign Office, 27th November,* 1818.

The meeting of the Allied Sovereigns and Cabinets, at Aix-la-Chapelle, has been concluded by a solemn and joint appeal to the King of *Portu al,* to induce His Most Faithful Majesty to contribute, as far as lies in his power, by the unrestricted abolition of the Traffic in Slaves throughout His Most Faithful Majesty's Dominions, to the consummation of that great object, which, since the Congress at Vienna in the year 1815, has been a matter of the most anxious solicitude to the several Powers who were parties to that arrangement.

For this purpose, their Imperial and Royal Majesties, the Sovereigns of *Austria, Prussia, France* and *Russia,* have severally addressed Letters to His Most Faithful Majesty; and His Royal Highness the Prince Regent has commanded me to entrust you with the delivery of a Letter of the same import from His Royal Highness himself. You will, accordingly, immediately on the receipt of this Dispatch, solicit an audience of His Most Faithful Majesty, and you will deliver the inclosed Letter into His Majesty's hands, accompanying the same with suitable expressions of good will and sincere friendship on the part of His Royal Highness the Prince Regent, and of the warm anxiety which His Royal Highness feels in the success of a measure so interesting to

* See State Papers, Vol. 1824, 1825, Page 308.

humanity, and which is supported by the unanimous voice or example of every civilized Nation. I am, &c.

Henry Chamberlain, Esq. CASTLEREAGH.

(Inclosure.)—The Prince Regent of Great Britain to The King of Portugal.

MONSIEUR MON FRERE ET COUSIN, *Londres, le 9 Décembre,* 1818.

A l'époque du Congrès de Vienne, la voix de la religion, et les plaintes d'une humanité souffrante ont obtenu les plus consolants succès.

Le monde a vu en perspective le terme d'un fléau qui a si long temps désolé l'Afrique, et votre Majesté s'est justement acquis des droits à l'éternelle réconnoissance des Nations, en proclamant, de concert avec les Alliés, le principe de l'abolition universelle de la Traite des Négres. Depuis lors, les Actes conclus à Paris en 1815, et l'heureuse issue de plusieurs négociations vouées à l'exécution progressive de cette mesure, ont fortifié les généreuses espérances du siécle, et présagé le parfait accomplissement de la transaction qui les avoit solemnellement consacré.

Si les résultâts des Conférences d'Aix-la-Chapelle, qui consomment la pacification, et garantissent la prospérité de l'Europe, laissent encore un vœu à former, c'est celui de voir assurer le triomphe final de la Déclaration du 8 Février 1815, au moyen d'un acte décrétant l'abolition du Commerce des Négres en tous lieux et pour toujours. Qu'il nous soit donc permis, à mes Alliés et à moi, de tourner des regards confians vers la Puissance, à laquelle le Suprême Arbitre des destinées de la terre, a reservé la gloire de mettre fin aux douleurs d'une population infortunée. Ce succès définitif sera sans doute le fruit des rapports intimes qui subsistent entre nous, parcequ'un concours d'intentions conciliantes, et de concessions réciproques, ne manquera pas de faire prospérer une œuvre également méritoire devant Dieu et aux vœux des hommes.

C'est à la suite de cette dernière négociation, que des mesures de surveillance mutuellement arrêtés pour la stricte exécution d'une Loi devenue générale, couronneroient les nobles efforts de toutes les Puissances appelées à régir les différentes parties du Globe, par les mêmes sentimens de Justice, et de Religion.

Je ne doute pas rencontrer à cet égard les sentimens de votre Majesté, et je la prie d'agréer les assurances de la considération distinguée et de l'attachement sincère avec lesquels je suis,

Monsieur mon Frère et Cousin, de Votre Majesté le Bon Frrèe et Cousin, GEORGE, P. R.

A Mons. mon Frère et Cousin, le Roi de Portugal et du Brésil.

No. 27.—Viscount Castlereagh to Sir Henry Wellesley.

SIR, *Foreign Office, 31st January,* 1819.

HIS Royal Highness the Prince Regent has been pleased to name Thomas Gregory, Esq. to be His Majesty's Commissary Judge, and Edward Fitzgerald, Esq. at present Judge of the Vice-Admiralty Court at Sierra Leone, to be His Majesty's Commissioner of Arbitration, and Daniel Molloy Hamilton, Esq. to be His Majesty's Registrar, to the Mixed Commission to be established at Sierra Leone, under the Treaty for restricting the Traffick in Slaves, concluded between Great Britain and *Spain* on the 23d of September 1817.

I have to request that your Excellency will take an early opportunity of announcing these Appointments to the Government of His Catholick Majesty. You will add that the Gentlemen thus appointed will leave England for their destination in the course of the ensuing month; furnished with His Royal Highness's Commission and Instructions, to enable them to enter upon the exercise of their duties. The ship of war that conveys them will be directed to touch in her way at Cadiz, for the Commissioners named by His Catholick Majesty, according to the wish expressed in M. Pizarro's Note to your Excellency of the 3d of August 1818.

His Royal Highness's Government, as you will perceive by my other Dispatch of this date, propose to provide at Sierra Leone a suitable Office for the carrying on the proceedings of the Commission: and orders will be sent out, that every courtesy and consideration shall be paid to the Commissioners, which is due to the publick character they bear, and every respect secured to the Court which is necessary to give efficiency to its proceedings.

With respect to such Contingent Expences as may attend the establishment and proceedings of the Commission, His Royal Highness's Government propose, that at Sierra Leone, as likewise at The Havannah, these should be borne in common by the two Governments. I am, &c.

H. E. Sir Henry Wellesley, G.C.B. CASTLEREAGH.

No. 28.— Viscount Castlereagh to Sir Henry Wellesley.

SIR, *Foreign Office, 31st January,* 1819.

HIS Royal Highness the Prince Regent has been pleased to name Henry Thomas Kilbee, Esq. to be His Majesty's Commissary Judge, and Robert Francis Jameson, Esq. to be His Majesty's Commissioner of Arbitration, under the Mixed Commission to be established at The Havannah, pursuant to the Treaty for preventing the illegal Traffic in Slaves, concluded between Great Britain and *Spain* on the 23d of September 1817.

I have to request, that Your Excellency will take an early opportunity of announcing these appointments to the Government of His Catholick Majesty. You will add, that the Commissioners will leave

England for their destination, early in the month of February next, furnished with His Royal Highness's Commission and Instructions, to enable them to enter upon the exercise of their duties, so soon as His Catholick Majesty's Commissioners (who, as I understand from your Excellency, are already at The Havannah) shall be furnished, on their part, with His Catholick Majesty's Commission and Instructions to the same effect. You will suggest, therefore, the expediency of sending these Documents, as soon as official forms will permit, from the Spanish Chancery, and you will request that His Catholick Majesty's Government will send out at the same time to The Havannah, directions that His Majesty's Commissioners may be treated with the courtesy and consideration to which their publick character gives them a claim, particularly with respect to entire liberty and security of Person and Property for themselves and household, and to the free importation of such articles as they may, bona fide, require for their own use and convenience.

Your Excellency will express the perfect confidence of His Royal Highness's Government, that every thing will be arranged in respect to the Commission at The Havannah, which can give due fulfilment to the object of the Treaty; and, that for this purpose, provision will be made, by express orders from the Government at Madrid, for that publick respect being paid to the Proceedings of the Commission which is necessary to their efficient execution, and to enable the Commissioners to secure order, decorum, and authority to the Court.

Your Excellency will propose to the Spanish Government, that they shall provide a suitable Office for the use of the Commission, at their Settlement at The Havannah; adding, that His Royal Highness's Government will provide a suitable Office at Sierra Leone for the Commission to be established there under the same Treaty. I am, &c.

H. E. Sir Henry Wellesley, G.C.B. CASTLEREAGH.

No. 29.—Viscount Castlereagh to Henry Chamberlain, Esq.

SIR, *Foreign Office, 31st January,* 1819.

HIS Royal Highness the Prince Regent has been pleased to name Henry Hayne, Esq. to be His Majesty's Commissary Judge, and A. Cunningham, Esq. to be His Majesty's Commissioner of Arbitration, to the Mixed Commission to be established at Rio de Janeiro under the Convention for restricting the Traffick in Slaves, concluded between Great Britain and *Portugal* on the 28th of July, 1817.

You will take the earliest opportunity of announcing these Appointments to the Government of His Most Faithful Majesty. You will add, that the Commissioners will leave England for their destination early in the month of February next, furnished with His Royal Highness's Commission and Instructions, to enable them to enter upon the exercise of their Duties, so soon as His Most Faithful Majesty's Com-

missioners shall be furnished, on their part, with His Most Faithful Majesty's Commission and Instructions to the same effect. You will therefore suggest the expediency, that these Documents may be made out, and the Commission enabled to commence its labours, so soon as the Official Forms of the Portuguese Chancery will permit.

You will request that His Majesty's Commissioners may be treated with that courtesy and consideration to which their publick character gives them a claim, particularly with respect to entire liberty and security of Person and Property for themselves and household, and to the free importation of such articles as they may, bona fide, require for their own use and convenience.

You will express the perfect confidence of His Royal Highness's Government, that every thing will be arranged, in respect to the Commission at Rio de Janeiro, which can give due fulfilment to the object of the Convention, and that, for this purpose, provision may be made by the express enactment of the Government, for that publick respect being paid to the proceedings of the Commission, which is necessary to its efficient execution, and to enable the Commissioners to secure order, decorum, and authority to the Court.

You will propose to the Brazilian Government, that they shall provide a suitable Office for the use of the Commission at Rio de Janeiro; adding, that His Royal Highness's Government will provide a suitable Office at Sierra Leone for the Commission to be established there under the same Treaty; the Contingent Expences attending the necessary Establishment and Proceedings of both Offices to be borne in common by the two Governments

I am, &c.

Henry Chamberlain, Esq.

CASTLEREAGH.

No. 30.—Viscount Castlereagh to Henry Chamberlain, Esq.

SIR, *Foreign Office, 31st January*, 1819.

His Royal Highness the Prince Regent has been pleased to name Thomas Gregory, Esq. to be His Majesty's Commissary Judge, and Edward Fitzgerald, Esq. the present Judge of the Vice-Admiralty Court at Sierra Leone, to be His Majesty's Commissioner of Arbitration, and D. M. Hamilton, Esq. to be His Majesty's Registrar, to the Mixed Commission to be established at Sierra Leone, under the Convention for restricting the Traffick in Slaves, concluded between Great Britain and *Portugal* on the 28th of July, 1817.

You will take an early opportunity of announcing these Appointments to the Government of His Most Faithful Majesty.

You will add, that the Gentlemen thus appointed will leave England for their destination in the course of the ensuing month, furnished with His Royal Highness's Commission and Instructions, to enable them to enter upon the exercise of their Duties, as soon as the Commissioners of His Most Faithful Majesty shall have arrived, furnished

with Commissions and Instructions from the Government of His Most Faithful Majesty to the same effect.

You will urge, therefore, the Brazilian Government, that their Commissioners, if they are not already gone to Sierra Leone, may be sent out furnished with these Documents, without any more delay than is required for the necessary preparations on the occasion.

His Royal Highness's Government, as you will perceive by my other Letter of this date, propose to provide at Sierra Leone a suitable Office for the carrying on the Proceedings of the Commission, and orders will be sent out that every courtesy and consideration shall be paid to the Commissioners which is due to the publick character they bear, and every respect secured to the Court which is necessary to give efficiency to its Proceedings.

With respect to such Contingent Expences as may attend the Establishment and Proceedings of the Commission, His Royal Highness's Government propose that at Sierra Leone, as likewise at Rio de Janeiro, these should be borne in common by the two Governments.

I am, &c.

Henry Chamberlain, Esq. CASTLEREAGH.

No. 31 —Viscount Castlereagh to the Count de Palmella.

Foreign Office, 12th February, 1819.

THE Undersigned, His Majesty's Principal Secretary of State for Foreign Affairs, has the honour to announce to the Count de Palmella, His Most Faithful Majesty's Minister Plenipotentiary at this Court, the following Appointments which have been made by His Royal Highness the Prince Regent, under the Convention between Great Britain and Portugal, for preventing the illegal Traffick in Slaves, signed at London on the 28th of July, 1817.

Thomas Gregory, Esq. to be His Majesty's Commissary Judge, and Edward Fitzgerald, L. L. D. to be His Majesty's Commissioner of Arbitration, to the Mixed Commission to be established at Sierra Leone; and Henry Hayne, Esq. to be His Majesty's Commissary Judge, and Alexander Cunningham, Esq. to be His Majesty's Commissioner of Arbitration to the Mixed Commission to be established at Rio de Janeiro.

The Undersigned requests, that the Count de Palmella will have the goodness to make his Court acquainted with these nominations, which His Royal Highness's Government persuade themselves will be agreeable to the Government of His Most Faithful Majesty.

The Commissioners for Rio de Janeiro and Sierra Leone will leave England for their destination in the course of this, or early in the ensuing month, charged with His Royal Highness's Commission, and Instructions to enter without delay upon the execution of their Duties.

The Undersigned, &c.

The Count de Palmella. CASTLEREAGH

No. 32.—Sir H. Wellesley to Visct. Castlereagh.—(Rec. 19th Feb.)

My Lord, *Madrid, 4th February,* 1819.

I have received a Note from the Marquis of Casa Irujo, stating that in consequence of the resignation of Don Santiago Janama, of his appointment to be one of the Judges to reside at Sierra Leone, conformably to the Stipulations of the Treaty for the Abolition of the Slave-trade, His Catholick Majesty has been pleased to appoint Don Francisco Le Fer to that situation, and that His Majesty wishes to be apprized of the probable time of the arrival at Cadiz of the Vessel which is to convey the Commissioners to the place of their destination.

I have, &c.

Viscount Castlereagh, K. G. H. WELLESLEY.

No. 33.—Viscount Castlereagh to H. M.'s Commrs. at Rio de Janeiro.

Gentlemen, *Foreign Office, 20th February,* 1819.

His Most Faithful Majesty having promulgated an Alvará, under date of the 26th of January, 1818, for the regulation of the Slave-trade still carried on by His Most Faithful Majesty's Subjects; I have received the Commands of His Royal Highness the Prince Regent to send you 10 Copies of the same, in original and in translation, and I am to desire that you will cause a Copy thereof to be affixed in some public part of the Court where you preside. I am, &c.

H. M.'s Commrs. at Rio de Janeiro. CASTLEREAGH.

No. 34.—Henry Chamberlain, Esq. to Viscount Castlereagh.—(Received 22d February, 1819.)

My Lord, *Rio de Janeiro, 19th December,* 1818.

Upon receipt of Earl Bathurst's Dispatch, dated the 10th of September, respecting the Restrictions imposed by the Laws of Great Britain upon the furnishing of succours to Foreign Slave Vessels touching in any of the Ports of the British Colonies, I transmitted to M. de Villanova Portugal a Copy of the opinion of the Law Officers of the Crown, which I had the honour to receive inclosed in that Dispatch.

I beg leave to forward herewith a Copy of the Note by which it was accompanied, and a translation of the Note I have received in reply from the Secretary of State.

A Vessel is about to sail for the Cape of Good Hope in the course of a few days; and concluding that Lord Charles Somerset ought to be informed of this Communication having been made to the Brazilian Government, it is my intention to forward to his Lordship Copies of the Correspondence. I have the honour to be, &c.

Viscount Castlereagh, K. G. H. CHAMBERLAIN.

(Inclosure 1.)—Henry Chamberlain, Esq. to M. de Villanova Portugal.

Rio de Janeiro, 2d December, 1818.

THE Undersigned, &c. in obedience to the Instructions which he has just received from his Court, has the honour to communicate to M. the Commander Thomas Antonio de Villanova Portugal, &c. by the inclosed Document, the Restrictions imposed by the Laws of Great Britain, upon the furnishing of succours to Foreign Vessels employed in the Slave-trade, which may touch in the Ports of the British Colonies; in order that Portuguese Subjects engaged in that Traffick may be made acquainted with the risk to which they expose themselves if they enter the Port of the Cape, unless forced there by stress of weather, the perils of the sea, or some such unforeseen and inevitable accident. The Undersigned, &c.

H. E. M. de Villanova Portugal. H. CHAMBERLAIN.

(Inclosure 2.)—M. de Villanova Portugal to Henry Chamberlain, Esq.

(Translation.) *Palace of Santa Cruz, 15th December,* 1818.

THE Undersigned, &c. acknowledges the receipt of the Note which Mr. Chamberlain, &c. addressed to him on the 2d Instant, communicating to him, by order of his Court, in the Copy he sent, the opinion of the Crown Lawyers upon the Restrictions which the Laws of Great Britain impose on the furnishing succour to Foreign Vessels employed in the Slave-trade, that may touch at the English Colonies; and, having immediately laid it before the King his Master, has to acquaint Mr. Chamberlain that His Majesty, as soon as he learnt this Official Communication, ordered it to be immediately transmitted to the Royal Junta of Commerce, to be made known to the Merchants interested in being informed of this Notice. The Undersigned, &c.

THOMAS ANTONIO DE VILLANOVA PORTUGAL.

Henry Chamberlain, Esq.

No. 35.—Joseph Planta, Jun. Esq. to G. W. Chad, Esq.

SIR, *Foreign Office, 23d February,* 1819.

I AM directed by Lord Castlereagh to call your attention to the VIth Article of the Treaty concluded at The Hague in May last, between His Majesty and the King of The *Netherlands,* for the more complete Abolition of the Slave-trade, of which, for more easy reference, a Copy is herewith transmitted to you.

By this Article it is stipulated that "The Ships of the Royal Navies of the two Nations, which shall hereafter be destined to prevent the Traffick in Slaves, shall be furnished with Instructions, written in the Dutch and English Languages, and signed for the Vessels of each of the two Powers by the Ministers of their respective Marine." The Instructions herein alluded to are annexed to the Treaty; but, as that Instrument was signed in the English and French Languages, no trans-

lation of them in the Dutch Language has ever been received in this Country; I am therefore directed to request that you will, without delay, apply to Baron Nagell for an Official Copy of the said Instructions in the Dutch Language, and that you will forward it to Lord Castlereagh.

The Treaty having been received in this Country last Year, immediately previous to the dissolution of Parliament, there was not time, before that event took place, to bring in and pass the Act necessary to authorize the appointment of the Commissions at Sierra Leone and at Surinam, as provided by that Treaty.

This Act is now on the point of being passed into a Law, and Commissioners on His Majesty's part will be forthwith selected, whose nomination will be duly notified through you to the Government of The Netherlands.

In communicating this information to M. de Nagell, I am to request that you will ascertain and report to Lord Castlereagh, how far the Government of His Netherland Majesty have proceeded in the measures to be taken on their part; and that you will, if you should find it necessary, urge His Excellency to hasten the steps which it may be proper for them to adopt in execution of the Treaty in question.

I have the honour to be, &c.

G. W. Chad, Esq. JOSEPH PLANTA, Jun.

No. 36.—Viscount Castlereagh to Henry Chamberlain, Esq.

SIR, *Foreign Office, 28th February*, 1819.

IN reference to the subject of my other Dispatches of this Year, I have to desire that you will call the immediate attention of the Government of His Most Faithful Majesty to the Convention concluded on the 28th of July, 1817, between Great Britain and *Portugal*, for the prevention of the Traffick in Slaves. You will endeavour to learn from them what steps have been taken on the part of His Most Faithful Majesty, with respect to the Stipulations of the IVth Article of that Convention, with regard to the Passports to be furnished to Vessels legally engaged in the Traffick, and of the VIIth Article, on the Instructions to be issued to Ships of War destined to prevent the illicit Traffick; and you will urge the adoption of such measures as may still remain to be taken, for putting into activity the regulations therein agreed upon for effecting the object of the Convention. I am, &c.

Henry Chamberlain, Esq. CASTLEREAGH.

No. 37.-G. W. Chad, Esq. to J. Planta, Jun. Esq.-(Rec. 4th Mar. 1819.)

SIR, *Brussels, 28th February*, 1819.

IN obedience to the directions contained in your Dispatch of the 23d Instant, I lost no time in applying to the Government of The *Netherlands* for an Official Copy, in the Dutch Language, of the In-

structions to be given to the Commanders of the Vessels which are to be employed by The Netherland Government to prevent the Traffick in Slaves.

I at the same time requested, that such information as Lord Castlereagh desires to obtain, should be afforded me, respecting the measures taken by the King of The Netherlands, in compliance with the Stipulations of the Treaty of the 4th of May, 1818.

As reference must be made to the Ministers of Marine, and of the Colonies, the former of whom, with his Department, is fixed at The Hague, it appears that some days must necessarily elapse before I can completely carry into effect the Instructions conveyed in your Dispatch of the 23d Instant.

In the mean while I have the honour to inclose the Baron de Nagell's answer to my application, and a Copy of the Law which has been passed by The Netherland Government for the prevention of the Slave-trade.* I have the honour, &c.

Joseph Planta, Jun. Esq. G. W. CHAD.

(Inclosure 1.)—Baron Nagell to G. W. Chad, Esq.

Bruxelles, le 27 Février, 1819.

Le Soussigné, Ministre des Affaires Etrangères, a l'honneur de communiquer ci-joint à Monsieur Chad, Ministre Plénipotentiaire de Sa Majesté Britannique, un exemplaire de la Loi, qui, en vertu de l'Article I du Traité de La Haye, du 4 Mai, 1818, a émanée le 20 Novembre dernier, pour reprimer efficacement le Traite des Esclaves, déjà defendue par dispositions antérieures.

Le Soussigné ne manquera pas d'informer également Monsieur Chad, des arrangemens qui seront pris pas le Gouvernement des Pays Bas pour l'exécution des Articles de la Traité, qui regardent la formation des Cours Mixtes, et lui transmettra la Copie des Instructions pour les Vaisseaux croiseurs aussitot qu'elles auront été portées à sa connaissance, ce à quoi il a invité les Départemens qui le concerne.

Il profite de cette occasion, &c.

Monsieur Chad. A. W. C. DE NAGELL.

No. 38.—G. W. Chad, Esq. to J. Planta, Jun. Esq.—(Rec. 13th March.)

Sir, *Brussels, 6th March*, 1819.

I have the honour to inclose to you the Copy of a Note addressed to me by the Baron de Nagell, stating that His Majesty the King of The *Netherlands* has appointed M. Van Sirtema to be Commissary Judge at Sierra Leone.

His Excellency also observes that the other nominations provided for by the Treaty of The Hague of the 4th May, 1818, are under consideration, and may shortly be expected to be made. I have, &c.

Joseph Planta, Jun. Esq. G. W. CHAD.

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* Sec Vol. State Papers, 1824, 1825. Page 308.

(Inclosure.)—Baron de Nagell to G. W. Chad, Esq.

Bruxelles, le 5 Mai, 1819.

Pour faire suite à la Note du Soussigné, Ministre des Affaires Etrangères, en date du 27 Février, il s'empresse d'informer M. Chad, Ministre Plénipotentiaire de Sa Majesté Britannique, que M. Le Major Van Sirtema a été nommé Juge à Sierra Leone ; conformément aux Stipulations du Traité de la Haye du 4 Mai 1818, et qu'il se rendra bientôt à sa destination.

Quant aux autres nominations encore a faire en vertu du Traité, le Ministre des Colonies a prévenu le Soussigné, qu'il soumettra incessamment à l'approbation de Sa Majesté un Rapport sur cette matière ; et qu'il ne manquera pas d'instruire le Département des Affaires Etrangères aussitôt du résultat.

M. Chad voudra bien, en attendant une nouvelle communication, transmettre ces renseignemens à son Gouvernement ; et agréer l'assurance, &c.

Monsieur Chad. A. W. C. DE NAGELL

No. 39.—*G. W. Chad, Esq. to Visct. Castlereagh.—(Rec. 29th March.)*

My Lord, *Brussels, 26th March,* 1819.

I have the honour to inclose to your Lordship a notification which I have received from the Baron de Nagell, of appointments made in conformity with the Treaty signed at The Hague on the 4th of May 1818—namely, that of Mr. P. J. Changnion to be Judge, and of Mr. P. J. Graafland to be Arbitrator, and of Mr. J. C. Guicheret to be Secretary, of the Mixed Commission which is to reside at Surinam.

The Baron de Nagell has also informed me, that the Instructions in the Dutch language for the Cruizers of The *Netherland* Navy which will be employed in the prevention of the Slave-trade, are in a state of progress, and will be very shortly communicated to His Majesty's Government.

I have, &c.

Viscount Castlereagh, K. G. G. W. CHAD.

(Inclosure.)—Baron de Nagell to G. W. Chad, Esq.

Bruxelles, le 25 Mars 1819.

Le Soussigné, Ministre des Affaires Etrangères, à l'honneur de prévenir M. Chad, Ministre Plénipotentiaire de Sa Majesté Britannique, qu'en exécution de l'Article II. pour les Cours de Justice Mixte à établir en vertu des Stipulations du Traité de la Haye, du 4 Mai 1818, le Roi des Pays Bas a nommé Juge de la Cour qui residera a Surinam, Monsieur P. J. Changnion, Secrétaire de la Cour de Police et de Justice Criminelle dans la dite Colonie ; Arbitre, Monsieur P. J. Graafland, Membre de la Cour de Justice Civile, également à Surinam ; et Secrétaire, Monsieur J. C. Guicheret, Premier Commis, attaché à la Secrétairerie du Gouvernement de cette Possession.

Le Soussigné prie M. Chad de porter ces différentes nominations à la connaissance de son Gouvernement, et lui renouvelle, &c.

Monsieur Chad. A. W. C. DE NAGELL.

No. 40.—Viscount Castlereagh to the Count de Palmella.

Foreign Office, 29th March, 1819.

LORD CASTLEREAGH presents his compliments to the Count de Palmella, and in reference to the terms in which, by inadvertence, the Territories of Molembo and Cabina are described in the IId Article of the Convention signed between the two Courts at London on the 28th of July 1817, as being on the Eastern Coast of Africa, Lord Castlereagh has the honour to propose to the Count de Palmella, that a Declaration,* as suggested in the inclosed paper, be forthwith signed by the Count and by Lord Castlereagh, jointly and in duplicate, and that the same be annexed to the Convention in question, in order to obviate the possibility of any misunderstanding on the subject in any quarter whatsoever.

The Count de Palmella. CASTLEREAGH.

No. 41.—Sir Henry Wellesley to Visct. Castlereagh—(Rec. 1st April.)

MY LORD, *Madrid, 15th March,* 1819.

I HAVE the honour to acknowledge the receipt of your Lordship's Dispatch, dated the 31st instant, and having made the necessary representation to the Spanish Government relative to the appointment of the Commissioners to reside at Sierra Leone, conformably to the Stipulations of the Slave-trade Treaty, I have received a reply from the Marquess of Casa Irujo, in which he announces that the Spanish Commissioners, Messieurs Camps and Le Fer, have been directed to proceed to Cadiz, and agrees that the contingent expences of the two Commissioners shall be equally borne by the British and Spanish Governments.

The Spanish Commissioners have already left Madrid for Cadiz.

I have, &c.

Viscount Castlereagh, K.G. H. WELLESLEY.

No. 42.—Visct. Castlereagh to H. M's. Commrs. at Rio de Janeiro.

GENTLEMEN, *Foreign Office, 3d April,* 1819.

IN reference to the IId Article of the Convention between Great Britain and Portugal of the 28th of July 1817, I send to you for your information, a Copy of an Arrangement,* which has this day been signed by the Count de Palmella and myself, respecting the expressions made use of in the Article in question, as to the situation of the Territories of Molembo and Cabinda.

* See Page 50.

You will communicate to your Portuguese Colleagues a certified Copy of this Document; and you will consider yourselves authorized to take cognizance of it in your proceedings, as an integral part of the Convention of the 28th of July, 1817. I am, &c.

H. M.'s Comm^rs. at Rio de Janeiro. CASTLEREAGH.

No. 43 – H. Chamberlain, Esq. to Visct. Castlereagh – (Rec. 3d April.)

My Lord, *Rio de Janeiro, 22nd January,* 1819.

I have the honour to inclose a Statement of the Ships that have arrived in this Port during the last Year, with Slaves from the Coast of Africa, shewing the number that was landed, and the number that died during the passage. I have, &c.

Viscount Castlereagh, K. G. H. CHAMBERLAIN.

(Inclosure.)—Account of the Number of Slaves imported into the City of Rio Janeiro, during the Year 1818.

Date.		Names.	Class.	Whence.	Numbers embarked	Deaths.
Jan.	4	*Trajano*	Brig	Cabinda	449	32
	12	*Feliz Americano* ...	Ship	Cabinda	419	19
	14	*Perola de Norto* ...	Ship	Mozambique	421	161
Feb.	1	*Isqueira*	Brig	Kilimane	584	84
	11	*Feliz Eugenia*	Ship	Cabinda	633	37
	16	*Reyno do Brazil* ...	Brig	Cabinda	400	15
	21	*Ligeiro*.....	Brig	Cabinda	441	8
	22	*Conde da Barca* ...	Ship	Cabinda	451	21
	22	*Grão Penedo*.....	Brig	Cabinda	428	8
	23	*Serpente*	Brig	Cabinda	438	24
	24	*Pastora*.....	Brig	Mozambique	479	79
March	1	*Aurora do Cabo* ...	Brig	Kilimane	430	89
	3	*Marrianna Daphne*	Brig	Cabinda	345	19
	9	*Livramento*	Brig	Benguela	541	32
	17	*Triumfo do Rio*...	Brig	Cabinda	222	27
	20	*Athaneu*	Brig	Cabinda	370	26
	22	*Felix Carlota*	Schooner	Cabinda	225	38
	25	*St. Jozé Diligente*	Ship	Kilimane	464	238
	25	*Anna do Rio*	Schooner	Cabinda	341	24
	30	*Lusitania*.....	Ship	Cabinda	669	48
April	9	*Amizade*	Schooner	Angola	487	59
	9	*St. João Americano*	Brig	Cabinda	371	62
	10	*Soudade do Sul*.	Brig	Cabinda	286	27
	18	*Delfina*.	Ship	Cabinda	409	135
	22	*Olimpia*	Ship	Cabinda	441	73
	22	*Voador*.....	Ship	Cabinda	463	39
May	8	*Vulcano*.	Brig	Angola	444	59
	17	*Maria Thomagia*...	Ship	Cabinda	305	24
June	14	*União Feliz*.....	Ship	Mozambique	659	229
	15	*Emilia*	Brig	Cabinda	392	102

Date.	Names.	Class.	Whence.	Numbers embarked	Deaths..
June 16	*Santa Rosa*	Brig	Cabinda	300	7
19	*Principe Real*.....	Brig	Cabinda	424	105
21	*Amalia*.....	Ship	Angola.....	820	69
29	*Bom Fim*.....	Schooner	Benguela.....	572	32
Aug. 1	*General Silveira*...	Brig	Cabinda	405	14
14	*Voador*.....	Brig	Cabinda	367	2
20	*Patrocinio*	Schooner	Cabinda	239	0
24	*Maria*	Ship	Cabinda	480	13
Sept. 3	*Elisa*	Smack	Cabinda	288	6
17	*Deligente*.....	Schooner	Cabinda	118	18
20	*Luiza*	Brig	Angola.....	569	56
24	*St. Pedro do Sul*...	Brig	Benguela.....	440	9
Oct. 10	*Eeliz Americano* ...	Brig	Cabinda	291	1
14	*Ludovino*	Ship	Rio Laire.....	408	1
28	*Reyno do Brazil* ...	Brig	Cabinda.....	335	1
Nov. 10	*Ligeiro*.....	Brig	Cabinda	324	0
Dec. 2	*Feliz Eugenia*.....	Ship	Cabinda.	483	4
7	*Mercurio*	Brig	Benguela	492	12
8	*Asia*.....	Brig	Cabinda	334	6
14	*Feliz Carlotta*.....	Schooner	Cabinda	265	0
18	*Isgueira*	Brig	Mozambique	544	148
23	*Leopoldina*	Ship	Cabinda.	331	15
27	*Serpente*	Brig	Mozambique	375	82
				22,231	2,429

No. 44.—Viscount Castlereagh to G. W. Chad, Esq.

SIR, *Foreign Office, 6th April,* 1819.

I HEREWITH transmit to you the Copy of a Letter, with its Inclosures, from the African Office, in which it is stated that great encouragement is still given to the Slave-trade, by the supply of Canoes to Vessels engaged in that Traffick from the Dutch Settlement of Elmina; and I am to request that you will lose no time in laying these facts before the Government of His *Netherland* Majesty, and urge them to take such measures for the repression of the abuse complained of, as they may judge most likely to effect the object desired.

I am, &c.

G. W. Chad, Esq. CASTLEREAGH.

(Inclosure 1.)—The Secretary of the African Institution to Viscount Castlereagh.

MY LORD, *African Office, Frederick's Place, 30th March,* 1819.

I HAVE already had the honour of addressing your Lordship, by desire of the Committee of the Company of Merchants trading to Africa, inclosing Extracts from their Dispatches on the subject of the

Foreign Slave-trade carried on upon the Gold Coast, and by their direction I now inclose Extracts from a further Dispatch from the Governor and Council, dated the 10th January last, by which your Lordship will see that Portuguese and Spanish Vessels are still supplied with Canoes at the Dutch Settlement at Elmina, "without which those Vessels would be unable to prosecute their Trade (in Slaves) to the North of the Line."

This conduct on the part of the Dutch is the more to be censured and regretted, as your Lordship will perceive by another part of the said Dispatch, that "the spirit of agriculture has gained considerable ground amongst the Natives, several Cargoes of corn having latély been shipped from Accra, and other parts of the Coast."

I am directed by the Committee to express to your Lordship their thorough conviction, that when the Slave-traders shall be completely driven from the Gold Coast (to which the refusal of the Dutch Forts to supply them with Canoes would operate essentially) a very rapid advance may be made in the amelioration of the condition of the Natives, by the extension of agriculture and legitimate Commerce.

I have the honour to be, &c.

Viscount Castlereagh, K. G. S. COCK.

(Inclosure 2.)—Dispatch received by the Committee of the African Company from the Governor and Council at Cape Coast Castle.

(Extract.) *10th January,* 1819.

Both Portuguese and Spanish Slave Vessels continue to call at Elmina on their way to Leeward, and the illegitimate trade which they are engaged in is considerably encouraged by the assistance they receive from the Dutch. The number of Portuguese Vessels especially, has of late very much increased, and at Elmina they are supplied with Canoes, without which they would be unable to prosecute their trade North of the Line.

We feel gratified in informing you, that the spirit of agriculture has gained considerable ground among the Natives. Several cargoes of Corn have been shipped from Accra and other parts of the Coast. If this stimulus continues to be offered to their exertions, they will become so convinced of the benefits that will accrue to them, that we trust we may soon look forward to extensive cultivation.

No. 45.—Viscount Castlereagh to Henry Chamberlain, Esq.

Sir, *Foreign Office, 7th April,* 1819.

In reference to my Dispatch of the 31st January 1819, I am to acquaint you, that Mr. Gregory, His Majesty's Commissary Judge at Sierra Leone, has received his Commission and Instructions, and will sail for his destination in the course of this week. You will communicate this circumstance to the Government of His Most Faithful Majesty,

and you will urge them, if their Commissioners shall not already have been dispatched, to give directions for their proceeding to Sierra Leone without delay. I am, &c.

Henry Chamberlain, Esq. CASTLEREAGH.

No. 46.—Viscount Castlereagh to Sir Henry Wellesley.

(Extract.) *Foreign Office, 8th April* 1820.

I SEND to your Excellency herewith the Copies of 3 Dispatches under dates of the 12th, the 19th and the 20th of November 1819, received from His Majesty's Commissioners resident at Sierra Leone, under the Treaties for preventing the illegal Traffick in Slaves.

You will perceive from these Dispatches the necessity which exists, that the Commissioners of His Catholick Majesty at that Settlement should be furnished, on several points therein alluded to, with Instructions, the want of which has been the occasion of some misunderstanding, and of much inconvenience, in the proceedings of the Mixed Commission.

The principal point to which I here advert, and on which I request your Excellency will lose no time in inviting the attention of the Spanish Government, is, the form of practice to be observed in the Proceedings of the Court of Commission, as referred to in the IInd and following Articles of the Regulations annexed to the Treaty of the 23d of September, 1817.

On this point, I send to your Excellency a printed Copy of Memoranda of proceedings in the Court of Admiralty here, drawn up under the superintendence of Sir William Scott, for the information and guidance, as far as circumstances would allow, of the Mixed Commissions; and I wish your Excellency to submit these to the Spanish Government, and urge them, in as far as they may not see any thing objectionable therein, to instruct their Commissioners at Sierra Leone to accede to the adoption of these Memoranda as the basis of the form of their proceedings. You will particularly also press upon the Government of His Catholick Majesty, the adoption of the practice of allowing Proctors or Agents of the parties to act, on the fair and indisputable ground that it will be impossible for the Parties, on the one side and the other, to bring forward their evidence so fully and clearly themselves, as by their Proctors, for the satisfaction of the ends of justice.

You will represent to the Spanish Government the expediency of sending out, without delay, such Instructions on the point above alluded to, as shall obviate the serious inconvenience hitherto felt from the want, as it would appear, of specific Instructions having been given to the Commissioners of His Catholick Majesty now at Sierra Leone.

H. E. Sir Henry Wellesley. G. C. B. CASTLEREAGH.

Mem. The Inclosures alluded to in this Dispatch are all contained

in the Correspondence with His Majesty's Commissioners at Sierra Leone.—Class A. of these Papers.

No. 47.—G. W. Chad, Esq. to Viscount Castlereagh.—(Rec. 23d Apr.)

MY LORD, *Brussels, 19th April,* 1819.

IN obedience to the Instructions transmitted to me by your Lordship, I represented without loss of time to the Baron de Nagell, the abuses pointed out by the Governor and Council at Cape Coast Castle, and the anxiety of His Majesty's Government, that such practices tending to facilitate the Slave-trade, should be effectually repressed. His Excellency gave me the strongest verbal assurances that the matter of the complaint should be investigated without delay, and that the determination of the King for the repression of this Traffick should be carried into entire and complete effect.

I had also an opportunity of mentioning the subject to M. de Falck, the Secretary of State for the Colonial Department, and I received similar assurances from that Minister.

I have the honour to inclose to your Lordship Copies of my Correspondence with the Baron de Nagell, and remain with great truth and respect, &c.

Viscount Castlereagh, K. G. G. W. CHAD.

(*Inclosure* 1.)—*G. W. Chad Esq. to the Baron de Nagell.*

Brussels, 13th, April, 1819.

THE Undersigned, His Britannick Majesty's Minister Plenipotentiary, has received instructions from his Government to represent to His Excellency the Minister for Foreign Affairs, that the illegal Traffick in Slaves, carried on by Portuguese and Spanish Ships on the Gold Coast, is considerably encouraged by the assistance which the crews of these Vessels receive from Elmina, where they are supplied by the Dutch Canoes, without which they would be unable to cary on their trade North of the Line.

These facts have been reported to His Majesty's Government by the Governor and Council at Cape Coast Castle, and the Undersigned has received the commands of His Royal Highness the Prince Regent, earnestly to urge the Dutch Government to take such measures for the repression of the abuse as may be most likely to give entire effect to the benevolent intentions which have always distinguished His Netherland Majesty's Councils on this subject, and which have lately been enforced by legislative enactments.

The Undersigned takes this opportunity of renewing to His Excellency the Minister for Foreign Affairs, the assurances, &c.

H. E. The Baron de Nagell. G. W. CHAD.

(Inclosure 2.)—Baron de Nagell to G. W. Chad, Esq.

Bruxelles, ce 16 *Avril* 1819.

Le Soussigné, Ministre des Affaires Etrangères, a l'honneur d'accuser à Monsieur Chad, Ministre Plénipotentiaire de Sa Majesté Britannique, la reception de sa Note du 13 de ce mois, par rapport aux facilités qui seraient accordées à Elmina au Commerce des Esclaves, et de l'informer préalablement, que le Ministre des Colonies a été chargé de recueillir les renseignemens qui seront necessaires, pour prendre une disposition quelconque à ce sujet.

Le Soussigné ne manquera pas de faire connaitre à Monsieur Chad la suite qui sera donnée à sa réclamation, et le prie, &c.

Monsieur Chad. A. W. C. DE NAGELL.

No. 48.—*Baron Fagel to Viscount Castlereagh.*

Londres, le 1 *Mai,* 1819.

Monsieur Chad, Ministre Plénipotentiaire de Sa Majesté Britannique près Sa Majesté le Roi des Pays Bas, fut informé par deux Notes successives, le 5 et le 25 Mars dernier, des nominations faites par le Gouvernement des Pays Bas en exécution des Stipulations du Traité du 4 Mai 1818, relativement à l'organisation des Cours Mixtes, qui, aux termes de ce Traité, siégeront à Surinam et à Sierra Leone.

Il restoit à désigner de la part des Pays Bas, l'Arbitre qui résidera dans ce dernier établissement, et cet objet a éprouvé quelque retard, par suite de la difficulté de trouver une personne qui voulût remplir ces fonctions.

Le Soussigné, Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté le Roi des Pays Bas, vient de recevoir de son Gouvernement l'avis, que le Roi son Auguste Souverain, a confié ce poste au Sieur E. G. G. Bonnouvrié, et il s'aquitte des ordres qui lui sont parvenus en même tems, en portant par la présente, cette nomination à la connoissance de Son Excellence Lord Castlereagh, qu'il prie d'agréer, à cette occasion, l'assurance réitérée de sa considération la plus distinguée.

S. E. Le Vicomte Castlereagh. H. FAGEL.

No. 49.—*G. W. Chad, Esq. to Viscount Castlereagh.—(Rec. May* 2.)

My Lord, *Brussels,* 29*th April,* 1819.

I have the honour to inclose to your Lordship the Copy of a Note addressed to me by the Baron de Nagell, announcing the appointment of Monsieur E. G. G. Bonnouvrié to be Arbitrator at Sierra Leone, in conformity with the stipulations of the Treaty signed at The Hague upon the 4th of May 1818. I have, &c.

Viscount Castlereagh, K. G. G. W. CHAD.

(Inclosure.)—Baron de Nagell to G. W. Chad, Esq.

Bruxelles, le 24 Avril, 1819.

Le Soussigné, Ministre des Affaires Etrangères, a l'honneur de prévenir Monsieur Chad, Ministre Plénipotentiaire de Sa Majesté Britannique, que le Roi des Pays Bas a nommé Monsieur E. G. G. Bonnouvrié, Arbitre près la Cour de Justice Mixte à Sierra Leone, en vertu des Stipulations du Traité de la Haye du 4 Mai 1818.

Il prie Monsieur Chad de porter cette nomination à la connaissance de Son Gouvernement, et lui renouvelle, &c.

Monsieur Chad. A. W. C. DE NAGELL.

No. 50.—H. Chamberlain, Esq. to Visct. Castlereagh.—(Rec. May 3.)

My Lord, *Rio de Janeiro, 20th February*, 1819.

I had the honour to receive, on the 2d instant, your Lordship's Dispatch, dated 17th November last, containing a Letter from His Royal Highness the Prince Regent to His Most Faithful Majesty, on the subject of the unrestricted Abolition of the Traffick in Slaves throughout His Majesty's Dominions, and directing me, immediately on receipt thereof, to solicit an audience of His Most Faithful Majesty, for the purpose of delivering the said Letter into His Majesty's hands.

I lost no time in obeying your Lordship's Instructions; and having previously communicated with the other Foreign Ministers on this most important and interesting object, I addressed to M. de Villanova Portugal, on the 4th instant, the request for an audience, of which I have the honour to inclose a Copy.

The Envoys of Austria and Prussia having received similar instructions from their Courts, accompanied by Letters from their respective Sovereigns to His Most Faithful Majesty, made similar requests for an audience.

On the 15th instant we each received intimations, dated the 13th, of the same tenor, announcing that His Majesty would receive the Letters, with whose delivery we had the honour to be entrusted, on any evening of the ensuing week at the hour of ordinary audience.

The Baron de Neveu, Count Fleming and myself, repaired to San Cristoval on the following evening, at the appointed time, but His Majesty was not there; and finding that his return from the island of Governador was uncertain, we proceeded together to M. de Villanova's house to ascertain when it was likely to take place.

His Excellency readily undertook to make us acquainted with the return of His Majesty, and on the 17th sent a Note, appointing the evening of the 19th for the audience.

I had the pleasure to accompany the Austrian and Prussian Envoys accordingly to San Cristoval last night, when we had the honour to deliver into His Majesty's hands the Letters from our respective Sovereigns; and I beg leave to assure your Lordship, that I did not fail

to repeat faithfully to His Majesty, on the part of His Royal Highness the Prince Regent, those sentiments which your Lordship's Dispatch commanded.

His Majesty charged me to assure His Royal Highness of his sincere desire to do every thing in his power that might meet, or be agreeable to, His Royal Highness's wishes.

The audience was entirely private, there being no other persons in the room than His Majesty and myself.

I have the honour to be, &c.

Viscount Castlereagh, K. G. H. CHAMBERLAIN.

(Inclosure.)—Henry Chamberlain, Esq. to M. de Villanova Portugal.

Rio de Janeiro, 4th February, 1819.

THE meeting of the Allied Sovereigns and Cabinets at Aix-la-Chapelle having been concluded by a solemn and joint appeal to His Majesty the King of the United Kingdom of Portugal and Brazil, to induce His Most Faithful Majesty to contribute, as far as lies in his power, by the unrestricted Abolition of the Traffick in Slaves throughout His Majesty's Dominions, to the consummation of that great object, which, since the Congress of Vienna, in the year 1815, has been one of most anxious solicitude to the several Powers who were parties to that arrangement; the Undersigned, &c. hastens to make known to H. E. the Commander Thomas Antonio de Villanova Portugal, &c. that he has received, by the *Diana* Packet, the Letter which His Royal Highness the Prince Regent has addressed to His Most Faithful Majesty, on this most interesting and most important subject.

He hastens equally to inform His Excellency, that he has received instructions to solicit the honour of an audience of His Most Faithful Majesty, for the purpose of delivering the said Letter into His Majesty's hands: and he therefore requests His Excellency will lay the same before the King, and, having received his commands thereon, will have the kindness to communicate to the Undersigned the time and place when His Majesty will be pleased to permit him to have the honour of executing the commands of His Royal Highness.

He begs leave to transmit herewith a correct Copy of the beforementioned Letter, and to renew to His Excellency the assurances, &c.

His Excellency M. de Villanova Portugal. H. CHAMBERLAIN.

No. 51.—Viscount Castlereagh to G. W. Chad, Esq.

SIR, *Foreign Office, 11th May,* 1819.

HIS Royal Highness the Prince Regent has been pleased to name Thomas Gregory, Esq. to be His Majesty's Commissary Judge, and Edward Fitzgerald, Esq. the present Judge of the Vice-Admiralty Court at Sierra Leone, to be His Majesty's Commissioner of Arbitration, and Daniel Molloy Hamilton, Esq. to be His Majesty's Regis-

trar, to the Mixed British and Netherland Commission to be established at Sierra Leone, under the Treaty for the Prevention of the illegal Traffick in Slaves, concluded between Great Britain and The Netherlands on the 4th of May 1818.

You will take an early opportunity of announcing these Appointments to the Government of the King of The Netherlands; and add, that the Gentlemen in question are already at Sierra Leone, and furnished with His Royal Highness's Commission and Instructions, to enable them to enter upon the exercise of their duties, as soon as the Netherland Commissioners shall have arrived, furnished with the Commission and Instructions of their Sovereign to the same effect.

You will urge, therefore, the Netherland Government, that their Commissioners, if they are not already gone to Sierra Leone, may be sent out, furnished with these Documents, without any more delay than is required for the necessary preparations on the occasion.

His Royal Highness's Government, as you will perceive by my other Letter of this date, propose to provide at Sierra Leone a suitable Office for carrying on the proceedings of the Commission; and orders will be sent out that every courtesy and consideration shall be paid to the Commissioners which is due to the public character they bear, and every respect secured to the Court which is necessary to give efficiency to its proceedings. I am, &c.

G. W. Chad, Esq. CASTLEREAGH.

No. 52.—Viscount Castlereagh to G. W. Chad, Esq.

SIR, *Foreign Office, 11th May,* 1819.

His Royal Highness the Prince Regent has been pleased to name Christopher Edward Lefroy, Esq. to be His Majesty's Commissary Judge, and Thomas Sherard Wale, Esq. to be His Majesty's Commissioner of Arbitration, to the Mixed British and Dutch Commission to be established at Surinam, under the Treaty for the Prevention of the illicit Traffick in Slaves, concluded between Great Britain and the *Netherlands*, on the 4th of May 1818.

You will take the earliest opportunity of announcing these Appointments to the Government of the King of The Netherlands. You will add, that the Commissioners will leave England for their destination early in the month of July, furnished with His Royal Highness's Commission and Instructions, to enable them to enter upon the exercise of their duties, so soon as the Commissioners of the King of The Netherlands shall be furnished on their part with their Sovereign's Commission and Instructions to the same effect.

You will therefore suggest the expediency that these Documents may be made out, and the Board of Commission enabled to commence its labours, so soon as the official forms of The Netherland Chancery will permit.

You will request that His Majesty's Commissioners may be treated with that courtesy and consideration to which their public character gives them a claim, particularly with respect to entire liberty and security of person and property, for themselves and household, and to the free importation of such articles as they may *bonâ fide* require for their own use and convenience.

You will express the perfect confidence of His Royal Highness's Government that every thing will be arranged, in respect to the Commission at Surinam, which can give due fulfilment to the object of the Convention, and that, for this purpose, provision will be made by the express enactment of the Government, for that public respect being paid to the proceedings of the Commission, which is necessary to its efficient execution, and to enable the Commissioners to secure due order, decorum, and authority to the Court.

You will propose to The Netherland Government that they shall provide a suitable Office for the use of the Commission at Surinam; adding, that His Royal Highness's Government will provide a suitable Office at Sierra Leone, for the Commission to be established there under the same Treaty. I have, &c.

G. W. Chad, Esq. CASTLEREAGH.

No. 53.-G. W. Chad, Esq. to Visct. Castlereagh.-(Rec. 15th May.)

MY LORD, *Brussels, 8th May*, 1819.

I HAVE the honour to inclose to your Lordship the Copy of a Note which I have received from the Baron de Nagell, stating that an inquiry will, without loss of time, be instituted on the subject of the facilities stated to be afforded to the Slave-trade at Elmina, and that Instructions to this effect will be sent out by the Brig *Comet*, which is about to sail for the Gold Coast. I have, &c.

Viscount Castlereagh, K. G. G. W. CHAD.

(Inclosure.)—Baron de Nagell to G. W. Chad, Esq.

MONSIEUR, *Bruxelles, le 30 Avril*, 1819.

LE Soussigné, Ministre des Affaires Etrangères, a l'honneur d'informer M. Chad, Ministre Plénipotentiaire de Sa Majesté Britannique, en réponse ultérieure à Sa Note du 13 de ce mois, que ni les rapports du Gouvernement des Possessions du Royaume des Pays-Bas à la Cote de Guinée, ni ceux de M. Wardenburg, Capitaine de la Corvette le *Dolphin*, qui a visité recemment ces établissemens, ne donnent aucun indice sur les facilités qui seraient accordées à Elmina au commerce des Esclaves. Le Ministre des Colonies s'est empressé de recommander aux Autorités qui le concerne, de veiller à ce que les ordres de Sa Majesté pour la répression de ce trafic, soient soigneusement exécutés, et se concertera d'ailleurs avec le Ministre de la Marine, à l'effet de profiter du départ prochain du Lieutenant de Marine

Blow, Commandant le Bric la *Comète*, pour instituer un examen exprès et impartial sur la nature et la tendance du Commerce des canots dont on se plaint.

Il saisit, &c.

Monsieur Chad. A. W. C. DE NAGELL.

No. 54.—G. W. Chad, Esq. to Visct. Castlereagh.—(Rec. 27th May.)

My Lord, *Brussels, 25th May*, 1819.

I have the honour to transmit herewith to your Lordship the Copy of a Note, addressed to me by the Baron de Nagell, inclosing the Instructions in the Dutch language, to be delivered to the Officers in command of the Netherland Ships of War, appointed in virtue of the Treaty of the 4th May, 1818, for the repression of the Slave-trade.

I have, &c.

Viscount Castlereagh, K.G. G. W. CHAD.

(Inclosure.)—Baron de Nagell to G. W. Chad, Esq.

Bruxelles, le 21 Mai, 1819.

Le Soussigné, Ministre des Affaires Etrangères, a l'honneur d'adresser à Monsieur Chad, Ministre Plénipotentiaire de Sa Majesté Britannique, une Copie en langue Hollandaise de l'Instruction qui sera remise aux Commandans des Vaisseaux et Bâtimens de Guerre de Sa Majesté le Roi des Pays-Bas, qui en vertu des Stipulations du Traité de la Haye, en date du 4 Mai, 1818, seront destinés à empêcher le commerce des Esclaves.

La dite Instruction rédigée d'après la formule annexée au Traité a été également transmise à M. le Baron Fagel, Ambassadeur du Roi à Londres, pour être communiquée au Gouvernement de Sa Majesté Britannique, conjointement avec un état nominatif des Bâtimens de Guerre, qui en seront dès à present munis.

Le Soussigné aime à se flatter que Monsieur le Ministre Plénipotentiaire de Sa Majesté Britannique trouvera dans cette communication, une nouvelle preuve du désir du Gouvernement des Pays-Bas, de remplir les engagemens qu'il a contractés avec celui de la Grande Bretagne, pour mettre un terme à cet odieux trafic.

Il prie Monsieur Chad, &c.

Monsieur Chad. A. W. C. DE NAGELL.

Mem. These Instructions are similar to those annexed to the Treaty.

No. 55.—Henry Chamberlain, Esq. to Visct. Castlereagh.—(Rec. 14th July)

My Lord, *Rio de Janeiro, 7th May*, 1819.

Immediately upon the receipt of your Lordship's Dispatch, received by the *Lady Mary Pelham* Packet, I made the Communications therein directed, respecting the appointment of the respective Commissioners for the Mixed Commissions to be established at Rio de

Janeiro and at Sierra Leone, under the Convention of the 28th July, 1817; and in order to prevent delay in the reply of this Government, I delivered them personally to the Minister, for the purpose of giving any explanation he might think it necessary to require.

With respect to Sierra Leone, he assured me, that it had been in vain endeavoured to find fit Persons to go there. All those who had offered themselves were, he said, incompetent to the duties they would have to perform, and he consequently did not mean to send any of them, and that he saw no other way of procuring capable Persons, but by engaging that they should remain there a very short period, and be well provided for after their return. He assured me that the appointment should be made as speedily as possible, and I think that they will proceed to their destination, viâ England. I have, &c.

Viscount Castlereagh, K. G. H. CHAMBERLAIN.

No. 56.—William Hamilton, Esq. to Henry Chamberlain, Esq.

(Extract.) *Foreign Office, 16th July,* 1819.

Lord Castlereagh cannot doubt, but that before this reaches you, the Portuguese Commissioners for Sierra Leone, will have left Rio for their destination:—should this not be the case, you will immediately urge their departure, as of course the Portuguese Government will be responsible for any inconvenience arising from delay in opening the Commission, after the Commissioners shall be prepared to commence their operations.

The English Commissioners for Sierra Leone left England about the middle of April.

Henry Chamberlain, Esq. WILLIAM HAMILTON.

No. 57.—Visoount Castlereagh to Henry Chamberlain, Esq.

Sir, *Foreign Office, 17th July,* 1819.

I have the honour to transmit to you the Copy of a Letter from the Secretary of the Admiralty, dated the 29th ult, and inclosing a Letter from Commodore Sir George Collier, commanding on the Coast of Africa, with its Inclosures, respecting the detention of two Slaving Vessels belonging to Princes Island, and the conduct of the Governor of that Island upon the occasion.

Upon a full consideration of the circumstances detailed in this Communication, His Britannick Majesty's Government cannot entertain any doubt whatever, that the Government of His Most Faithful Majesty will regard Sir G. Collier as completely justified in the steps which he has taken in consequence of the extraordinary conduct of the Portuguese Authorities; and I have accordingly received the Prince Regent's Commands to instruct you to lay the whole statement of the transaction before His Most Faithful Majesty; and you will accompany your Communication with an urgent request, in the name

of the Prince Regent, that no time may be lost in instituting an inquiry into the conduct of the Governor of Princes Island; and that, as there are the strongest reasons to believe, on this Statement, that he has been deeply implicated in the abuses which have been practised on that Coast, in carrying on the Slave-trade, in violation of the Treaty between the two Countries, he may be removed without further delay from the command of that Island. I am, &c.

H. Chamberlain, Esq. CASTLEREAGH.

Mem. These Inclosures being Admiralty Communications, are not given from the Foreign Department.

No. 58.—Baron Fagel to Viscount Castlereagh.

Whitehall Place, 19th July, 1819.

C'EST d'après des ordres de Sa Cour, que le Soussigné, Secrétaire d'Ambassade de Sa Majesté le Roi des Pays Bas, a l'honneur de porter à la connoissance de son Excellence Lord Castlereagh, que le Brick de Guerre de Sa dite Majesté, *L'Irène,* de 18 pièces de canon et 110 hommes d'équipage, commandé par le Capitaine Lieutenant Lucas, sorti dernièrement des Ports d'Hollande pour les Indes Orientales, a été muni d'un exemplaire du Traité du 4 Mai 1818, et des pièces y annexés.

Le Soussigné prie Son Excellence d'agréer, &c.

S. E. Le Vicomte Castlereagh. W. FAGEL.

No. 59.—Viscount Castlereagh to G. W. Chad, Esq.

SIR, *Foreign Office, 20th July,* 1819.

IN reference to the IIId Article of the Treaty with The *Netherlands* for the prevention of the Slave-trade, in which it was stipulated that the names of the several Vessels furnished with the Instructions annexed to the said Treaty, the force of each, and the name of their several Commanders, should, from time to time, immediately upon their issue, be communicated by the Power issuing the same, to the other High Contracting Party, I am to direct you to communicate to the Government of His Netherland Majesty, that the Instructions alluded to have been issued to the 4 following Vessels of His Majesty's Navy, on the part of His Majesty:—viz.

	Guns.	*Commanders.*
Pheasant	22	Captain B. M. Kelly.
Erne	20	Captain Timothy Scomen.
Myrmidon	20	Captain H. T. Leeke.
Morgiana	18	Captain C. B. Strong.

I am, &c.

G. W. Chad, Esq. CASTLEREAGH.

No. 60.—Viscount Castlereagh to the Earl of Clancarty.

MY LORD, *Foreign Office, 30th July,* 1819.

IN reference to the IIId Article of the Treaty with The Netherlands for the prevention of the Slave-trade, in which it was stipulated that the names of the several Vessels furnished with the Instructions annexed to the said Treaty, the force of each and the names of their several Commanders should, from time to time, immediately upon their issue, be communicated by the Power issuing the same, to the other High Contracting Party; I am to direct your Excellency to communicate to the Government of His Netherland Majesty, that the Instructions alluded to have been issued to the 2 following Vessels of His Majesty's Navy; viz.

	Guns.	*Commanders.*
Thistle, Gun Brig	12	Lieut. Robert Hagan.
Snapper	9	James Henderson.

I am, &c.

H. E. The Earl of Clancarty, G. C.B. CASTLEREAGH.

No. 61.—The Earl of Clancarty to Visct. Castlereagh.—(Rec. 9th Aug.)

MY LORD, *Brussels, 6th August,* 1819.

IN obedience to your Lordship's Dispatch of the 30th ultimo, I immediately made the Official Notification therein directed, and have the honour herewith to inclose the Copy of a Note received by me from His Excellency M. le Baron de Nagell, acknowledging the same.

I am, &c.

Viscount Castlereagh, K.G. CLANCARTY.

(Inclosure.)—Baron de Nagell to the Earl of Clancarty.

Bruxelles, le 4me Août, 1819.

LE Soussigné, Ministre des Affaires Etrangères, a l'honneur d'accuser à Son Excellence M. le Comte de Clancarty, Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté Britannique, la reception de sa Note d'avant hier, contenant les noms, &c. des Vaisseaux qui ont été pourvûs par le Gouvernement Anglois des Instructions annexées au Traité du 4 Mai, 1818. Le Soussigné, &c.

S.E. Le Comte de Clancarty. A. W. C. DE NAGELL.

No. 62.—Viscount Castlereagh to the Right Hon. Edward Thornton.

Foreign Office, 6th September, 1819.

THE access which you have had to my Correspondence with Mr. Chamberlain will have put you in possession of the state of the discussions between His Most Faithful Majesty and the Sovereigns who lately met at Aix-la-Chapelle, on the subject of the final Abolition of the Slave-trade throughout the Portuguese Dominions. The Sovereigns on that occasion addressed to His Most Faithful Majesty a joint

Letter, strongly urging this act of humanity and justice, which has not yet been answered.

In contemplating the Count de Palmella's early departure for the Brazils, to take upon himself the guidance of His Most Faithful Majesty's Councils, I do not wish to touch upon this ground further than to instruct you to avail yourself of your access to that Sovereign, for the purpose of endeavouring to convince him how much the best feelings of humanity and policy are in unison with the true interests of his Subjects, in inducing an early compliance with the appeal which has been made to him from Europe.

On Count Palmella's return from Paris, I shall profit of the earliest opportunity both of renewing our late Conferences on the subject of the Slave-trade, and of revising, together with him, the Commercial Treaty of 1810.

You are aware that Portugal has in some measure linked her final abolition of this trade with the measure last alluded to, and I entertain hopes, that if we are met with fairness on the part of His Most Faithful Majesty's Government, we may be able to make an efficient progress in both these subjects. I am, &c.

The Rt. Hon. E. Thornton. CASTLEREAGH.

No. 63.—H. M's. Commr. at Rio de Janeiro to Visct. Castlereagh.
(Received 6th October.)

My Lord, *Rio de Janeiro, 21st August*, 1819.

We, the Undersigned, His Majesty's Commissary Judge and Commissioner of Arbitration, appointed under the late Convention, have the honour to inform your Lordship of our having arrived at Rio de Janeiro on the 10th instant, and pursuant to your Lordship's instructions, a Note, of which we have the honour to inclose a Copy, was, without delay, transmitted to His Majesty's Chargé d'Affaires at this Court; since which we have been given to understand, that His Most Faithful Majesty purposes giving us an audience, and that after presentation, and having gone through the usual etiquette of the Court, we are to proceed to open the Commission.

Your Lordship will doubtless be pleased to hear that we have every reason to anticipate harmony and a good understanding in the Commission. Senhor Silvestre Pinheiro Ferreira, has received from his Government the appointment of Commissary Judge; the Commissioner of Arbitration and the Registrar have also been appointed, and an Office for the use of the Commission is immediately to be provided by the Portuguese Government, and we trust, my Lord, that nothing will occur to prevent our announcing to your Lordship by the next Packet, that the Provisions of the late Convention with His Most Faithful Majesty are in full force. We have, &c.

HENRY HAYNE.

Viscount Castlereagh, K.G. ALEX. CUNNINGHAM.

(Inclosure.)—His Majesty's Commissioners to H. Chamberlain, Esq.

SIR,

WE, the Undersigned, His Britannick Majesty's Commissary Judge and Commissioner of Arbitration to the Mixed English and Portuguese Commission to be established in Rio de Janeiro, in conformity with the instructions received from His Majesty's Minister for Foreign Affairs, have the honour of making known to you our arrival at this Port, and have to beg that you will be pleased to notify the same to the proper Authorities, with the request that such steps may be taken, as will insure the opening of the Commission in due form, with as little delay as possible. We have the honour to be, &c.

HENRY HAYNE.

H. Chamberlain, Esq. ALEX. CUNNINGHAM.

No. 64.—Viscount Castlereagh to Sir Henry Wellesley.

SIR, *Foreign Office, 13th October,* 1819.

I TRANSMIT to you inclosed, 3 printed Copies of the Regulations, prepared by the Government, for the guidance of the British Commissioners appointed for carrying into effect the Treaties for the Abolition of the Slave-trade;* and it appearing of the highest importance, that the Commissioners, named on the part of the other Contracting Powers, should respectively be furnished with Instructions of a similar nature from their Governments, I am to desire, that you will communicate a Copy of the same to the Court at which you reside, with a request, that as little time as possible may be lost, in authorizing their Commissioners to act in unison with His Majesty's Commissioners, at the several Settlements at which they are appointed, in the manner pointed out in these regulations. I am, &c.

Sir Henry Wellesley, K. B. CASTLEREAGH.

No. 65.—H. Chamberlain, Esq. to Visct. Castlereagh.—(Rec. 16th Oct.)

(Extract.) *Rio de Janeiro, 21st August,* 1819.

I HAVE the honour to acknowledge the receipt, by Mr. Cunningham, on the 10th instant, of your Lordship's Dispatch dated the 28th of February last; and on the 13th instant, in obedience to the instructions therein contained, I addressed a Note to M. de Villanova Portugal, pressing the execution of the measures remaining to be taken, for putting into activity the regulations agreed upon between the 2 Governments for putting a stop to the illegal Traffick in Slaves, and desiring to be furnished with the information relative to the Passports to be furnished to Vessels legally engaged in the Traffick, and the instructions to be issued to the Portuguese Men of War.

Viscount Castlereagh, K. G. H. CHAMBERLAIN.

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* See Page 25.

No. 66.—The Count de Palmella to Viscount Castlereagh.

South Audley Street, 16th October, 1819.

Le Comte de Palmella a l'honneur de faire ses complimens à Mi-Lord Castlereagh, et s'empresse de faire savoir à Son Excellence, qu'il se trouve en possession d'une Lettre du Roi Son Maitre pour Son Altesse Royale, en réponse à celle qui lui a été adressée relativement à l'Abolition de la Traite des Négres; et eu égard à l'importance de son contenu, le Comte de Palmella prie Milord Castlereagh de vouloir bien prendre les Ordres de Son Altesse sur la manière qui lui sera plus agréable de recevoir la susdite Lettre. Il profite de cette occasion, &c.

S. E. Le Vicomte Castlereagh. LE COMTE DE PALMELLA.

No. 67.—H. Chamberlain, Esq. to Visct. Castlereagh.-(Rec. 16th Oct.)

(Extract.) *Rio de Janeiro, 31st August,* 1819.

In obedience to the Instructions I had the honour to receive from your Lordship, under date of the 7th April last, which reached me on the 10th instant, I have communicated to the Government of His Most Faithful Majesty the departure of Mr. Gregory for his Post of Commissary Judge at Sierra Leone, and have urged the dispatch of the Portuguese Commissioners for the same destination.

M. de Villanova Portugal has not yet officially acknowledged this Communication; but I have learnt from him verbally, that having found it impossible to procure in this Country fit Persons to undertake the situation, instructions had been sent to the Conde de Palmella, directing him to select 2 proper Persons from amongst the Portuguese Subjects resident in London; and if that should be impracticable, to refer the choice to the Governors of Portugal, who would be authorised to make the appointments.

Viscount Castlereagh, K. G. H. CHAMBERLAIN.

No. 68.—Viscount Castlereagh to the Count de Palmella.

Foreign Office, 21st October, 1819.

Lord Castlereagh presents his compliments to Count de Palmella, and has the honour to acknowledge the receipt of his Note of the 16th instant, requesting to know in what manner the Letter which the Count has received from Rio de Janeiro, addressed by His Most Faithful Majesty to The Prince Regent, should be presented to His Royal Highness.

Lord Castlereagh has the honour to acquaint the Count Palmella, that if he will have the goodness to transmit the Letter to him, Lord Castlereagh will take the earliest opportunity of laying the same before His Royal Highness. Lord Castlereagh, &c.

The Count de Palmella.

No. 69.—Viscount Castlereagh to the Count de Palmella.

SIR, *Foreign Office, 25th October,* 1819.

I HAVE just received a Letter, of which the inclosed is an Extract, from one of His Majesty's Commissioners at Sierra Leone, under the Treaty with Portugal for putting a stop to the illicit Trade in Slaves that may be carried on by British or Portuguese Subjects or under those Flags; and I lose not a moment in forwarding this part of it to you, in order that you may state to your Government, by the earliest possible opportunity, the extreme inconvenience to which this highly important service is likely to be exposed, by the delay in the arrival of Commissioners for the same purpose on the part of His Most Faithful Majesty. I am sensible I have only to represent to you the urgency of the case, in order to secure your cordial co-operation and assistance in remedying the evil in the most prompt and effectual manner.

I have the honour, &c.

The Count de Palmella. CASTLEREAGH.

No. 70—Viscount Castlereagh to Sir Henry Wellesley.

SIR, *Foreign Office, 23rd October,* 1819.

THE Commissioners whom His Royal Highness the Prince Regent was pleased to appoint to reside at Sierra Leone, under the Treaty with Spain for the prevention of the illegal Traffick in Slaves, have acquainted me, under date of the 24th July last, that the Appointments of His Catholick Majesty's Commissioners destined to act with them, are signed only by the Spanish Secretary of State, whereas their own Commissions had been made out under the Royal Sign Manual. Some difficulties of form and law were apprehended in consequence of this apparent deviation on the part of the Spanish Government from the general tenor of the Treaty, which erected the Commissioners into a tribunal of Judges.

In alluding, however, to this circumstance, in your communications with the Government of His Catholick Majesty, you will acquaint them, that if they are of opinion that the appointment signed by the Secretary of State is, in the case alluded to, sufficiently solemn and valid, as to all the proceedings of the Commissioners under the Treaty in question, His Majesty's Government will make no difficulties as to the particular form of the appointment. If, however, upon consideration, His Catholick Majesty's Ministers shall think it better, that the appointment of the Spanish should, as in the case of the British Commissioners, be made under the Royal Sign Manual, you will request that such appointment may be made out, and transmitted without delay to Sierra Leone, together with a formal sanction of the proceedings which have already taken place, so far as those proceedings shall ap-

pear to rest upon the form of the appointment of the Commissioners of His Catholick Majesty. I am, &c.

H. E. Sir H. Wellesley, G. C. B. CASTLEREAGH.

No. 71.—The Count de Palmella to Viscount Castlereagh.

Londres, ce 25 Octobre, 1819.

Le Soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Très Fidelle, conformément au désir témoigné par Son Excellence Milord Castlereagh, dans sa Note du 21 courant, a l'honneur de transmettre ci-jointe à Son Excellence, la Lettre adressée par Sa Majesté Très Fidelle à Son Altesse Royale le Prince Régent, en réponse à celle de Son Altesse Royale du 9 Décembre dernier.

Le Soussigné a aussi l'honneur de remettre à Son Excellence la Copie de la susdite Lettre, et il profite de cette occasion, &c.

S. E. Le Vicomte Castlereagh. LE COMTE DE PALMELLA.

(Inclosure.)—S. M. le Roi de Portugal à S. A. R. le Prince Régent de la Grande Bretagne.

Monsieur, Mon Frère et Cousin, *Rio de Janeiro, ce 21 Août,* 1819.

Ce fût avec la plus grande reconnoissance et l'estime la plus parfaite, que j'ai reçu la Lettre de votre Altesse Royale, du 9 Décembre dernier, par laquelle elle a bien voulu me communiquer ses vœux pour l'Abolition générale de la Traite des Négres, d'après les résultats des Conférences d'Aix-la-Chapelle.

Je crois que votre Altesse Royale voudra bien me faire la justice d'être pursuadée de l'exactitude avec laquelle j'ai fait observer par mes Peuples, les Stipulations du Traité de Vienne, pour l'Abolition au Nord de la Ligne; et celle, qu'avec d'autres dispositions j'ai déjà donné à ce Commerce la direction la plus convenable, sans risquer une commotion générale dans le Brésil, pour substituer des colons blancs à un Peuple noir, dont ont ne peut espérer que des travaux rudes, mais sans aucune industrie, ni de l'activité dans ces mêmes travaux. Il est bien désagréable d'être placé entre deux maux, dont l'un gêneroit l'accroissement de l'industrie, tandis que l'autre, heurtant contre l'habitude formée par deux siécles, choqueroit les opinions des Propriétaires, et peut-être exalteroit l'imagination des Esclaves. Dans cette crise, j'ai préféré les moyens indirects;—la Traite a déjà diminuée de beaucoup, et j'espère qu'avec le tems votre Altesse Royale aura la satisfaction de voir se réaliser ses vues.

Je suis, avec la plus grande estime, et la considération la plus parfaite,

Monsieur, Mon Frère et Cousin,

De Votre Altesse Royale,

Le bon Frère et Cousin,

Son Altesse Royale le Prince Régent. JEAN R.

No. 72.—Viscount Castlereagh to the Count de Palmella.

SIR, *Foreign Office, 28th October*, 1819.

I HAVE received the Commands of His Royal Highness the Prince Regent to communicate to you the accompanying Papers, relative to the details of a Voyage for carrying on an illicit Traffick in Slaves, in which some of His Most Faithful Majesty's Subjects have been engaged; in order that you may lay the same before your Government with the least possible delay.

On the 19th of August last, one of His Majesty's Cruizers on the Coast of Africa, the *Pheasant*, commanded by Captain B. M. Kelly, detained and brought into Sierra Leone, a small Schooner, called the *Nova Felicidade*, of not more than 11 or 12 tons burden, which was alleged to be carrying no less than 70 Slaves from Cabinda, but is suspected to have come from a Port north of the Line, to the Island of Princes, unprovided with a Royal Passport, and totally without the means of giving to the unfortunate Individuals confined within this Prison, the most necessary supplies of air, exercise, or wholesome food. I have no doubt, that your well-known humanity will instantly prompt you to communicate these details to your Government; and that you will represent to them, how eminently it becomes their character, as directing the affairs of a civilized Nation, and how important to their fair name, at a moment when the continuance of the Negro Slave-trade is a subject of general abhorrence in every civilized Country, with the single exception of The Brazils, that they should adopt the most decisive and rigorous measures to arrest the progress of an evil, which appears to be increasing, rather than diminishing, in its most horrid character.

It is painful to me in the extreme to be under the necessity of reiterating to you these considerations; but I am sure you will attribute my conduct to its true motives, an anxious wish to plead, in the name of the Prince Regent's Government, the cause of humanity with His Most Faithful Majesty; and to endeavour, by bringing His Most Faithful Majesty into the alliance which many of the Powers have lately formed, against the barbarous custom of dragging our fellow-creatures from their homes, to raise the character of Portugal in the opinion of the British People, and to cement still closer the bonds of friendship and mutual good will, which have so long united the two Countries.

In the particular instance now brought under your notice, it is an additional source of surprize and regret that, according to Captain Kelly's Report to the Secretary of the Admiralty, dated the 21st of August last, there should be very strong grounds of apprehension, that the Schooner employed upon this service belonged to the Governor of Princes Island, who had hired her for the Voyage, of a Merchant resident within his Government.

If this should prove to be the case, you cannot fail to perceive, how necessary it is, that His Most Faithful Majesty should take the most vigorous measures for preventing this odious Traffick from being carried on, in direct violation of his Orders, by those who have been appointed to be the guardians of the Laws.

In order that you may be aware that this is not the first time there has been reason to apprehend that the conduct of the Governor of Princes Island has been, in the greatest degree, reprehensible, for encouraging and sharing in this Traffick, I take this opportunity of forwarding to you the Copy of an Instruction, which, in July last, I addressed, by the Prince Regent's Commands, to Mr. Chamberlain, His Majesty's Chargé des Affaires at Rio de Janeiro,* containing the particulars of the detention, by Sir George Collier, of two Portuguese Slaving Vessels, the *Amistad* and the *Princess*, and of the very extraordinary conduct, on that occasion, pursued by the Acting Governor, and by the Military Commandant at Princes Island.

You cannot fail to perceive, in these Documents, ample proof of the horrid and disgraceful manner, in which this odious Traffick is still carried on by His Most Faithful Majesty's Subjects; how, in its most illicit form, it is encouraged and connived at by the Portuguese Authorities, and how seriously it becomes the duty of every Government, and of every individual friend of humanity, to do all in their power to put an end to such unjustifiable outrages. I have the honour to be, &c.

The Count de Palmella. CASTLEREAGH.

No. 73.—Count de Palmella to Viscount Castlereagh.

MILORD, *Londres, ce 29 Octobre,* 1819.

J'AI reçu la Lettre que votre Excellence m'a fait l'honneur de m'adresser, en date du 25 courant, dans laquelle, après vous êtes référé à l'Extrait (qui accompagnait votre Lettre) du rapport reçu d'un des Commissaires Britanniques à Sierra Leone, rélativement au Navire Portugais, *Nova Felicidade*, que le Batiment de Guerre de Sa Majesté Britannique y a amené, et qui, faute de Commissaires de la part de Sa Majesté Très Fidelle n'a pas pu être jugé, votre Excellence me recommande de représenter à ma Cour, les inconvéniens qui resultent du rétard de l'arrivée des susdits Commissaires Portugais à Sierra Leone, et la nécessité d'en presser le départ, àfin de remédier, le plutôt possible à ces mêmes inconvéniens.

En réponse, je dois vous assurer, Milord, que mon Gouvernement ne mérite aucunement d'être blamé du rétard dont vous semblez l'accuser dans votre Lettre. Malgré toute sa sollicitude, il n'a pas pu trouver des Personnes capables qui aient voulu accepter la place de Commissaires à Sierra Leone; et c'est ce qui l'a obligé, à la fin de

* See Page 166.

m'autoriser à les choisir d'entre les Individus Portugais établis à Londres, si je le pouvais, ou de transmettre cette même autorisation à Messieurs les Gouverneurs du Royaume de Portugal. Voilà aussi ce que j'ai du faire, et je me flatte, à l'heure qu'il est, que leurs Excellences auront trouvées des Personnes capables qui aient voulu accepter le susdit emploi de Commissaires à Sierra Leone, et qu'elles ne tarderont pas à se rendre à leur destination.

En attendant, permettez moi de vous proposer, Milord, de faire appliquer au cas actuel du Navire *Nova Felicidade*, cette partie de l'Art. XIV du réglement pour les Commissions Mixtes, qui regarde celle établie à Sierra Leone, où il est dit " que dans le cas de mort d'un ou de plusieurs des Commissaires, ceux qui leur survivront, seront autorisés à juger les Batimens dont les cas seront portés par devant cette Commission, bien entendu cependant qu'il restera aux Parties intéressées la faculté d'appeller de ce jugement par devant la Commission Mixte établie à Rio de Janeiro".

En faisant cette proposition, je prie votre Excellence de la regarder comme une nouvelle preuve du désir constant qui anime le Gouvernement de Sa Majesté Très Fidelle, de voir remplier complettement, et aussi promptement que possible, les Stipulations de la Convention Additionnelle du 28 Juillet, 1817. J'ai l'honneur, &c.

S. E. Le Vicomte Castlereagh. LE COMTE DE PALMELLA.

No. 74.—The Earl of Clancarty to Visct. Castlereagh.—(Rec. 11th Nov.)

(Extract.) *The Hague, 5th November,* 1819.

I AVAIL myself of this occasion to convey to your Lordship a Copy of the Note addressed by me to His Excellency M. le Baron de Nagell, in obedience to your Lordship's Instructions, transmitted by your Dispatch of the 13th Ultimo.

Viscount Castlereagh, K. G. CLANCARTY.

(Inclosure.)—The Earl of Clancarty to Baron de Nagell.

IT appearing of considerable importance, that the Commissioners named on the part of the High Contracting Parties, in virtue of the Treaty between their Majesties the King of the United Kingdom of Great Britain and Ireland, and of The Netherlands, signed on the 4th day of May, 1818, for the Abolition of the Slave-trade, should be furnished with Instructions of a similar nature by their respective Governments; the Undersigned, His Britannick Majesty's Ambassador Extraordinary and Plenipotentiary, has received Orders from his Court to communicate to that of The Hague, the " Regulations issued by the British Government for the guidance of the Commissioners appointed for carrying into effect the Treaties for the Abolition of the Slave-trade," and has the honour herewith to convey to His Excellency M. le Baron de Nagell a Copy of these Regulations accordingly.

He has further been instructed to move this Government to take the same into their early consideration, in order that as little time as possible may be lost in authorizing the Commissioners appointed by this Court, to act in unison with those of His Britannick Majesty, at the several Settlements at which they are appointed to reside, in the manner pointed out in these Instructions. The Undersigned, &c.

Monsieur de Nagell. CLANCARTY.

No. 75.—Viscount Castlereagh to the Earl of Clancarty.

My Lord, *Foreign Office, 11th November,* 1819.

I have the honour to inclose to your Lordship the Copy of a Letter which has been received from the Treasury at this Office; together with an Extract from a Report which has lately been made by Sir George Collier on his return from the Coast of Africa, on the present state of the Slave-trade there, and particularly on the encouragement said to be given to its prosecution in the Dutch Settlements on that Coast; and I have to desire that your Excellency will take an early opportunity of laying the same before The Netherland Government, and requesting them to investigate the subject, and to give such Orders and Instructions to their Authorities in Africa, as may effectually prevent the humane and benevolent decisions of His Netherland Majesty, for the complete Abolition of the Slave-trade, from being violated by the conduct of his Agents on the Coast of Africa. I am, &c.

H. E. the Earl of Clancarty. CASTLEREAGH.

(Inclosure 1.)—The Right Hon. C. Arbuthnot to W. Hamilton, Esq.

Sir, *Treasury Chambers, 27th October,* 1819.

I am commanded by the Lords Commissioners of His Majesty's Treasury to inclose, for the consideration of Lord Castlereagh, an Extract from a Report which has been made by Commodore Sir George Collier to the Lords of the Admiralty, on his recent return from the Coast of Africa, by which it appears that Foreign Slave Traders are greatly assisted in their inhuman Traffick, by being enabled to obtain Canoes and Canoe-men from the Foreign European Settlements on the Gold Coast, and particularly from Dutch Accra:

And I am to acquaint you, that as the Dutch Government is, no doubt, ignorant of the assistance thus afforded to the illicit Slave Traders, whose Vessels are generally navigated under the *Spanish, Portuguese,* and *American* Flags, my Lords would suggest to Lord Castlereagh, whether he may not see fit to instruct His Majesty's Minister at The Hague, to represent the same to the Government of The Netherlands, and to urge that, conformable to the practice at the English Forts, the Governor of the Dutch Forts may be directed to prohibit the supplying of any Vessels with Canoes, but such as are en-

gaged in innocent Trade directly with those Forts, so that Slaving Vessels may be wholly deprived of this important assistance.

My Lords, at the same time, wish to call Lord Castlereagh's attention to the observations of Sir George Collier, with respect to the necessity of further provisions for the more effectual suppression of this inhuman Traffick, and to the expediency of making such Communications to the Courts of Spain and The Brazils, as may be most conducive to this object. I am, &c.

William Hamilton, Esq. C. ARBUTHNOT.

(Inclosure 2.)—Commodore Sir G. Collier to the Lords of the Admiralty.
(Extract.)

THE Vessels under the *Portuguese* and *Spanish* Flags call at the Settlements and Forts on the Gold Coast, which are not under the controul of the British, and there make arrangements for the supply of Canoes as well as Canoe-men; the former are usually purchased, and the men hired; the Canoes either follow the Vessels, or are taken in tow to such particular point of the Coast as best suits the views of the Slave Factor or Supercargo, who has been previously landed from some other Vessel, in order to make his arrangements. Porto Novo, Lagos, and Benni, are not unfrequently preferred for collecting the Slaves, and the Canoes are there employed in taking them off, or transporting them, coastways, to some more convenient spot, till a full Cargo is in readiness, when a few hours only are required to ship them: for, with all the desire of His Majesty's Government, and all the exertions of the Lords of the Admiralty, to prevent the continuation of this Traffick on the Coast of Africa, north of the Line, still the temptations are so great, and the facilities for evading actual detection so many, both to Portuguese as well as Spaniards, that all the zeal and anxiety of Officers employed to put into force the Orders of the Government will still be baffled.

The Slave-trade, especially as it is now conducted by the Spaniards, Portuguese, and Americans, is more horrible than those who have not had the misfortune to witness it can believe; indeed, no description I could give would carry a true picture of its baseness and atrocity; yet desirous as His Majesty's Government, I know, are, to put an end to this Traffick, and anxious, as I am sure, every British Officer witnessing the cruelty of this Trade must be to prevent it, yet it is my duty to observe, from my own positive knowledge and experience, that until the North Slave-trade shall be declared Piracy, and every one found engaged therein subject to all the penalties of Piracy, and that Vessels fitted out for the positive purpose of Slaving, where it is still allowed, be interdicted permission to approach the Windward Coast, as well as the Gold Coast, (the Benni or Biafra Coasts being north of the Line,) nearer than 10 leagues, this most detestable and more than ever cruelly

conducted Trade, will never be abandoned by the Subjects of Spain, Portugal, or America.

Dutch Accra is one of the principal points on the Coast for the supply of Canoes to the Slaving Vessels, and the protection given by the Flag of that Nation, on these occasions, is afforded under the eye of the British and Danish Settlements there, without even the power of remonstrance.

The Lords Commissioners of the Admiralty. G. R. COLLIER.

No. 76.—Viscount Castlereagh to Count de Palmella.

Foreign Office, 19th November, 1819.

THE Undersigned has the honour to acknowledge the receipt of the Count de Palmella's Note of the 29th October, 1819, expressive of the difficulties experienced by the Government of His Most Faithful Majesty, in selecting proper Persons able and willing to undertake the Duties of Portuguese Commissioners at Sierra Leone; and proposing, that, in the particular case of the *Nova Felicidade*, the adjudication should be proceeded in by the British Commissioners alone, in the absence of any on the part of His Most Faithful Majesty; under an application to them of that part of Article XIV of the Regulation for the Mixed Commission, which states, that in the case of the death of one or both of the Portuguese Commissioners at Sierra Leone, judgment shall be proceeded in by the remaining Individuals of the Mixed Commission there.

The Undersigned has received His Royal Highness's directions to give Instructions to His Majesty's Commissioners, in conformity with the above-mentioned proposition on the part of the Count de Palmella; subject, nevertheless, to the understanding, that neither the British Captors, nor His Majesty's Government, shall be held to be liable to any increased expence arising out of the non-arrival of the Portuguese Commissioners. The Undersigned, &c.

Count de Palmella. CASTLEREAGH.

No. 77.—The Earl of Clancarty to Visct. Castlereagh.—(Rec. 19th Nov.)

MY LORD, *The Hague, 16th November,* 1819.

I HAD the honour last night of receiving your Lordship's Dispatch, with its Inclosures, of the 10th Instant, upon the subject of the facilities afforded to the prosecution of the Slave-trade on the Coast of Africa from the Dutch Settlements on that Coast.

Well aware of the great and constant anxiety of His Majesty's Government, that no efforts should be omitted to prevent the continuance of this nefarious Traffick, I shall not fail, with zealous obedience to your Lordship's Instructions, immediately to make such representations to this Court, as I should hope may induce from them the issue of prompt and peremptory orders to their Publick Functionaries on the African

Coast, calculated effectually to put a stop to the illicit encouragement afforded by them to a Trade which their Sovereign has already condemned by solemn Treaty.

I should hope, at an early date, to be enabled to acquaint your Lordship with the result; and I have the honour to remain, &c.

Viscount Castlereagh, K. G. CLANCARTY.

No. 78.—*H. Chamberlain, Esq. to Visct. Castlereagh.—(Rec. 14th Dec.)*

(Extract.) *Rio de Janeiro, 12th October,* 1819.

I HAVE the satisfaction of being able to announce to your Lordship, that the delivery of the Letters, from their Royal and Imperial Majesties the King of France and Emperor of Russia, to His Most Faithful Majesty, on the subject of the final Abolition of the Slave-trade, has taken place.

These Letters were presented to His Most Faithful Majesty at an Audience held for the purpose on Saturday last, the 9th Instant.

Viscount Castlereagh, K.G. H. CHAMBERLAIN.

No. 79.—*H. M.'s Commissioners at Rio de Janeiro to Visct. Castlereagh.*

(Received 14th December.)

MY LORD, *Rio de Janeiro, 13th October,* 1819.

IT is with no trifling degree of mortification and disappointment, that we again address your Lordship, without having it in our power to announce the opening of the Mixed Commission at this place.

We had the honour of being presented to the King by His Majesty's Chargé des Affaires, a few days after our arrival, since which time, my Lord, we have not ceased to urge His Most Faithful Majesty's Ministers, through the medium of His Majesty's Chargé des Affaires, to expedite those legal formalities which stood in the way of opening our Commission; but the accomplishment of this object, previous to the sailing of the Packet, appearing very doubtful so late as the 5th Instant, we addressed a Note to His Majesty's Chargé des Affaires, to which we had the pleasure of receiving a satisfactory reply.

The difficulty and delay is attributed to the novelty of the Tribunal. All obstacles being apparently overcome, we this morning received a Notice, requesting our presence at the house of the Vice-Chancellor, to take the prescribed Oath, and we agreed with our Colleagues to adjourn from thence to the Chamber of Commerce, no house having been yet appropriated for the purpose of opening the Commission. We failed not, my Lord, to attend at the house of the Vice-Chancellor; and we leave your Lordship to judge what was our disappointment, at finding that the Vice-Chancellor still detected informalities on the part of his own Government, notwithstanding the pains that had been taken on our part to have every thing in order; the consequence of which is, my

Lord, that we are under the necessity, to our great mortification, of allowing the Packet to sail, without announcing to your Lordship the installation of the Commission. We have the honour to be, &c.

HENRY HAYNE.

Viscount Castlereagh, K. G. ALEXANDER CUNNINGHAM.

No. 80.—H. Chamberlain, Esq. to Visct. Castlereagh.—(Rec. Dec. 14.)

My Lord, *Rio de Janeiro, 13th October, 1819.*

I beg leave to transmit herewith an Official Note (together with the Inclosures contained therein,) received this morning from M. de Villanova Portugal, in reply to my Note of the 13th August, respecting the execution of certain stipulations of the Convention of 28th July 1817, of which I had the honour to forward your Lordship a Copy, by the *Chesterfield* Packet, inclosed in my Dispatch dated 21st August.

From the present Communication, your Lordship will perceive that measures are already in activity for carrying into full execution the stipulations contained in the IVth and VIIth Articles of that Convention; and that orders have been sent to the Portuguese Authorities at Mozambique, Angola and St. Thomas's, to fit out Armed Vessels to be employed in preventing an illicit Traffick in Slaves.

I have the honour to be, &c.

Viscount Castlereagh, K. G. H. CHAMBERLAIN.

(Inclosure 1.)—M. de Villanova Portugal to H. Chamberlain, Esq.

(Translation.)

The Undersigned, one of His Majesty's Council, Minister and Secretary of State for the Affairs of the Kingdom, charged, (ad interim), with the Department for Foreign Affairs and War, in reply to the Note which Mr. Henry Chamberlain, Consul-General and Chargé d'Affaires of His Britannick Majesty addressed to him under date of the 13th August last, relative to the measures which this Government may have taken towards putting into execution the stipulations of Articles IV. and VII. of the Convention of the 28th July 1817, has to inform him, that the competent Department of Marine having been directed to cause Passports to be struck off and instructions to be printed, with which Vessels engaged in the Slave Trade ought to be provided, in conformity with what was adjusted and agreed upon by those Articles, all the Vessels carrying on this Trade have begun to be cleared out, as well from this Port as from the other Ports of Brazil, with the formalities indicated therein; and by the inclosed Copies of the said Passports and Instructions, Mr. Chamberlain will see the manner in which the before-mentioned stipulations have been fulfilled. Orders have likewise been already sent to Mozambique, Angola, and St. Thomas's to build Schooners and other Vessels of War, to be

especially employed in preventing the illicit Traffick in Slaves, according to the stipulations of Article VII.

THOMAS ANTONIO DE VILLANOVA PORTUGAL.

Henry Chamberlain, Esq.

(Inclosure 2.)—Form of Passport for Portuguese Slave Vessels.
(See Vol. State Papers, 1823, 1824, Page 693.)

Inclosure 3.)—Instructions intended for the British and Portuguese Ships of War employed to prevent the Illicit Traffick in Slaves.
(See Vol. State Papers, 1823, 1824, Page 694.)

No. 81.—H. Chamberlain, Esq. to Visct. Castlereagh.—(Rec. Dec. 14.)

My Lord, *Rio de Janeiro, 13th October,* 1819.

In consequence of a communication from His Excellency M. de Villanova Portugal, received last evening, notifying that the necessary orders had been expedited to the High Chancellor to administer the oaths to the British and Portuguese Commissioners, preliminary to the Installation of the Mixed Commission, these Gentlemen have been this day to the house of the Dezembargador Jose Albano Fragoso, who is acting in that capacity, *pro tempore;* but I regret to say that this Magistrate found some informality in the Documents they presented to him, and refused to proceed in the business till these were rectified.

Mr. Hayne and Mr. Cunningham have just called at my house on their way home, to make me acquainted with this unexpected difficulty, which effectually disappointed all my hopes of being able, by this Packet, to announce the promised Installation.

Your Lordship may, however, depend upon my seeing the Minister to-morrow upon the subject, and that every possible exertion shall be made on my part to remove or remedy the objections that have thus suddenly presented themselves. I hope the next Packet will not sail, without carrying the account of its having taken place, accompanied by Copies of the Correspondence that has passed on the subject.

Instructions have been sent to the Conde de Palmella, to name fit Persons as Commissioners, *pro tempore,* on the part of His Most Faithful Majesty (and to send them on without delay) to Sierra Leone, whither Commissions will be sent after them, as soon as their nominations are known. I have the honour to be, &c.

Viscount Castlereagh, K. G. H. CHAMBERLAIN.

No. 82.—The Count de Palmella to Viscount Castlereagh.

(Extract.) *Londres, ce 31 Décembre,* 1819.

J'ai reçu la Lettre Officielle que Votre Excellence m'a fait l'honneur de m'écrire en date du 28 Octobre dernier, avec plusieurs Documens annexés, tous rélatifs à la Traite des Négres; et je n'ai pas man-

qué, conformément aux désirs de Votre Excellence, d'en adresser aussitôt la Copie à mon Gouvernement.

Votre Lettre, Milord, traite trois points bien distincts, sur chacun desquels je me fais un devoir de vous répondre.

1mo. La saisie du Schooner Portugais *Nova Felicidade*, par un des Bâtimens Croiseurs de Sa Majesté Britannique, au sujet duquel vous m'aviez déjà écrit une Note en date du 25 Octobre:—Dans ma réponse à cette Note, je me suis empressé, Milord, de suggérer le moyen qui parait le plus naturel pour accélérer le jugement sur la légalite de cette prise, même avant l'arrivée des Commissaires Portugais qui doivent faire partie de la Commission Mixte residant à Sierra Leone; et vous aurez reconnú, j'espère, dans cet empressement de ma part, la preuve la plus évidente de la loyauté avec laquelle Sa Majesté Très Fidelle désire contribuer à l'exacte exécution de la Convention du 28 Juillet 1817, et empêcher ou punir toute contravention à ce Traité. C'est donc aux Commissaires qui se trouvent actuellement à Sierra Leone qu'il appartiendra de juger sur la question de fait; savoir s'il est prouvé que le Schooner *Nova Felicidade* doit être condamné, suivant les principes fixés dans la Convention ci-dessus mentionnée. Quant au nombre excessif des Esclaves que l'on dit avoir été trouvés à son bord, Votre Excellence n'ignore pas que ce cas se trouve prévû dans la Convention susdite, et ne suffit pas pour faire condamner le Bâtiment, mais que le Capitaine et le Propriétaire deviennent passibles, d'après les Loix Portugaises, de châtimens très graves, pour avoir contrevenu au règlement que fixe, d'après le port de chaque Bâtiment, le nombre d'Esclaves qu'il peut lui être permis de transporter. Je n'ai pas manqué dans le rapport que j'ai fait à ma Cour de cette affaire, de réclamer toute son attention sur cette circonstance importante, et si le crime est prouvé, je ne doute pas que les coupables ne subissent, dans toute sa rigueur, le châtiment qu'ils auront mérité, et que l'humanité réclame! Au reste, je dois vous assurer, Milord, que les Loix Portugaises, rénouvellées encore dernièrement par Sa Majesté Très Fidelle, sont très strictes et très positives à cet égard, mais si effectivement le Vaisseau dont il s'agit faissait un commerce illicite, il ne doit pas paraître étonnant, qu'on ait cherché à entasser un plus grand nombre d'Esclaves que les Loix ne le permettent, et certainement les Bâtimens Britanniques, ou de toute autre Nation qui, en contravention des Loix de leurs Pays, transportent encore actuellement des Esclaves par contrebande dans les Colonies, se rendent tous plus au moins coupables du même inhumanité.

2nde. Quant à la question générale de l'Abolition de la Traite des Nègres, que Votre Excellence touche dans sa Lettre, elle n'ignore pas que cette question est pour le Brésil d'une importance trop grave, pour que je puisse me croire autorisé à la discuter ainsi incidentellement.

Sa Majesté Très Fidelle a déjà beaucoup fait pour donner, à cet égard, une garantie de ses intentions bienfaisantes. Elle espère que le temps la mettra à même de conclure un jour cette œuvre salutaire, et elle regardera ce jour comme un des plus heureux de son Règne. En attendant, tous ses soins sont employés pour améliorer le sort des Esclaves, et surtout leur traversée de la Côte d'Afrique à celle du Brésil. C'est là peut-être le bienfait le plus essentiel que l'humanité demande, et le Gouvernement Portugais se trouve à même de l'effectuer d'autant mieux, que c'est dans les Ports de ses propres Colonies sur la Côte d'Afrique que les Esclaves sont embarqués. Enfin, les Gouvernemens de l'Europe sont trop justes pour ne pas appercevoir, que l'abolition finale de la traite doit éprouver au Brésil des difficultés majeures, et pour désirer que Sa Majesté Très Fidelle adopte à cet égard des mesures précipitées, surtout s'ils considèrent que ce Commerce était fait naguères par toutes les autres Nations qui possèdent des Colonies, et par la Grande Bretagne elle même, et qu'il n'est pas devenu plus blâmable aujourd'hui qu'il ne l'était par le passé.

3tio. Le troisième point dont il s'agit dans la Lettre de votre Excellence, c'est à dire, les Rapports de Sir George Collier sur les évènemens qui ont eu lieu dans l'Ile du Prince, et la détention de deux Batimens Portugais soupçonnés par lui de faire le Commerce illicite des Esclaves, ayant déjà été référé à ma Cour, comme votre Excellence me dit, et comme je le vois par la Copie de sa Dépêche à M. Chamberlain, qu'elle a bien voulu me communiquer, je m'abstiendrai, jusqu'à ce que j'ai reçu des ordres positifs, d'entrer à cet égard dans une discussion détaillée.

Je suis persuadé, cependant, que le Gouvernement Britannique est trop juste pour ne pas avoir égard aux réclamations fondées qui pourront lui être adressées dans la suite sur cette affaire, et qu'il réconnâitra lui-même, combien il importe que les Stipulations de la Convention du 28 Juillet, 1817, ne soient pas violées par ses Croiseurs, s'il désire que le principe de droit mutuel de visite, que le Gouvernement de Sa Majesté Très Fidelle a le premier adopté pour empêcher, autant que faire se pourra, la Traite illicite des Nègres, puisse être admis successivement par les autres Nations Maritimes.

Quant à l'accusation portée contre le Gouverneur de l'Ile du Prince, de prendre part à ce Trafic illicite, je n'ai pas manqué de la signaler à l'attention de mon Gouvernement, qui s'empressera certainement de faire à cet égard les recherches necessaires, et de mettre un terme à cet abus, s'il existe, ainsi qu'à l'entrepôt que l'on suppose établi dans l'Ile du Prince, pour conduire par contrebande des Esclaves dans les Colonies Espagnoles. Je ne niéra pas la possibilité de tels abus, mais c'est par des Communications Officielles, et de bonne foi, entre les deux Gouvernemens, qu'ont peut chercher à les découvrir, à

les punir, et à les empêcher, et non pas en employant, comme il me semble que Sir George Collier l'a fait, l'injustice et la violence.

J'espère que votre Excellence me connait assez pour être persuadé que dans les observations que je me suis permis, il n'entre aucune espèce d'aigreur, mais seulement le désir d'éviter tout malentendu, et de rétrécir, autant qu'il peut dépendre de moi, les liens d'amitié qui unissent nos deux Pays. Je puis sans doute me tromper, mais j'ose croire que votre Excellence ne doutera pas de la loyauté et de la sincérité de mes intentions.

S. E. Le Vicomte Castlereagh. LE COMTE DE PALMELLA.

No. 83.—The Earl of Clancarty to Visct. Castlereagh.—(Rec. 1 Jan. 1820.)

My Lord, *The Hague, 28th December,* 1819.

Referring to your Lordship's Dispatch of the 21st instant, and to mine with its Inclosure of the 24th of the same month; I have now the honour to transmit a Copy of His Excellency M. le Baron de Nagell's Official Note addressed to me on the 25th instant, in which he acknowledges the receipt of the Notification I was directed to make to his Government, of the issue of the Instructions annexed to the Treaty of the 4th of May, 1818, by His Majesty's Government, to Sir George Ralph Collier, of His Majesty's Ship *Tartar* of 42 guns. I am, &c.

Viscount Castlereagh, K. G. CLANCARTY.

(Inclosure)—Baron de Nagell to The Earl of Clancarty.

La Haye, ce 25 Décembre, 1819.

Le Soussigné, Ministre des Affaires Etrangères, a l'honneur d'accuser à Son Excellence le Comte de Clancarty, Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté Britannique, la réception de sa Note du 24me de Décembre dernier, par laquelle le Soussigné est informé, d'après la teneur de l'Article III du Traité entre les Royaumes de la Grande Bretagne et des Pays Bas, en date du 4me Mai 1818, pour prévenir et empêcher le Commerce des Esclaves, que le Vaisseau de Sa Majesté le Roi de la Grande Bretagne *Tartar*, portant 42 pièces de canon, et commandé par Sir George Ralph Collier, a reçu les instructions requises par le Traité susmentionné.

Le Soussigné, en remerciant M. l'Ambassadeur de cette information Officielle, s'est empressé de la communiquer aux Départemens de la Marine et des Colonies, et saisit, &c.

S. E. Le Comte de Clancarty. A. W. C. DE NAGELL.

No. 84.—The Count de Palmella to Viscount Castlereagh.

Londres, ce 27 Janvier, 1820.

Le Soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Très Fidelle, a la satisfaction d'annoncer à Son Excel-

lence Milord Castlereagh, que Messieurs les Gouverneurs du Royaume de Portugal, conformément à l'autorisation que, pour cet effet, ils avoient reçue de Sa Majesté Très Fidelle, ont nommé Messieurs Joa Jacomo Altavilla et Joaquim Cezar de la Figanière, pour former de la part de Sa susdite Majesté, la Commission Mixte, établie à Sierra Leone; le premier en qualité de Commissaire Juge, et le second en celle de Commissaire Arbitre.

Le Soussigné, persuadé qu'il est de l'intention et de l'intérêt des deux Gouvernemens, que cette Commission soit complette le plutôt possible, prend la liberté de suggérer à Son Excellence Milord Castlereagh, comme un moyen d'y parvenir, que le premier batiment Britannique que le Gouvernement fera partir pour Sierra Leone, touche à son passage à Lisbonne, et y prenne à son bord les susdits Commissaires Portugais. Si Son Excellence approuve ce projet, le Soussigné la prie de lui faire savoir le plutôt possible, afin qu'il puisse en instruire sans délai Messieurs les Gouverneurs du Royaume de Portugal.

En attendant il croit devoir joindre, comme il fait ici, la Copie des lettres patentes par lesquelles Leurs Excellences ont procédé à la nomination des susdits Commissaires.

Le Soussigné profite de cette occasion, &c.

Le Vicomte Castlereagh, K. G. LE COMTE DE PALMELLA.

No. 85.—*The Earl of Clancarty to Visct. Castlereagh.*—(*Rec.* 1*st Feb.*)

My Lord, *The Hague, 28th January*, 1820.

Referring to your Lordship's Dispatch of the 13th October last, upon the subject of the proposed "Regulations for the guidance of the Commissioners appointed for carrying into effect the Treaties for the Abolition of the Slave-trade;" and also to the Official Note which, in obedience to your Instructions, I presented to this Court thereon, a Copy of which was transmitted for your Lordship's information by my Dispatch of the 5th November last; I have now the honour to inclose herewith a Copy of M. le Baron de Nagell's Note upon the subject of those Regulations.

Though this paper expresses the approbation of this Court of the regulations, as applicable to the Mixed Commission at Sierra Leone, consents to their adoption, and moreover announces, generally, approval and adoption of the 3 first forms applicable to the Commanders of Vessels, yet I must nevertheless own myself to have been somewhat surprized, as well as disappointed, at its remaining substance; because, notwithstanding the desire expressed by me on the part of my Government in my Note of the 3d November, that as little time as possible should be lost in the final decision of this matter, now, at the end of nearly 3 months (as far as relates to this Mixed Commission at Surinam,)

the whole of this business is still to be begun: I therefore waited upon M. de Nagell to converse with him upon this subject.

He stated that the delay which had occurred, arose from the King's having been very considerably engaged in other Affairs; and assured me, that every endeavour should be used on his part to have the matter now brought to an early termination; in the mean time, however, he stated that the King had not been insensible to the inconvenience which might arise from the inactivity of the Mixed Commission at Surinam, from the want of proper authority to act in unison; and pointed particularly to that part of his Note to me, wherein, till the ultimate instructions shall be issued, the Mixed Commission is authorised by this Government to employ, *pro re natâ*, such forms as may appear most analogous to the Treaty, and most expedient for the proceedings.

Though I should much doubt that the temporary expedient, thus pointed at, can be rendered at all available, its suggestion at least evinces a desire to avoid delay; and M. le Baron de Nagell assures me he will use his best efforts for this purpose. I have, &c.

Viscount Castlereagh, K. G. CLANCARTY.

(Inclosure.)—Baron de Nagell to the Earl of Clancarty.

La Haye, ce 5 Janvier, 1820.

Le Roi, appréciant combien il importe que les Commissaires, établis en vertu du Traité du 4 Mai 1818, pour l'Abolition de la Traite des Nègres, soient munis d'Instructions consonantes, a fait examiner, dans cet esprit, les formulaires transmis le 3 Novembre dernier, par Son Excellence Lord Clancarty, &c.

Le Soussigné, &c. a été chargé de faire connâitre, que pour autant que ces formulaires concernent le Tribunal Mixte de Sierra Leone, Sa Majesté ne fait aucune difficulté à leur adoption. Mais par rapport au Tribunal Mixte de Surinam, où les jugemens devront être prononcés au nom de Sa Majesté, il sera nécessaire de suivre un ordre de procédure et des formulaires plus conformes à ceux en usage dans les Colonies des Pays Bas.

En conséquence les dispositions réquises viennent d'être prescrites, pour que ce dernier Tribunal fasse dresser des formulaires de ce genre en Hollandais, tout en lui laissant dans l'entrefait, la liberté d'employer, *pro re natâ*, les formulaires qui lui paraitront les plus analogues au Traité précité, et les plus expédiens pour l'instruction des procès.

Quant aux trois premiers formulaires remis par Son Excellence Lord Clancarty, destinés uniquement aux Commandans des Vaisseaux autorisés à la saisie des Négriers, ils ont été homologués par le Roi, et remis au Ministre de la Marine, aux fins de les faire traduire en Hol-

landais, pour en munir les Officiers des Vaisseaux autorisés à faire les récherches sur la Traite des Nègres, et leur servir de règle et d'instruction.

Le Soussigné à l'honneur, &c.

S. E. Le Comte de Clancarty. A. W. C. DE NAGELL.

No. 86.—His Majesty's Commr. at Surinam to Viscount Castlereagh.
(Received 2nd February, 1820.)

My Lord, *Surinam, 23rd November,* 1819.

In obedience to the Commands of H. R. H. the Prince Regent, communicated to us by your Lordship, that we should from time to time report the proceedings of the Court of which we are appointed Members, for the information of His Royal Highness's Government; we have the honour to inform your Lordship, that no case has yet occurred which would admit of the interposition of the Court; at the same time we feel it our duty to communicate to your Lordship, that under the Vth and VIth Articles of a Decree issued by The Netherland Government, an official Copy of which we have the honour to inclose, a Trade in Slaves with the West Indian Islands does exist; that 2 Vessels, 1 from Guadaloupe, the other from Martinique, under the French Flag, but consigned to Inhabitants of this Colony, are at the present time discharging their Cargoes of Slaves in the River Surinam; and that a Ship under The Netherland Colours has sailed from hence for the purpose of purchasing Slaves at Pernambuco.

We have the honour to be, &c.

CHRISTOPHER EDWARD LEFROY.
THOMAS S. WALE.

Viscount Castlereagh, K. G.

(Inclosure.)—Proclamation respecting the Slave Trade.—(Translation.)

Surinam Courant, 12th January, 1819.

PARAMARIBO.

We, Cornelius Rynhard Vaillant, Knight of the Order of The Netherland Lion, Governor-General, ad interim, of the Colony of Surinam, and Commander in Chief of the Land and Sea Forces in the same, &c. &c. &c.

To all who shall see these presents, or shall hear them read, greeting.

We notify, that we have received from his Excellency the Minister for Publick Instruction, National Industry, and the Colonies, a Dispatch, No. 1190, dated September 26, inclosing a Decree of His Majesty, given at Loo, September 17, 1818, of the following tenour:—

We, William, by the Grace of God, King of The Netherlands, Prince of Orange Nassau, Grand Duke of Luxembourg, &c. &c. &c.

Having considered our Decree of June 15, 1814; likewise Article VIII of the Treaty concluded August 13, 1814, between our Kingdom

and that of Great Britain; as also Article I. of the Treaty dated the 4th of May, of the same Year, all relative to the Abolition of the Slave-trade; and Article LX of the Fundamental Law: and being solicitous to prevent a Traffick so disgraceful to humanity, We, on the proposal of our Minister for Justice and Foreign Affairs, and after hearing the Council of State, have decreed and do decree:—

ART. I. No one, of whatever description, in our West India Colonies and Settlements, or on the coast of Guinea, shall be permitted to carry on the Slave-trade, or to be directly or indirectly connected with that Traffick, whether by fitting out Ships or Vessels for that purpose, or by having an interest in the fitting out, to that end, of national or other Ships and Vessels, and by designedly letting them by contract for such object, or by shipping, buying, selling, bartering, and openly or surreptitiously importing, or causing to be imported, Negroes, as Slaves, into any Netherland or Foreign Colony or Settlement out of Europe, on pain to transgressors and their accomplices, of incurring a penalty of 5,000 florins, besides being declared infamous, and imprisoned for the period of 5 years.

II. To the same punishment shall be liable all Foreigners, who, subsequently to April 1, 1819, shall have carried to, or imported, or attempted to import, into our above-mentioned Colonies and Settlements 1 or more Negroes, and who shall be apprehended in our said Colonies and Settlements: and any Ships and Vessels, laden with Negroes, which, previous to that period, may put into any of The Netherland Harbours in those parts of the world, shall immediately be warned off.

III. Penalties similar to those specified in Article I. shall be inflicted upon all Masters of Vessels, Steersmen, and Supercargoes, whether Netherland or Foreign, who shall have lent their assistance towards the carrying on of the prohibited Traffick in Slaves, and shall in consequence, after the above period, have carried to, or imported into, or attempted to carry to or import into, the said Colonies or Settlements, any Cargo of Negroes.

IV. Sailors, and other Seafaring Men, who shall be apprehended in our Colonies on a charge of having deliberately entered into the service of Ships or Vessels, knowing them to be engaged in the Slave-trade in general, or in the Importation of Slaves into our above-mentioned Colonies and Settlements, shall, by way of punishment, be imprisoned for 2 Years; and those who discover it afterwards, shall immediately stand discharged from their service, and take the first opportunity, unattended with danger to themselves, to quit the same, on pain, in the contrary case, of incurring the punishment alluded to.

V. The above denunciations of punishment, however, shall no way apply to Slaves now existing in the Colonies, or to their Children, whether born, or that may be born, respectively, who shall be trans-

ferred to and from any Netherland Colony in the West Indies, or to and from any Foreign Colony, or any portion thereof; and we expressly declare, that no one whatever shall, on that account, be suffered to be at all molested, inasmuch as such importation and transfer does not come within the meaning of the prohibited Slave-trade.

Neither shall the punishments threatened by the present Law be made applicable to those who shall save and succour any Slave-Vessel in distress, or who may have transhipped from such Vessel any Slaves, provided the Commander give due information of it within 24 hours of his putting into the first Port he shall make.

Our Ministers of Justice and Public Instruction, of National Industry and the Colonies, are directed, each according to his Department, to see the above carried into execution; and the latter shall cause the present Decree to be proclaimed and affixed, as usual, in the before-mentioned Colonies and Settlements; and Copies of the present Decree shall likewise be communicated to our Minister for Foreign Affairs, and to the Council of State for their information.

Given at Loo, September 17, 1818, and in the Fifth Year of our Reign.

WILLIAM.

By Order of the King,

J. G. DE MEY VAN STREEFKERK.

No. 87.—*Viscount Castlereagh to the Count de Palmella.*

(Extract.) *Foreign Office, 15th February,* 1820.

VISCOUNT Castlereagh presents his Compliments to the Count de Palmella, and has the honour to acknowldge the receipt of the Count's Note of the 10th instant, announcing that the Commissioners appointed by His Most Faithful Majesty to reside at Sierra Leone, have arrived in London, on their way to the former place.

The Count de Palmella. CASTLEREAGH.

No. 88.—*H. M's. Commr. at Rio de Janeiro to Visct. Castlereagh.*
(Rec. 26th Feb. 1820.)

MY LORD, *Rio de Janeiro, 22d December,* 1819.

WE have at length the honour of announcing to your Lordship, the Installation of the Mixed Commission at this place.

Since we had last the honour of addressing your Lordship, we have waited on His Majesty's Minister at this Court, to beg His Excellency would urge the opening of the Commission, previous to the sailing of this Packet; and in consequence of His Excellency's application, we were appointed to meet the Portuguese Commission on the 18th December, which we accordingly did, and for the proceedings of that day we beg leave to refer your Lordship to the Protocol, of which we have the honour of inclosing a Copy; in consequence of which we

addressed a Note on the subject to His Majesty's Minister at this Court.

Our first sitting was adjourned to the 23d instant, when we propose meeting to arrange the forms of our future proceedings; and we have no reason to think, my Lord, that the Documents necessary to the rendering us an efficient Tribunal will be long delayed.

We have, &c.

HENRY HAYNE.

Viscount Castlereagh, K.G. ALEX. CUNNINGHAM.

(Inclosure.)—Protocol of the Installation of the Mixed Commission at Rio de Janeiro. 18th December, 1819. (Translation.)

On the 18th of December, 1819, in this City and Court of Rio de Janeiro, in the room of the Conferences of the Royal Board of Commerce, Agriculture, Manufactures and Navigation of this Kingdom of Brazil, and the Ultra-marine Dominions, did assemble in quality of Commissioners, Judge and Arbitrator, on the part of His Most Faithful Majesty the King of the United Kingdom of Portugal, Brazil, and the Algarves, Silvestre Pinheiro Ferreira and John Pereira de Souza, and on the part of His Britannick Majesty, the King of the United Kingdom of Great Britain and Ireland, the Commissioners, Judge and Arbitrator, Henry Hayne and Alexander Cunningham, with the view of opening, in compliance with the Royal Decree of the 9th of October last, and with the Instructions subjoined to it, the Mixed Commission, which, in conformity with the Convention of the 28th July, 1817, annexed to the Treaty of the 22d January, 1815, was to be established in this Kingdom of Brazil; I, Braz Martins Costa Passos, being present as Secretary, and producing the Alvarà that appoints and authorizes me to hold that Place, and which, after being read and allowed to be in good and due form, was confirmed by the Supreme Chancery, so as that the Commissary Judge, Silvestre Pinheiro Ferreira, pursuant to the Royal Orders, put to me the Oath, binding me faithfully to discharge my duties according to the above Convention and Treaty, and to watch, in every respect, over the service of His Most Faithful Majesty, as well as over the right of the Parties. And the Commissioners, Judges and Arbitrators, having all, in each other's presence, taken the Oath prescribed by the above-mentioned Convention, in the hand of the Dezembargador, Jozé Albano Fragozo, Judge of Criminal Causes to the Court and the Royal Family, acting in the capacity of supreme Chancellor; the Portuguese Commissioners, Silvestre Pinheiro Ferreira, and John Pereira de Souza, exhibited to the Board the respective Alvaràs of their appointments, which are recited underneath, as did the British Commissioners their Commissions in the English language, which are likewise recited underneath, whereupon the two British Commissioners offered the following observations:—

That, the Commission having thus been installed, in compliance and conformity with the Royal Orders, they, the British Commissioners, conceived, that being unprovided with a Commission from His Most Faithful Majesty such as the Portuguese Commissioners had received, their jurisdiction would not be respected by the Authorities of these Kingdoms; to which doubt it was replied by the Portuguese Commissioners, that they were not instructed how to satisfy it, nor did they know whether it would be proper to bring it under His Majesty's notice, inasmuch as their instructions left that point undecided. The British Commissioners therefore declared, that they reserved it to themselves, to apply, through the medium of their respective Envoy, to the Government, for the necessary explanations on that important subject. And to certify, that the act of installation took place in the manner above stated, I drew up the present Instrument, which they signed in common with me.

HENY HAYNE.
ALEXANDER CUNNINGHAM.
SILVESTRE PINHEIRO FERREIRA.
JOHN PEREIRA DE SOUZA.

BRAZ MARTINS COSTA PASSOS, *Secretary.*

No. 89.—*Viscount Castlereagh to The Count de Palmella.*

Foreign Office, 1st March, 1820.

VISCOUNT Castlereagh presents his compliments to the Count de Palmella, and in order that he may be enabled to reply to that part of the Count's Note of the 21st ultimo, wherein he desires to know what further steps may be necessary for enabling the Commissioners appointed by His Most Faithful Majesty to reside at Sierra Leone, to enter upon their functions, without delay, upon their arrival at that place; Lord Castlereagh requests the Count de Palmella would have the goodness to transmit to him the original Appointment of those Gentlemen, which he will lose no time in causing to be examined by His Majesty's Law Officers.

I am, &c.

The Count de Palmella. CASTLEREAGH.

No. 90.—*The Count de Palmella to Viscount Castlereagh.*

(Extract.) *Londres, le 6e Mars,* 1820.

LE Comte de Palmella a l'honneur de faire ses complimens à Milord Castlereagh, et conformément aux désirs exprimés par son Excellence dans sa Note du 1 de ce mois, il s'empresse de lui adresser ci-joint l'original des Lettres patentes dont se trouvent munis les Commissaires Portugais, qui doivent former, de la part de Sa Majesté Très Fidelle, la Commission Mixte établie à Sierra Leone.

Il profite de cette occasion, &c.

S. E. Le Vicomte Castlereagh. LE COMTE DE PALMELLA.

(Inclosure.)---Letters Patent of the appointment of the Portuguese Commissioners.

Os Governadores dos Reynos de Portugal e dos Algarves.

FAZEMOS saber a todos a quem o conhecimento dessa nossa Carta de Nomeação Interina pertencer, que, autorisados especialmente para este effeito por Sua Magestade Fidelissima Nosso Senhor El Rey do Reyno Unido de Portugal, e do Brazil, e Algarves, temos nomeado, como por esta nossa Carta nomeamos, em vertud da dita faculdade a João Jacomo Altavilla, e a Joaquim Cezar de la Figaniere, para haverem de exercer em Serra Leão, o primeiro os funcçoens de Commissario Juiz, e o secundo as de Commissario Arbitro, na Commissão Mixta que no dito Porto deve estabelecerse, em conformidade do ajustado entre Suas Magestades Fidelissima e Britannica, no Artigo VIII de Convenção de 28 de Julho de 1817, Addicional ao Tratado de 22 de Janeiro de 1815, relativo ao Commercio dos Escravos; e isto até que Sua Magestade Fidelissima Nosso Senhor seja servido ou confermar esta nossa Nomeação, ou outra couza dispor: Autorisamos por tanto os ditos dois por nos nomeados, de cujas boas qualidades, de intelligencia e probidade somos informados, para, como Commissarios por parte de Sua Magestade Fidelissima Nosso Senhor, hirem logo residir no referido estabelecimento de Serra Leão, e para ali, conjuntamente com os Commissarios nomeados por parte de Sua Magestade Britannica, ouvirem, examinarem e julgarem sem appelação todos as cauzas de captura de embarcaçoens de Escravatura, que lhes forem apresentados, conforme as estipulazoens de mencionada Convenção, regulamento e instrucçoens a ella annexas: Prestando os mesmos dois Commissarios, antes de entrarem em exercicio, perante o Magistrado principal do Paez, o juramento de bem e fielmente julgarem segundo suas consciencias, não dando preferencia nem aos reclamantes nem aos captores, e regulandose em todos as suas decisoens pelas estipulaçoens do Tratado de 22 de Janeiro, de 1815, e da Convenção Addicional. Para firmeza de que mandamos passar a presente Carta de Nomeação a qual vai por nos assinada e sellada com o Sello Real deste Reino Unido. Dado em Lisboa no Palacio do Governo, dos 11 de Janeiro, do anno do Nascimento de Nosso Senhor Jesus Christo de 1820.

C. CARDINAL PATRIARCHA.
C. R. CONDE DE PENICHE.
B. M. PEREIRA FORJAS.
MARQUEZ DE BORBA.
RICARDO RAIMUNDO-NOGUEIRA.

The Governors of the Kingdom of Portugal, and of the Algarves, &c.

(Translation.)

WE notify to all who ought to be informed of these our Letters of temporary appointment, that, having been specially authorized for this

purpose by His Most Faithful Majesty our Lord the King of the United Kingdom of Portugal and of Brazil, and of the Algarves, we, in virtue of the said power, have named, as by these our Letters we do name, John Jacomo Altavilla and Joaquim Cezar de la Figaniere, to execute, at Sierra Leone, the former the functions of Commissary Judge, and the latter the Office of Commissioner Arbitrator in the Mixed Commission about to be established at that Port, in conformity with the Agreement between their Most Faithful and Britannick Majesties, contained in Article VIII. of the Convention, signed the 28th of July, 1817, and appended to the Treaty concluded 22d January, 1815, relative to the Slave-trade, to be in force till such time as His Most Faithful Majesty, our Lord, shall be pleased either to confirm this our nomination, or to determine otherwise: wherefore, we authorize the above two Individuals, appointed by us, and of whose good qualities, in point of intelligence and probity, we are satisfied, to proceed immediately to, and to reside at, the Settlement of Sierra Leone just mentioned, in the character of Commissioners, on the part of His Most Faithful Majesty our Lord; and there, jointly with the Commissioners nominated on the part of His Britannick Majesty, to hear, examine, and judge, without appeal, all causes of captured Slave Vessels brought before them, conformably to the stipulations of the above-mentioned Convention and Regulations, and of the Instructions thereunto annexed: and the said two Commissioners shall, previous to entering upon the exercise of their functions, take, before the Chief Magistrate of the Country, the Oath of well and faithfully passing judgment agreeably to their conscience, of not shewing partiality either to Appellants or Captors, and of governing themselves in all their decisions by the stipulations of the Treaty of 22d January, 1815, and of the Additional Convention. In confirmation of which we have directed the present Letters of Nomination to be made out, which are signed by us, and sealed with the Royal Seal of this United Kingdom. Dated Lisbon, Palace of the Government, January 11, in the Year of our Lord Jesus Christ 1820.

C. CARDINAL PATRIARCH.
C. R. CONDE DE PENICHE.
B. M. PEREIRA FORJAS.
MARQUEZ DE BORBA.
RICARDO RAIMUNDO-NOGUEIRA.

No. 91.—*H. M.'s Commr. at The Havannah to Visct. Castlereagh.*
(Received 19th March, 1820.)

My Lord, *Havannah, 12th November,* 1819.

In consequence of the temporary absence of one of the Commissioners of His Catholick Majesty, and of the subsequent illness of the Captain-General of this Island, the opening of the Mixed Commission

to be established here under the Treaty between Great Britain and Spain, of the 23d September, 1817, did not take place till the 11th instant.

Upon that day, the Commissioners of the two Nations, accompanied by the Secretary of the Commission, proceeded to the house of the Captain-General, where his Excellency administered to us severally, in proper form, the Oath prescribed by the Treaty;—our respective Commissions having been previously produced and examined; that of His Catholick Majesty's Commissioners being merely a Royal Order addressed by the Minister of State, Don Jose Pizarro, in July 1818, to the Captain-General of this Island, notifying the appointment of the Persons whom His Catholick Majesty had been pleased to nominate Commissioners and Secretary under the above-mentioned Treaty.

The proper Oath was subsequently administered to the Secretary of the Commission.

The Commissioners then proceeded to the Office which had been previously prepared, and the Mixed Commission was declared accordingly to be opened.

The Commissioners appointed on the part of His Catholick Majesty are Don Alexander Ramirez, Intendant of this Island, as Commissary Judge, and Don Francisco Araugo, a Counsellor of the Indies, as Commissioner of Arbitration: the Secretary is Don Rafael Gonzalez, an eminent Lawyer established in the town.

The unavoidable delay which has occurred in opening the Commission, has fortunately not occasioned any inconvenience, as no Vessel detained by the Cruizers of either Nation, in conformity to the Stipulations of the Treaty of the 23d September, 1817, has as yet arrived at this Port. We have the honour, &c.

HENRY THEO. KILBEE.

Viscount Castlereagh, K. G. R. F. JAMESON.

No. 92.—*H. M.'s Commr. at Rio de Janeiro to Viscount Castlereagh.*
(Received 19th March)

(Extract.) *Rio de Janeiro, 10th January,* 1820.

We had the honour of informing your Lordship, on the 22d ultimo that our second sitting was to take place on the following day, and we now beg leave to inclose a Copy of the Protocol, which contains the result of that day's Conference. HENRY HAYNE.

Viscount Castlereagh, K. G. ALEX. CUNNINGHAM.

(Inclosure.)—Protocol of the Proceedings of the Mixed Commission.
Rio de Janeiro, 23d December, 1819.

On the 23d of December, 1819, the Commissary Judges, Silvestre Pinheiro Ferreira, and Henry Hayne, and the Commissioner Arbi-

trator, John Pereira Souza, being met, the Board was informed by the Commissary Judge, Henry Hayne, that the Commissioner Arbitrator, Alexander Cunningham, was prevented by indisposition from attending.

The Commissary Judge of His Britannick Majesty represented, that he and his Colleague were instructed to agree with the Commissioners nominated by His Most Faithful Majesty, upon the manner of proceeding in the discharge of the duties entrusted to them, and that as they had received from their Government several printed Papers, drawn according to precedents by the High Court of Admiralty of Great Britain, for the regulation and guidance of the Commissions established in virtue of the Treaties concluded with Portugal, Spain and Holland, they proposed the following Papers to be translated, approved, and entered in the Records of the Commission, so as to constitute part of its Regulations, viz:

1st. The Declaration of the two Negociators who signed the Convention, in which Declaration they rectified the mistake committed in the Printed Convention respecting the position of Cabinda and Molembo.

2d. The Alvará of January 16, 1818.

3d. The Interrogatories and Questions to be put to Witnesses, with such modifications as may appear necessary to the Commission, in particular cases.

4th. The Regulations, properly so called, which were taken from those made out by the Court of Admiralty, and adapted to the exigencies of these Mixed Commissions on the Slave-trade.

The Portuguese Commissioners replied, with regard to adopting, and inserting in the Records of the Commission, the Papers presented to the Board by the British Commissioner; that the first Paper, containing the Declaration of the Negociators who had signed the Convention, in which Declaration they rectified the error of the press, in respect to the geographical position of Cabinda and Molembo, it appeared to them, that, as it was a State Paper, intended as an integral part of the Convention, this Commission ought not merely to insert it in its Records, but address His Majesty officially, to solicit His Majesty would direct that the same publicity should be given it in His Dominions as it had, by means of the press, received in those of His Britannick Majesty, the more especially as in the Copies of the Convention which were printed and published in this City, there existed not only that error, but another in the English Text, by laying down the Territories of Molembo and Cabinda in 5 deg. and 12 sec. instead of 12 min. as expressed in the Portuguese Text.

That, in like manner, the insertion of the Alvará of the 16th January 1818 in the Records of the Commission appeared to be useless,

in as much as that Alvará was a Publick Law, and inserted in the general collection of Laws.

Touching the Regulations and the form of the Interrogatories, the Portuguese Commissioners answered, that they must, in the first instance, be examined by the Board, in order that the Commission, after having informed itself of their contents, might adopt as much as should be found compatible with the form of summary process established in the Portuguese Courts of Justice: and supply, in accordance with that Form, what is not compatible with it, so as to send the Regulations and *Formula* of Interrogatories up to the Royal presence, accompained by needful information; and since hitherto no Interpreter, as mentionod in Article III of the Instruction, had been appointed, the Commission were now under the necessity of soliciting His Majesty to be pleased, as speedily as possible, to give orders concerning the nomination and functions of the said Interpreter, to the end that said Article of the Regulations, after being translated, might be discussed, and presented to His Majesty, for His Royal approbation.

To which the British Commissary Judge agreed, observing, that in case His Majesty's Government should think proper to make any essential alteration in the said Regulations, he reserved to himself the right of requesting a communication of the reasons there might exist for the necessity of such alterations, to enable him, on his part, to convey them to the notice of his Government.

SILVESTRE PINHEIRO FERREIRA.
HENRY HAYNE.
JOAO PEREIRA DE SOUZA.

BRAZ MARTINS COSTA PASSOS, *Secretary*.

No. 93.—*Viscount Castlereagh to the Count de Palmella.*

Foreign Office, 27th March, 1820.

VISCOUNT Castlereagh presents his compliments to the Count de Palmella. He has had the honour to receive the Count de Palmella's Note of the 6th of March, 1820, together with the original Letters Patent therein inclosed, constituting the nomination, on the part of the Governors of Portugal, of the Gentlemen destined to sit, on the part of His Most Faithful Majesty, in the Mixed British and Portuguese Commission at Sierra Leone.

Lord Castlereagh has the honour to return the Original of this Document, and to acquaint the Count, that he has forwarded to His Majesty's Commissioners at Sierra Leone a Copy thereof, together with the commands of His Majesty, that they should enter provisionally upon the duties of the Commission with the Portuguese Gentlemen referred to, it being very essential to avoid any further delay in this respect; but as it is also very important, that every sanction which

is contemplated by the Treaty shall be given to the appointment of the Commissioners,—so that no formality should be left unobserved, the neglect of which might tend to invalidate in Law the Proceedings of the Commission, when possibly questioned by any of the Parties;—Lord Castlereagh begs to suggest to the Count de Palmella the expediency of pressing his Court to forward, as soon as possible, the approbation of His Most Faithful Majesty to the nomination of these Gentlemen, set forth in a formal Document, which should sanction the appointment and the proceedings taken in virtue thereof, from the date of the Letters Patent nominating them to be Commissioners at Sierra Leone on the part of His Most Faithful Majesty.

Viscount Castlereagh avails himself, &c.

Count Palmella. CASTLEREAGH.

No. 94.—H. M.'s Commr. at Surinam to Viscount Castlereagh.
(Received 30th March, 1820.)

My Lord, *Surinam, 15th November,* 1819.

We have honour to inform you Lordship of our arrival, on the 21st of last month, in Surinam.

We have obeyed your Lordship's directions in notifying the same to the Governor of this Colony, in conferring with the Commissioners appointed by His Majesty the King of The Netherlands, and in taking in proper form the Oath prescribed.

We have also to inform your Lordship, that the Commission is prepared to act, on the occurrence of a Case subject to its cognizance.

We have, &c. CHRIS. EDWD. LEFROY.

Viscount Castlereagh, K. G. THOS. S. WALE.

(Inclosure.)—Gazette of the Government.—Notifications concerning the appointment of the Mixed Commission. (Translation.)

We, M. Cornelius Rynhard Vaillant, Knight of the Order of The Netherland Lion, Governor-General, *ad interim*, of the Colony of Surinam, &c. &c. &c.

To all who shall see these presents, or hear them read, greeting, we notify;

That as, by Article VII. of the Treaty, concluded the 4th May, 1818, at The Hague, between His Majesty the King of The Netherlands and His Majesty the King of Great Britain and Ireland, with the view of counteracting the Slave-trade, it has been agreed between the High Contracting Parties, for the purpose of adjudging, with the least possible delay, such Ships as might be detained for having engaged in the prohibited Traffick in Slaves, to establish in one of the Possessions of His Majesty the King of The Netherlands, and in one of the Possessions of His Majesty the King of Great Britain, respectively, a Mixed

Commission, composed of an equal number of Persons of both Nations, to be appointed thereto by their Sovereigns,

This Commission was installed to-day;

And that His Majesty the King of The Netherlands has appointed to be Members of the same,—Mr. P. J. Changuion, as Judge; and J. P. Graafland, as Arbitrator;

And His Majesty the King of Great Britain and Ireland,—Mr. C. E. Lefroy, A. M. as Judge; and Mr. T. S. Wale, A. B. as Arbitrator;

And that, moreover, conformably to Article II. of the Regulations for the Mixed Commission, annexed to the above Treaty, His beforementioned Majesty the King of The Netherlands has nominated Secretary to that Commission, Mr. J. C. Guicherit;

And we charge and command each and every one whom it may concern to acknowledge and duly to respect the above Commission;

And that no one may pretend ignorance hereof, these presents shall be notified and affixed in the usual manner, and likewise be inserted in the Government Gazette.

Done at Paramaribo, the 3d November, 1819, in the 6th Year of His Majesty's Reign. C. R. VAILLANT.

By order of the Governor-General, *ad interim*.

JAS. PRINGLE, *Secretary to the Government.*

No. 95.—H. M.'s Comm^rs. at Surinam to Vis. Castlereagh (*Rec. Mar.* 30 1820.)

(Extract.) *Surinam, 27th December*, 1819.

IN reference to our Dispatch of the 23d of November, we have the honour to inform your Lordship, that the trade in Slaves under the French Flag is carried on in great vigour; and that the majority of the Slave Cargoes admitted under that Flag are recent importations from Africa.—Every circumstance of appearance, the language of the Negroes, and even the admission both of buyers and sellers, render this a fact too notorious to permit us to conceal it from your Lordship.

CHRIS. EDW. LEROY.

Viscount Castlereagh, K. G. THOS. S. WALE.

No. 96.—The Count de Palmella to Viscount Castlereagh.

Londres, ce 1 Avril, 1820.

LE Comte de Palmella a l'honneur de faire ses complimens à Milord Castlereagh, et d'accuser la réception de la Note que Son Excellence lui a adressée pour le prévenir que les ordres alloient être expediés à Sierra Leone, afin que les Commissaires, nommés par la Régence de Portugal pour siéger dans la Commission Mixte qui, en vertu de la Convention du 28 Juillet, 1817, doit siéger dans cet établissement, fussent à leur arrivée installés dans leur emploi; et Son Excellence ajoute qu'il seroit à désirer que la nomination des susdits

Commissaires fût aussitôt que possible, confirmée par Sa Majesté Très Fidelle.

Le Comte de Palmella a en conséquence ordonné aux Commissaires Portugais de partir sans délai, et il suppose que le Vaisseau qui les conduit pourra mettre à la voile dans les premiers jours de la semaine prochaine: il espère pourtant que les ordres de Sa Majesté Britannique parviendront par la même occasion à Sierra Leone, afin que leur installation n'éprouve point d'embarras.

Dans les dernières dépêches qu'il a reçues de la Cour du Brézil, le Comte de Palmella trouve l'assurance que la nomination des susdits Commissaires sera confirmée aussitôt que leurs noms seront parvenus à la connoissance du Ministre de Rio de Janeiro; ainsi Milord Castlereagh peut être tranquille à cet égard.

Le Comte de Palmella saisit cette occasion pour informer Son Excellence, que l'expédient qu'il avoit suggéré au Gouvernement de Sa Majesté Britannique, de faire juger les Batimens Portugais qui pourroient être amenés à Sierra Leone, avant l'arrivée des Commissaires Portugais, par les Commissaires Britanniques, en laissant aux parties intéressées le droit d'en appeler, si elles se croyent lesées, à la Commission Mixte qui réside à Rio de Janeiro, a reçu l'approbation et la sanction de Sa Majesté Très Fidelle.

Il prie Son Excellence Milord Castlereagh de vouloir bien agréer l'assurance de sa plus haute considération.

S. E. Le Vicomte Castlereagh. LE COMTE DE PALMELLA.

No. 97.—H. T. Kilbee, Esq. to W. Hamilton, Esq.—(Rec. 4th April.)

SIR, *Havannah, 6th February*, 1820.

No Vessel detained in conformity with the Stipulations of our Treaty with Spain has yet arrived for adjudication at this Port. The Slave-trade continues to be very brisk; and almost daily there are arrivals from, and departures to, the coast of Africa. The Intendant, who is the Spanish Commissary Judge in this Mixed Commission, upon a late occasion stated to me, that he considered the point respecting the allowing a longer period than 5 months, for the completion of Voyages commenced previously to the 30th of May last, to be still undecided; as he had been informed by his Government, that a representation had been made, with the hope of inducing His Royal Highness the Prince Regent's Government to consent to an extension of that period, to which no reply had been received. I informed the Intendant that I believed the matter to be finally arranged, and that no extension of the period would be granted: that, however, there was sufficient time to receive instructions from his Government before the expiration of the 5 months allowed by the Treaty; but that if no instructions were received, we of course must be guided by the Stipulations contained therein. In point of fact, however, it is but just to

say, that 5 months is not a sufficient time to enable a Vessel to complete her voyage, provided she ships her Cargo of Slaves south of the Line: and I am informed that there are but very few examples of its having been done, even when the trade to the North of the Line was permitted. At present, I am told that many of the Spanish Slave Ships are obliged to go to Mozambique, as the Portuguese will not give them any good Negroes at their Settlements on the Western coast of Africa; and a voyage from hence to Mozambique and back is seldom completed within the year.

Information has reached this place of the arrival at Cuba of the Crews of 2 or 3 Slave Ships, which have been condemned by the Mixed Commission at Sierra Leone. This intelligence has, I am informed, effectually checked the smuggling system to the North of the Line, which was lately much encouraged from this Port. I have been engaged for some time with the Secretary of this Mixed Commission, in translating and adapting, as far as possible, to the Spanish forms of law, the Regulations for the guidance of the Mixed Commissions, inclosed in Lord Castlereagh's Dispatch. I have, &c.

William Hamilton, Esq. H. T. KILBEE.

No. 98.—H. T. Kilbee, Esq. to W. Hamilton, Esq.—(Rec. 12th April.)

(Extract.) *Havannah, 8th March,* 1820.

With reference to my private Letter to you of the 10th of February, I have now the honour to inclose an Extract of a Letter received by the Intendant of this Island, from the Marquess of Casa Irujo, when Minister of State, by which it appears, that the British Government has been requested to grant a prorogation of the term of 5 months, allowed by the Slave-trade Treaty with Spain, for completing the Voyages of such Vessels as shall have sailed for the Coast of Africa previously to the 30th of May, 1820. No further Communication has been received here upon the subject of the inclosed Extract: and the Intendant, Consulado, and Merchants of this place, generally persuade themselves, that the term mentioned by the Marquess of Casa Irujo, of 10 months from May, 1820, has been acceded to by the British Government; and I have reason to believe that the Intendant, as Commissary Judge, does not consider himself to be authorized to consent to the Condemnation of any Vessel detained previously to the expiration of the said term of 10 months, unless he shall receive further Instructions from his Government, which he has promised to solicit. I have always used the same language upon this subject, namely, that I conceived we were bound to act as in exact conformity to the Stipulations of the Treaty, unless expressly instructed to the contrary by our respective Governments. I cannot, however, avoid again observing, that 5 months is evidently not a sufficient period for completing a Voyage from hence to the Coast of Africa, south of the Line, and back; and that, if the

term be not increased, the Traffick is virtually abolished some months previous to the 30th May next. Indeed, I am informed that the Slave Ships which clear out even at present for the Coast of Africa, do not expect to be back by the 30th October, (after which their Seizure will be lawful) but reckon upon the assurances which have been held out to them by the Authorities here, of a prorogation of the term allowed by Treaty. The Persons interested in the Traffick have not failed to remark, that when Great Britain abolished the Slave-trade, 10 months were allowed by the Act of Parliament for the completion of Voyages, although the Trade was then open, and indeed almost confined to the North of the Line, from whence the returns were more speedy. I confess I am interested in this point, as I am very anxious that the duties of this Mixed Commission should be performed in as conciliatory a manner as possible to the Inhabitants of this Island; and it certainly would be a hard and aggravating case, should we be under the necessity of condemning a Vessel which was lawfully cleared out, and found it absolutely impossible to return within the time allowed by Treaty.

William Hamilton, Esq. H. T. KILBEE.

(Inclosure.)—The Marquess of Casa Irujo to Don Alexandro Ramirez, Intendant of the Island of Cuba.

(Extract.) *Madrid, 26th February,* 1819.

His Majesty has commanded his Ambassador in London to solicit from the British Government that the term of 5 months, granted after the final Abolition of the Slave-trade in May, 1820, for completing Voyages undertaken previous to the 20th of the said Month and Year, may be prorogued to a sufficient period; for it is evident, beyond all doubt, that the Navigation from the Island of Cuba to the Coast of Africa, and the return, must be often 10 months at least.

Don A. Ramirez.

No. 99.—The Earl of Clanwilliam to H. T. Kilbee, Esq.

Sir, *Foreign Office, 17th April,* 1820.

Your Letter to Mr. Hamilton of March the 8th, has been received and laid before Lord Castlereagh.

In reference to the extension of the term fixed by Article I of the Slave-trade Abolition Treaty, and to the further extension thereof, which it would appear has been aimed at by Persons engaged in this Traffick, I am to acquaint you, that you have acted in strict conformity with Lord Castlereagh's view of the subject, in maintaining the necessity of acting up to the words of the Article which, it must be remembered, was in itself a concession, on the face of the Treaty, to the interests of the Slave-trader.

This extended term of 5 months, in addition to the time which will have elapsed between the first promulgation of the Treaty and the 30th

of May, 1820, and which was intended as a Notice to all Parties interested, will have afforded ample time for the winding up all Slave-trade speculations, so as to ensure the observance of this important Article in the Treaty. It is not denied, that the period of 5 months, from and after the 30th of May, would barely suffice for the clearing out and return of Vessels engaged in this Traffick, but, at the same time that this extension of time was calculated to meet the fair claims and wishes of these Traders, its very object was to discourage, rather than to facilitate, the commencement of such enterprises, at so late a period, as the day on which the virtual suppression was intended to take place.

An application of this nature could only be considered as tending to defeat the purpose of the Abolition, and Lord Castlereagh was therefore obliged to represent to the Spanish Government, both from the letter and in the spirit of the Treaty, that those Traders whom the love of lucre and of enterprize might betray into speculations in the face of a Treaty which has been so long made publick, must submit to pay the penalty of the risks which they had thus wilfully incurred.

I am, &c.

H. T. Kilbee, Esq. CLANWILLIAM.

No. 100.—*Viscount Castlereagh to Sir Henry Wellesley.*

SIR, *Foreign Office, 17th April,* 1820.

I HAVE the honour to inclose, for your Excellency's information, Copies of two private Communications from Mr. Kilbee, His Majesty's Commissary Judge at The Havannah, and of the reply which I have directed to be returned thereto, relative to the term allowed by the Treaty with Spain for completing Slave-trade Voyages, commenced previously to the 30th of May, 1820. I am, &c.

H. E. Sir Henry Wellesley, G. C. B. CASTLEREAGH.

Mem. The Inclosures in this Dispatch form the three preceding numbers.

No. 101.—*The Rt. Hon. E. Thornton to Visct. Castlereagh.—(Rec. 30th Apr.)*

(Extract.) *Rio de Janeiro, 14th February,* 1820.

I FEEL myself entirely justified by the tenour of your Lordship's Dispatches, in connecting the subject of the Abolition of the Slave-trade with that of the re-consideration of the Treaty of Commerce of 1810. I have not as yet had an opportunity of bringing His Most Faithful Majesty to any expression of opinion upon this delicate and interesting topic, and it did not appear to me proper in the present state of suspense, in which the absence of Count Palmella keeps every discussion, to attempt to press His Majesty, by any direct address, to the consideration of it, and His Majesty has abstained from any sort of

allusion to it. I have, however, intimated my persuasion as to what must be expected from this Country; the more especially, as the epoch of the Abolition, on the part of Spain, is now fast approaching, and the assembled Sovereigns and People of Europe, united upon this cause, must see, with infinite grief, its beneficial effects suspended by the continuance of the Trade in the hands of a single Power.

Viscount Castlereagh, K. G. EDWARD THORNTON.

No. 102.—H. M.'s. Commr. at Rio de Janeiro to Visct. Castlereagh.—(Received 9th May.)

(Extract.) *Rio de Janeiro, 7th March,* 1820.

We had the honour of addressing your Lordship upon the subject of the establishment of the Mixed Commission at this place on the 10th of January, since which time, my Lord, we have availed ourselves of every opportunity and means in our power, to get the preliminary arrangements completed, which we have been most desirous of accomplishing, that we may have nothing to do on the arrival of a Vessel, but to proceed, without delay, to adjudication.

We have the honour of inclosing, for your Lordship's information, Copies of the Protocols of the two last Conferences, by which your Lordship will learn, that the causes of delay are, the want of an Interpreter, who has been nominated, but not formally appointed, and the want of a decision on some trifling points which our Colleagues felt it necessary to submit to their Government for approbation, and which are mentioned in the two former Protocols.

His Majesty's Minister at this Court, having been good enough to urge the removal of the above-mentioned causes of delay, we hope soon, my Lord, to accomplish every thing that is necessary previous to the arrival of a Prize.

HENRY HAYNE.

Viscount Castlereagh, K. G. ALEX. CUNNINGHAM.

(Inclosure 1.)—Protocol of a Conference of the Mixed Commission.

(Translation.) *Rio de Janeiro, 24th February,* 1820.

On the 24th February, 1820, this Mixed Commission having met at the requisition of the British Commissioners, the latter stated that their motive for convening it was, to know whether His Majesty's Government had granted the application concerning the decisions requested by the Portuguese Commissioners, in consequence of the Conference held on the 23d of December last; and whether the Commission was able to continue its preliminary labours. They added, that the immediate reason for their demand was, their considering themselves responsible to their Government for any delay which, in case a Prize should be brought in to be adjudged, might arise for want of a determination concerning the basis of the process, and form of judgment, in respect

to the details specified in the Instructions annexed to the Convention between the two Crowns; that, in the next place, they were impelled thereto by the inconvenience and obstacles resulting to this Service from the want of a house appropriated to it, with the appointment of regular Conferences on stated days, and at fixed hours; and because, finally, they deemed themselves necessitated to declare and protest, on their part, and in the name of their Government, against all losses and damages which, to the Parties interested, might ensue from the want of an Act of the Portuguese Government, for all Magistrates to recognize the authority of the British Commissioners, and from the want of the preliminary arrangements and dispositions above-mentioned, inasmuch as they, the British Commissioners, would not be held responsible for such losses and damages, if any should accrue; and as it behoved them to guard against their Government being made liable for them, they therefore desired this to be put on record, in the way of a Protest, so as that it might serve them as a defeasance and plea for ever. To which the Commissary Judge of His Most Faithful Majesty replied, that, as to the question whether His Majesty's Government had yet come to a decision on the Communication of the Protocol of the Conference held on the 23d December last, he was enabled to give an assurance, that no resolution had yet come to his knowledge, up to that moment, and that, consequently, the deliberation upon the Instructions which the British Commissioners had proposed for the economical regulation of the Commission, could not yet take place for want of an Interpreter, which appointment was one of the measures resting with His Majesty. And in regard to the declaration and protest, all that his duty required of him, the Commissary Judge of His Most Faithful Majesty, was to consent to their being entered according to the forms of Law. Of all which, after it had been read to, and fully understood by the said British Commissioners, and the Portuguese Commissary Judge, who alone was present at this Conference, (as the Commissioner Arbitrator, John Pereira de Souza, was prevented by indisposition,) I drew up the present Minute, which the said Commissioners that were present signed with me, an adjournment having taken place to the 2d of March next.

HENRY HAYNE.
ALEXANDER CUNNINGHAM.
SILVESTRE PINHEIRO FERREIRA.

BRAZ MARTINS COSTA PASSOS, *Secretary.*

(Inclosure 2.)—Protocol of a Conference of the Mixed Commission.

(Translation.) *Rio de Janeiro, 2d March,* 1820.

ON the 2nd of March, 1820, the British Commissioners having, in the manner that was settled in the last Conference, assembled together with His Majesty's Commissary Judge, (the Commissioner Arbitrator being still prevented by indisposition) the British Commissioners stated,

that as, in their opinion, the Commission ought in the present Conference to proceed to the discussion of the preliminary points which it would be necessary to adjust for the future course of their labours, and as that was not feasible for want of an Interpreter, and of answers to the observations made by them in the antecedent Conferences, it would be proper to agree upon the way of settling those points without loss of time, the moment His Majesty's Government should send down the desired decisions.

The Commissary Judge of His Majesty replied, that in his estimation, frequent Conferences were alike unnecessary and inexpedient, inasmuch as, in the first place, whenever he should receive the just mentioned decisions, he would not fail laying them before the Commission, by immediately calling a Conference for that purpose; and, in the second place, because the purpose alleged by the British Commissioners, of saving their responsibility with their Government, would be equally answered by a reference to the date on which the Royal decisions that regulated the progress of the labours of the Commission would be presented to the Board.

To certify the above act I have drawn up this Protocol, which was signed by me and by the aforesaid Commissioners, Judges, and Arbitrator.

HENRY HAYNE.
ALEXANDER CUNNINGHAM.
SILVESTRE PINHEIRO FERREIRA.

BRAZ MARTINS COSTA PASSOS, *Secretary*.

No. 103-*H.M's Comm^rs. at Surinam to Visct. Castlereagh.-(Rec. May* 27.)

(Extract.) *Surinam, 1st April,* 1820.

WE are extremely sorry to report, that several fresh arrivals of Slave Vessels under the *French* Flag have taken place, and that, as nearly as we can compute upon the whole, since the publication of the Decree, of which we had the honour to inclose to your Lordship a Copy in our Dispatch of the 23rd of November last, no less a number than 2,800 Slaves (the greater part recently from Africa) have lately been introduced into this Colony. We have had some conversation with the Captain and Officers of a Dutch Frigate, "*the Comet*," which is commissioned under the Treaty to cruize upon this Station, but they do not think their authority extends to an interference in any case with the French Flag, or with the interception of Slaves imported under its protection. Our Official Colleagues, Messrs. Changnion and Graafland, are likewise of the same opinion, and that neither the letter nor the spirit of the authority, with which the Mixed Courts are at present invested, comprehends any means of repressing or controuling this method of evading the object of the Treaty.

Under these circumstances, it will be manifest to your Lordship, that, unless in compliance with the last clause of the 1st Article of the

Treaty, the Dutch Government repeals the permission, contained in the Decree to which we have before had occasion to refer, of importation from "Friendly Colonies," whose Vessels have not been subject, by any express Treaty, to the right of search, or has recourse to some further measures, your Lordship's efforts in this great cause will be, in part at least, defeated.

CHRIS. EDW. LEFROY.
T. S. WALE.

Viscount Castlereagh, K. G.

No. 104.—H. M's. Commrs. at Surinam to Viscount Castlereagh.
(Received May 27.)

My Lord, *Surinam, 6th April,* 1820.

Although we had so recently the honour of addressing you, a circumstance has occurred since we made up our last Dispatch, of which we think it our duty to put your Lordship in possession, viz. the arrival of a Vessel, under Dutch Colours, with not less than 480 Slaves on board (with Papers professedly from a "Friendly Colony" under the authority of the Decree of the Dutch Government, accompanying our Dispatch of the 23rd of November, but which Papers, from the appearance, manners, and every circumstance attending both the Vessel and her Cargo, we can feel no doubt to have been collusive,) without the least obstruction either from the Dutch Ships of War in the River, or from the Governor or Local Authorities in this place. With regard to the Dutch Naval Officers, as they had before expressed an opinion, that their Commissions under the Treaty were entirely suspended and superseded by the authority of the Local Government within the Colony, and as we felt persuaded, that this was a complete misconception of the duty of the Naval Officers commissioned under the Treaty, we waited on M. Changnion to submit to him our opinion to that effect, and requested, if he concurred in it, that he would join us in expressing the same to Captain Blow, of the *Comet,* that he might be induced to intercept the Slave Ship in her passage up the River. M. Changnion, however, concurred in the opinion of Captain Blow, and said, that, whatever might be the practice in the British Navy, a Dutch Naval Officer could not act in a Colonial Harbour upon any General Commission from home, without express instructions from the Local Government. In consequence of this opinion, we had no alternative but the very unpleasant one of remaining quiet spectators of the arrival of this Vessel, and the free disposal of her Cargo, in evasion of the Treaty, in the execution of which we have the honour to be employed, and in violation of one of the express conditions upon which the Colony was restored. Although we have not thought ourselves warranted in assuming a diplomatic character, by remonstrating with the Colonial Government, we should scarcely have satisfied the trust reposed in us by H. R. H. the Prince Regent and the Country, if we had not ex-

pressed to the other Members of the "Mixed Court" our disapprobation of the circumstance, and taken the earliest opportunity of acquainting your Lordship with its occurrence. We are, &c.

CHRIS. E. LEFROY.
T. S. WALE.

Viscount Castlereagh, K. G.

No. 105.—Don Santiago Usoz to Viscount Castlereagh.

(Translation.) *London, 20th May,* 1820.

The Undersigned, Chargé d'Affaires of His Catholick Majesty, presents his respects to his Excellency Viscount Castlereagh, His Britannick Majesty's Principal Secretary of State for Foreign Affairs, and has the honour of stating to His Excellency, that the arrival of the term at which, conformably to the Treaty concluded on the 23d of September 1817, the *Spanish* Slave-trade on the Coast of Africa is to cease entirely; and the certainty, resting upon the irrefragable evidence of facts and experience in Navigation, that the 5 months of extension conceded by the Ist Article of the said Treaty to the Slave Vessels, for the completion of their Voyages, is a term insufficient with respect to Ships proceeding from the Isle of Cuba, the Isle of Porto Rico, and the other points of Spanish America, have excited the serious attention of the King, his August Master, and convinced him of the necessity and justice of modifying, through mutual consent, between the Spanish and English Governments, the Article in question, by a further extension of the term of 5 months, to such a period as shall appear indispensable for the termination of a Voyage, undertaken on the 30th of May of the present year, to portions of the Eastern Coast of Africa situated South of the Equator:

The Undersigned has just received the Orders and Instructions which his Government has thought it right to forward to him, with a view of negotiating with His Britannick Majesty's Ministers the enlargement of the term of 5 months, and is acquainted with the substance of the Note addressed by his Government on the 15th instant to the British Ambassador at Madrid on the same subject. If the reasons on which the application of the Spanish Government is founded were less obvious, the Undersigned would be under some apprehension of being perhaps unable to place them in their real point of view with the requisite explicitness; but they are of themselves so clear and so evident, that he contents himself with merely pointing them out, to prove to His Excellency's enlightened judgment the justice of the application.

If the end and very spirit of the Treaty, if the views which both Governments proposed to themselves in concluding it, were, as is undeniable, to tolerate the Slave Trade until the 30th of May 1820; and yet, if the Vessels that departed previous to that date be not allowed the time necessary for returning, the period alluded to will become

illusory, and would, in point of fact, turn out to have been anticipated respectively, by 3, 4, or more months, which, strictly examined, would be equivalent to an absurdity, would nullify the Act, and would, besides, be repugnant to the upright and generous policy of England. That the latter, while she realized her philanthropic ideas, desired, at the same time, that the Vessels which had sailed, up to the 30th of May, should make good their Voyages, appears by the extension of 5 months, to which she had agreed for that purpose. This term, however, is much too short for the object in view, and the inconvenience resulting from the letter of the Ist Article must appear so much the greater, when it is considered, that, by the IId Article, a term exceeding 6 months was agreed to for performing the Voyages to the North of the Equator, though they are much shorter than those undertaken to the Southward of the Line, and that too without sailing round the Cape of Good Hope; and when it is a fact, known even to those least conversant with navigation, that Vessels bound to the Southward of the Equator, and which have a most successful passage, require, (not taking into the account any lay-days in Ports,) at least double that time. Thus, pursuant to the spirit of the Treaty, justice imperatively calls for some modification in the letter of the Ist Article; otherwise the conclusion would be, that the British Cabinet had agreed to the 30th of May as the day on which the Traffick was totally to expire, and conceded the 5 following months as a gratuitous extension of the term, to such Vessels as might be delayed for that length of time.

The Spanish Ministry hope that His Britannick Majesty's Government, from the reasons adduced in the Note addressed to Sir Henry Wellesley (which the Undersigned supposes will have been transmitted to His Excellency) and from what he has the honour to observe in the present, will easily persuade themselves of the right and propriety which impel His Catholick Majesty to request and propose the negotiation of a fresh Convention, for an enlarged extension of the term of 5 months, stipulated with the view to secure, in this manner, the considerable capitals which are, in perfect faith, embarked in the Slave Trade by a numerous portion of his beloved Subjects; and to reconcile the due execution of the Abolition of the Traffick with the safety and protection of those properties adventured, as has just been mentioned, under the justifiable confidence of obtaining from Great Britain the explicit recognition of the only reasonable meaning that can be attributed to the virtual import of the Treaty, which import is certainly compromised by the discordant letter of its Ist Article, the irregular wording of which was probably the effect of an involuntary want of care, and the inconveniences attending which the Spanish Government did not fail to perceive immediately, as repre-

sented by the Duke of San Carlos to His Excellency on various occasions, and, as once more repeated at present by the Undersigned to His Britannick Majesty's Ministry by direction of his Court.

The Spanish Government flatters itself therefore with a hope, that the overtures and proposals which it orders its Chargé d'Affaires at this Court to make, will be listened to and received by the British Ministry with that favourable consideration which they deserve from their convincing and urgent nature, and that they will feel all the solicitude called for by this subject, to contribute, on their part, to remove the incalculable mischiefs that would accrue to Spain, if, on the 30th of October next, the English Naval Stations and Cruizers remained ignorant of the decision which both Governments may come to on this point.

The Undersigned, having regard to the convincing reasons above adduced, trusts he has prepared His Excellency's mind to listen to him on the subject of the propositions which he is directed by his Government to make, and that His Excellency will be pleased to appoint a day and an hour, when the Undersigned can have the honour of laying them before His Excellency, and of conferring on the business, being prepared to communicate them in writing, if that mode should be judged preferable.

The Undersigned avails himself, &c.

Viscount Castlereagh, K. G. SANTIAGO USOZ Y MOZI.

No. 106.—*Viscount Castlereagh to the Earl of Clancarty.*

(Extract.) *Foreign Office, 30th May,* 1820.

I SEND to your Lordship herewith the Copies of four Dispatches, under dates of the 12th, the 19th, the 20th, and the 27th of November, 1819, which I have received from His Majesty's Commissioners resident at Sierra Leone, under the Treaties for preventing the illegal Traffick in Slaves.

You will perceive from these Dispatches the necessity which exists, that The Netherland Commissioners at that Settlement should be furnished, in several points therein alluded to, with Instructions, the want of which has been the occasion of some misunderstanding, and of much inconvenience, in the proceedings of the Mixed Commission.

The principal point to which I here advert, and to which I request your Excellency will lose no time in inviting the attention of The Netherland Government, is the form of practice to be observed in the proceedings of the Court of Commission, as referred to in the IId and following Article of the Regulations annexed to the Treaty of May, 1818.

On this point I send to your Excellency a printed Copy of Memoranda, grounded upon the proceedings in the Court of Admiralty here,

and drawn up under the superintendence of Sir W. Scott, for the information and guidance, as far as circumstances would allow, of the several Mixed Commissions; and I wish your Excellency to submit them to The Netherland Government, and to urge them, in as far as they may not see any thing objectionable, to instruct their Commissioners at Sierra Leone to accede to the adoption of those Memoranda, as the basis of the form of their proceedings. You will particularly, also, press upon the Government of the King of The Netherlands, the adoption of the practice of allowing Proctors, or Agents of the parties, to act on the fair and indisputable ground, that it will be impossible for the parties on the one side and the other to bring forward their evidence so fully and clearly themselves as by their Proctors, for the satisfaction of the ends of justice; you will set before The Netherland Government the expediency of sending out without delay such Instructions, on these and the remaining points mentioned in this Dispatch, as shall be most conducive to the due execution of the business of the Mixed Commission, in the same spirit of union and perfect cordiality, in which the Treaty from which it dates its origin, was framed.

H. E. the Earl of Clancarty, G. C. B. CASTLEREAGH.

P.S. I have just received from His Majesty's Commissioners at Sierra Leone advices, that other subjects of difference have arisen with M. Van Sirtema, the Commissary Judge from the King of The Netherlands, on the subject of the appointment of a Prize-Agent, and on the question as to whether General Courts, comprising the Commissary Judges and the Arbitrators, should be held for the purpose of deciding questions which might arise on extra-judicial matters. It would be very desirable that M. Van Sirtema should be urged by his Court to that spirit and tone of conciliation and good understanding which seems to have prevailed among the other Commissioners at Sierra Leone: but I forbear from giving your Excellency any special instructions to animadvert officially upon his personal conduct, wishing rather that you should take an opportunity of conversing with The Netherland Minister upon this subject, in order to induce The Netheland Government to remind M. Van Sirtema, that his object should be to see the Treaty executed, in a full, an impartial, and a conciliatory manner. C.

Mem.—The Inclosures alluded to in this Dispatch are all to be found in Class A. of these Papers.

No. 107.—*Viscount Castlereagh to the Count de Palmella.*

(Extract.) *London, 1st June,* 1820.

In tendering to Portugal so important a boon as the immediate revision of an Article of the Commercial Treaty of 1810, decidedly favourable to Great Britain, the Count de Palmella will be aware, from

he discussions which have taken place between the two Governments on different occasions, and especially in the year 1815 at Vienna, that the British Government is principally induced to bring forward so great a concession, in order thus the better to enable His Most Faithful Majesty to fulfil, with satisfaction to himself and to his people, the Declaration made by his Plenipotentiaries at that period, with regard to the Abolition of the Slave-trade; which measure of Abolition, subject to certain commercial arrangements to be made with the British Government, they formally declared should finally take place in 8 years from that time, or at latest in the year 1823.

The Undersigned persuades himself, that the Portuguese Plenipotentiaries could not, at that time, have contemplated a more liberal adjustment of the commercial relations between the two Crowns, than that which is now proposed; and although some delay has taken place in bringing this arrangement to its present bearings, the British Government trust that this circumstance will not induce His Most Faithful Majesty to disappoint the expectation, which, in common with all the other Powers of Europe, the King has formed, that His Most Faithful Majesty will, at the period above specified, at the latest, abolish this proscribed traffick, universally and for ever; an expectation which the said Powers are the more justified in indulging, when they recollect, that Spain has since accelerated, by not less than 3 years, the time which, in common with Portugal, she then assigned for the measure of final Abolition; that France has also abolished the trade considerably within the period named in the transactions of 1814; and that His Most Faithful Majesty is now the only Sovereign that permits his Subjects to carry on a trade in human beings; a trade, which, in concert with all allied and friendly Powers, His Majesty has solemnly pronounced to be in violation of every moral and religious principle, and which His Majesty has declared ought to be made to cease with the least practicable delay.

The Undersigned is fully aware, that the Count Palmella is not furnished with such Instructions as will enable him to discuss and to conclude an arrangement founded on the bases above explained, previous to his embarkation for The Brazils. In order, however, that no unnecessary delay may intervene in bringing this Negotiation to a satisfactory conclusion, Instructions will be sent to Mr. Thornton, to prosecute the discussion at Rio Janeiro, in such manner as may best tend to bring about a final settlement upon the whole of these important matters: *The Count de Palmella.* CASTLEREAGH.

No. 108.—*Sir H. Wellesley to Visct. Castlereagh.—(Rec. 4th June:)*

My Lord, *Madrid,* 18th *May,* 1820:

I have the honour to inclose the Translation of a Note which I have received from M. Jabat, respecting the term allowed by Treaty

with *Spain* for completing Voyages in the Slave-trade, commenced in the Spanish Colonies previously to the 30th of May, 1820.

Upon the receipt of this Note I took an opportunity of pointing out to M. Jabat, my conviction of its being perfectly useless to forward this application to your Lordship; and I was the better enabled so to do, having received your Lordship's Dispatch inclosing Copies of a Correspondence upon this subject between His Majesty's Commissary Judge at The Havannah and the Foreign Office. In compliance, however, with M: Jabat's earnest wishes, I have consented to forward a Copy of his Note to your Lordship, assuring him that I could not entertain the least expectation of a favourable reply to this application.

I have, &c:

Viscount Castlereagh, K. G. H. WELLESLEY.

(Inclosure.)—M. Jabat to Sir H. Wellesley.—(Translation.)

SIR, *Madrid, 15th May*, 1820.

THE term is near, at which, according to the Treaty concluded on the 23d of September, 1817, the Spanish Commerce in Negroes on the Coast of Africa ought to cease; and it is certain, and founded on indisputable facts in naval experience, that the few months of prorogation conceded by the 1st Article of the said Treaty, in order to give time for the completion of the Voyages of the Slave Ships, is a time insufficient for Vessels fitted out from Cuba, Puerto Rico, and the other Spanish Provinces beyond sea; the inconvenience resulting from that Article being the greater, as the IId Article authorizes a term of 6 months to complete Voyages to the North of the Line, much shorter than those undertaken to the South of it, (without doubling the Cape of Good Hope) and this has proved to the King, my August Master, the necessity and justice of the Article in question being modified by mutual accord between Spain and England, the prorogation of 5 months being lengthened to the time reckoned indispensably necessary by experience of the navigation, for completing the Voyage undertaken the same day, the 30th of May of this year, to the Eastern Coast of Africa south of the Equator.

His Majesty has, in consequence, commanded me to make this Communication to you, for the purpose of your Excellency transmitting it without delay, to the Cabinet of London, as I have done to the Chargé d'Affaires of my Government at the same Court, who ought to consult upon this matter with the British Minister: the latter will be convinced of the right and propriety with which His Catholick Majesty, in defence of the great interests risked in good faith, in the Commerce of Negroes, by an estimable and numerous portion of his beloved Subjects, and in correction of an Article evidently contrary to equity, to common sense, and the very spirit of the Agreement, claims of His

Britannick Majesty a new particular adjustment of the said Article; which, prolonging to a proportionate term the date of 5 months, may reconcile the due fulfilment of the Abolition of the Slave Trade, with the care and protection of Spanish property, adventured under full confidence, that the King, my Master, would obtain from the King of Great Britain an explicit acknowledgment of the only reasonable meaning which can be given to the real spirit of the Treaty, spoiled by the discordant letter of its Ist Article, the strange wording of which appears to have arisen from involuntary carelessness. A simple reflection will suffice to shew the urgency and justness of the demand. If the views of the Convention were (as is indisputable) to permit the Slave-trade until the 30th of May, 1820, and the time necessary for their course is not conceded to the Slave Ships sent out up to that date, so that, without great good fortune, and extraordinary success, the term of prorogation must expire before the Voyage terminates, and the Vessels be exposed, consequently, to Capture and Condemnation, the stipulated term is illusory; and it will result that it is anticipated respectively by them 4 or more months, which will be an absurdity, if not an injury; rendering the Act of no effect, according to the principles of Publick Law; and it will certainly be repugnant to the sincere and generous policy of England, and even to the European philanthropy which, in the proscribing of one of the modern Colonial Systems most generally followed in America, has paid a very costly tribute to morals.

His Catholick Majesty, in the mean time, flatters himself with the hope, that the Overtures and Proposals made in London in his name, will be listened to, and received with the favourable consideration which they deserve from their convincing and important nature, and which may produce mutual confidence between two Monarchs intimately allied.

Lastly, His Majesty commands me to recommend to the Court of St. James, through the medium of your Excellency, its worthy Representative, the dispatch which the business requires, in order to avoid the incalculable publick and private injuries which will befal Spain, if the decision which both Governments may adopt upon this point should not be known on the 30th of October, in the Stations and grounds destined for the visit of Slave Ships.

The English Ambassador. JUAN JABAT.

No. 109.—*Sir H. Wellesley to Visct. Castlereagh.—(Rec. 8th June.)*

My Lord, *Madrid, 27th May,* 1820.

Monsieur Jabat, when speaking to me lately on the subject of the request made by the Spanish Government, for a prolongation of the term fixed for Vessels engaged in the Slave-trade to complete their Voyages, said, that it was by no means the wish of the Government

that Vessels which had been cleared out at so late a period as to render it impossible that their Voyages should be finished within the allotted time, should profit by this indulgence; but that their object was, that it should be granted to Vessels which had cleared out 2, 3, 4, and 5 months previous to the term fixed for the expiration of the Trade, viz. the 30th May, 1820, and had therefore a fair prospect of being enabled to complete their Voyages within the additional period allowed by Treaty, viz. 5 months subsequent to the 30th of May.

I could not refuse to comply with his entreaties, that I would submit to your Lordship this explanation of the wishes of the Spanish Government: and he added, that nothing would be more gratifying to His Catholick Majesty, and to this Government, than that some further period should be allowed to these Vessels; or, at least, that Instructions should be given to the British Vessels of War to let them pass, if it should appear by their Papers that they had cleared out at a period when they might reasonably hope to complete their Voyages within the allotted time.

I did not, however, hold out to M. Jabat, any expectation that this application would be complied with. I have the honour to be, &c.

Viscount Castlereagh, K. G. H. WELLESLEY.

No. 110.—Viscount Castlereagh to M. Santiago Usoz.

Foreign Office, 11th June, 1820.

THE Undersigned, His Majesty's Principal Secretary of State for Foreign Affairs, has the honour to acknowledge the receipt of the Note of M. Santiago Usoz, dated the 29th Ultimo, stating the earnest wish of his Government for the extension of the period for the final Abolition of the Slave-trade, beyond the term of 5 months from May, 1820, already conceded for that purpose; and the Undersigned has received this Note with the more surprize, as it is a request for the alteration of an Article enacted at the express desire of, and in concession to the wishes of, the Spanish Government itself,—a concession, moreover, which was not the first which the British Government had made in the course of this arrangement; it is, indeed, unnecessary for the Undersigned to recal to the observation of M. d'Usoz, that the very term of May, 1820, was, in fact, a whole Year later than that which it had been the anxious wish of the British Government to fix for the Abolition.

When the British Negotiator had reluctantly agreed to take the 30th May, 1820, instead of 1819, as the period for final Abolition, he long and forcibly contended against the propriety of allowing any additional term for the termination of Voyages. It was alleged on the part of Spain, that if this indulgence were withheld, the concession of the additional Year would practically be reduced to 6 months; and a further term of 6 months, to be reckoned from May, 1820, was urged as

the utmost favour to which the Spanish Government desired to lay claim. The 6 months required by Spain was, by mutual consent, reduced to 5 months, and with this modification, deliberately and upon full discussion, agreed upon, the Treaty was executed, ratified, and promulgated. It is quite an inadmissible proposition, that a new Negotiation should be entertained, after such Treaty had, by the British Government, been laid before Parliament, as the result of their efforts in so laudable a cause; after its Provisions had received the sanction of an Act of the Legislature—after Courts of Adjudication had been formed and established both by Spain and Great Britain, for carrying the Enactments of the Treaty into execution; and finally, after vested rights had been created, founded upon the Provisions of the Law thus passed by the British Parliament. And here the Undersigned must request M. Santiago Usoz to consider, how impossible it would be for this Government to interfere with the rights of British Subjects, created by a Treaty thus interwoven with our Laws, by the sanction of an Act of Parliament, and which must have long since become the rule of action to the Subjects of both Nations, to whom the Treaty has been promulgated, whether in limitation of their enterprizes in the prosecution of the Slave-trade, or as the foundation for Claims arising out of Captures made of Vessels and their Cargoes, sailing in contravention of an Article, in which consists the very essence of this transaction.

The argument used in M. d'Usoz's Note, founding the present demands on the known impossibility of Vessels being able to commence and complete an Expedition in Slave-trading, within the period between May and October, 1820, so as to insure to the Merchants the safety of their Cargoes, is a position not to be denied; but the Undersigned considers it as peculiarly corroborative of the spirit and intention of the Article in question, which was to discourage rather than to facilitate the commencement of such enterprizes, at so late a period as the last day of the term in which the virtual suppression was to take effect. In fact such an integral change in this part of the Treaty, can only be considered by the Undersigned as, *pro tanto*, defeating the very object for which it was framed, which object certainly was no other than the final Abolition of the Slave-trade by Spain, at as early a period as the interests of its Subjects, upon due notice, would permit, and to which interest so large a sacrifice in money was at the time made by Great Britain, in reliance on the good faith of the Spanish Government in carrying into effect the Article which it is now proposed to defeat by the solicitation of a still longer period; and as the Treaty was made publick as far back as the Year 1817, the Undersigned does not see how Spanish Merchants can plead ignorance of the Provisions of the Treaty, or entertain any expectation of an alteration in one of its most important Articles.

If there be any Speculators, whose love of enterprize and thirst for lucre shall have led them into risks thus wilfully, not to say blameably, incurred, such Traders must abide by the penalties which they knew to be impending over them, nor can they in justice claim the protection of their Government after the timely notice given to them.

M. Santiago Usoz lays some stress on the length of time allotted for the completion of Voyages North of the Line, and infers thence, that a still longer period is to be conceded for the Southern traffick; but M. d'Usoz must be aware, that this extension for the Slave-trade North of the Line, was granted principally on account of the shortness of the time to elapse between the Signature of the Treaty and the taking effect of that part of the Abolition; whereas no extension of time was requisite for the ultimate Abolition South of the Line, as the remote period at which this part of the arrangement was to take place, was sufficient warning to all Parties interested.

As M. Santiago Usoz refers in his Note to a Communication on this subject, which has been recently made by His Catholick Majesty's Minister to the British Ambassador at Madrid, the Undersigned deems it necessary to inform M. Usoz, that although Sir Henry Wellesley yielded to the Spanish Minister's urgent request in forwarding that Communication to his Government, His Excellency not only refused to enter into any discussions on the subject, but stated it to be his unqualified opinion, that the proposition which it contained was totally inadmissible. The Undersigned, &c.

M. Santiago Usoz. CASTLEREAGH.

No. 111.—*Count Palmella to Viscount Castlereagh.*

(Extrait.) *Londres, ce* 12 *Juin,* 1820.

Quant à ce que regarde l'importante question de la Traite des Négres, le Soussigné ne se trouve pas autorisé présentement à la discuter, et il se dispenseroit même de faire aucune observation sur ce point de la Note de Milord Castlereagh, si son Excellence s'étoit borné à en faire mention sans altérer l'interprétation des Négociations qui ont eu lieu à ce sujet à Vienne, et sans vouloir en déduire une conséquence contre laquelle le Soussigné se croit obligé de réclamer, afin que l'on ne puisse aucunement supposer qu'il y donne un acquiescement tacite. Les Plénipotentiaires de Sa Majesté Très Fidelle au Congrès de Vienne, offrirent aux Plénipotentiaires de Sa Majesté Britannique, d'abolir la Traite au bout d'huit ans, pourvu que le Gouvernement Britannique consentît à annuller immédiatement le Traité de Commerce de 1810. Ce n'étoit donc point une déclaration, comme Milord Castlereagh l'appelle, mais une offre conditionnelle que les Plénipotentiaires Portugais firent au commencement de 1815. Depuis lors, 5 ans se sont passés sans que le Traité ait été abandonné par

l'Angleterre, et pendant ces 5 ans il a opéré en grande partie la ruine du Commerce Portugais; ruine que Sa Majesté Très Fidelle avoit eu l'espoir d'empêcher en se soumettant à un autre sacrifice, moyennant la proposition que ses Plénipotentiaires avoient reçu l'ordre de faire au Congrès de Vienne. A présent, au bout de 5 ans, le Ministère Britannique se montre disposé, non pas encore à annuler le Traité dont il s'agit, mais à le modifier sur quelques Articles, en déclarant toutefois la résolution d'en maintenir un grand nombre d'autres qui continueront à être regardés comme très défavorables pour les Sujets de Sa Majesté Très Fidelle; et Son Excellence Milord Castlereagh propose, qui plus est, de prolonger pour 10 ans ce Traité ainsi modifié, au-delà de l'époque où le Traité de 1810 doit expirer; de manière qu'au lieu de raccourcir la durée du Traité de Commerce, cette proposition tend à la prolonger. Il faudroit donc faire une bien grand torture au sens de la proposition conditionnelle que les Plénipotentiaires Portugais ont fait à Vienne, pour supposer que Sa Majesté Très Fidelle se trouve actuellement engagée à la maintenir. Le Soussigné peut en appeler sur ce qu'il vient d'avoir l'honneur d'exposer à l'opinion et au témoignage de toute l'Europe, vû la publicité que le Gouvernement Britannique lui même a jugé convenable de donner à ces Négociations.

Le Soussigné n'ira pas plus loin dans l'examen de la question de la Traite en général; il peut assurer Son Excellence Milord Castlereagh, que Sa Majesté Très Fidelle adhérera toujours loyalement aux engagemens qu'elle a pris, comme aux principes qu'elle a énoncés à cet égard, mais la question dont il s'agit est d'une nature tellement grave, on pourroit même dire vitale, pour le Brésil, que le Gouvernement Portugais se trouve placé au milieu d'obstacles qui demandent pour être surmontés, beaucoup de précaution et de temps. Le Gouvernement Britannique n'oubliera sans doute pas, de son coté, combien de temps il lui a fallu pour se déterminer, il y encore peu d'années, à une semblable mesure.

Le Soussigné terminera cette Note, comme il l'a commencée, en assurant Son Excellence Milord Castlereagh qu'il la portera immédiatement à la connoissance de Son Auguste Souverain. Et il profite de cette occasion pour renouveler à Son Excellence l'assurance de sa très haute considération.

Vicomte Castlereagh, K.G. LE COMTE DE PALMELLA.

No. 112.—*H. M.'s Comm^rs. at The Havannah to Viscount Castlereagh.*
(Received 5th July.)

My Lord, *Havannah, 13th May,* 1820.

We have the honour to inform your Lordship, that no Vessel, detained under the Stipulations of the Treaty between Great Britain and

Spain of the 23d of September, 1817, has as yet arrived at this Port for adjudication. We have, &c.

H. THEO. KILBEE.
R. F. JAMESON.

Viscount Castlereagh. K. G.

No. 113.—Viscount Castlereagh to the Earl of Clancarty.

My Lord, *Foreign Office, 14th July, 1820.*

I TRANSMIT herewith, to your Excellency, Copies of 3 Dispatches, dated severally the 23d of November, 1819, and the 1st and the 6th of April, 1820, from His Majesty's Commissioners resident at Surinam, under the Convention with The Netherlands for preventing illegal Traffick in Slaves, upon the subject of the existence of a Slave-trade between the French West India Islands and Surinam, and the refusal of The Netherland Naval Officers, in which they are supported by the opinion of their Commissioners, to interfere with Ships trading in Slaves under the *French* Flag.

This conduct is attempted to be grounded upon a Decree of the King of The Netherlands of the 17th of September 1818,* a Copy and Translation of which is herewith sent to your Excellency. You will however, be aware, that such conduct is manifestly in contravention of the Ist Article of the Convention, whereby the King of The Netherlands "engages, within the time specified, to prohibit all his Subjects, in the most effectual manner, from taking any part whatever in the trade in Slaves." It is also in contravention of the Ist Article of the Decree of the King of The Netherlands, above cited; and it does not appear, that the Vth Article of that Decree purports, in its terms, to authorise the importation of such Slaves, since that Article contains only an exception of Slaves found at that moment in the Colonies, or their Children; and there is no other description of Persons introduced in the subsequent part of that Article which refers to Foreign Colonies; both Great Britain and Holland are in fact pledged to prohibit a continuance or extension of the trade from Africa, directly or indirectly.

I have, therefore, received the King's Commands to desire, that your Excellency will make an immediate representation to the Government of The Netherlands, upon the subject of the facts and circumstances stated in the Dispatches from His Majesty's Commissioners; and that you will endeavour to obtain from them, that such Instructions and Explanations shall be given to the several Departments and Officers concerned, as may be necessary to establish and to carry into effect the true meaning of the Convention on the point in question. I am, &c.

H. E. the Earl of Clancarty, G. C. B. CASTLEREAGH.

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* This Decree will be found as an Inclosure in No. 86 of this Correspondence.

No. 114.—Viscount Castlereagh to H. M.'s Commr. at Surinam.

GENTLEMEN, *Foreign Office, 16th July*, 1820.

I HAVE received your several Dispatches, under date of the 23d of November, 1819, and the 1st and 6th of April, 1820, and have laid them before the King.

By the inclosed Copy of a Dispatch, which, by His Majesty's Commands, I addressed, under date of the 14th instant, to His Majesty's Ambassador to the King of The Netherlands, you will perceive that his Excellency has been directed to make a representation to The Netherland Government upon the subject of the Traffick in Slaves stated by you to exist between the French West India Islands and Surinam; and by the accompanying Copy of a Letter from the Secretary of the Admiralty to Mr. Planta, dated the 26th of June, 1820, you will be made acquainted with the circumstances under which no Report has as yet been received at the Admiralty of the names of the Vessels on the leeward Island Station, to which Instructions have been sent under the Treaty with The Netherlands for preventing illegal Traffick in Slaves.

I am, &c.

H. Majesty's Commr. at Surinam. CASTLEREAGH.

(Inclosure.)—John Barrow, Esq. to Joseph Planta, Jun. Esq.

SIR, *Admiralty Office, 26th June*, 1820.

HAVING laid before my Lords Commissioners of the Admiralty your Letter of the 22d inst. inclosing Copies of two Letters, addressed to Lord Castlereagh by the British Commissioners for the prevention of Slave Trade, stationed at Surinam, I am commanded by my Lords to acquaint you, for his Lordship's information, that, on the 26th July last, 2 sets of the Treaty with The Netherlands, and the Instructions appertaining thereto, were transmitted to Rear-Admiral Campbell, then commanding on the Leeward Island Station; with directions to him to forward them to the Commanders of 2 of the Vessels of his Squadron, reporting their Names to this Office. In consequence, however, of the death of the Admiral, which took place about the time of the arrival of those directions from the West Indies, no Report has yet been received upon the subject; but my Lords have repeated the directions to Admiral Fahie, who has recently proceeded to the Command on the Station, and the names of the Vessels furnished with the Papers in question, shall be communicated to Lord Castlereagh as soon as the information is received here. I am, &c.

Joseph Planta, Jun. Esq. JOHN BARROW.

No 115.—The Earl of Clancarty to Visct. Castlereagh.—(Rec. 29th July.)

MY LORD, *The Hague, 25th July*, 1820.

IN obedience to His Majesty's Commands, with which I was honoured by your Lordship's Dispatch of the 14th instant, I lost no time in procuring an interview with M. le Baron de Nagell, and having acquainted him with the facts, and with the circumstances under which Netherland Officers at Surinam appeared to tolerate the continuance of a Slave Trade, in contravention of the Treaty existing between the two Countries, I read over to him several Dispatches of His Majesty's Commissioners upon this subject, conveyed in that from your Lordship to me, above acknowledged.

M. le Baron de Nagell having assured me that nothing was more anxiously desired by the King, his Master, than to put an end to the nefarious Traffick in Slaves, it was agreed that I should throw the representation I had verbally made to him into the form of an Official Note, in order that the same should be laid before His Netherland Majesty, and his Orders taken thereon.

In consequence of this arrangement, I immediately prepared and addressed to His Excellency the Note, of which the inclosed Paper is a Copy. I have the honour to be, &c.

Viscount Castlereagh, K. G. CLANCARTY.

(Inclosure.)—The Earl of Clancarty to the Baron de Nagell.

The Hague, 22d July, 1820.

THE Undersigned, &c. has the honour, though with much regret, to acquaint his Excellency M. le Baron de Nagell, that a traffick in Slaves to a considerable extent has been carried on in the Colony of Surinam, and that, notwithstanding The Netherland Decree of the 17th of September, 1818, some thousands of Slaves have been imported into that Colony.

This has been done principally, but not solely, under the French Flag; a large portion of the Slaves having been imported recently from Africa, and under Ships' Papers (though of strong suspicion,) as if embarked from a friendly Colony.

This conduct is attempted to be grounded upon the Vth Article of the above cited Decree.

M. le Baron de Nagell, however, will be fully aware that such proceeding is manifestly in contravention of the Ist Article of the Treaty, whereby the King of The Netherlands engages, within the time specified, "to prohibit all his Subjects, in the most effectual manner, to take any part whatever in the Trade in Slaves," &c. It is also in contravention of the Ist Article of the Decree of His Netherland Majesty above cited; and it does not appear that the Vth Article of that Decree (upon which this proceeding is attempted to be upheld) purports in its terms to

authorize the importation of such Slaves, since that Article only contains an exception, relating solely to Slaves found at that moment in the Colonies, or their Children, and there is no other description of Persons introduced (and if there was, it would have been in direct variance with the Treaty) in the subsequent part of that Article which refers to Foreign Colonies. Both Great Britain and The Netherlands are in fact pledged to prohibit a continuance or extension of the trade from Africa either directly or indirectly.

The Naval Officers, stationed by His Netherland Majesty to prevent the further continuance of this Traffick, have refused to interfere, conceiving their Commissions to be suspended and superseded by the authority of the Local Government within the Colony; and in this opinion they seem to be supported by The Netherland Commissioners under the Treaty, who hold that a Dutch Naval Officer could not act in a Colonial Harbour, upon any general Commission from home, without express Instructions from the Local Government.

The Undersigned has received the commands of his Government to make an immediate representation of these facts and circumstances to the Government of His Majesty the King of The Netherlands, and urgently to press, that such prompt and peremptory Instructions may be expedited, and such clear explanations given, in conformity with the true intent of the Treaty, to the Colonial Government at Surinam, to the Commissioners of His said Majesty under the Convention, and the Naval Officers there stationed, as may be necessary to put a complete end to these proceedings, to establish and to carry into full effect the true meaning of the Treaty. The Undersigned, &c.

H. E. the Baron de Nagell. CLANCARTY.

No. 116.–*The Earl of Clancarty to Visct. Castlereagh.–(Rec. 15th Aug.)*

My Lord, *The Hague, 11th August,* 1820.

Referring to your Lordship's Dispatch addressed to me on the 30th of May last, to mine of the 30th of June addressed to your Lordship, and to the Copy of my Note to His Excellency M. le Baron de Nagell of the 29th of the latter month, conveyed therein, I have now the honour to transmit the Copy of a Note received yesterday from M. de Nagell, in answer to that referred to, and which, upon the whole, I hope your Lordship will find satisfactory.

Having, however, both in the Note and in the Conference cited in the Dispatch of the 30th of June, strongly recommended the most conciliatory and liberal conduct to be enforced by this Government on the several Parties composing their Mixed Commissions, and finding nothing said upon this subject in the Note received yesterday from M. de Nagell, I have thought it right again to place the same under His Excellency's view, and have therefore addressed to him the Note, of

which I also send a Copy herewith inclosed for your Lordship's information. I have, &c.

Viscount Castlereagh, K G. CLANCARTY.

(Inclosure 1.)—Baron de Nagell to the Earl of Clancarty.

(Extrait.) *La Haye, le 9 Août*, 1820.

Son Excellence le Comte de Clancarty, &c. ayant remis au Soussigné, le 20 Juin dernier, une Note touchant différents points rélatifs à l'exécution du Traité du 4 Mai, 1818, pour la suppression du Commerce des Esclaves, il a l'honneur de l'informer ;

Que le Ministre des Colonies a été autorisé de recommander au Juge des Pays-Bas, séant en la Cour Mixte à Sierra Leone, de ne pas s'opposer à ce qu'on employe des Procureurs ou Agents dans les Procès qui s'intruisent par devant la dite Cour.

Le Soussigné se flatte que son Excellence le Comte de Clancarty réconnaitra dans cette disposition, que le Gouvernement des Pays-Bas n'a rien de plus à cœur que de s'entendre avec le Gouvernement Britannique, sur tout ce qui peut faciliter l'exécution du Traité du 4 Mai, 1818. Il saisit cette occasion, &c.

S. E. le Comte de Clancarty. A. W. C. DE NAGELL.

(Inclosure 2.)—The Earl of Clancarty to Baron de Nagell.

The Hague, 10th August, 1820.

The Undersigned, &c. has the honour to acknowledge the receipt of his Excellency M. le Baron de Nagell's Note of the 9th instant, in answer to that of the Undersigned of the 29th of June last.

The Undersigned will not fail to transmit this Document to his Government, and, relying upon it that Instructions will be sent out under the Orders of this Court, to the Commissary Judges and Arbitrators appointed upon the part of The Netherlands to the Mixed Commissions at Surinam and Sierra Leone, directing them to act in the spirit of the most perfect conciliation with their Colleagues in all things, and with that liberality and confidence in the arrangement of all matters of general practice, and other extra-judicial points, by which alone the upright and humane objects of the Treaty can be carried into effectual execution, according to the intention of the High Contracting Parties;

He avails himself of this occasion, &c.

H. E. the Baron de Nagell. CLANCARTY.

No. 117.—Sir H. Wellesley to Visct. Castlereagh.—(Rec. 17th Aug.)

My Lord, *Madrid, 3d August*, 1820.

I have the honour to inclose a Translation of a Note which I have received from M. Perez de Castro, in which he requests that Instructions may be sent to the Commanders of His Majesty's Ships of War,

with a view to affording some relief to those Merchants engaged in the Slave-trade, who had, *bonâ fide*, cleared out for the African Coast at a period when there was a fair probability of their being enabled to complete their voyages within the time fixed by the Treaty; and I cannot but suggest that, if there be no serious objections to granting the indulgence solicited in the inclosed Note, it might be advantageous to our relations with this Court that it should not be refused.

I have the honour to be, &c.

Viscount Castlereagh, K. G. H. WELLESLEY.

(Inclosure.)–M. Perez de Castro to Sir H. Wellesley.–(Translation.)

Sacedon, 27th July, 1820.

SIR,

DISPATCHES have just been received from the Chargé d'Affaires of the King, my Master, at the Court of London, referring to the Official Note of Lord Castlereagh dated the 11th of June last, in answer to the propositions, which, as I had the honour of informing your Excellency on the 15th of May, were about to be made to the British Government, respecting some additional delay beyond the 30th of next October to be allowed to Spanish Slave Ships, in order to enable those Vessels which cleared out before the 30th of May of this Year, to return with their Cargoes in safety. And His Majesty has learnt with the greatest regret that these propositions, although of so reasonable and equitable a description, have been rejected by the British Government; and that too, in so very explicit and decided a manner as leaves but little hope of their being renewed with any chance of success. But notwithstanding the unexpected failure of this Negociation, the King, my Master, not considering himself to have fulfilled as yet, to the utmost of his power one of the most imperious duties of a Monarch, namely, to defend the interests and property of a large portion of his Subjects still engaged in the Slave-trade, in the full persuasion that all Vessels which cleared out previously to the 30th of May last would be allowed to return unmolested, and hoping that England will not insist rigorously on keeping to the very letter of the Treaty, which is evidently in contradiction with the spirit of the original Agreement, as it does not leave time to do what it allows to be done; has thought it right to make a last effort on this subject, by suggesting to the British Government through the medium of your Excellency, a plan, which, if, as His Majesty hopes, it is accepted with that generosity and candour which ought to characterize the conduct of a Power, distinguished as England always has been by its loyalty and friendship for Spain, would be of the greatest advantage to the Spaniards principally interested in this question, without being liable to any of the objections alleged against a formal grant of any further delay.

This conciliatory measure or plan is, that the British Government

should send Private Instructions to the Captains of the Cruizers on different Stations, not to detain or seize those Spanish Slave Ships which can prove by their Papers that they cleared out for the voyage in proper time;—the words "proper time," implying not the 30th of May, or any particular day, but such time as, according to ordinary calculations, would have enabled them to complete their voyage before the 30th of October, had they not been detained by some of those accidents which all Vessels are so frequently exposed to: for example, supposing that, with tolerable winds, 7 months are sufficient to go and return in, including all necessary delays in Port,—Slave-ships which sailed before the 30th of May, ought not to be seized, although they may have been unable to return before the 30th of October.

His Majesty flatters himself that the British Government will have no objection to agree to a measure of this description, which neither changes in any way the tenor of the Treaty for the Abolition of the Slave-trade, nor indeed at all goes beyond that sort of friendly wish to oblige, which it is in the power of every Government to shew towards its Allies; and His Majesty hopes likewise that, in case his August Ally should accede to this proposition, a term will be fixed in the Instructions given to the English Cruizers, ample enough to insure all property now embarked in the Spanish Slave-trade, provided it be proved that this property has been risked, under a reasonable calculation that the Voyage would be concluded previously to the final term of the 30th of October.

H. E. Sir H. Wellesley. EVARISTO PEREZ DE CASTRO.

No. 118.—*The Earl of Clancarty to Visct. Castlereagh.—(Rec. 21st Aug.)*

My Lord, *The Hague, 15th August,* 1820.

Under your Lordship's Instructions of 1819, transmitted to Mr. Chad. he addressed an Official Note to M. le Baron de Nagell, a Copy of which he had the honour to inclose, for the information of His Majesty's Government, with his Official Dispatch of the 19th of April, 1819.

Referring your Lordship to this Document, and also to the Note of M. de Nagell of the 30th of April, 1819, wherein His Excellency gives assurances that an inquiry will be thereon instituted without loss of time; I have now the honour to inclose herewith the alleged result of that inquiry, contained in an Official Note addressed to me by M. de Nagell, and dated the 11th instant.

I am not aware that I can advantageously take any further step, in this particular part of the business relating to the Abolition of the Slave-trade, unless under such Additional Instructions as your Lordship may think fit to give: these it will be not less my duty, than it will be my anxious desire, zealously to fulfil, in order that, if possible,

the known and laudable views of His Majesty's Government, for the total Abolition of this horrid traffick, may be at length completely effected. I have the honour to be, &c.

Viscount Castlereagh, K. G. CLANCARTY.

(Inclosure.)—Baron de Nagell to G. W. Chad, Esq.

La Haye, le 11 *Août,* 1820.

Le 13 Avril, 1819, M. Chad, &c. ayant porté plainte contre les facilités accordées à Elmina au Commerce des Esclaves, le Soussigné, &c. fut chargé de le prévenir, que le Gouvernement des Pays Bas allait mettre à profit une occasion sure pour faire approfondir la réclamation.

Les Rapports réquis étant arrivés de la côte de Guinée, le Roi a autorisé le Soussigné de donner connaissance de leurs résultats à Son Excellence Lord Clancarty.

Comme on avait assuré au Gouvernement Anglais, que c'était à l'aide des canots que le Trafic des Nègres se faisait sur la côte d'Or, et qu'il ne pourrait avoir lieu si l'on interdisait leur vente, ce point est celui sur lequel le Gouvernement des Pays Bas avait exigé des renseignemens positifs.

Une Dépêche du Président du Gouvernement de la côte de Guinée a montré, combien l'accusation en général, et la dernière assertion, étaient dénuées de fondement. A la vérité les Portugais depuis plusieurs années, avaient l'usage d'acheter des Canots à Elmina pour s'en servir dans les endroits de la côte où les brisans empêchent d'aborder avec des chaloupes, et cet achât a eu lieu jusqu'au commencement de l'année actuelle.

Mais pour peu qu'on ait connaissance des localités, et de la nature du Commerce dans ce Pays, on réconnaîtra que s'il y a des endroits, tels que Popoe, Whida, Appey, Porto Novo, et Jaddagrée, où les Canots sont indispensables, il y en a plusieurs autres où l'on peut aborder sans leur secours; que de plus ils ne servent pas uniquement au Trafic des Esclaves, mais que l'on ne saurait s'en passer en certains endroits, pour débarquer les cargaisons, ou embarquer en retour, l'or, l'huile de palmier, et les autres produits de la côte inférieure; qu'enfin la mesure d'interdire leur vente à Elmina serait insuffisante, puisque les navires pourraient toujours s'en procurer ailleurs, et nommément à Popoe.

Il conste par cette même Dépêche, que pendant son Administration, le Président susdit, avant d'accorder aux navires qui ancraient en rade la permission d'acheter des Canots, a toujours inspecté au préalable leurs papiers de bord, et pour peu qu'ils fussent suspects, l'a constamment refusée, faisant même quitter la rade à ceux qu'on soupçonnait de trafiquer en Esclaves.

Enfin, depuis qu'au mois de Janvier dernier, il eût connaissance qu'un navire Portugais, qui l'année précédente avoit acheté un Canot

à *Elmina*, était accusé d'avoir fait ce Trafic sur la côte inférieure, quoique les Papiers annonçassent positivement que sa destination était d'échanger sa cargaison contre des productions du Pays, il a refusé des Canots à tous les navires qui ont abordé à *Elmina*.

Tous ces détails sont confirmés par le Rapport du Commandant de la *Comète*, et cette conformité est d'autant plus digne de remarque, que cet Officier, suivant ses Instructions, a procédé à ces investigations sans le concours, et même à l'insçu du Gouvernement de la côte de Guinée.

D'après son Rapport, dans les années 1816, 1817, et une partie de 1818, il y a eu des Négriers sur la côte, et leur station a été d'ordinaire au dessus du Fort Anglais Apollonia, et au dessous d'Accra; 3 navires Espagnols ont, à ce qu'on prétend, trafiqué à Christianberg. Il y a eu aussi quelques Négriers Espagnols entre Cape Coast et Cormantyn, mais depuis ce tems il n'y a point eu navires Espagnols aux environs d'Elmina ni des Forts Anglais.

Quelques Navires Français, Portugais, et Espagnols, nommément les premiers, ont trafiqué sur la côte supérieure à la hauteur du Cap la Noir, les autres au dessous de Popoe et d'Accra. Mais sous aucun fort occupé par les Sujets du Roi ou de Sa Majesté Britannique, ni à Elmina, ni à Cape Coast, le Commerce des Negres ne s'est fait, soit ouvertement, soit clandestinement, et un Fonctionnaire qui était soupçonné de s'être permis quelques tentatives infructueuses, a été obligé de s'expatrier.

Les renseignemens du Commandant de la *Comète*, sur la nécessité de l'emploi des Canots, sont d'accord avec ceux du Président.

Les Espagnols qui ont trafiqué en Esclaves tant à Accra, qu'entre Cape Coast et Cormantyn, n'en ont acheté nulle part, et il a fait connaitre le préjudice notable de même que l'extrême mécontentement causé par l'interdiction provisoire de leur vente, à laquelle, pour enlever jusqu'à l'apparence de favoriser le Trafic des Esclaves, dont Elmina avait été accusé par quelques jaloux, le Président avait cru devoir se résoudre.

Le Roi a donc acquis la certitude qu' il n'y a eu à Elmina, ni prévarication, ni connivance ; et qu'ainsi toutes les dispositions à prendre pour répondre au voeu de la Note précitée de M. Chad, étaient de renouveler l'injonction de continuer à veiller au maintien des Conventions, et, en cas éventuel d'abus, d'autoriser les Autorités d'Elmina à restreindre, suspendre, ou s'il le falloit, à interdire la vente des Canots.

Le Soussigné a l'honneur, &c.

S. E. le Comte de Clancarty. A. W. C. DE NAGELL.

No. 119.—*H. T. Kilbee, Esq. to W. Hamilton, Esq.—(Rec. 4th Sept.)*

DEAR SIR, *Havannah, 29th June*, 1820.

I WAS very sorry that, in consequence of a severe illness from which I am now slowly recovering, I was unable to write to you by His

Majesty's Brig *Wasp*, which sailed from hence about a fortnight ago. On the 30th ultimo the period expired which is allowed by Treaty for the clearing out of Slave Ships for the Coast of Africa; and, contrary to my expectations, on that and the few days previous, nearly 20 Vessels sailed from hence for the purposes of the traffick. The proprietors, I understand, do not expect that these Vessels will be enabled to return within the 5 months allowed by Treaty; but they have been led to believe, that there is no danger of Vessels, which have cleared out before the 30th of May, being condemned, even although they should not complete their Voyages within the 5 months. Indeed, both the Spanish Commissioners here have declared to me, that, according to the Instructions they have received, they shall feel themselves bound to give their opinion for the release of such Vessels, in the event of their being detained by our Cruizers. I have, &c.

W. Hamilton, Esq. H. T. KILBEE.

No. 120.—*Viscount Castlereagh to the Earl of Clancarty.*

My Lord, *Foreign Office, 22d September,* 1820.

In reference to my Correspondence with your Excellency on the subject of the existence of a Slave-trade between the French West India Islands and Surinam, I must again press upon your Excellency the very great importance, that the Dutch Government should, without delay, send out such Explanations and Instructions to the several Departments and Officers concerned, as may be necessary to put a stop to that illegal Traffick, and to establish and carry into effect the true meaning of the Treaty on the point in question; and also that no further unnecessary delay should take place in expediting such Legislative measures, as you have stated to be requisite, to give the necessary powers for organizing the Mixed Court at Surinam, and for putting it into full activity. I am, &c.

H. E. The Earl of Clancarty, G. C. B. CASTLEREAGH.

No. 121.—*Visc. Castlereagh to His Majesty's Ambassadors at Madrid and in The Netherlands, and to His Majesty's Envoy at Rio de Janeiro.*

(Circular.) *Foreign Office, 22d September,* 1820.

A Case has recently occurred at Sierra Leone, in the adjudication of which a difference of opinion arose, as to the construction to be put upon that part of the Convention between Great Britain and *The Netherlands, Spain* and *Portugal,* for preventing illegal traffick in Slaves, which enacts that Ships of War may detain and bring in Vessels suspected of illegal traffick, in the event only of their actually finding Slaves on board.

The Case I allude to was that of a Vessel, which was actually concerned in the traffick, and had already received 1 Slave on board at hte time she was discovered by the Ship of War pursuing her: she,

however, in this extremity, contrived to get the Slave into a Boat alongside, before the Ship of War boarded her. At this moment, and before the Boat with the Slave could reach the shore, the Vessel, and the Boat and Slave, were detained, and brought into Sierra Leone. The circumstances abovementioned being proved, a difference of opinion took place between the Members of the Commission, whether the capture was legal or not, according to the terms of the Treaty above recited. The matter was then referred as usual, by lot, to one of the Arbitrators appointed in such cases; and the Arbitrator on whom the lot fell, adjudged that the Vessel was illegally detained, and ordered her liberation, and subjected the Capturing Party to the expence of indemnifying her Owners for her detention. No imputation is meant to be thrown upon the Arbitrator for this decision, nor is it, of course, wished to invalidate it in the instance alluded to; but, at the same time, it is evident, that the decision was in opposition to the design of the Treaty, and to its general tenour and spirit. The continuance of such a narrow and imperfect construction, as that on which the Arbitrator decided, if allowed to be drawn into a precedent for the guidance of the Courts under the Treaty, would open, manifestly, a door to the grossest fraud, and would prevent, in most instances, on the African Coast, the objects contemplated by the Contracting Parties. The Vessels there concerned in the trade, keep close along shore, and would, when the Capturing Ship hove in sight, land at a short notice, or at any rate lower, and stow into Boats, and sometimes even force to swim on shore, the Men whom they had unjustifiably confined on board; and if, one minute before the Cruizer boarded, the Slaves were outside the Ship, (which would infallibly, by one or other means, be contrived,) the illegal Trafficker would be safe, and the object of the Treaty effectually defeated.

I need not dwell more upon the subject, to shew the necessity, that some Declaration should be made by the Contracting Parties, and some Instructions jointly given by them to their Cruizers and to their Commissioners, which shall, in the explanatory construction of the Treaty, prevent so palpable an evasion of its intent.

I have, therefore, received The King's Commands to desire, that you will bring these points under the consideration of the Court to which you are accredited; and, in His Majesty's name, urge them, on every principle of justice and expediency, to concur in a Declaration, and in corresponding Instructions to the Cruizers and Commissioners under the Treaty, to the effect, that, if there shall be clear and undeniable proof, that a Slave or Slaves have been, for the purpose of illegal Traffick, put on board a Vessel in the particular Voyage on which the Vessel shall be captured, then, and on that account, according to the true intent and meaning of the stipulations of the Treaty,

such Vessel is to be detained by the Cruizers, and finally condemned by the Commissioners.

You will lose no time in executing this Instruction: and the King confidently trusts that the Government of The Netherlands, (Spain and Portugal) will feel no hesitation in adopting a measure, by which, without rendering a legal Commerce liable to unjust condemnation, the due execution of the Treaty may be assured in its fair and liberal construction, and according to the principle on which it was framed, of putting down by effectual means the illegal Traffick in Slaves.

I am, &c. CASTLEREAGH.

His Majesty's Ambassadors at Madrid and in The Netherlands, and His Majesty's Envoy at Rio de Janeiro.

No. 122.—The Earl of Clancarty to Visc. Castlereagh.—(Rec. 12th Oct.)

(Extract.) *Brussels, 10th October,* 1820.

I HAD on the 7th instant the honour to receive your Lordship's Dispatch of the 22d September.

In obedience to the Instructions conveyed by this Dispatch, I have addressed a Note, of which the accompanying Paper is a Copy, to His Excellency M. le Baron de Nagell, upon the subject of it, and which I hope will meet the views of His Majesty's Government.

Viscount Castlereagh, K.G. CLANCARTY.

(Inclosure.)—The Earl of Clancarty to Baron de Nagell.

THE Undersigned, His Britannick Majesty's Ambassador, &c. has received the commands of the King his Master, to press upon the serious and immediate consideration of this Government, the very great importance of the issue of Orders, without delay, by this Court, accompanied by such Explanations and Instructions to the several Departments and Officers concerned, as may be requisite to put an immediate and final stop to the illegal Traffick in Slaves in the Colony of Surinam, to which the Official Note of the Undersigned, addressed to His Excellency on the 22d of July last, generally refers.

This trade is understood to be in full existence, more especially between the French West India Islands and Surinam, and it can scarcely be necessary for the Undersigned to use any argument except the bare statement of the facts, to induce His Majesty the King of The Netherlands to adopt the most prompt, vigorous, and efficient measures, fully to execute the Treaty upon this subject between the two Crowns, and to carry into effect its Stipulations, according to the spirit and true meaning thereof.

Abstracted from the immediate consideration of these, His Netherland Majesty will no doubt feel, that to permit the longer continuance of so vile a traffick, so hostile to the humane doctrines of the Christian

religion, would be not less at variance with the high notions and laudable principles by which His Majesty is at all times guided, than it would be essentially derogatory to his honour and kingly dignity.

It becomes the more important to press this subject upon the serious consideration of this Government at the present moment, because if, for the purpose of empowering this Crown to give life and efficacy to the Mixed Court at Surinam, by organizing and putting the same into full activity without further delay, any Legislative measures should be requisite, the approaching Session of the States General furnishes an opportunity adequate to the end in view, and which the Undersigned is confident will be eagerly and promptly embraced by The Netherland Government.

In the full assurance of the active and zealous efforts of this Court to co-operate in all things with that of the King his Master, in putting a final end to the nefarious Trade in Slaves, according to the true spirit of the Treaty of the 4th of May, 1818, the Undersigned requests His Excellency will accept the assurance, &c.

H. E. The Baron de Nagell. CLANCARTY.

No. 123.—*H. M's. Commrs. at Rio de Janeiro to Viscount Castlereagh.*
(Received 14*th October.)*

My Lord, *Rio de Janeiro,* 31*st July,* 1820.

Since we had the honour of addressing your Lordship, on the 7th March, we have sworn in the Interpreter appointed by His Most Faithful Majesty ; and the Regulations for the guidance of the Mixed Commission having been translated, we submitted them to the consideration of the Portuguese Commissioners for adoption, and though they are still under discussion, we have great reason to believe that they will be adopted with very few exceptions.

We are not yet furnished with a house, but His Majesty's Minister has at length succeeded in obtaining a promise that we shall have any house that we may fix on, that may be considered appropriate and within bounds. We have made such slow progress, in consequence of not having had a place to assemble in, except when the Chamber of Commerce was unoccupied. We have, &c.

HENRY HAYNE.

Viscount Castlereagh, K.G. ALEX. CUNNINGHAM.

No. 124.-*The Earl of Clancarty to Visct. Castlereagh.-(Rec.* 16*th Oct.)*

My Lord, *Brussels,* 13*th October,* 1820.

Although your Lordship's Dispatch of the 22d ultimo, relative to the issue of a Declaration, explanatory of the Vth Article of the Treaty with this Government of the 4th of May, 1818, was received by me here on the 1st instant: and although I was thereby directed to lose no time in executing the Instruction therein contained, yet or

account of the absence of the Minister for Foreign Affairs, I was necessarily obliged to wait for his arrival at Brussels.

M. le Baron de Nagell reached this residence only the evening before the last, and I had yesterday morning the honour of a Conference with him upon this subject, wherein I acquainted him with the fact stated in your Lordship's Dispatch, urging the present necessity of issuing an explanatory Declaration, and the issue of Instructions thereon, in order that the letter might not hereafter be set up in direct opposition to the spirit of the Treaty, in its most essential stipulation, and a door thus opened to the perpetration of a gross fraud, by which, in nine cases out of ten, the Treaty would be rendered absolutely abortive.

M. le Baron de Nagell expressed himself as being fully impressed with the necessity of adopting some immediate measure, either by Declaration or otherwise, for the purpose of counteracting the effects (in future cases) of the late decision, and of supporting the real intentions of the High Contracting Parties against a construction, which would, as he stated himself to feel, in the great majority of cases, nullify the main object and spirit of the Treaty. He said that he would immediately lay the facts, as well as the proposal, before the King his Master, who, he had little doubt, would see the thing in the same light that he did.

I have this morning had another interview with M. de Nagell, at which he acquainted me, that he had transmitted the Communication made to him by me yesterday, and also the substance of our conversation, to His Majesty.

Your Lordship may be well assured that I shall not sleep over this, or any other matter necessary for carrying into complete effect, the humane and beneficent views of His Majesty upon this important subject. I have the honour to be, &c.

Viscount Castlereagh. K.G. CLANCARTY.

No. 125.–The Earl of Clancarty to Visct. Castlereagh.–(Rec. 23d Oct.)

My Lord, *Brussels, 20th October,* 1820.

I have had several Conferences lately with the Ministers of this Court, and latterly (this morning) with the Minister for the Colonies, on the subject of your Lordship's Dispatch of the 29th ultimo, relating to the conduct of M. Van Sirtema, and on all other points connected with the due execution of the Slave Trade Treaty with this Country.

Upon the particular subject of M. Van Sirtema, I am authorized to assure your Lordship that his conduct has been felt here as strongly as it has been by His Majesty's Government. It appears that M. Van Sirtema has left his station at Sierra Leone.

M. de Falcq has stated to me, that in selecting a person to supply the place of M. Van Sirtema, however difficult he may find it to discover one properly qualified for the situation, and willing to undertake it, I

may rest satisfied that no effort of his will be wanting to fulfil the wishes, not less of our than of his own Government.

Upon the other points of our Conference he has acquainted me that I shall very shortly be supplied with an official answer from M. le Baron de Nagell, and which he has little doubt will prove satisfactory.

I have the honour to be, &c.

Viscount Castlereagh, K.G. CLANCARTY.

No. 126.—H. T. Kilbee, Esq. to W. Hamilton, Esq.—(Rec. 6th Nov.)
(Extract.) *Havannah, 31st August,* 1820.

No Vessel detained in virtue of our Slave Trade Treaty with Spain has yet reached this Port for Adjudication.

I stated, upon a former occasion, that many of the Slave Ships that arrive here obtain their cargoes on the Coast of Africa North of the Line. For some time after this Mixed Commission was declared to be opened, these Vessels were in the habit of landing their Negroes at Batabano, or some other of the smaller Ports in the Island, fearing that if they came direct to The Havannah, where one of the British Commissioners was resident, their Papers could be examined, and that they would be liable to the penalties stipulated by Treaty. Finding, however, that such as did reach the Port were not subjected to any special examination in consequence of the Treaty, either on the part of the Mixed Commission, or on that of the Authorities of His Catholick Majesty, they have latterly come direct to The Havannah, and make no mystery of having proceeded from the Coast of Africa North of the Line. Conversing upon this subject lately with the Intendant, who is the Spanish Commissary Judge, I stated to him, that if this infraction of the Treaty continued to be committed in such an open manner, I should consider it to be my duty to mention the matter, confidentially, to the Captain-General, in order that the penalties denounced in His Catholick Majesty's Decree of December, 1817, should be inflicted upon the Persons guilty of such infraction. I added, that after the expiration of the 5 months allowed by Treaty for the completion of the Voyages of such Vessels as should have sailed previously to the 30th of May, 1820, I should feel myself bound to make a representation to the Captain-General, in the event of any Vessel, Foreign or Spanish, reaching any of the Ports of this Island, with a Cargo of Negroes, from any part whatever of the Coast of Africa. The Intendant replied, that he had not been aware that the traffick to the North of the Line was carried on to the extent I stated: that, with respect to the other point, namely, the arrival of Slave Ships subsequently to the 30th October next, he had received a Dispatch from his Government, dated in May last, informing him that a fresh representation had been made to the British Government, for the purpose of inducing the latter to consent to the extension of the term of 5 months allowed

by Treaty for the completion of Voyages; that 10 months from the 30th May was the term now proposed, and little doubt was entertained of obtaining the consent of Great Britain; that the Authorities of His Catholick Majesty were, for the present, bound to consider that as the term allowed, and therefore, that no Vessel arriving previous to the 30th March, 1821, could be condemned by a Spanish Tribunal, unless proved to have proceeded from the North of the Line.

I informed the Intendant of the view of this subject, and the determination upon it, taken by His Majesty's Government, as communicated to me in Lord Clanwilliam's Letter of the 17th April last; and I observed how unlikely it was that that determination should be altered by any fresh representation on the part of the Spanish Government. I likewise said, that in the event of any Spanish Slave Ship being carried into the Port for adjudication, by a British Cruizer, I hoped he would consider himself to be bound to act up to the letter of the Treaty. He answered, that he could not, either in his character of Intendant, or in that of Commissary Judge of this Mixed Commission, give his voice for the condemnation of any Spanish Slave Ship, except for trafficking to the North of the Line, previous to the expiration of the term of 10 months from the 30th May last, unless he should receive fresh instructions from his Government. He added, that he had no doubt, from the nature of the application made to the British Government, that I should receive shortly similar Instructions to those under which he acted.

William Hamilton, Esq. H. T. KILBEE

No. 127.—*H. T. Kilbee, Esq. to the Earl of Clanwilliam.*—(*Rec. Nov.* 6.

My Lord, *Havannah, 31st August,* 182(

I have the honour to acknowledge the receipt, on the 25th instan of your Lordship's private Letter of the 17th April: and I am mo happy to find that in the discussions between the Intendant and myse respecting the 1st Article of the Slave trade Abolition Treaty, I hav acted in strict conformity with Lord Castlereagh's view of the subject

I have the honour to be, &c.

The Earl of Clanwilliam. H. T. KILBEI

No. 128.—*The Earl of Clancarty to Viset. Castlereagh.*—(*Rec. Nov.* 1

My Lord, *Brussels, 10th November,* 182

In my Dispatch of the 26th July last, and in that of the 10th October following, I had the honour of transmitting to your Lordsh the Copies of two Notes addressed by me to M. le Baron de Nagell the 22d of July and 9th of October, strongly representing against t continuance of the Slave trade in the Colony of Surinam.

To these Notes I take the liberty of referring your Lordship.

Late yesterday evening an answer to them reached me from His Excellency, a Copy of which I have the honour herewith to transmit, for the information of His Majesty's Government.

Your Lordship's very serious attention will no doubt be attached to this Paper.

Therein this Government asserts, as quite of course, the right to carry on the Trade in Slaves, by their introduction into Surinam from Foreign Colonies, provided such Slaves had already been recognized as such in any European Possession in the West Indies, as for example, at Cayenne, Martinique, &c. And this is said not to be contrary to the dispositions of the Treaty; it being alleged that the Government of The Netherlands has always been of opinion that the object of the Convention with England was merely to prevent the Subjects of the two Countries from trading in men upon the Coast of Africa, and that it is to this traffick to which principally, not to say solely, the Ist Article of the Treaty is applicable.

This interpretation is no doubt given to the Treaty of 1818, in consequence of its Ist Article referring to the VIIIth Article of the Convention of 1814, which possibly may be taken to refer principally, if not solely, to the trade upon the Coast of Africa, though even here the engagement is "à défendre à tous ses Sujets, de la manière la plus efficace, et par les lois les plus formelles, de prendre aucune part quelconque à ce trafic inhumain:" while, according to the subsequent part of the Note itself, this could scarcely be done with any prospect of probable success, in opposition to the efforts of fraud by simulated Papers, and other obvious means, as long as any traffick should be allowed in Slaves with Foreign Colonies.

The vast importance of coming, at the earliest moment, to a proper understanding upon the construction of the Ist Article of the Treaty, appears to me so much to supersede every question of detail, that I shall not at present trouble your Lordship upon the further parts of this Note.

As early this morning as it was proper, I waited upon M. de Nagell, to represent to him my impression of the mistaken view in which the subject had, in its principal point, been regarded by his Government; and, as the subject appears to belong more particularly to the Department of the Colonies, I propose waiting upon M. Falcq to-morrow, to communicate to him my opinions; namely, that under the Ist Article of the Convention of 1818, all the Subjects of both of the High Contracting Parties, are absolutely and entirely to be prevented from taking any part whatever in the Trade in Slaves; and, consequently, are equally to be restrained from trading therein with other Foreign Colonies, as directly with the Coast of Africa.

I have the honour to be, &c.

Viscount Castlereagh, K. G. CLANCARTY.

(Inclosure.)—Baron de Nagell to the Earl of Clancarty.

Bruxelles, le 9 Novembre, 1820.

Les réclamations aussi pressantes que réitérées du Gouvernement Anglais, contre l'introduction illicite des Esclaves à Surinam, ont provoqué un examen approfondi de cet objet, qui intéresse l'observation du Traité, par lequel l'humanité de Sa Majesté le Roi des Pays-Bas s'est empressée de seconder les vûes bienfaisantes de Sa Majesté Britannique. C'est à cela que doit être attribué le délai de la réponse aux Notes que Son Excellence Lord Clancarty, &c. a fait l'honneur d'adresser au Soussigné le 22 Juillet et le 9 Octobre dernier.

C'est à regret que le Gouvernement des Pays Bas a eû lieu de reconnaître que le fait même ne saurait être entièrement contredit. Mais l'équité oblige également de prévenir qu'aucun soupçon défavorable ne pèse sur le Gouverneur de Surinam. C'est lui qui le premier, dès le printemps passé, a dénoncé l'arrivée suspecte des Esclaves dans la Colonie qu'il administre. Ses rapports fournissent les preuves du soin avec lequel il s'est attaché à examiner les papiers des navires à bord desquels on les transportait; gardant même Copie de ces Documens, du moins des plus essentiels, et ne tolérant l'introduction, qu'autant qu'il apparaissait par ces Papiers, que les Esclaves introduits avaient déjà été reconnus pour tels dans une des Possessions Européenes des Indes Occidentales, par exemple à la Cayenne, la Martinique, St. Eustace, St Thomas, &c.

Cette tolérance ne peut fournir à son égard aucun sujet de reproche. Elle n'est pas contraire aux dispositions du Traité, ni au Réglemens de l'Arrêté du Roi du 17 Septembre 1818, ni à la Loi pénal du 20 Octobre. Le Gouvernement des Pays-Bas a toujours été d'opnion, que le bût de la Convention avec l'Angleterre, se bornait à interdire aux Sujets des deux Parties Contractantes, le trafic d'hommes sur la Côte d'Afrique; et que c'est à ce trafic qu'est principalement, pour ne pas dire uniquement, applicable l'Article 1 de cette Conventio cité dans les Notes de Lord Clancarty.

D'autre part, la loyauté du Gouvernement des Pays-Bas ne lui permet pas de nier, que le bût salutaire du Traité s'éluderait, si tous l Nègres qui auraient une fois mis le pied sur le sol des Indes Occidentales, pouvaient, de ce fait seul être librement importés à Surina Alors les Colonies Françaises et Portugaises, où jusqu'ici la Tra des Négres est permise, deviendraient un entrepôt, où se pourvoirai les Colonies, et il en résulterait que les Planteurs, et les Négocians les habitent, sans exercer directement un Trafic défendu, le provoqueraient, et l'exciteraient d'une manière indirecte. L'intention de l'Article 5 de la Loi et de l'Arrêt précités, en désignant les Esclaves se trouveraient en ce moment dans les Colonies, est évidemment prévenir un pareil abus. Le Gouvernement des Pays-Bas regarde lors comme aussi obligatoire qu'expédient, de surveiller sévèrement l'

complissement de cette condition, quoique, d'après les informations transmises par le Gouverneur de Surinam, il ne soit pas possible de se faire illusion sur les innombrables difficultés qui en sont inséparables.

Si les institutions Coloniales du Gouvernement des Pays-Bas étaient conformes à celles du Gouvernement Anglais, l'étonnement de ce dernier cesserait par rapport au refus des Officiers de la Marine Royale de rétenir et de visiter sur la Rivière de Surinam, et par conséquent dans la Colonie même, les navires ayant des Esclaves à bord. Les Commandans Anglais paraissent investis de cette faculté. Un pareil conflit de pouvoirs ne saurait avoir lieu dans les Colonies des Pays-Bas. Du moment que les vaisseaux de guerre du Roi y abordent, ils passent sous la direction, et la jurisdiction du Gouvernement Local; ce dernier est seul responsable de la mise à exécution des Ordres de Sa Majesté. Lord Clancarty propose d'altérer cet arrangement, et d'étendre les attributions des Commandans maritimes, aussi loin qu'il parait que cela a lieu en Angleterre.

Mais après avoir pesé le pour et le contre, trop d'obstacles d'inconvéniens ne permettent d'y accéder pour le moment; cependant il n'en résultéra aucune conséquence désavantageuse pour l'accomplissement ponctuel, non pas simplement de la lettre, mais de l'esprit de la Convention invoquée.

Le Roi s'est assuré que les intentions du Gouvernement Anglais, qui ne sont pas moins les siennes, pourroient être suffisamment remplies par les Ordres que Sa Majesté a résolû de rénouveler au Gouverneur de Surinam (la seule de nos Colonies qui puisse venir ici en considération); il va lui être enjoint, qu'à chaque introduction de Négres par quelque navire, le Gouverneur sera tenu de s'assurer par une enquête formelle, non seulement si ces Négres ont séjourné, ou sont originaires de quelque autre Possession Américaine, mais spécialement s'ils ont été Esclaves, et s'ils ont été présents dans cette Possession dès le mois de Septembre 1818, avec injonction de n'admettre, sous aucune prétexte quelconque, que les Nègres par rapport auxquels on justifiera, d'une manière satisfaisante, l'une et l'autre de ces deux conditions.

Par l'observation de ces ordres, le Gouvernement des Pays-Bas aura déféré à ce qu'il y a de fondé dans les plaintes du Gouvernement Anglais, sans avoir eu besoin de récourir à une mesure aussi délicate que le serait celle de changer la Convention et la Loi existante, ou d'étendre la compétence des Officiers de haut bord quant à l'arrestation et à la visite des navires, au dela de ce qui est en usage, ou enfin d'investir la Cour Mixte d'une jurisdiction ou d'une surveillance sur les Administrations de la Colonie où la Cour siège, dont l'exercice multiplierait infailliblement des collisions ou des inconvéniens de plus d'un genre.

Le Soussigné a l'honneur, &c.

S. E. Le Comte de Clancarty. A. W. C. DE NAGELL.

No. 129.—*Viscount Castlereagh to The Earl of Clancarty.*

MY LORD, *Foreign Office, 16th November,* 1820.

YOUR Excellency's Dispatch of the 3d of November, 1820, on the subject of the Dutch Commissioners at Sierra Leone, has been received and laid before the King.

You will have the goodness to express to the Government of The Netherlands, the sense which His Majesty's Government entertain of the readiness which has been shewn by M. de Nagell and The Netherland Ministers, to pay attention to the representations which, in the full spirit of confidence and union between the two Courts, you were instructed to make to them upon the conduct of M. Van Sirtema, so opposite to the feeling in which the engagements on the Slave-trade were entered into between Great Britain and The Netherlands.

I have to request that you will, at the same time, point out to The Netherland Government, the very serious inconvenience which may result, from M. Bonnouvrié's being authorized, as he now appears to be, to act both as Commissary Judge and as Commissioner of Arbitration. It is merely necessary for this purpose, that I should call your attention, and that of The Netherland Government, to the possibility of his having to act in the same Cause, first as a Judge, and then as an Arbitrator, to decide between his own Judgment and that of the British Commissary Judge.

The arbitration in such Case, without impeaching M. Bonnouvrié's integrity, for he is bound both to judge and to arbitrate according to the best of his judgment, must, of necessity, be concurrent with his previous decision. His Majesty's Government feel confident that this circumstance alone, when brought to the attention of The Netherland Government, will induce them to take the earliest measures in their power to relieve their Commissioner from such an anomalous situation.

If it should become necessary, your Excellency may fairly state, that I should conceive the same Person could not, without an entire breach of the Treaty, exercise the double authority. I am, &c.

The Earl of Clancarty, G. C. B. CASTLEREAGH.

No. 130.—*The Earl of Clancarty to Visct. Castlereagh.—(Rec. 27th Nov.)*

MY LORD, *Brussels, 24th November,* 1820.

YOUR Lordship's Dispatch* of the 16th Instant reached me on Monday last, and I lost no time in communicating to M. le Baron de Nagell, together with the Note, of which the accompanying Paper is a Copy, the Papers relative to the several Treaties with Foreign Powers for preventing the illegal Traffick in Slaves, which I was instructed to present to this Government.

* This Dispatch forms No. 42, Class A, of this Correspondence.

The inclosed Copy of his Excellency's answer will show your Lordship that these Papers have been duly received by him.

I am, &c.

Viscount Castlereagh, K. G. CLANCARTY.

(Inclosure 1.)—The Earl of Clancarty to the Baron de Nagell.

Brussels, 20th November, 1820.

THE Undersigned, &c. has received the Commands of the King, his Master, to convey to his Excellency M. le Baron de Nagell, for the information of his Government, the inclosed Copy of a Communication, dated the 11th October last, from the British Admiralty, containing a List of such of His Britannick Majesty's Ships as are now cruizing, supplied with the Instructions referred to in the several Treaties with Foreign Powers, for preventing the illegal Traffick in Slaves, and specifying the several Stations to which they severally belong. Of this List, the Undersigned has also the honour herewith to inclose a Copy for the information of this Government.

The Undersigned, &c.

H.E. The Baron de Nagell. CLANCARTY.

(Inclosure 2.)—Baron de Nagell to the Earl of Clancarty.

Bruxells, 21 Novembre, 1820.

LE Soussigné a l'honneur d'accuser à son Excellence Lord Clancarty, la réception de sa Note d'hier, et de la Liste qui s'y trouvait jointe, des Vaisseaux qui ont été pourvus par le Gouvernement Anglais des Instructions mentionnées dans les différens Traités de la Grande Bretagne, ayant pour but l'Abolition du Commerce en Esclaves.

Le Soussigné, &c.

S.E. Lord Clancarty. A. W. C. DE NAGELL.

No. 131.—*Viscount Castlereagh to H. M.'s Commrs at Rio de Janeiro, Surinam, and The Havannah.*

GENTLEMEN, *Foreign Office, 28th November,* 1820.

I FURNISH you herewith with a Copy of the Act of the 51st Geo. III. cap. 33, enacting "that any British Subject or Person residing in a British Territory, and employed on board any Slave Vessel as Master or Captain, Mate, Supercargo, or Surgeon, are guilty of felony, "and Petty Officers and Seamen are guilty of misdemeanor;" and I have to desire you will give immediate information to this Office, and to the Envoy at Brazil, Brussels, and Madrid, of any Cases that may occur within your knowledge in violation of the Statute in question, in order that effectual means may be adopted for bringing the Offenders to justice.

I am, &c.

H. M.'s Commrs. at Rio de Janeiro, &c. CASTLEREAGH.

No. 132.-H.M.'s Commr. at Surinam to Visc. Castlereagh.-(Rec. 8th Dec.)
(Extract.) *Surinam, 14th August,* 1820.

WHEN we had before the honour of addressing your Lordship, we communicated the circumstance of the French and Dutch Flags being made covers to the importation of Slaves into this Colony, evidently new-comers from Africa, though perhaps alleged to have been procured immediately from neighbouring Colonies; since then we have seen the Portuguese Colours also employed in a similar service, and in the course of the last week, 3 Vessels under the Flag of France, apparently direct from the African Coast, have discharged their Cargoes of Slaves in this Port.

CHR. E. LEFROY.
T. S. WALE.

Viscount Castlereagh, K. G.

No. 133.—H. T. Kilbee, Esq. to W. Hamilton, Esq.—(Rec. 12th Dec.)
DEAR SIR, *Havannah, 25th September,* 1820.

A FEW days ago the *Swedish* Schooner *Maria,* Benoat, Master, arrived at this Port, from the Coast of Africa, with a Cargo of 160 Negroes.

With reference to my Letter to you of the 31st Ult. I have now the honour to inclose a List of the Spanish Slave Ships which have cleared out from The Havannah, from the 1st of January, 1819, to the 30th of May, 1820, and which have not yet returned. The number of Vessels, according to this List, amounts to 31. I shall endeavour to obtain, likewise, a List of such Vessels as have sailed from the other Ports of the Island, for the purposes of the Traffick.

No Vessel has yet reached this Port for adjudication.

I have the honour to be, &c.
HENRY T. KILBEE.

W. Hamilton, Esq.

(Inclosure.)—List of Spanish Vessels which have cleared out for the Coast of Africa, from the Port of The Havannah, between the 1st of January, 1819, and the 30th of May, 1820, inclusive, and which have not yet returned:

Schooner..... *Necesidad.*
——— .... *Nuestra Senora de Regla.*
——— .... *Fabiana.*
——— .... *Santa Rosa a la Tonina.*
Brig..... *Presidente.*
Schooner..... *Juanita,* alias *la Feliz.*
——— .... *Rosalia.*
——— .... *Industria,* alias *la Voladora.*
Ship..... *Atalanta.*
Schooner .... *Perla.*
——— .... *Equivalente,* alias *Clareta.*
——— .... *Montserrate.*
Schooner Brig. *Vengador.*
Schooner..... *Vegua.*
Schooner Brig. *Santa Rita,* alias *Mataronica.*
Schooner .... *Mosca Africana.*
Ship..... *Prudencia de Cadiz.*
Schooner..... *Buena Esperanza.*
Ship..... *Juno.*
Schooner..... *Rosa.*
Ship..... *Hermosa Paulita.*
——— ..... *Atalanta (2.)*
Brig..... *Atrevida.*
Schooner Brig. *Antonia,* alias *La Africana.*
Schooner..... *Dos Hermanos.*
——— .... *Bella Dolores.*
Brig..... *Recuperador,* alias *Le Reserva.*
Schooner..... *Isabel.*
——— .... *Catalina.*
——— .... *Catalina (2.)*
Brig..... *San José,* alias *El Aguila.*

24th September, 1820.

No. 134.—Visct. Castlereagh to the Earl of Clancarty.

My Lord, *Foreign Office, 18th December, 1820.*

Your Lordship's Dispatch respecting the construction to be put upon the 1st Article of the Treaty of May, 1818, has been received and laid before the King.

The view which your Lordship has taken of this Article is felt by this Government to be perfectly correct, and is, as you well know, consonant to the spirit under which the Negotiation was entered into, and the Treaty concluded, for putting an end to the Trade in Slaves.

The words of the Treaty appear to His Majesty's Government so simple and so clear, as to be scarcely capable of any misunderstanding, expressly prohibiting, as they do, the Subjects of the two Countries from taking any part whatever in this Traffick; and I will not conceal from your Excellency, the surprise with which the King's Government, from the Baron de Nagell's Note to you of the 9th of November last, have learnt the very narrow construction to which the Government of The *Netherlands* seem desirous of confining the broad and unqualified Stipulations contained in the 1st Article of that Treaty.

Your Excellency will observe that the Baron de Nagell's Note, in limiting the claim of introduction to the Slaves settled in the Foreign Colony previous to September, 1818, affords a decisive argument against the construction he contends for, "that the Treaty was intended to restrain only the Traffick in Slaves of Subjects of the King of The Netherlands on the Coast of Africa."

I therefore must beg your Excellency instantly to make to the Baron de Nagell, an earnest appeal upon this subject, urging the issue of Instructions to The Netherland Colonies in the West Indies, and elsewhere, in conformity with the letter and spirit of the Treaty; and I persuade myself that he will, with that frankness and truth which belong to his character, perceive that, in the construction he contends for, he has taken a hasty view of the subject, and that he will agree with your Excellency, that the prevention of the Trade in one Place, with the permission of it, by a circuitous process, in another, cannot be a fulfilment of the Stipulations for a general prohibition entered into by the two Sovereigns. I have the honour to be, &c.

H.E. the Earl of Clancarty, G. C. B. CASTLEREAGH.

No. 135.—Visct. Castlereagh to His Majesty's Ambassadors at Brussels, and Madrid, and His Majesty's Envoy at Rio de Janeiro.

My Lord,—Sir, *Foreign Office, 18th December, 1820.*

I have the honour to furnish you with a Copy of the Act of the 51 George III. cap. 23, "enacting that any British Subject or Person residing in a British Territory, and employed on board *any* Slave Vessel, as Master or Captain, Mate, Supercargo, or Surgeon, are guilty of felony, and Petty Officers and Seamen are guilty of a misdemeanor"

It is sincerely to be hoped that Cases will not occur in violation of this Statute; but as it will be a matter of serious importance to ensure that, if the Cases should occur, the Persons concerned may be brought to trial, I have to desire that you will make a representation upon the subject to The Netherland (Spanish) (Portuguese) Government, expressing the King's confidence that His Netherland (Catholick) (Most Faithful) Majesty will cause orders to be issued to the Authorities at Surinam, (Havannah) (Rio Janeiro) that British Subjects (if such should be found) employed in the Slave-trade, in Vessels brought before the Commissioners at those places, may be given up, upon application being made to them to that effect. I am, &c.

His Majesty's Ambassadors at Brussels, and at Madrid, and His Majesty's Envoy at Rio de Janeiro. CASTLEREAGH.

No. 136.—Viscount Castlereagh to H. M.'s Commrs. at Surinam.

GENTLEMEN, *Foreign Office, 27th December,* 1820.

I HAVE received your several Dispatches, mentioning that the *Dutch*, the *French*, and the *Portuguese* Flags are made covers to the importation of Slaves (new-comers), from Africa into the Colony of Surinam; and I have to desire that in all such cases which may come under your observation or knowledge, you will furnish me with the names of the Vessels and of their Commanders, the place from whence they come, and where they land their Slaves, the length of the Voyage, the number of Slaves on board and the names of the person they were consigned to, and of the other persons connected in that instance with the illegal traffick; and also with any other circumstances at the knowledge of which you may arrive, so as to enable His Majesty's Government to form a judgment, and to make such representations as may be deemed necessary upon the subject in question. I am, &c.

His Majesty's Commissioners at Surinam. CASTLEREAGH.

No. 137.-The Earl of Clancarty to Visct. Castlereagh-(Rec. 29th Dec.)

MY LORD, *Brussels, 26th December,* 1820.

YOUR Lordship's Dispatch of the 18th instant reached me on the 22d instant:

On a Subject so important as the misconstruction by this Government of the principal Stipulation of the Treaty, in which is in fact involved all that could render it available to the object in view, I lost no time in addressing the Note, of which the accompanying paper is a Copy, to His Excellency M. le Baron de Nagell, which I should hope will have the effect of inducing a change in the limited construction given to the Treaty at this Court, in direct opposition to the clear and explicit words in which the Ist and IId Articles are expressed.

I shall lose no occasion which may present itself to press the matter to an early and favourable decision by this Government.

I have, &c.

Viscount Castlereagh, K. G. CLANCARTY.

(Inclosure.)—The Earl of Clancarty to Baron de Nagell.

Brussels, 23d December, 1820.

His Excellency M. le Baron de Nagell will have no difficulty in recollecting that, at the earliest possible hour after the receipt by the Undersigned of His Excellency's Official Note of the 9th November last, the Undersigned, &c. did himself the honour of waiting upon M. le Baron de Nagell, in order to represent to His Excellency his impression of the mistaken construction of the true, plain, and essential meaning of the Stipulations between the two Governments, upon which the reasoning of that Note appeared to be grounded, and to express his surprise that so restricted a sense, so hostile to the enlarged views of the Contracting Parties, to the very principle upon which the Conventions were founded, and to the clear expressions with which their object was sought to be carried into execution, should have been for a moment adopted by any of the Authorities of this Government.

His Excellency having expressed his desire at that time that he should confer with the Minister of the Colonial Department of this Government, the Undersigned immediately proceeded to the residence of that Minister, but having been prevented from seeing His Excellency, from the circumstance of his being then labouring under a painful indisposition, the Undersigned conceived it to be his duty to transmit the Document in question to his Court; accompanied by such remarks upon what appeared to be its obvious variation from the principles of subsisting Conventions, as seemed necessary to be brought under the immediate and most serious consideration of his Government.

The Note of the 9th November asserts a right to carry on the trade in Slaves, by the introduction into the Colonies of The Netherlands of Slaves, provided such Slaves had been already recognized as such in any European Possession in the West Indies, as, for example, at Cayenne, Martinique, St. Eustatia, St. Thomas's, &c.—nay, absolutely and in terms avows, that the Government of The Netherlands has always been of opinion that the object of the Convention with England, was limited to the interdiction of the Subjects of the two High Contracting Parties from trading in Men upon the Coast of Africa, and that it is to this traffick principally, if not solely, that the Ist Article of the Convention of May, 1818, is applicable.

By what course of reasoning it is, that such an opinion has been formed by this Government, the Undersigned confesses himself entirely at a loss to understand. Most certainly no such idea was entertained by the British Government, and, most confidently answer-

ing for himself, he firmly believes that no opinion of this nature was ever formed by the Honourable Plenipotentiaries at this Court, with whom the Undersigned had the satisfaction of negotiating the principal Treaty.

Without stopping at present further to insist upon the necessary consequence of such a construction, to be that of reducing the principal Stipulations between the two Courts on the subject of the Slave-trade, nearly to a nullity, it will be sufficient upon this part of the subject merely to remark that the reasoning of the Note itself, and the innumerable difficulties which his Excellency, with his usual candour, admits to exist in the way of any adequate securities against fraud under such a construction, appear to afford ample ground for its rejection. But to take the matter on a still higher ground, can any words be stronger, more clear, or more explicit than those employed by the Convention to exclude the possibility of the asserted construction?

His Netherland Majesty stipulates, (see Ist Article of Treaty of 4th May, 1818,) "to prohibit all his Subjects in the most effectual manner, and especially by Penal Laws the most formal, to take any part whatever in the Trade in Slaves," and again, (same Article,) both Parties solemny contract to "prevent all their respective Subjects from taking any share whatever in this nefarious Traffick."

In the IInd Article also the very object of the High Contracting Parties is declared to be the entire and absolute exclusion of the possibility of such a construction as that now advanced.

The words are these:—"For the more complete attainment of that object (of what object?), of preventing ALL Traffick in Slaves"—

Is it necessary to do more by way of observation upon these words, as applicable to the argument, than to ask, if the Colonies of The Netherlands shall be permitted to import and purchase Slaves from Foreign Colonies, will they not be permitted (instead of being prohibited) to take an effective part and share in the Trade in Slaves?

Would not such a permission be in direct violation of the professed, and clearly-expressed, object of the Treaty, viz. that of preventing ALL Traffick in Slaves?

But if the words of the Treaty were as doubtful as they are clear and explicit,—as weak as they are in effect strong and conclusive,—still the limited construction advanced by the Note would be entirely inadmissible,—because not only inadequate even to the confined object alleged to be in view, but at variance with it.

The Note under consideration has fully admitted the innumerable difficulties inseparable from an endeavour to execute the Treaty under such a construction: indeed, who is there at all acquainted with the modern practice of commerce, who can shut his eyes to the frequent recourse had to false and simulated Papers, which no doubt form one of those innumerable difficulties alluded to in the Note.

The former of these have unfortunately in some States been too often issued under authority, while the latter, ingeniously fabricated by the Parties immediately engaged, are, even with the best disposition to try their validity, of difficult detection, and would run little risk before Investigators whose interests in this respect were at variance with their duty. Thus, instead of Abolition, encouragement would be directly afforded to a circuitous Trade in Slaves immediately with the Coast of Africa:—and in lieu of the humane object so religiously sought by both the High Contracting Parties, another source of demoralization and turpitude would be opened to debase their Subjects, and those in the employment of one of them.

Such would be the inevitable effect of acting upon such a misconception of the true intentions of the Treaty.

But to go a step further and to put aside the question of *simulated Papers*, what would be the obvious result, under this view, even if the Authorities in the Foreign exporting Colony acted with good faith, and that in fact no other Slaves should actually be sent to Surinam, &c. but such as were so at a particular date, or their Descendants? Is it not obvious that in this (the strongest case which can be put in favour of the alleged construction) the necessary effect must be to reduce the Treaty for every humane purpose, nearly, if not entirely, to a dead letter?

If the demands at Surinam were therefore thus supplied (and supplied they would be) can it be controverted, that, to the same extent, those of the Foreign exporting Colony would be furnished by fresh purchases from the Coast of Africa? and thus the whole object of the Treaty, even if it could be made capable of the confined construction put upon it by the Note, would be rendered utterly null and abortive.

Such construction, then, hostile to the well-known rule of argument, "*ut res magis valeat quam pereat*," if even a doubt could be raised in the case, would be altogether of impossible admission.

The Undersigned cannot conceive it requisite to argue this matter further; confiding in the true spirit of humanity in which the Conventions were negotiated and ratified—confiding fully in the good faith and honourable regard to Treaty, which form so splendid an attribute of The Netherland Government, he cannot doubt that this point, thus seriously brought under the consideration of the King, will be at once, and finally, decided in the sense herein contended for, that obviously expressed in the Treaties, and which can alone give force and efficacy to the clearly-expressed and well-known object of the two High Contracting Parties.

The Undersigned will not conceal from His Excellency, that his Note of the 9th October, occasioned both surprise and regret to the British Government. He has in consequence received the commands

of the King, his Master, to lose no time in laying this matter before The Netherland Government, to solicit their most prompt and immediate attention to it, and further to urge the issue of Instructions, at the earliest period, to the Colonies belonging to this Crown in the West Indies and elsewhere, in full conformity with the clearly-expressed letter, and in the true spirit of the principal Treaty.

Perfectly relying upon that frankness, truth and liberality, which belong to the character of this Government, the Undersigned avails himself, &c.

H. E. The Baron de Nagell. CLANCARTY.

No. 138.—*H. T. Kilbee, Esq. to W. Hamilton, Esq.*—(*Rec. Jan.* 16, 1821.)

DEAR SIR, *Havannah, 8th November,* 1820.

ON the 30th ultimo, the term of 5 months allowed by Treaty for completing the voyage of Spanish Slave Ships expired; and on the 6th instant, the Brig *Tellus,* Don Juan Botel, Master, consigned to Messrs. Pelegrin, Marquez, and Co. entered this Port with 178 Negroes from the Coast of Africa, and was admitted, and allowed to land her cargo.

I took an early opportunity of calling the attention of the Governor to this subject, and, in the course of the conversation which took place, and at which the Intendant was present, I stated that although it was not any part of my prescribed duty as His Britannick Majesty's Commissary Judge, to interfere upon the present occasion, yet that I conceived it was incumbent upon me, under all the circumstances of the case, to call His Excellency's attention to the arrival of the *Tellus* at this Port, subsequent to the 30th of October; and to remind him that there was a Decree of His Catholick Majesty, issued in conformity with the Stipulations of the Treaty of the 23d of September, 1817, between Great Britain and Spain, imposing certain penalties upon the Proprietors and Commanders of Spanish Slave Ships sailing for the Coast of Africa after the 30th of May last, 5 months being allowed for completing the voyage of such Ships as sailed previous to that date, which term expired on the 30th ultimo. I distinctly stated that I made this communication, in order that I might be free from the imputation of tacitly conniving at this and similar transactions, passing before my eyes; and I added, that if there was difficulty in affording me an explanation I begged it might be refused me, as I had no authority to demand it, and I conceived that I completely fulfilled my duty by mentioning the subject.

The Governor and the Intendant willingly entered into a very full and friendly discussion as to the merits of the case. They alleged the shortness of the period of 5 months, in which it was next to impossible to complete a voyage from hence to the Coast of Africa, South of the Line, without taking into consideration the time necessary for obtaining a cargo: and said, that as the Government had allowed Vessels to

sail up to the 30th of May, it was expected, in good faith, that if they shewed that no unnecessary delay had taken place, they would be admitted after the expiration of the 5 months. They mentioned the great amount of property embarked under this impression, nearly 30 Vessels being sent out from this Port alone: they quoted the words of the Article (the IIId) of the King's Royal Cedula applicable to this Case, and which are as follows: "From and after the 30th of May, 1820, I likewise prohibit all my Subjects from going to purchase Negroes on the Coast of Africa, South of the Equator, under the same penalties imposed in the Ist Article of this Royal Cedula, granting also the term of 5 months from the said date for the completion of the voyage of such Vessels as shall have cleared out previous to the said date of the 30th of May, 1820, when the traffick in Negroes is to cease throughout my Dominions, both in Spain and in America." And they stated that in their opinion, from the construction of this Article, the penalties were to be inflicted only on such as sailed after the 30th of May, but by no means on those that sailed prior to that date, although they should not complete their voyage within the term of 5 months. They concluded, by saying, that these considerations, together with the Dispatch, dated in May last, from the Minister of State, Jabat, to the Intendant, (mentioned in a former Letter,) stating that a fresh application had been made to the British Government for prolonging the term for the return of Vessels, to 10 months, had determined them to admit all Slave Ships which have cleared out previous to the 30th of May, at least until further orders from their Government.

I then stated the view of the subject taken by His Majesty's Government, and the little probability of their changing it; but, I added, that it was not my intention to argue the matter, but to inform myself of the determination of His Catholick Majesty's Authorities upon it. I said, however, that I could not avoid observing, that by their construction of the Article of the Cedula, the mention made therein of the term 5 months was perfectly useless, as, although Vessels should exceed that time, they would not be liable to any penalties, and I asked if they really considered the term for the return of Vessels to be unlimited.

The Intendant replied, that as 10 months were mentioned by the Minister of State, they should consider, for the present, that as the term, but he would not take upon himself to say, that even after its expiration, the penalties denounced should be inflicted upon Vessels entering the Port. The Governor afterwards stated, that previously to his attentive perusal of the IIId Article of the Cedula, he was of opinion that it would be necessary to require security from the Proprietors of such Vessels as should arrive after the 30th of October, for the value of the cargo, until the decision of the Government should be known; but that he was now fully convinced that the penalties denounced

by the Cedula included only such Vessels as cleared out after the 30th of May, and that those that cleared out previous to that date were liable to no punishment or penalty, at whatsoever period they should return.

I have been a good deal at a loss how to act upon this occasion, being apprehensive on the one hand of being considered as negligent of what might appear to be obviously my duty, or, perhaps, even as conniving at this manifest violation of, at least, the spirit of our Treaty; and, on the other, of interfering in matters which are not under my controul, and of exceeding my Instructions. I have therefore endeavoured to avoid both these difficulties, by mentioning the subject to the Spanish Authorities, at the same time stating, that I did so, not officially, but in a confidential manner. Upon the whole I have acted up to the best of my judgment, and I anxiously hope that my conduct may not be disapproved.

I shall continue to apprize you of the names of such Slave Ships as enter this and the other Ports of the Island.

No Vessel has yet arrived here for adjudication by this Mixed Commission.

I have, &c.

William Hamilton, Esq. HENRY THEO. KILBEE.

No. 139.—*Viscount Castlereagh to Sir Henry Wellesley.*

SIR, *Foreign Office, 16th February,* 1821.

BY the accompanying Copy of a Letter, dated Havannah, the 8th of November, 1820, and addressed to the Under Secretary of State by Mr. Kilbee, His Majesty's Commissary Judge at that Place, your Excellency will perceive that the Brig *Tellus,* laden with Slaves from the Coast of Africa, entered the Port of The Havannah on the 6th of November, 7 days after the expiration of the period allowed by Treaty for completing the voyages of Spanish Slave Ships; and that, not only was the Vessel in question admitted and allowed to land her cargo, but that the Governor and Intendant of The Havannah, with whom Mr. Kilbee had confidentially conversed upon the subject, declared that, until further orders from their Government, they had determined to admit all Slave Ships which had cleared out previously to the 30th of May, at whatever period the Ships in question should complete their voyage. The evil is thus become so great, that it is necessary I should direct you to lose no time in seeking an interview with the Spanish Secretary of State; and, in pressing upon him, urgently, the following considerations, you will refer him to the Treaty with Spain of 1817, on which the relations of the two Countries with respect to the traffick in Slaves are founded, and which stipulates in positive terms, "That the Slave-trade shall be abolished throughout the entire Dominions of Spain on the 30th of May, 1820, and that from and after that period it shall not be lawful for any of the Subjects of the Crown of Spain,

to purchase Slaves, or to carry on the Slave-trade on any part of the Coast of Africa, upon any pretext, or in any manner whatever; provided, however, that a term of 5 months from the said date of the 30th May, 1820, shall be allowed for completing the voyages of Vessels which shall have cleared out lawfully previous to the said 30th of May."

You will remind the Spanish Minister that, by the Article I. of the Instructions to Cruizers, and the Article I. of the Regulations for the Mixed Commissions, to be established for the due execution of the Treaty, the same proceedings are authorized against illegal trading in breach of the Stipulation just mentioned, as against the violation of the more immediate restrictions of that Treaty. You will impress upon him, in a friendly manner, that His Majesty's Government is warranted to require an exact performance of this Stipulation; and you will add, that His Majesty rests his full assurance upon the well-known honour of Spain, that the Government will give orders for acting up to the Treaty contracted between the two Countries. Your Excellency will have perceived, by my former communications to you of Letters from Mr. Kilbee, and you will take advantage of them to press upon the Spanish Minister, that there is every reason to believe that an additional and forced trade in human beings has been founded on the prospect of its termination, both by sending more Ships than could be loaded on the Coast of Africa, within the ordinary time of trade, and by multiplying the Ships' Papers, so as to allow of their being used at a future time. And it appears from the instance more immediately referred to in the communication I now send to you, that Vessels take their clearances from one Settlement and make their importations into another; thus making it doubly inexpedient to admit of any alteration of the Treaty, since it would probably be impossible to establish any effectual check against such evasions of the Treaty. You will, moreover, state to the Spanish Minister the conviction entertained by His Majesty's Government, of the great inconvenience which would ensue if further extension should be granted, since fair grounds have been given for apprehension that any departure from the precise Stipulations of the Treaty would lead to further abuses, and involve this Country in much uncertainty and difficulty with regard to the responsibility of Cruizers. In allusion to the complaints of the Spanish trade against the short period allowed in extension of the 30th May, 1820, for the completion of all Spanish Slave-trade voyages, your Excellency will repeat the statements contained in my Letter to Mr. d'Uzoz of the 11th of June last, and in the Letter addressed under my direction, by the Earl of Clanwilliam to Mr. Kilbee, on the 17th of April last, inclosed to your Excellency in my Dispatch to you under the same date: and you will, in addition, bring to the recollection of the Spanish Minister, that the notice of the termination of the trade is

to be dated from the publication of the Treaty of 1817; and that Merchants therefore have no ground whatever to complain now of surprize or disappointment on account of too short a notice being given to them. You will, therefore, call upon the Spanish Government, on every principle of justice and of fairness, to issue immediate orders to their Authorities at The Havannah and elsewhere, and to their Commissioners at the Havannah and at Sierra Leone, to act faithfully up to the Stipulations of the Treaty of September, 1817, in respect to the Stipulations whereby the 30th of October, 1820, is fixed as the final term allowed for the completion of the voyages of Spanish Vessels trading in Slaves. I am, &c.

Sir Henry Wellesley, G. C. B. CASTLEREAGH.

No. 140.—*The Earl of Clanwilliam to H. T. Kilbee, Esq.*

SIR, *Foreign Office, 16th February,* 1821.

I HAVE received and laid before Viscount Castlereagh, your Letters of the 8th of November last, respecting the arrival of the *Tellus* at The Havannah, on the 6th of that month, 7 days subsequent to the expiration of the term allowed by the Treaty of 1817, for the completion of Spanish Slave-trade Voyages. I am directed by his Lordship to send to you, for your information and guidance, and that of Mr. Jameson, the Copy of a Dispatch which his Lordship has addressed to Sir Henry Wellesley under this day's date, upon the subject in question.

I am happy to add the expression of Lord Castlereagh's approbation of your conduct, as detailed in your Letters. I am, &c.

H. T. Kilbee, Esq. CLANWILLIAM.

No. 141.—*The Earl of Clancarty to Visct. Castlereagh.—(Rec. 2d Mar.)*

MY LORD, *Brussels, 27th February,* 1821.

IN obedience to the Instructions conveyed in your Lordship's Dispatch of the 18th of December last, I have addressed a Note to his Excellency M. le Baron de Nagell, a Copy of which is herewith forwarded, for your Lordship's information. I have, &c.

Viscount Castlereagh, K. G. CLANCARTY.

(Inclosure.)—The Earl of Clancarty to Baron de Nagell.

Brussels, 26th February, 1821.

THE Undersigned, &c. has received the Commands of the King, his Master, to represent to this Government, that by the Law of Great Britain, as enacted in 1811, all British Subjects, or Persons residing in a British Territory, and employed on board of any Slave Vessel, as Master or Captain, Mate, Supercargo, or Surgeon, are guilty of felony, and all Petty Officers and Seamen so employed are declared guilty of a misdemeanor; that though it is sincerely to be hoped that Cases will not arise in violation of this Law, it will be, nevertheless, a matter

affording great satisfaction to the British Government to be assured, that if such should unfortunately occur, the Persons concerned may be brought to Trial under this Law.

The Undersigned has therefore been instructed by his Court to solicit the attention of this Government to this important part of a most important subject; and at the same time that he has been commanded to press the issue of such directions from His Majesty the King of The Netherlands, to express the confidence of His Royal Master, that this Court will direct orders to be issued to the Authorities at Surinam, to cause any British Subjects (if such should be found) employed in the Slave-trade, in Vessels brought before the Commissioners at that place, to be delivered up for the purpose of standing their Trial, upon application being made to The Netherland Authorities there to the above effect. The Undersigned has the honour, &c.

H. E. The Baron de Nagell. CLANCARTY.

No. 142.—*Visct. Castlereagh to the Right Hon. Edward Thornton.*

SIR, *Foreign Office, 5th March,* 1821.

As the Count de Palmella must have, ere this, reached The Brazils, and taken upon himself the direction of the important branch of His Most Faithful Majesty's Administration which has been confided to him, I think it right to lose no time in pressing upon your earnest attention the object which the King's Government and the Country have anxiously at heart, to witness, by a general prohibition of the Slave-trade throughout the Portuguese Dominions, a prospect of a complete Abolition of that inhuman Traffick in every part of the world, and for ever.

The measure of a final prohibition on the part of Portugal having been, in the Discussions at Vienna, connected by the Portuguese Plenipotentiaries with a revision of the Treaty of 1810, my Note to the Count de Palmella of the 1st of June last, and his answer of the 12th of the same month, will have put you in possession of the direct proposition made to that Minister, under the view thus taken by his Government of the subject. Count Palmella not being furnished with the necessary powers, deferred entering into a particular Negotiation upon this matter until his arrival in The Brazils.

The views of this Government are so fully explained in my Note to Count Palmella, that I need not furnish you with more precise Instructions, at this moment, upon that point. His Majesty's Government are sensible that the many serious objects which, in the present agitated state of Portugal, must engross the attention of the Court of His Most Faithful Majesty, may have induced them, as yet, to wave the opening of this Negotiation.

I have, however, His Majesty's express Commands to desire, that you will bear in mind, that the object contemplated in this Dispatch is

one of the most anxious solicitude to His Majesty. You will therefore take the earliest opportunity of bringing it under the consideration of the Portuguese Government; and in pressing it upon their attention, you will remind the Portuguese Ministers, that the period at which Spain agreed finally to terminate the Trade has now expired, and that Portugal is the only one of the Powers who were assembled at Vienna, which still upholds and legalizes this inhuman Traffick. I am, &c.

The Right Hon. Edward Thornton. CASTLEREAGH.

No. 143.—*Viscount Castlereagh to the Right Hon. Edward Thornton.*

SIR, *Foreign Office, 5th March,* 1821.

ON your departure for The Brazils, you were furnished with Copies of all the proceedings which had taken place at Vienna, Paris, London, and Aix-la-Chapelle, on the subject of the Slave-trade. These proceedings so fully state the engagement which the Plenipotentiaries of His Most Faithful Majesty entered into at Vienna, for the total Abolition of the Slave-trade, as well as the relative position in which Great Britain and Portugal stand with respect to that engagement, that they will have been the best guide for your conduct, in any intercourse which you may have had with the Portuguese Ministers, or with the Count de Palmella, since his arrival in The Brazils, on this subject.

The reference, however, which the Count de Palmella has made, in the Note which he delivered to me at the moment of his departure from this Country, to a supposed understanding that Great Britain was immediately to annul the Commercial Treaty concluded with Portugal in 1810, as the price of her final Abolition of the Slave-trade, induces me to call your particular attention to the language which I have uniformly held, as well to Count Palmella as in the different Conferences above alluded to, on this subject.

By reference to the Protocols of Vienna, and more particularly to my Letter of the 13th February, 1815, to the Portuguese Plenipotentiaries, you will find, that, on their Excellencies bringing forward this proposition, and requesting an acknowledgment of it from me, I distinctly stated to them, that though my Sovereign was not only willing but desirous, to enter into the Negotiation of a new Commercial Treaty with Portugal, yet that I "must observe the course which my Court might deem it necessary to pursue, for accelerating the Abolition of the Slave-trade, wholly unfettered by any conditions;" and in the Protocol of the Conference held at Aix-la-Chapelle, on the 4th November, 1818, when this subject was again renewed, you will find a distinct declaration from me, that "though the British Government renewed the assurance that they were ready to accede to reasonable modifications in the Treaties of Commerce with Portugal, yet that I could not suppose that the Portuguese Ministers intended to demand, on the part of a single Power, sacrifices which one State could not possibly expect of

another, as indispensable conditions of a general measure, having for its object the good of humanity alone."

The modifications in our Commercial Relations, which the British Government is prepared to make, for the furtherance of the measure of Abolition, were fully detailed in the Communications sent to Count Palmella previous to his departure, and of which Copies have been transmitted to you.

The above detail of what has passed upon this subject is so explicit and decisive, that I trust I have only to call your attention to it as above pointed out, in order to furnish you with the means of proving to The Brazilian Government, that the position taken up by the Count de Palmella, in his last Note, cannot be supported, and that the faith of Portugal stands pledged to the Powers of Europe, assembled at Vienna, for the total Abolition of the Slave-trade, agreeably to the engagement taken in 1815, even though she may not consider the modifications of the existing Commercial Treaty offered to her by Great Britain as sufficiently satisfactory, which modifications, however, were offered by the British Government in a spirit of sincere friendship and good will, and with an earnest desire to lighten the sacrifices which His Most Faithful Majesty had agreed to make, for the complete attainment of an object so interesting to the cause of humanity, and of general civilization.

I am, &c.

The Right Hon. Edward Thornton. CASTLEREAGH.

No. 144.—*H. M.'s. Comm^rs. at The Havannah to Viscount Castlereagh.*

(*Received* 13*th March.*)

(Extract.) *Havannah,* 10*th January,* 1821.

No Slave Ship has yet arrived here for adjudication by this Mixed Commission.

H. THEO. KILBEE.

Viscount Castlereagh, K. G. R. F. JAMESON.

No. 145.—*Sir H. Wellesley to Visct. Castlereagh.*—(*Rec.* 16*th March.*)

(Extract.) *Madrid, 7th March,* 1821.

I HAVE the honour to inclose the translation of a Note which I have received from the Foreign Department, in reply to my several Notes of last year, relative to the necessity of some definitive Instructions being given to the Commissioners at Sierra Leone, and The Havannah, on certain points, the want of which Instructions had already occasioned several disputes, and much delay and embarrassment, in the first of these Commissions.

I likewise inclose the translation of a Note, in reply to mine, stating the case of the Capture of a Portuguese Slave Ship, made by a British Cruizer, in due form, if the spirit only of the Treaty for the Abolition of the Slave-trade be considered, but in violation of the IXth Article, if its letter be attended to, and, on this account, declared

illegal by the Commissioners at Sierra Leone. I trust that these Replies will be considered as satisfactory by His Majesty's Government.
Viscount Castlereagh, K. G. H. WELLESLEY.

(Inclosure 1.)...M. Perez de Castro to Sir H. Wellesley.-(Translation.)
(Extract.) *Palace, 27th February,* 1821.

His Catholick Majesty, wishing to give a full and satisfactory reply to your Excellency's 2 Notes, of the 30th of April, and 26th of October, of last year, was induced to refer them, together with such Documents as were best calculated to throw light upon the subject, to His Council of State, in order that upon a due consideration of the case, His Majesty might, by its advice, be enabled to come to a decision with respect to the contents of the Notes in question.

These Notes related principally to the necessity of some definitive Instructions being given by the Spanish Government to its Commissioners at Sierra Leone, and The Havannah, on certain points, the want of which Instructions had already occasioned several disputes, and much delay and embarrassment, in the proceedings of the first of these Commissions.

The principal point respecting which your Excellency demands these Additional Instructions, is, the judicial forms to be observed by the Tribunal in its proceedings; and, secondly, the way in which the distribution of the produce of the sale of the condemned Vessels and Cargoes is to be conducted; which Vessels, according to the regulations annexed to the Treaty, are to be sold for the benefit of the 2 Governments.

With respect to the judicial forms which the British Government has made choice of for the guidance of its Commissioners, and which your Excellency proposes should be adopted by the Spanish Agents likewise, His Majesty considers them so perfectly conformable to the spirit and letter of the regulations drawn up for the use of the Mixed Commission, and altogether so intimately connected with those leading principles of justice adopted by all civilized Nations, that He acquiesces in their being adopted for the use of the Spanish Commissioners, with some few trifling changes, which are rendered necessary by the Constitution of the Kingdom.

In addition to this point, your Excellency's Notes refer to some others: your Excellency urges the Spanish Government to adopt the custom of allowing the Parties principally interested in the trial, the benefit of Advocates or Agents. His Catholick Majesty's Government is of opinion, that this concession is already virtually included, in the acknowledged obligation of granting to all Parties the free use of whatever means they think it right to use, in order to support their cause, whether as Suitors or Defendants.
The British Ambassador. EVARISTO PEREZ DE CASTRO.

(Inclosure 2.)—M. Perez de Castro to Sir H. Wellesley.—(Translation.)

SIR, *Palace, 27th February,* 1821.

In a Note of the 15th of last October, your Excellency states the case of the capture of a Portuguese Slave Ship, made by a British Cruizer, in due form, if the spirit only of the Treaty for the Abolition of the Slave Trade be considered, but in violation of the IXth Article thereof, if its letter be attended to; and, on this account, declared illegal by the Commissioners at Sierra Leone; and for the purpose of preventing the recurrence of such cases, in direct opposition to the upright intentions of the High Contracting Parties, your Excellency requests, on the part of your Court, that the Government of His Catholick Majesty will give the necessary directions, in order to defeat the subterfuge which private interest may suggest for eluding those intentions.

The King, having been punctually informed of the contents of that Note, determined, previous to taking any resolution upon the subject, to consult the Council of State, and having heard their opinion, and being ready to concur in those efforts which the philosophy, the desire to advance the civilization of the age, and the virtues of the Cabinets of Europe, have made, in order to triumph over this most infamous of trafficks; His Majesty recognizes the expediency of acceding to the Declaration desired by the British Government, and consequently the necessity of giving instructions to the Spanish Cruizers and Commissioners, to seize and pronounce legal the Capture of any Slave Vessel which, by artifices such as those of the case in question, shall in future endeavour to evade the punishment of their misconduct.

I have, therefore, the honour to state to your Excellency, in reply to your Note, that His Catholick Majesty will be ready to issue Instructions, conformable to the Declaration which your Excellency requests, as soon as the English Cabinet shall have given similar orders to their Cruizers and Commissioners; for, without a reciprocity of such Declaration, neither can the IXth Article be invalidated, nor the Tribunals, appointed to decide upon the legality of the captures made, depart from the strict and natural sense of the words in which that Article is couched. I therefore hope your Excellency will be pleased to inform me of the precise and literal terms in which your Government may have already worded, or will word, to their Commissioners, the new Declaration with respect to that Article, and of their consequent instructions, in order that the Spanish Ministry, in concurrence with that of His Britannick Majesty, may be enabled to give to their Agents the directions which your Excellency solicits; and, in conclusion, I am commanded to assure you, that His Catholick Majesty has no doubt that the British Government will see with pleasure, in the readiness which His Majesty has shewn to accede to their proposal, a

fresh proof of his upright intentions, and of his anxious desire to draw still closer, upon every occasion, the ties which so happily bind him to His Britannick Majesty.

The British Ambassador. EVARISTO PEREZ DE CASTRO.

No. 146.—*H. M. Commissioners at Surinam to Visct. Castlereagh.*
(Received 7th March, 1821.*)*

My Lord, *Surinam, 12th December,* 1820.

We beg leave to inform your Lordship that the importation of Slaves to this Colony, which has been the subject of our former Letters to your Lordship, is still continued, and that in a recent instance, a Slave Vessel with her cargo, prize to, and brought in by, a South American Privateer, has been admitted by this Government to the market.

We have the honour, &c.

CHRISTOPHER E. LEFROY.

Viscount Castlereagh, K. G. THOMAS S. WALE.

No. 147.—*Viscount Castlereagh to the Earl of Clancarty.*

My Lord, *Foreign Office, 21st March,* 1821.

Your Excellency's Dispatches of the 26th December 1820, and of the 27th ult. upon the subject of the representations you have made to The Netherland Government, respecting the due execution of the Treaty for abolishing the Traffick in Slaves, have been received and laid before the King, and I am happy to have to convey to your Excellency His Majesty's most gracious approbation of the zeal which you have shewn in executing the orders transmitted to your Excellency upon this point, although it is matter of sincere regret to His Majesty that as yet the result has not been satisfactory.

The inclosed Letter, under date of the 12th of December last, from His Majesty's Commissioners at Surinam, will shew your Excellency that a Vessel loaded with Slaves, and brought in by a South American Privateer to that Colony, has actually been permitted by the Colonial Government to dispose of her cargo by sale.

This circumstance renders it necessary for me to direct your Excellency again thus early to press the Government of The Netherlands for a satisfactory answer, as to the due execution of the Treaty of the 4th of May 1818, whereby the King of The Netherlands engaged to prohibit all his subjects from taking any part whatever in a Commerce in Slaves.

Your Excellency will perceive, and you will impress upon the attention of The Netherland Government, that the continuance of this horrible trade, or its Abolition within their Dominions, to which His Netherland Majesty is solemnly pledged by Treaty, depends entirely upon the tenor of the orders which they may send out to their Colonial Possessions.

The present system acted upon at Surinam leads manifestly to an evasion of the Treaty, which His Majesty feels quite confident The Netherland Government cannot, after due consideration, intend or wish to countenance.

His Majesty trusts that it will be sufficient for your Excellency to lay this statement before The Netherland Government, in order to decide them immediately to give full effect to that stipulation of the Treaty whereby, "in the event of the measures already taken and to be taken by the Contracting Parties, being found ineffectual or insufficient, they mutually engage to adopt such further measures, whether by legal provision or otherwise, as may from time to time appear to be best calculated, in the most effectual manner, to prevent all their respective Subjects from taking any share whatever in this nefarious Traffick." I have, &c.

The Earl of Clancarty, G. C. B. CASTLEREAGH.

Class C.

CORRESPONDENCE WITH FRANCE.

LIST OF PAPERS.

No.			1817.	Page
1.	Viscount Castlereagh to Sir Charles Stuart	Foreign Office	8th Jan.	259
2.	Viscount Castlereagh to Sir Charles Stuart	Foreign Office	9th Jan.	259
3	Viscount Castlereagh to Sir Charles Stuart	Foreign Office	9th Jan.	260
4.	Sir Charles Stuart to Viscount Castlereagh	Paris	13th Jan.	261
5.	Sir Charles Stuart to Viscount Castlereagh	Paris	20th Jan.	262
6.	Sir Charles Stuart to Viscount Castlereagh	Paris	30th Jan.	263
	Inclosure.—Ordonnance du Roi. 8Jan. 1817			263
7.	Sir Charles Stuart to Viscount Castlereagh	Paris	30th Jan.	264
8.	Viscount Castlereagh to Sir Charles Stuart	Foreign Office	8th Mar.	269
9.	Sir Charles Stuart to Viscount Castlereagh	Paris	31st Mar.	269
10.	Sir Charles Stuart to Viscount Castlereagh	Paris	21st April.	270
11.	Viscount Castlereagh to Sir Charles Stuart	Foreign Office	1st July.	271
12.	Viscount Castlereagh to Sir Charles Stuart	Foreign Office	8th Nov.	272
			1818.	
13.	Viscount Castlereagh to the Marquis d'Osmond	Foreign Office	24th Jan.	273
14.	J. Planta, Jun. Esq. to the Marquis d'Osmond	Foreign Office	24th Jan.	281
	Inclosure.—Judgment in the Case of *Le Louis*			281
15.	The Marquis d'Osmond to Viscount Castlereagh	London	29th Jan.	294
16.	Sir Charles Stuart to Viscount Castlereagh	Paris	29th Jan.	295
17.	Viscount Castlereagh to Sir Charles Stuart	Foreign Office	6th Feb.	297
18.	Viscount Castlereagh to Sir Charles Stuart	Foreign Office	21st Feb.	298
	Inclosure.—Memorandum of Viscount Castlereagh			299
19.	Viscount Castlereagh to the Marquis d'Osmond	Foreign Office	21st Feb.	303
20.	Viscount Castlereagh to Sir Charles Stuart	Foreign Office	21st Feb.	304
21.	Sir Charles Stuart to Viscount Castlereagh	Paris	19th Feb.	305
22.	The Marquis d'Osmond to Viscount Castlereagh	London	24th Feb.	306

No.			1818.	Page
23.	Sir Charles Stuart to Viscount Castlereagh....	Paris.....	2d Mar.	306
24.	Sir Charles Stuart to Viscount Castlereagh....	Paris.....	2d Mar.	307
25.	Sir Charles Stuart to Viscount Castlereagh....	Paris.....	5th Mar.	308
26.	Sir Charles Stuart to Viscount Castlereagh....	Paris.....	9th Mar.	308
27.	Viscount Castlereagh to Sir Charles Stuart....	Foreign Office....	9th May.	309
28.	Sir Charles Stuart to Viscount Castlereagh....	Paris.....	25th May.	309
29.	Viscount Castlereagh to Sir Charles Stuart....	Foreign Office....	29th May.	311
30.	Viscount Castlereagh to Sir Charles Stuart....	Foreign Office....	1st June.	311
31.	Viscount Castlereagh to Sir Charles Stuart....	Foreign Office....	12th June.	313
32.	Sir Charles Stuart to Viscount Castlereagh....	Paris.....	29th June.	315
	Inclosure.—Ordonnance du Roi. 24 Juin, 1818.....			315
33.	Sir Charles Stuart to Viscount Castlereagh....	Paris.....	9th July.	316
34.	Viscount Castlereagh to Sir Charles Stuart....	Foreign Office....	25th Aug.	317
			1819.	
35.	Circular to His Majesty's Consuls at Nantes, Bourdeaux, Bilboa, and Corunna.....	Foreign Office....	10th Mar.	319
36.	Viscount Castlereagh to Sir Charles Stuart....	Foreign Office....	7th June.	319
37.	Sir Charles Stuart to Viscount Castlereagh....	Paris.....	17th June.	320
38.	Sir Charles Stuart to Viscount Castlereagh....	Paris.....	1st July.	321
39.	Sir Charles Stuart to Viscount Castlereagh....	Paris.....	30th Aug.	323
40.	The Marquis de Latour Maubourg to Viscount Castlereagh	London.....	29th Sept.	323
41.	Joseph Planta, Jun. Esq. to the Marquis de Latour Maubourg.....	Foreign Office....	6th Oct.	323
42.	Viscount Castlereagh to Sir Charles Stuart....	Foreign Office....	8th Oct.	324
43.	Viscount Castlereagh to the Marquis de Latour Maubourg.....	Foreign Office....	9th Oct.	324
44.	Sir Charles Stuart to Viscount Castlereagh....	Paris.....	11th Oct.	325
45.	Sir Charles Stuart to Viscount Castlereagh....	Paris.....	8th Nov.	325
46.	William Hamilton, Esq. to the Marquis de Latour Maubourg.....	Foreign Office....	22d Nov.	327
47.	Sir Charles Stuart to Viscount Castlereagh....	Paris.....	6th Dec.	327
48.	Sir Charles Stuart to Viscount Castlereagh....	Paris.....	9th Dec.	328
			1820.	
49.	Viscount Castlereagh to Sir Charles Stuart....	Foreign Office....	20th Jan.	329
50.	Viscount Castlereagh to Sir Charles Stuart....	Foreign Office....	5th Feb.	330
51.	Sir Charles Stuart to Viscount Castlereagh....	Paris.....	3d Feb.	331
52.	Sir Charles Stuart to Viscount Castlereagh....	Paris.....	7th Feb.	333
53.	Viscount Castlereagh to Sir Charles Stuart....	Foreign Office....	25th May.	334
54.	Viscount Castlereagh to Sir Charles Stuart....	Foreign Office....	25th May.	335
55.	Viscount Castlereagh to Sir Charles Stuart....	Foreign Office....	26th May.	335
56.	Count Caraman to Viscount Castlereagh.....	London.....	17th June.	336
57.	Viscount Castlereagh to Count Caraman.....	Foreign Office....	4th July.	364
58.	Viscount Castlereagh to Sir Charles Stuart....	Foreign Office....	8th Dec.	364
59.	Viscount Castlereagh to Sir Charles Stuart....	Foreign Office....	14th Dec.	374
60.	Sir Charles Stuart to Viscount Castlereagh....	Paris.....	21st Dec.	377
			1821.	
61.	Viscount Castlereagh to Sir Charles Stuart....	Foreign Office....	1st Jan.	381
62.	Sir Charles Stuart to Viscount Castlereagh....	Paris.....	1st Jan.	382
63.	Sir Charles Stuart to Viscount Castlereagh....	Paris.....	11th Jan.	384
64.	Memorandum of The Duke de Cazes.....		12th Feb.	384
65.	Sir Charles Stuart to Viscount Castlereagh....	Paris.....	19th Feb.	386
66.	Viscount Castlereagh to Sir Charles Stuart....	Foreign Office....	23d Mar.	386

No. 1.—Viscount Castlereagh to Sir Charles Stuart.

SIR, *Foreign Office, 8th January,* 1817.

I HAVE the honour to inclose herewith, for your information, the Copy of a Letter received from Rear Admiral Harvey, commanding at the Leeward Islands, relative to an illegal Traffick in Slaves carried on at the French Islands on that Station, by Vessels under the Flag of His Most Christian Majesty; which Letter has been officially communicated to this Office, by direction of the Lords Commissioners of the Admiralty; and I have received the Prince Regent's Commands to desire, that your Excellency will represent the facts therein stated to the Duke de Richelieu, requesting, at the same time, that the necessary orders be issued, with as little delay as possible, to the Governors of the French Colonies in the West Indies, to put an effectual stop to this illicit Traffick. I have the honour to be, &c.

H. E. Sir Charles Stuart, G. C. B. CASTLEREAGH.

(Inclosure 1.)—John Barrow, Esq. to William Hamilton, Esq.—(Copy.)

SIR, *Admiralty Office, 4th January,* 1817.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Lord Castlereagh, a Copy of a Letter from Rear Admiral Harvey, Commanding at the Leeward Islands, relative to some Traffick in Slaves, carried on by Vessels under the French Flag. I am, &c.

William Hamilton, Esq. JOHN BARROW.

(Inclosure 2.)—Rear Admiral Harvey to John Barrow, Esq.

SIR, Antelope, *Carlisle Bay, Barbadoes, 5th Nov.* 1816.

I BEG you will be pleased to acquaint my Lords Commissioners of the Admiralty, that I have received intelligence of the Slave-trade having still been carried on by the French Islands on this Station.

I have been informed, that a large Ship arrived at Martinique about a month since, under the White Flag, with a Cargo of 500 Slaves, who were immediately advertized for sale, not only in the Publick Papers of the Island, but also in hand-bills stuck up at the corners of the streets, and in all conspicuous places. The sale was to have taken place on the 21st ultimo. I understand that several other Vessels are expected, engaged in the same trade. The Vessel before-mentioned intended to have gone to Guadaloupe, but was fearful that the English might still be in possession of the Island. I have, &c.

John Barrow, Esq. JOHN HARVEY.

No. 2.—Viscount Castlereagh to Sir Charles Stuart.

SIR, *Foreign Office, 9th January,* 1817.

I HAVE received from the Colonial Department the Copy of a Letter from the Governor of Dominica, dated the 5th of October last, stating

that, only a few days previous, a French Ship under 300 tons burthen, with 507 Slaves, arrived in the Island of Martinique, after a passage of 40 days from Bonny, on the African coast.

I hasten to make your Excellency acquainted with this circumstance, in order that you may communicate it without delay to the French Government, and represent to them the expediency of taking more effectual steps, to ensure the strict execution of His Most Christian Majesty's Orders for the total Abolition of the Slave-trade throughout his Dominions. I have the honour to be, &c.

H. E. Sir Charles Stuart, G. C. B. CASTLEREAGH.

(Inclosure 1.)—Henry Goulburn, Esq. to William Hamilton, Esq.

SIR, *Downing Street, 6th January,* 1817.

I AM directed by Lord Bathurst to transmit to you the Copy of a Letter from Governor Maxwell, dated Dominica, the 5th of October last, relative to the arrival of a French Ship at Martinique with a Cargo of Slaves; and I am to request, that you will lay the same before Lord Castlereagh, in order that his Lordship may make such communication to the French Government, as the case may appear to him to require. I am, &c.

William Hamilton, Esq. HENRY GOULBURN.

(Inclosure 2.)—The Governor of Dominica to Earl Bathurst.

MY LORD, *Government House, Dominica, 5th October,* 1816.

I HAVE the honour to communicate to your Lordship the arrival at Martinico, a few days ago, of a French Ship under 300 tons burthen, with 507 Slaves, from Bonny, in 40 days. As I apprehend this continuance of the Slave-trade, on the part of the Subjects of His Most Christian Majesty, is an infringement of the Treaties between Great Britain and France, I have deemed it my duty to make it known to your Lordship. I have the honour to be, &c.

The Rt. Hon. Earl Bathurst. CHARLES W. MAXWELL.

No. 3.—Viscount Castlereagh to Sir Charles Stuart.

SIR, *Foreign Office, 9th January,* 1817.

IN reference to the 2 Despatches which I send to your Excellency by this Mail, respecting the continuation of the Traffick in Slaves, either under the protection of the French Flag, or by disguised French Capital, I am to desire, by Command of the Prince Regent, that you will endeavour to obtain, without loss of time, from the French Ministry, correct Copies of all Laws, Ordinances, Instructions, or other Public or ostensible Acts of the Government of His Most Christian Majesty, or of the French Legislative Authorities, for the Abolition of this Trade; and that you would transmit to me the same for the in-

formation of His Royal Highness's Government, with the least practicable delay. I have the honour to be, &c.

H. E. Sir Charles Stuart, G. C. B. CASTLEREAGH.

No. 4—Sir Charles Stuart to Viscount Castlereagh.—(Rec. 16th Jan.)

My Lord, *Paris, 13th January,* 1817.

My repeated representations to the Duke de Richelieu, respecting the abuses of the French Subordinate Authorities, who are supposed to encourage the continuation of the Slave-trade from the Ports of Spain, having been referred to the Minister of the Marine, His Excellency has been enabled at length to send me the explanation I have the honour to inclose, by which it appears that a commercial regulation, permitting the construction of Vessels in several Ports of France for the account of Spanish Merchants, had given rise to a misconception on the part of His Majesty's Consul at Corunna, and which His Excellency hopes will not induce my Court to doubt of the sincere intentions of the French Government to fulfil the engagements they have contracted.

I have the honour to be, &c.

Viscount Castlereagh, K. G. CHARLES STUART.

(Inclosure.)—The Duke de Richelieu to Sir Charles Stuart.

Monsieur l'Ambassadeur, *Paris, le Janvier,* 1817.

J'avais référé au Ministre de la Marine la réclamation que votre Excellence m'a fait l'honneur de m'adresser, relativement aux moyens que l'on supposait employés par quelques Spéculateurs Français dans les Ports d'Espagne, pour continuer ou favoriser la Traite des Noirs. Il résulte des renseignemens recueillis par M. le Vicomte du Bouchage que, dans les informations qui vous ont été transmises, on a confondu deux choses bien distinctes. Nos Réglemens autorisent la vente des Bâtimens Français pour l'Espagne. Cette faculté d'abord restreinte au seul Port de Bayonne, a depuis été étendue à d'autres Ports du Royaume; par suite de ces dispositions, des constructions ont été exécutées pour des Négocians de la Péninsule. Mais, dans cette circonstance, le Commerçant Français n'est que le constructeur du Bâtiment, et reste tout-à-fait étranger à la destination que les acquéreurs peuvent lui donner ultérieurement. J'ai lieu de croire, que cette explication que je m'empresse de vous transmettre, suffira, Monsieur, pour faire cesser l'incertitude qu'a pu faire nâitre dans l'esprit de Monsieur le Consul de Sa Majesté Britannique à la Corogne, un genre de spéculation autorisé par les Ordonnances de Sa Majesté, et dont on a pu tirer de fausses inductions, parcequ'on en ignorait le véritable objet. Au surplus, le Ministre de la Marine s'est assuré qu'aucune expédition pour la Traite des Noirs n'avait eu lieu dans nos Ports; les Ordres qu'il vient de renouveller, et les mesures qu'il vient de prescrire,

donnent la certitude, qu'en aucun tems, aucun Navire Français ne pourra y concourir. J'ai l'honneur, &c.

S. E. le Chevalier Stuart, G.C. B. RICHELIEU

No. 5.—Sir Charles Stuart to Visct. Castlereagh.—(Rec. 25th Jan.)

My Lord, *Paris, 20th January,* 1817.

In obedience to the directions conveyed to me through your Lordship's Dispatches, I have taken an early opportunity of again pressing upon the Duke de Richelieu's attention, the flagrant violations of His Most Christian Majesty's engagements, which appear to have taken place under the eye of the Local Authorities in the French Colonies of Guadaloupe and Martinique, by the continuation of the Commerce in Slaves.

His Excellency assures me, that, on the same day on which my Note reached Mons. de Richelieu, enquiries were set on foot, to ascertain the grounds of the Statement transmitted to His Majesty's Government by the British Naval and Military Officers in the West Indies, and orders were sent to deliver me Copies of all the Official Papers which your Lordship has required, connected with the enactment of the Abolition. I have the honour to be, &c.

Viscount Castlereagh, K. G. CHARLES STUART.

(Inclosure.)—Sir Charles Stuart to the Duke de Richelieu.

Sir, *Paris, 15th January,* 1817.

I feel it necessary again to call your Excellency's attention to the illegal Traffick in Slaves, which, according to Letters received by His Britannick Majesty's Government from the Governor of the Island of Dominica, and from the Admiral commanding His Britannick Majesty's Ships on the Leeward Island Station, continues to be carried on by Vessels under the Flag of His Most Christian Majesty.

By these Statements it appears, that a Ship of 300 tons burthen, under the White Flag, arrived at Martinique a few days before the 5th of October last, after a passage of 40 days, from Bonny, on the African Coast, having on board 500 Slaves, who were immediately advertised for sale on the 21st November, not only in the publick places of the Island, but in hand-bills stuck up at the corners of the streets, and in all conspicuous places.

Several other Vessels being expected, both at Martinique and Guadaloupe, I feel it necessary to repeat to your Excellency the expediency of taking effectual steps, to ensure the strict execution of the Laws enacting the total Abolition of the Traffick throughout His Most Christian Majesty's Dominions. I have the honour to be, &c.

H. E. the Duke de Richelieu. CHARLES STUART.

No. 6.—Sir Charles Stuart to Visct. Castlereagh.—(Rec. 2d February.)

My Lord, *Paris, 30th January,* 1817.

In compliance with the Instructions contained in your Lordship's Letter, I have presented the accompanying Note to the Duke de Richelieu, urging his Excellency to communicate to me the Official Publications of the French Government, which enact the final Abolition of the Slave-trade.

After some delay, I have received in answer the Note I have the honour to transmit, which, though it does not contain the Documents I had reason to expect, is accompanied by a Decree published the 8th of January of the present Year, which appears perfectly to meet the objects of the Stipulations between the two Governments. I am, &c.

Viscount Castlereagh, K. G. CHARLES STUART.

(Inclosure 1.)—Sir Charles Stuart to the Duke de Richelieu.

Sir, *Paris, 15th January,* 1817.

With a view to guide the Instructions which the British Government find it necessary to transmit to the Officers in the King's Service in the Colonies in the West Indies, I venture to request, that your Excellency will communicate to me such Copies of Laws, Ordonnances, Instructions, and other publick or ostensible Acts of His Most Christian Majesty, and of the French Legislative Authorities, for the Abolition of the Slave-trade, which may appear to be necessary for that purpose.

I have the honour to be, &c.

H. E. the Duke de Richelieu. CHARLES STUART.

(Inclosure 2.)—The Duke de Richelieu to Sir Charles Stuart.

Monsieur l'Ambassadeur, *Paris, le 27 Janvier,* 1817.

J'ai l'honneur d'adresser ci-jointe à votre Excellence, une Copie de l'Ordonnance du Roi, qui prononce la confiscation de tout Bâtiment qui tenterait d'introduire, dans une des Colonies Françaises, des Noirs de Traite, et qui interdit de tout commandement le Capitaine Français qui se permettrait une pareille contravention. Votre Gouvernement reconnaîtra dans ces dispositions de Sa Majesté, la ferme résolution de maintenir l'exécution des Traités dans toute leur étendue, et de punir quiconque y porterait atteinte. J'ai l'honneur, &c.

S. E. Le Chevalier Stuart. RICHELIEU.

(Inclosure 3.)—Ordonnance of the King of France. 8th January, 1817.

Louis, par la Grâce de Dieu, Roi de France et de Navarre;

Voulant pourvoir au cas où il serait contrevenu à nos Ordres concernant l'Abolition de la Traite des Noirs.

Sur le rapport de notre Ministre Secrétaire d'Etat de la Marine et des Colonies, nous avons ordonné et ordonnons ce qui suit:

ART. I. Tout Bâtiment qui tenterait d'introdnire dans une de nos Colonies des Noirs de Traite, soit Français soit Etranger, sera confisqué ; et le Capitaine, s'il est Français, interdit de tout commandement.

Sera également confisquée en pareil cas, toute la partie de la Cargaison qui ne consisterait pas en Esclaves; à l'égard des Noirs, ils seront employés dans la Colonie aux travaux de l'utilité publique.

ART. II. Les contraventions prévues dans l'Article précédent seront jugées dans la même forme que les contraventions aux Lois et Réglemens concernant le Commerce Etranger.

Quant aux produits des confiscations prononcées en conformité au même Article, ils seront acquis et appliqués de même manière que le sont les produits des confiscations prononcées en nature de contravention aux Lois sur le Commerce Etranger.

ART. III. Notre Ministre Secrétaire d'Etat de la Marine est chargé de l'exécution de la présente Ordonnance.

Donné à Paris, en notre Château des Tuileries, ce 8me jour de Janvier, de l'An de Grace 1817, et de notre Règne le 22eme.

Par le Roi, LOUIS.

LE VICOMTE DU BOUCHAGE.

No. 7.—Sir Charles Stuart to Viscount Castlereagh.—(Rec. 2d Feb.)

MY LORD, *Paris, 30th January,* 1817.

IN compliance with the directions contained in your Lordship's several Letters, which advert to the continuation of the Slave-trade in the Colonies lately restored to His Most Christian Majesty, I have addressed the Duke de Richelieu the official representations upon the subject, of which I have the honour to inclose Copies, and have verbally pressed His Excellency to take the measures which may appear the most conducive to maintain the inviolability of the existing Treaties, and to ensure conformity to the regulations which ought now to constitute an integral part of the French Legislation.

His Excellency observed, that he sees with regret that the constant repetition of my remonstrances upon the subject, implies a doubt of the sincerity of the French Government, which he does not think their conduct has warranted; and that the same vigilant attention on the part of French Agents to the British Colonies, and particularly to the Isle of France, might, he was sure, lead to the discovery of infractions of our Laws respecting this trade, which we should find it difficult to justify, if they became the subject of official representation.

He suddenly broke off the conversation, saying, that as he was unwilling to use the language of complaint, he should say nothing further, but that he referred to his Note for a full answer to the several Statements I had addressed the French Government.

I accordingly received yesterday the Communication I have the honour to inclose. I have the honour to be, &c.

Viscount Castlereagh, K.G. CHARLES STUART.

(Inclosure 1.)—Sir Charles Stuart to the Duke de Richelieu.

SIR, *Paris, 22d January,* 1817.

I FEEL it my duty to transmit to your Excellency the Copy of a Letter which I have received from His Britannick Majesty's Consul at Nantes, stating the particulars of equipments which are going on in that Port, on the French and Spanish account, for the purpose of continuing the Commerce in Slaves. I have, &c.

H.E. The Duke de Richelieu. CHARLES STUART.

(Inclosure 2.)—Mr. Consul Richards to Mr. Consul-General Morier.

SIR, *Nantes, 16th January,* 1817.

IN compliance with the Instructions that I have received, I think it my duty to acquaint you, for the information of Viscount Castlereagh, that there are at this Port now building 3 Vessels, to be fitted out for the Slave-trade. They will be launched here in a few days, under Spanish Colours, to proceed to Corunna, where they are to take on board two-thirds of their Crew, Spanish Subjects, as also a Spanish Captain, who is to have the charge of the Vessel. From the information that I have obtained, I have strong reason to believe that the remaining third of the Crew is to be French, under the command of a Captain of that Nation, who is to superintend the interest of the Commercial House at this place, in partnership with the Spanish Owners.

I have, &c.

D.R. Morier, Esq. T. W. RICHARDS.

(Inclosure 3.)—Sir Charles Stuart to the Duke de Richelieu.

SIR, *Paris, 26th January,* 1817.

IN support of the Statement contained in the Note I had the honour to address your Excellency on the 15th January, respecting the continuation of the Slave-trade in the Colony of Martinique, I think it necessary to place before your Excellency the accompanying Extract of a Letter, received by His Majesty's Secretary of State from the Isle of St. Vincent. I have, &c.

H.E. The Duke de Richelieu. CHARLES STUART.

(Inclosure 4.)—The Duke de Richelieu to Sir Charles Stuart.

MONSIEUR L'AMBASSADEUR, *Paris, ce 27 Janvier,* 1817.

J'AI reçu la Lettre que votre Excellence m'a fait l'honneur de m'écrire le 22 de ce mois. Les informations qui lui ont été données

par le Consul d'Angleterre à Nantes, rentrent dans celles qu'on avait précédemment remis et qu'elle m'a communiquées le 2 Novembre dernier, sur ce qui se passait dans les Ports de l'Espagne, et sur la participation ou la connivance supposée de quelques Spéculateurs à la Traite des Négres. Je ne puis à cet égard, Monsieur l'Ambassadeur, que rappeler à votre Excellence les explications contenues dans ma Réponse du 7 Janvier, et lui confirmer, sous le rapport des ordres donnés et des mesures prises par le Ministre de la Marine, les assurances que je lui ai transmises à la même époque.

J'ai l'honneur, &c.

S. E. Mons. le Chevalier Stuart. RICHELIEU.

(Inclosure 5.)—The Duke de Richelieu to Sir Charles Stuart.

MONSIEUR L'AMBASSADEUR, *Paris, le 27 Janvier,* 1817.

J'AI l'honneur d'adresser à Votre Excellence Copie de la Réponse du Ministre de la Marine aux explications que je lui avais demandées, sur un versement de 500 Nègres effectué à la Martinique peu de jours avant le 21 Octobre, par un Bâtiment sous Pavillon blanc, et qui a donné lieu à la Lettre de Votre Excellence du 15 de ce mois.

Vous vous convaincrez facilement, M. l'Ambassadeur, par l'exposé des faits, que l'expédition dont il s'agit faite sous l'empire du Traité du 30 Mai, 1814, ne peut sous aucun rapport être regardée comme une contravention aux Conventions postérieures du 20 Novembre, 1815; au surplus, quelle que fût à cet égard la conviction du Gouvernement, cette considération n'a point été pour lui un motif de se prêter aux demandes faites dans le tems par les Négocians qui s'y trouvaient intéressés, il s'est constamment opposé à ce que le Bâtiment destiné à l'entreprise fût admis dans un Port du Royaume, et y complétât ses vivres et son équipage. Ces dispositions et plus encore celles récemment ordonnées par le Roi, et que rappelle le Ministre de la Marine, vous confirmeront, M. l'Ambassadeur, les intentions de Sa Majesté pour le maintien des stipulations auxquelles elle a consenties et qu'elle saura faire exécuter. J'ai l'honneur, &c.

S. E. Mons. le Chevalier Stuart. RICHELIEU.

(Inclosure 6.)—The Duke de Richelieu to Sir Charles Stuart.

MONSIEUR L'AMBASSADEUR, *Paris, le 28 Janvier,* 1817.

J'AI reçu la Lettre que votre Excellence m'a fait l'honneur de m'écrire le 26 de ce mois, et qui fait suite aux informations qu'elle a bien voulu me communiquer sur un versement de Nègres à la Martinique, et sur les inductions qu'on parait en tirer relativement à la Traite; ma Lettre d'hier à ce sujet, et les explications du Ministre de la Marine que j'y ai jointes, suffiront, je l'espère, pour faire cesser les présomptions qui paraissent avoir fait naitre des circonstances, qui, pour

être justement appréciées ne doivent pas être détachées de l'époque à laquelle elles appartiennent.

Je ne puis, Monsieur l'Ambassadeur, que m'y référer entièrement.

J'ai l'honneur, &c.

S. E. Mons. le Chevalier Stuart. RICHELIEU.

(Sub-Inclosure 6)—The Minister of Marine to the Duke de Richelieu.

M. LE DUC, *Paris, le 25 Janvier,* 1817.

PAR la Lettre que vous m'avez fait l'honneur de m'écrire le 17 de ce mois, vous m'avez donné connaissance d'une réclamation de M. le Chevalier Stuart, relative au Commerce des Noirs dans nos Colonies des Antilles.

M. l'Ambassadeur cite un Bâtiment de 300 tonneaux arrivé à la Martinique, sous Pavillon blanc, ayant à son bord 500 Esclaves, et dont la vente avait été annoncée avec une grande publicité.

Ce navire est le *Cultivateur* de Nantes, qui, armé à Nantes par MM. Bosset et Boudet, et sorti de ce Port au mois de Février, 1815, pour aller faire la Traite des Nègres, fut arrêté par une goëllette Anglaise, en vue de la Rivière de Bony, le 20 Mai suivant, conduit en Angleterre, et relâché ensuite avec indemnité par Arrêt du Prince Regent en date du 26 Avril (1816.)

Je vous ai entretenu de cette affaire par deux Lettres du 24 Octobre et 2 Décembre, 1815, auxquelles votre Excellence a repondu le 17 Novembre et 6 Décembre.

Les armateurs en m'informant de l'arrêt dont il s'agit, demandèrent, ainsi que vous en futes également instruit, l'autorisation de faire venir *le Cultivateur,* dans un des Ports de France pour y compléter ses vivres et remplacer quelques hommes de son équipage, mais vous reconnutes, comme moi, que cette demande ne pouvait être accueillie, et j'y répondis en conséquence négativement.

Leur navire reprit la mer le 24 Janvier, avec des expéditions de la Douane Anglaise, pour terminer son voyage à la côte d'Afrique; son départ avait été annoncé dans les Gazettes de Plymouth.

Par tous ces motifs, et en considération de ce que leur opération, entreprise sous la foi du Traité du 30 Mai, 1814, n'avait été qu'interrompue et l'avait été même injustement, ils demandaient que des ordres fussent donnés pour l'admission du *Cultivateur* dans celles des Colonies Françaises où il se présenterait, mais je refusai d'accéder à cette demande.

Je n'avais plus entendu parler de cette affaire, lorsqu'il y a quelques jours il me fut rendu compte que la Gazette de la Martinique du 5 Novembre annonçait la vente de 507 Nègres provenant du navire le *Cultivateur* de Nantes arrivé de la côte d'Angole.

Les ordres qui ont été donnés aux Administrateurs des Colonies relativement à la prohibition du Commerce des Esclaves sont très positifs;

au surplus, la tolérance de M. M. le Gouverneur et l'Intendant de la Martinique dans cette occasion parait s'expliquer par les circonstances particulières de l'expédition du *Cultivateur :* j'en écris au surplus à M. M. de Vaugirain et Dubier.

D'après les informations que le Gouvernement Anglais parait avoir reçues, d'autres Bâtimens négriers auraient été attendus dans la même Colonie et à la Guadaloupe à la même époque; j'ai tout lieu de croire que ces avis n'ont aucune espèce de fondement.

Rien n'a été négligé par le Département de la Marine pour assurer l'exécution des engagemens qui ont été pris par le Roi au sujet de la Traite des Noirs.

Aussitôt que M. le Prince de Talleyrand eût donné connaissance à M. le Comte de Jaucourt des intentions de Sa Majesté à cet égard, il fut écrit aux Administrateurs de la Marine dans les Ports (le 23 Août, 1815) pour leur recommander de tenir la main à ce qu'il ne sortit des Ports de France aucun navire Français destiné pour la Traite des Noirs, et il leur fut demandé un état des Batimens qui auraient été expédiés depuis le 30 Mai, 1814, afin d'empêcher par tous les moyens qu'on n'éludat l'interdiction prononcée.

Par une Dépêche du 24 Octobre, 1815, j'ai préscrit aux Administrateurs de la Martinique et à ceux de Bourbon, d'y faire cesser immédiatement le trafic des Esclaves qui y seraient amenés du déhors par tout autre Bâtiment que des navires Français, parties de France pour la Traite avant le 1er Septembre, 1815. Ces Colonies étoient les seules qui fussent alors restées sous l'autorité du Roi, mais les mêmes ordres ont été donnés aux Administrateurs de la Guadaloupe, de l'Inde, et de St. Pierre et Miguelon, lors de leur départ de France aux mois d'Avril, Mai, et Juin, 1816, pour la reprise de possession.

Enfin, lorsque le Traité du 20 Novembre a été connu, je l'ai transmis dans toutes nos Possessions d'outremer, par les plus prochaines occasions, en prescrivant, de la manière la plus formelle, aux Administrateurs respectifs d'en faire exécuter strictement les dispositions.

Sa Majesté vient elle même de donner récemment, à l'égard du Maréchal de Camp De Bouvet, Commandant de sa Colonie de Bourbon, une nouvelle preuve de la ferme intention où elle est que ses engagemens soient remplis.

Informé que l'Administrateur de l'Ile de Bourbon, après avoir reçu (le 1 Mai, 1816,) les Ordres ministériels rélatifs à l'interdiction de toute vente dans la Colonie, de Nègres provenant du déhors, a souffert dans le mois de Juin suivant, qu'il fût vendu dans l'Ile 108 Esclaves achetés à Madagascar, j'en rendis compte à Sa Majesté, qui prononcait, le 13 Octobre, 1816, le rappel de M. de Bouvet.

Lorsque j'ai proposé au Roi un acte de rigueur, je n'ignorai pas cependant que l'Ile Maurice eût offert à Bourbon, sous le rapport de la Traite, des exemples de tolérance, mais je n'ai pas cru, que malgré

de tels exemples nous puissons par quelque considération que ce fût, nous montrer indulgens sur une matière aussi délicate.

Au surplus, s'il était nécessaire d'offrir de nouvelles garanties des soins que prend le Gouvernement pour proscrire dans les Possessions du Roi le Commerce des Esclaves, on les trouverait dans l'Ordonnance du 8 Janvier, dont Votre Excellence a eu connaissance, ce qui prononce des peines contre les personnes qui se livreraient encore à ce trafic. Cet Acte de l'autorité Royale doit désormais prévenir toute réclamation.

Recevez, &c.

M. le Duc de Richelieu. LE VICOMTE DU BOUCHAGE.

[*No.* 8.—*Viscount Castlereagh to Sir Charles Stuart.*

SIR, *Foreign Office, 8th March,* 1817.

HIS Majesty's Government have lately received advices from the West Indies, that, between the 25th of June 1815, and the 17th of October 1818, no less than 5 French Ships have entered the Ports of Martinique, with Negro Slaves, from the Coast of Africa. It is probable that most of these Ships, perhaps all of them, had left France, and were embarked before its abolition by His Most Christian Majesty; and they may therefore not have violated the Laws of their Country: but as it is possible that some of them have left France since the Ordonnance by which this trade was prohibited to the French Nation, I have thought it right to enable you to inform the Duke de Richelieu of the circumstance, as it has come to our knowledge; in order that His Excellency may adopt such measures as he may judge expedient to prevent, if necessary, the further infraction of His Most Christian Majesty's Decrees in favour of the cause of justice and humanity.

Information has also been received, that, within the same period, the Portuguese Brig *Eleanora*, of Lisbon, Captain Victor Debrito, has imported into the Island of Martinique, 265 Negro Slaves, from Gabon. I think it right, likewise, to add, that it is confidently stated that 2 Vessels have been lately fitted out at St. Pierre for this trade, and that they are now on their voyage to or from the Coast of Africa; and also, that a fast-sailing Schooner is, at the present time, in a very forward state of preparation for the same purpose, at St. Pierre.

I have the honour to be, &c.

H. E. Sir Charles Stuart, G. C. B. CASTLEREAGH.

No. 9.—*Sir Charles Stuart to Viscount Castlereagh.—(Rec. April* 3.)

MY LORD, *Paris, 31st March,* 1817.

THE accompanying Letter from His Majesty's Consul-General having made known to me the particulars of an equipment in the Port of Nantes, by the Subjects of His Most Christian Majesty, for the purpose of carrying on the Slave trade under Spanish Colours, I have

thought it my duty to advert to the subject in my communications with the Duke de Richelieu.

As His Excellency has merely referred to his former answers, I think it necessary, in reporting the circumstance to your Lordship, to repeat, that I do not allow any instance of the violation of His Most Christian Majesty's Ordonnance respecting this traffick to pass over, without calling the attention of the French Government to the subject.

I have the honour to be, &e.

Viscount Castlereagh, K. G. CHARLES STUART.

(Inclosure.)—Mr. Consul-General Morier to Sir Charles Stuart.

SIR, *Paris, 21st April,* 1817.

I HAVE the honour to inform your Excellency, upon the authority of a Letter from His Majesty's Consul at Nantes, dated the 14th instant, that the largest of the Vessels lately fitted out at that Port for the Slave-trade, sailed for Corunna the preceding week, mounting 18-pound Carronades, with a Crew all French, and under Spanish Colours.

I have the honour to be, &c.

H. E. Sir Charles Stuart, G. C. B. D. R. MORIER.

No. 10.—*Sir Charles Stuart to Visct. Castlereagh.—(Rec. April* 24.)

MY LORD, *Paris, 21st April,* 1817.

HAVING received representations on the part of His Majesty's Consul-General, making known to me the preparations which had taken place in the Port of Nantes, for the equipment of certain Vessels, to be employed in the traffick of Slaves on the Coast of Guinea, I have thought it my duty to point out to the French Government the probable infraction of His Most Christian Majesty's Ordonnance, and to request an early adoption of the measures, which might be deemed necessary to correct the evil.

The Correspondence I have the honour to inclose has therefore taken place; but the reference to the former Communication, which details the nature of the engagements existing with Spain, respecting the construction of Vessels which may be appropriated to this purpose by the Subjects of the latter Power, is the only answer I have been able to obtain from the Duke de Richelieu.

I have the honour to be, &c.

Viscount Castlereagh, K. G. CHARLES STUART.

(*Inclosure* 1.)—*Sir Charles Stuart to the Duke de Richelieu.*

SIR, *Paris, 31st March,* 1817.

THOUGH I have already apprized your Excellency of the proceedings which have taken place at the Port of Nantes, in violation of His Most Christian Majesty's Ordonnance, it is my duty to transmit to your Excellency the inclosed Letter from His Majesty's Consul

General, announcing the departure of 1 of the Vessels, which has been some time in that Port, for the purpose of carrying on a Commerce in Slaves. I have the honour to be, &c.

H. E. the Duke de Richelieu. CHARLES STUART.

(Inclosure 2.)—The Duke de Richelieu to Sir Charles Stuart.

MONSIEUR L'AMBASSADEUR, *Paris, le* 11*e Avril*, 1817.

J'AI reçu, avec la Lettre que VotreExcellence m'a fait l'honneur de m'écrire, les informations qui lui ont été transmises par le Consul de Sa Majesté Britannique à Nantes, relativement aux constructions de navires qui y sont exécutées, et que cet Agent suppose destinées au Commerce des Noirs. Je prie Votre Excellence de vouloir bien rappeler les explications que je lui adressai le 7 Janvier dernier sur les constructions dont il s'agit. Je ne puis que m'y référer entièrement.

Le Commerçant Français, qui borne ses spéculations au matériel du batiment, reste tout à fait étranger à sa destination: vous penserez sûrement, Monsieur l'Ambassadeur, que sous aucun rapport, le constructeur ne peut être responsable des vûes ultérieurs de l'acheteur, puis qu'il ne peut à cet égard en exiger de lui la déclaration. Le Gouvernement Français veille, à ce que des expéditions prohibées n'ayent pas lieu de ses Ports, ou dans ses Ports, et c'est là l'objet des Ordres et des Instructions qu'il a souvent réitérés, que j'ai eu l'honneur de faire connâitre à Votre Excellence, et qui ont été confirmées par l'Ordonnance du Roi du 8 Janvier. Ces dispositions sont une preuve incontestable des intentions de Sa Majesté. En aucun cas, le Gouvernement ne permettra qu'elles soient éludées. J'ai l'honneur, &c.

S. E. Mons. Le Chevalier Stuart. RICHELIEU.

No. 11.—*Viscount Castlereagh to Sir Charles Stuart.*

SIR, *Foreign Office, 1st July*, 1817.

I HAVE recently received official advices, stating the continuance of the Slave-trade in the Colonies of Senegal and Goree, in the face of the Proclamation, which it appears had been issued by the French Governor, prohibiting the trade; and I am to desire that your Excellency will make a suitable communication on the subject to the Duke de Richelieu, requesting him to move the French Government to take the necessary steps, to the end that the order issued by His Most Christian Majesty in those Colonies, to discontinue this traffick, be duly respected. I have honour to be, &c.

H. E. Sir Charles Stuart, G. C. B. CASTLEREAGH.

No. 12.—Viscount Castlereagh to Sir Charles Stuart.

SIR, *Foreign Office, 8th November,* 1817.

I HAVE the honour to transmit to your Excellency, for the information of the French Government, a Copy of a Communication received from the Colonial Department, stating the seizure of several Slave Ships by His Majesty's Cruizers in the Indian Seas.

You will acquaint the Duke de Richelieu that this Government do not doubt that the new Governor appointed to the Isle de Bourbon, will adopt the most effectual measures to put a stop to this illicit traffick, wherever the influence of his Government may extend.

I have the honour to be, &c.

H. E. Sir Charles Stuart, G. C. B. CASTLEREAGH.

(Inclosure 1.)—Henry Goulburn, Esq. to William Hamilton, Esq.

SIR, *Downing Street, 4th November,* 1817.

I AM directed by Lord Bathurst to transmit to you, for the information of Lord Viscount Castlereagh, the accompanying Copy of a Dispatch, which has been received from the Governor of the Mauritius, stating that His Majesty's Ships on that Station have seized several Slave Vessels: I have the honour to be, &c.

William Hamilton, Esq. HENRY GOULBURN.

(Inclosure 2.)—The Governor of the Mauritius to Earl Bathurst.

MY LORD, *Port Louis, Mauritius, 4th July,* 1817.

I HAVE the honour to state to your Lordship, that the Vessels named in the margin* have been seized, at the dates mentioned, by His Majesty's Vessels on this Station.

I have also to inform your Lordship, that the *l'Espoir* Schooner, under Arab Colours, with 85 Negroes on board, bound to Bourbon, has also been seized at Foul Point in Madagascar, by the acting Agent resident there, Lieutenant Page, deputed by me under the Abolition Act of May 1811.

These Vessels and Negroes are at present under trial in the Instance Court of Vice-Admiralty; and the British Subjects, who may have been concerned in these illicit practices, have been secured and handed over for punishment to the Special Court of Vice-Admiralty, for trial of offences committed at Sea. I have the honour to be, &c.

The Right Hon. Earl Bathurst. R. F. FARQUHAR.

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* *Marie Louise,* English Colours, 11 Negroes, seized 11th March, 1817.

Heloise, Schooner, French Colours, 85 Negroes, seized 20th June, 1817.

No. 13.—Viscount Castlereagh to the Marquis d'Osmond.

Foreign Office, 24th January, 1818.

Lord Castlereagh, in pursuance of his assurance to that effect, has the honour to enclose to the Marquis d'Osmond such information as he has hitherto been enabled to procure, relative to the unfortunate renewal of the Slave-trade on the Coast of Africa, North of the Line, and especially in the vicinity of Senegal and Goree, since those possessions have been restored to France.

The solicitude which his Excellency has evinced on the part of his Government to obtain every possible information on this subject, satisfies Lord Castlereagh, that His Most Christian Majesty's Government, will lose no time in applying an effectual remedy to this evil. Lord Castlereagh forbears for the present to refer to the Conventional regulations which he conceives to be necessary on the part of the several Powers for the effectual suppression of the illicit traffick in Slaves. He will, in this instance, confine himself to calling His Excellency's attention to the doubt which exists, in the judgment of the highest Law Authorities, whether the trading in Slaves on the part of French Subjects is illegal, as the Law now stands in France. Lord Castlereagh is persuaded that in abolishing the Slave-trade, the King's intention was not merely to prohibit the Import of Slaves into His Majesty's Colonies or Possessions, but to render Slave-trading on the part of his Subjects, not only an illegal act, but an offence, to be suitably punished; an omission, if such it shall prove to be, which Lord Castlereagh is satisfied will be no sooner known than remedied by His Most Christian Majesty's Government.

H. E. the Marquis d'Osmond. CASTLEREAGH.

(Inclosure.)—Memorandum on the Contraband Slave-trade, since the restoration of Senegal and Goree to France.

The Colonies of Senegal and Goree were restored to France in January, 1817; on the 18th of March, General Mac Carthy, the Governor of Sierra Leone, writes to Lord Bathurst as follows:—

"I have the honour of inclosing herewith for your information, a Letter I have received this instant from Mr. Boocock. I am much concerned to state, that his statement is strongly corroborated by the Reports I have received from several persons upon whom I can place great reliance.

"The Slave-trade had not only been entirely abandoned by the whole of the native merchants at Senegal and Goree, but they had turned their industry to more honourable means of earning their living, and I have no doubt but 1 or 2 years of a similar conduct to that followed by Colonel Maxwell, myself and my successor, would have been sufficient to form the opinion of the respectable inhabitants, and render in their eyes such a traffick despicable and hateful."

(1.) *Mr. Commissary Boocock to Governor Mac Carthy.*

SIR, *Sierra Leone, 18th March*, 1817.

BEING so well aware of your Excellency's earnest desire entirely to root out the Slave-trade on the Windward Coast of Africa, I feel it a duty to communicate some circumstances relative to its recommencement, which came to my knowledge during my late mission to Senegal and Goree; and which appear to me to be important, inasmuch as they prove that the Traffick which the Government of His Britannick Majesty is so anxious to abolish, will be carried on to a very considerable extent from the settlements lately ceded to France, unless, by being brought to the notice of His Majesty's Ministers through your Excellency, measures are taken to prevent the inhabitants of these Islands from carrying on a trade which was so effectually abolished during the time the British had possession of them.

During my stay at Senegal, I heard it very publickly spoken of that a Brig, commanded by a Monsieur Dupin, was waiting there to receive a Cargo of Slaves to be furnished to an inhabitant by a Trayan Prince (Omar) who only remained until we quitted the Colony, to conclude the bargain with Monsieur Laborie. This the Moor made no scruple in openly avowing.

But the point of the trade being carried on to a considerable extent at Goree came more particularly within my own knowledge, as I was an eye-witness to some of the transactions; I happened to be on the main land on the 25th February, when I saw a Schooner under Spanish Colours anchor in the roads of Goree; she pretended to have touched there to procure wood and water; her wants were supplied; she weighed the next evening, stood round the North point of the Island, after dark bore up again and anchored below Rufick, just out of sight of Goree. On the night of the 27th February, a small Schooner came from Goree with several of the inhabitants, took in a number of very young boys and girls at Battail (near Bao), and proceeded immediately to the Spanish Schooner, and such expedition was used that the Vessel with 150 Slaves was dispatched on the 3d of March. A 2d Schooner, also under Spanish Colours, was observed to be there at the same time by a Master of a Vessel coming from the Gambia, and no doubt had a similar object in view; to particularise the names of the Native inhabitants engaged would be superfluous; in fact I am clearly of opinion that every one has either a greater or a lesser share. Nothing can be more conclusive upon this point than almost every Mulatto man living at Goree being on the main land during the time the Vessels were below Rufick, and the few who remained only blamed the others for proceeding too openly in an affair, which, conducted with caution, would soon enrich the whole; indeed so anxious were they to commence, that a Vessel with 20 Slaves was dispatched from the Coast a short time before the French Flag was

hoisted, and the persons engaged in sending them off only escaped being brought to justice, by remaining on the main land, where they could not be arrested; yet these men returned to Goree 2 days after our troops had withdrawn.

A Spanish Brig from Teneriffe, commanded by a Senhor Jozé Domingos, (who, I understand had been twice captured in Slave Vessels) had been in Goree for a considerable time; he had a small Cargo of wine which he was so anxious to sell, that he offered me the whole at £20 sterling per pipe. The fact is, he came merely on a Voyage of discovery, as it may be termed, to ascertain the possibility of obtaining Slaves, but when he found his ultimate object might be fulfilled at once, he would have made any sacrifice to have procured cash or merchandize which could have been exchanged for them, as the dealers could not land their wine at Goree, and it would have been useless among the Jaloffs.

I need not for a moment call to your Excellency's notice, the sensation and extraordinary activity this success, in a Traffick where the profits are so enormous, will call forth, not only in Teneriffe, where many Slave Vessels are fitted out, but particularly in the Ports of The Havannah, the present grand emporium of this illicit and hateful Commerce; neither need I allude in the most remote manner to the injury, nay, I almost say, the total annihilation of the good effects which have been produced in the Countries adjacent to Senegal and Goree, by the Slave-trade Abolition. These points will immediately obtrude themselves most forcibly upon your Excellency's imagination, who, during your residence in the Colonies lately ceded to France, had so much at heart, and so successfully exerted yourself to forward in that part of Africa, the generous views of the British Government, in civilizing and ameliorating the condition of the inhabitants of this vast Continent; and I am sure your Excellency will enter into the feelings with which I observed the black population of Goree diminished, at least one third, within the short period of my late absence.

I would beg leave to impress upon the mind of your Excellency, that these transactions did not take place as it were in secret, but were the public topic of conversation in both the settlements; and after the Proclamation of the French Governor, prohibiting the trade, I cannot but express infinite surprise at the boldness and impunity with which it has been carried on. I have, &c.

H. E. Governor Mac Carthy. H. BOOCOCK.

(2.) *Governor Mac Carthy to Earl Bathurst.*

(Extract.) *Sierra Leone, 11th June,* 1817.

I FEEL it a most painful part of my duty to state to your Lordship, that, from correct information I have obtained from different quarters, there appears to be at present a greater number of Vessels em-

ployed in the traffick in Slaves, to the North of the Line, than at any period prior to the Abolition by America, Great Britain, Holland, France, and Portugal. This traffick is chiefly carried on under Spanish Flags; but I am thoroughly convinced, from reports upon which I can place reliance, that the greater number of Vessels so employed, are the property of Americans, Portuguese, and French.

The renewal of such a trade is of course attended with the total loss of the benefits expected to be derived from the Abolition. It not only turns the minds of the natives from peaceful habits of industry, to rapine and plunder, and has actually created a famine a short distance to leeward of us, and raised the price of provisions here; but, unless some steps can be adopted to put a stop to such a scourge, the fair Merchants in the African trade must inevitably be ruined, as they cannot bear competition with the Slave-dealers.

It is a most lamentable fact, that, although to the North of this place (except Bissagos) the Inhabitants had for some years past been gradually turning their attention to other pursuits, they now appear as anxious as ever they may have been, to return to the Slave-trade. I have made many inquiries, and I have found from the unanimous Report of the Masters of Merchant Vessels employed on this Coast, that they have made bad voyages, a circumstance they all attribute to the Coast being infested with Slave-Purchasers; for the Natives will not be at the trouble of procuring any articles of exchange for European produce, when they can do it more easily with Men.

Earl Bathurst, K. G. C. MAC CARTHY.

(3.) *Governor Mac Carthy to Earl Bathurst.*

(Extract.) *Sierra Leone, 30th of June,* 1817.

REFERRING to my Letter of the 18th March, transmitting a Letter of Assistant-Deputy Commissary-General Boocock, on the subject of the traffick in Slaves, carried on by the Inhabitants of Senegal and Goree, immediately after the restitution of those Settlements to the Crown of France; I have the honour of forwarding herewith inclosed Copies of the Letters I conceived it my duty to write to Colonel Schmaltz, commanding His Most Christian Majesty's Forces, and Administrator of Senegal, and of his Answer, which I received this day. It will appear to your Lordship, that, although the Colonel positively contradicts the correctness of my information, as far as relates to Senegal, yet he seems to admit its veracity as to the Inhabitants of Goree. I sincerely hope the steps he mentions as having adopted, will have the desired effect.

Earl Bathurst, K. G. C. MAC CARTHY.

(4.)—*Governor Mac Carthy to the Governor of Senegal.*

SIR, *12th April*, 1817.

I SHOULD consider myself as betraying the cause in which our respective Governments have taken so honourable part, and departing from that friendly and confidential intercourse which it is my wish to cultivate with your Excellency, were I not to inform you, that it has been reported to me, from various quarters, that, in defiance of your proclamation, the traffick in Slaves was intended, and actually has been carried on to a considerable amount, at or near Senegal, and more particularly at Rufick, by inhabitants of Goree.

The instances particularly mentioned to me, are those of a Vessel commanded by a M. Dupin, who was to be provided with Slaves by a M. Laborie, and those to be obtained by the means of Omar, a Moorish chief.

The following were given as facts :—That on the 25th of February last a Schooner under Spanish Colours anchored in the Roads of Goree; that she weighed the next evening, and anchored below Rufick; that on the 17th a small Schooner, from Goree, with several Inhabitants, took a number of young Boys and Girls to Battail, (near Bao) and proceeded to the Spanish Schooner, and that such expedition was used that the Vessel, with 150 Slaves, was despatched on the 3d of March; that a Spanish Schooner was observed to be there at the same time, and no doubt for a similar object.

It is stated that nearly the whole of the Inhabitants have been sharers in these speculations.

I have merely to add, that, from the high respect I entertain for your Excellency's character, I am most fully convinced that you will adopt effectual means to prevent such nefarious conduct in future.

Please to accept the assurances, &c.

H. E. Colonel Schmaltz. C. MAC CARTHY.

(5.) *The Governor of Senegal to Governor Mac Carthy.*

MONSIEUR, *St. Louis, le 16 Juin*, 1817.

JE remercie votre Excellence de l'avis qu'elle a bien voulu me transmettre par la Lettre qu'elle m'a fait l'honneur de m'adresser le 12 Avril dernier; je la prie de croire que je tendrai toujours à l'honneur de prendre toutes les mesures qui seront à ma disposition pour empêcher qu'il soit fait aux Traités aucune infraction de la nature de celle qu'elle me dénonce.

Les indications qui lui ont été données relativement au Bâtiment commandé par M. Dupin sont entièrement fausses: ce Navire est sorti du Sénégal avec un plein chargement de gomme, et très certainement a fait voile directement pour la France.

Quant à l'affaire de Gorée, je ne puis en parler avec autant de certitude; il serait fort possible que dans les premiers momens de la reprise de possession, et avant qu'on ait pu établir les moyens de surveillance et de repression necessaires, les Habitans aient concouru à la spéculation dont vous me parlez.

Ce qui m'a paru le plus propre à couper court à de semblables opérations, étoit d'envoyer la Corvette du Roi *La Bayadère*, mouiller sur la rade de Gorée; autant qu'il me sera possible j'y entretiendrai un stationnaire. Agréez, je vous prie, mes sentimens, &c.

S. E. Le Col. Mac Carthy. J. SCHMALTZ.

(6.) *On the 30th September, 1817, Mr. M. Forster, of Bishopsgate-street, states to Lord Bathurst, that his Brother, Mr. W. Forster, is just arrived from the Coast of Africa, and communicates the following Intelligence. He left Goree and Senegal about the latter end of July.*

At Goree and Senegal the Slave-trade is reviving under the French in a surprizing and serious manner; I saw many Slaves confined in the yards of the Merchants' premises at Goree, and while lying off Sengal, a Vessel came out with 240 Slaves on board, and passed close by a French Vessel of War unmolested.

In short, I think that unless something is done to check the Trade in Slaves, and particularly to induce the French not to give encouragement to it, there will shortly be a serious outcry on the subject, from the manner in which it will gain strength: indeed the Moors, finding the French favour it, have already gone to war for Slaves, to procure what, under the English Government, they used to purchase with gum, &c.

(7.) *In November, 1817, a Memorial of the principal Merchants and Traders on the Coast of Africa, between Cape Blanco and Sierra Leone, to Lord Bathurst, represents as follows:*

Your Memorialists beg to assure your Lordship, from their own personal observation (having just arrived from Senegal and Goree), that the Slave-trade has again visited the Coast and neighbourhood of these Settlements in its worst and most odious shape; of this they can give your Lordship incontestible proof, as they have witnessed the sailing of the Slave Vessels. Already the Native Chiefs have turned their attention to the collection of Slaves, and abandoned that of produce, and the consequences to the civilization and trade of the Coast must prove fatal, nay, in a great measnre may the failure of the expedition to the interior be ascribed to the revival of this execrable traffick. With pain have your Memorialists witnessed all the labours of philanthropy, the work of 10 Years, undone in as many weeks.

(8.) *In a further Memorial, dated 7th December, the same Gentlemen stated to Lord Bathurst as follows:*

We have further to call your Lordship's most serious attention to the unreserved and melancholy encouragement which the French are now giving to the Slave-trade since their return to the Coast, and more particularly at, and in the neighbourhood of, Goree, a Settlement which they well know, since our occupation of St. Mary's, is chiefly useful to them for the purposes of this execrable traffick, for which its vicinity to the main land, to Zoal, and to the Rivers Salum and Gambia, renders it particularly convenient.

Already has the conduct of the French unhinged the minds and changed the habits of the Natives, by turning their attention from the collection of produce to the less laborious task of Slave-trading, from which they had been entirely weaned by the efforts of English philanthropy, and an intercourse with the English Traders, and thus, while the civilization of the Natives has received a fatal check, an impulse has been given to the Slave-trade on this part of the Coast, which threatens a return of the whole train of evils attendant on that horrid Traffick.

We beg again to assure your Lordship that these Statements are by no means exaggerated, and to refer your Lordship to any disinterested Individual, recently from that part of the Coast, for a confirmation of them.

(9.) *On the 7th January,* 1818, *Mr. Harrison, Secretary to the African Institution in this Country, writes to Lord Bathurst as follows:*

My Lord,

I have the honour of enclosing to your Lordship some information recently received by one of the Directors of this Institution, respecting the French Slave-trade, and beg leave to represent the extreme importance of some steps being taken to repress such enormous evils.

I have, &c.

Earl Bathurst, K. G. THOMAS HARRISON.

(10.) *Letter from a Gentleman at St. Louis, Senegal, to one of the Directors of the African Institution, dated 8th November,* 1817.

Sir,

In the absence of my Partner, who left this for England in August last, I had the honour to receive your Letter to him of the 20th June, and I shall avail myself of the present occasion to forward it to him.

I presume he has done himself the honour of waiting on you ere this, and given you every information in his power respecting this part of the Coast, which, I lament to state, has been thrown into the most deplorable condition by the renewal of the Slave-trade, since the cession of the Settlement to France: to give you an idea of the extent

to which this traffick has been carried on, I need only mention that 4 French Vessels have been loaded here, their cargoes averaging, by the best information I can obtain, about 160 Slaves each; and there are 2 Schooners now in the River waiting for cargoes which they have contracted for. As a simple statement of this kind may not be satisfactory, I subjoin a List of the Vessels, and the Ports to which they belong. The consequence of this renewed traffick, after the quietude which the Country has enjoyed for several Years past, may be easily supposed; personal liberty is again at an end; the Natives are armed against one another, and the great demand for Slaves has renewed Wars in the Interior, and even in the vicinity of this place, in order to obtain them; and, I regret to say, there is too good reason to presume, that the Slave Traders in the Settlement provide them with arms and ammunition for this purpose; besides which, the Moorish Tribes, who occupy the Northern Banks of the River, have been actively employed ravaging the Black Villages; and it is to be attributed to the great number of Natives captured by them, that so many Vessels have obtained their cargoes with such dispatch; for I am well informed, that so great a number were never exported from this Settlement in so short a time, in any former period. It must no doubt surprize you, as it does me and the few English who remain in the Settlement, that after the solemn manner the French Government engaged to abolish the trade, it should be carried on here so openly without the interruption from the Authorities, who cannot be ignorant of it, but evidently shut their eyes: indeed, I may safely say, it is winked at by those in power; and the misery of the poor victims is increased by the shallow precaution which is used. of not embarking them in the River, (where the Vessels remain several weeks publickly fitting out, and taking on board water and provisions) but they are sent in canoes over a most dangerous surf, by which I understand several have lost their lives before reaching the Vessel.

I trust that the desire for information expressed in your Letter to my friend, and your known zeal for the welfare of the distressed Africans, will apologize to you for the liberty I have taken of replying to you in this manner; and I cannot conclude without expressing to you my fears, that it will require all the exertions of the friends of Africa, for many years to come, to regain for it that tranquillity which it has lost within these few months, by the scenes of horror that have been acted here.

Assuring you that I shall be at all times happy to afford you every information in my power, I am, &c.

(11.) *List of Vessels loaded with Slaves at Senegal, between the 25th January, when the Settlement was delivered over to France, and the 8th November*, 1817.

Schooner—*La Reine Caroline*, of Nantz.
Brig—*Elisée*, or *Eliza*, of Bordeaux.
Schooner—*Astrée*, of Nantz.
Ditto—*Sylph*, ditto.

Vessels remaining in the River Senegal for Slaves, 8th November, 1817:

Schooner—*Elisée*, of Bordeaux.
Ditto—*Zephyr*, of Martinique.

No. 14.—*Joseph Planta, Jun. Esq. to the Marquis d'Osmond.*

MONSIEUR LE MARQUIS, *Foreign Office, 24th January*, 1818.

I AM directed by Lord Castlereagh to communicate, thus privately, to your Excellency, a printed Copy of the late decision of the High Court of Admiralty here, in the Case of the French Ship *Louis*, in allusion to the paragraph of his Official Note to your Excellency of this day, where he notices the doubts existing as to the French Law respecting the Trade in Slaves, as it now stands. I have, &c.

H. E. the Marquis d'Osmond. J. PLANTA, Jun.

(Inclosure.)—Judgment delivered by the Judge of the High Court of Admiralty, in the Case of the French Ship Le Louis, *December* 15, 1817; *as it appeared in one of the London Morning Papers.*

THIS Ship was taken off Cape Mesurado, on the Coast of Africa, on the 11th March, 1816, by an English Colonial Armed Vessel, after a severe engagement, which followed an attempt to escape. The Court has found occasion to lament that the particulars of this melancholy transaction are not more circumstantially brought to its notice. For, in the mass of matter with which these proceedings are clogged, (matter which can have no application whatever to any question that could possibly be expected to arise in the Case,) no information is distinctly conveyed to the Court, what preliminaries led to this unfortunate conflict; in which no fewer than 12 lives were lost on the British side, and 3 on the other, and in which several Persons on both sides were wounded. The Court is left to infer from the general course of the transaction, that it originated in a demand to visit and search the Vessel, on a suspicion of her being a Slave-trader, and in a resistance to that demand; the demand and the resistance being maintained to the length of producing the calamitous event which I have described.

The Ship seized was, in appearance, and in fact, a French Ship, admitted both in the plea and argument to be so, unquestionably

owned and navigated by Frenchmen, originally, indeed, built in America, and having been for a short time in British possession, which had ceased. She is immediately proceeded against in the Vice Admiralty Court, at Sierra Leone (whither she had been carried,) as a French Ship violating French Law, by the intention of purchasing Slaves for the purpose of carrying them to her port in Martinique. There are some words in the libel which certainly can have no consistent meaning in the sentence in which they stand, but which, if they have any meaning at all, seem to intimate vaguely and unintelligibly an ownership somewhere else than in French Subjects. Nothing, however, appears that at all excites a suspicion, that she is not, what she is treated as being by the Parties and by the Court, a French Ship. For the mere circumstance of her having had English as well as other Colours on board, cannot, in the known practice of Merchant Vessels, excite any such suspicion. After the admission which has been made, that she had a contingent intention, at least, of trading in Slaves, as well as other commodities, if a convenient opportunity should offer, I feel it not requisite to enter into the detail of the many circumstances which compel that admission. The number of iron manacles on board, the construction of the platforms, the magnitude of the coppers, the quantity and quality of the provisions in store, the negotiations with the Natives at Mesurado, the mysterious passages which occur in the Correspondence between the Owners, all tend one way to shew a contingent, or rather a predominant, intention so to trade; and this being admitted, the Court will not deem itself guilty of any injustice in holding, that the legal question is the same as if the intention were single and absolute; for I have little doubt but that the contingency would have happened, and the opportunity would have offered, and would have been used.

At Sierra Leone proceedings were commenced, which led to the first condemnation of the Ship and Cargo. Much argument has been employed to controvert the jurisdiction of the Court upon the point of locality, which I do not think it necessary to examine for the determination of the present Cause. I will suppose the jurisdiction to be duly founded, as far as the matter of locality is concerned, and consider only whether the Sentence can be sustained, giving the authority which pronounced it the benefit of a supposed indisputable jurisdiction.

At the outset of the proceedings the Seizor describes himself as commissioned to make Captures. It certainly appeared to be a singular Commission, that authorized him to make Captures in time of Peace; and it was, therefore, not an unnatural curiosity on the part of the Court to desire to see it. The Commission, after repeated requisitions, has been at last brought in, at a time extremely inconvenient for the purpose of any careful examination by the Court, if

that were necessary. It may, however, be sufficient to state, that this Commission professes to be issued by the Governor of Sierra Leone, on the 25th of January, 1816,—to be founded on the Slave-trade Act, 51 Geo. III. and to authorize the Commander to seize all Ships and Vessels offending against that Act, or any other Act abolishing the Slave-trade,—and, after stating these facts, to observe, that neither this British Act of Parliament nor any Commission founded on it can affect any right or interest of Foreigners, unless they are founded upon principles, and impose regulations, that are consistent with the Law of Nations. That is the only Law which Great Britain can apply to them; and the generality of any terms employed in an Act of Parliament must be narrowed in construction by a religious adherence thereto.

Upon the course of the proceeding in the Court of Sierra Leone, after the manner in which they have been adverted to in argument, I should desert my duty if I did not make some remark, without meaning at all to depart from that tenderness which is usually shewn to mere formalities in the practice of Vice-Admiralty Courts. I have no doubt but that the Gentleman under whose cognizance these proceedings passed, carried out with him among many other laudable qualities, a proper zeal for the laudable purposes of the Establishment of Sierra Leone; and I have as little doubt that he possessed a still higher zeal for his own immediate and paramount duty, the correct and equal administration of justice to all Parties who might come before him. But it is impossible to deny that there occur in these proceedings incongruities, arising (as if it should seem), from inattention somewhere, not only to the common forms of Law, but to the rational principles on which they are founded. What was the natural as well as the legal course? Surely simple and obvious enough;—for the Proctor, after lodging in the Registry all the Papers found on board, and citing by monition the Party to appear, to give a libel (answering to the Bill of Indictment in Criminal Cases), stating the facts imputed, and the Law that is charged to be violated, and praying the examination of his Witnesses thereon, and the Judgment of the Court upon the effect of the Documents and Testimony so produced. The Party charged has a right to give his claim, stating the facts by which he undertakes to discharge himself from all legal censure, and to produce his Witnesses thereon. Upon the result of the whole Evidence so furnished, and of proper Special Interrogatories administered under the immediate authority of the Judge, the Court should pronounce its Judgment. What is done here? In the first place, the Prize Interrogatories calculated for the transactions of War are, instantly on bringing in, applied to this transaction, which, however denominated a capture, and with whatever fatal violence accompanied, is, in truth, a transaction of peace. Then Special Interrogatories are administered,

non constat by what authority, some of them, certainly not very fairly, addressed to the Persons from whom the answers are to be extracted. It is in this late stage of the proceeding that the Prosecutor brings forth his libel or charge, in which he tells the Judge (whose exclusive province it is to decide on the sufficiency of the proofs), that "the Case is incontestibly proved, both in Law and in fact:" the Law alledged being, that the Slave-trade is prohibited, both by Treaty and by the internal Law of France; and facts charged being, that the Party was trading in Slaves and resisting search. In the same benevolent view of saving the Judge the entire trouble of performing his duty, the Prosecutor informs him, that "there is no doubt of the Ship's being fitted out for the Slave-trade," and that the evidence of the Master is all evasive; and prays a Commission of inspection, to ascertain the fact of which he had just before told him that no doubt whatever existed; and then, without a single Witness examined upon the libel, without the smallest evidence produced of the Foreign Law,—the Judge, having properly reduced the 6 counts of the libel to 2, pronounces the Ship to be a French Ship, employed illegally, that is, against the French Law, in the Slave-trade; secondly, that she resisted by force the legal search of the King's Cruizers; and that, on both accounts, herself and cargo are to be confiscated. There is, I think, considerable difficulty in vindicating the correctness of these proceedings, except upon the supposition that Persons charged with a concern in so odious a traffick, are instantly to have a *caput lupinum* placed upon their shoulders, and are not entitled to the ordinary forms and measures of justice. However, without pressing further observation upon the proceedings which have led to judgment, I hasten to the more important task of considering the propriety of the judgment itself; having just stated that the grounds are two:—one, that this was a French Ship, intentionally employed in the African Slave-trade; the other, that she resisted by force the King of England's commissioned Cruizer.

Assuming the fact, which is indistinctly proved, that there was a demand, and a resistance producing the deplorable result, here manifest, I think that the natural order of things compels me to inquire, first, whether the Party, who demanded, had a right to search; for if not, then not only was the resistance to it lawful, but likewise the very fact on which the other ground of condemnation rests, is totally removed. For if no right to visit and search, then no ulterior right of seizing, and bringing in, and proceeding to Adjudication; and it is in the course of those proceedings alone, that the facts are produced, that she is a French Ship trading in Slaves: and if these facts are made known to the Seizor by his own unwarranted acts, he cannot avail himself of discoveries thus unlawfully produced, nor take advantage of the consequences of his own wrong. Supposing, however, that it should

appear that he had a right to visit and search, and therefore to avail himself of all the information he so acquired, the question would then be, whether that information has established all the necessary facts? The first is, that this was a French Ship intentionally employed in the Slave-trade, which I have already intimated appears to be sufficiently shewn. The second is, that such a trading is a contravention of the French Law; for it has been repeatedly admitted that the Court, in order to support this Sentence of Condemnation, must have the foundation of the trade being prohibited by the Law of the Country to which the Party belongs.

Upon the first question, whether the right of search exists in time of peace, I have to observe, that two principles of Publick Law are generally recognized as fundamental. One is the perfect equality and entire independence of all distinct States. Relative magnitude creates no distinction of right; relative imbecility, whether permanent or casual, gives no additional right to the more powerful Neighbour; and any advantage, seized upon that ground, is mere usurpation. This is the great foundation of Publick Law, which it mainly concerns the peace of mankind, both in their political and private capacities, to preserve inviolate. The second is, that all Nations being equal, all have an equal right to an uninterrupted use of the unappropriated parts of the Ocean for their own convenience. In places where no Local Authority exists, where the Subjects of all States meet upon an equal footing of entire equality and independence, no one State, nor any of its Subjects, has a right to assume or exercise authority over the Subjects of another. I can find no authority that gives the right of interruption to the navigation of States in amity upon the high seas, excepting that which the rights of war give to both Belligerents against Neutrals. This right, incommodious as its exercise most undoubtedly is to those who are subjected to it, has been fully established, though not without controversy, frequently renewed, in the legal practice of Nations—having for its foundation the necessities of self-defence, in preventing the Enemy from being supplied with the instruments of war, or from having his means of annoyance augmented by the advantages of maritime commerce. Against the property of his Enemy each Belligerent has the extreme rights of war. Against that of Neutrals, the friends of both, each has the right of visitation and search, and of pursuing an inquiry, whether they are employed in the service of his Enemy, the right being subject, in almost all cases of an inquiry wrongfully pursued, to a compensation in costs and damages. With professed *Pirates* there is no state of peace. They are the enemies of every Country and at all times; and therefore are universally subject to the extreme rights of war. An ancient authority, the Laws of Oleron, composed at the time of the Crusades, and, as some supposed, by an eminent Leader in those expeditions, our own Richard I., repre-

sents *Infidels* as equally subject to those rights; but this rests upon the ground of notions long ago exploded, that such Persons could have no fellowship, no peaceful communion, with the Faithful; and upon the ground of fact that they were for many Centuries engaged in real hostilities with the Christian States. Another long since exploded practice was, that of Princes granting private Letters of Marque against the Subjects of Powers in amity, by whom they had been injured, without being able to obtain redress from the Sovereign or Tribunals of that Country. But at present, under the Law, as now generally understood and practised, no Nation can exercise a right of visitation and search upon the common and unappropriated parts of the sea, save only in a belligerent claim. If it be asked, why the right of search does not exist in the time of peace, as well as in war?—the answer is prompt: that it has not the same foundation on which alone it is tolerated in war—the necessities of self-defence: they introduced it in war; and practice has established it. No such necessities have introduced it in time of peace, and no practice has established it. It is true, that wild claims (alluded to in the argument) have been occasionally set up by Nations, particularly those of Spain and Portugal, in the East and West Indian Seas: but these are claims of a nature quite foreign to the present question, being claims, not of a general right of visitation and search upon the High Seas, unappropriated, but extravagant claims to the appropriation of particular seas, founded upon some grants of a pretended Authority, or upon some ancient exclusive usurpation. Upon a principle much more just in itself and more temperately applied, Maritime States have claimed a right of visitation and inquiry within those parts of the ocean adjoining to their shores, which the common courtesy of Nations has, for their mutual convenience, allowed to be considered as parts of their dominions for various domestic purposes, and particularly for fiscal or defensive regulations, more immediately affecting their safety and welfare. Such are our *hovering Laws*, which, within certain limited distances, more or less moderately assigned, subject foreign Vessels to such examination. This has nothing in common with a right of visitation and search upon the unappropriated parts of the Ocean. A recent Swedish claim of examination on the high seas, though confined to Foreign Ships bound to Swedish Ports, and accompanied, in a manner not very consistent or intelligible, with a disclaimer of all right of visitation, was resisted by our Government, as unlawful, and was finally withdrawn.

The right of visitation being, in this present Case, exercised in time of peace, the question arises, how is it legalized? And looking to what I have described as the known existing Law of Nations evidenced by all Authority and all practice, it must be upon the ground that the captured Vessel is to be taken *legally* as a Pirate, or else some new

ground is to be assumed, on which the Court may conceive itself to be authorized to carry this right beyond the limits within which it has hitherto been legally exercised.

It is perfectly clear, that this Vessel cannot be deemed a Pirate, from any want of National character legally obtained. She is the property not of Sea Rovers, but of French, acknowledged domiciled Subjects. She has a French Pass, French Register, and all proper Documents, and is an acknowledged portion of the Mercantile Marine of that country. If, therefore, the character of a Pirate can be impressed upon her, it must be only the ground of her occupation, as a Slave-trader, no other act of Piracy being imputed. The question then comes to this:—Can the occupation of this French Vessel be legally deemed a Piracy? inferring, as it must do, if it be so, all the pains and penalties of Piracy. I must remember, that, in discussing this question, I must consider it, not according to any private moral apprehensions of my own (if I entertained them ever so sincerely), but as the Law considers it; and, looking at the question in that direction, I think it requires no labour of proof to shew, that such an occupation cannot be deemed a legal Piracy. The very Statute lately passed, which makes it a transportable offence in any British Subject to be concerned in this trade, affords a decisive proof that it was not liable to be considered as a Piracy, and a capital offence; as it would be in Foreigners as well as British Subjects, if it was a Piracy at all. In truth it wants some of the distinguishing features of that offence. It is not the act of Freebooters, enemies of the human race, renouncing every Country, and ravaging every Country in its Coasts and Vessels indiscriminately, and thereby creating an universal terror and alarm; but of perons confining their transactions (reprehensible as they may be) to particular Countries, without exciting the slightest apprehension in others. It is not the act of persons insulting and assaulting Coasts and Vessels, against the will of their Governments and the course of their Laws, but of persons resorting thither to carry on a Traffick (as it is there most unfortunately deemed), not only recognized but invited by the Institutions and Administrations of those barbarous Communities. But it is unnecessary to pursue this topic further. It has not been contended in argument, that the common case of dealing in Slaves could be deemed a Piracy in Law. In all the fervor of opinion, which the agitation of all questions relating to this practice has excited in the minds of many intelligent persons in this Country, no attempt has ever been thought of, at least with any visible effect, to submit any such question to the judgment of the Law, by such a prosecution of any form instituted in any Court: and no Lawyer, I presume, could be found hardy enough to maintain, that an indictment for Piracy could be supported by the mere evidence of a trading in Slaves. Be the malignity of the practice what it may, it is not that of Piracy, in legal consideration.

Piracy being excluded, the Court has to look for some new and peculiar ground: and in the first place, a very extensive ground is offered to it by the suggestion, which has been strongly pressed, that this Trade, if not the crime of Piracy, is nevertheless *crime*, and that every Nation, and indeed every Individual has not only a right, but a duty, to prevent in every place the commission of crime. It is a sphere of duty sufficiently large that is thus opened out to Communities and to their Members. But to establish the consequence required, it is first necessary to establish, that the right to interpose by force to prevent the commission of crime, commences not upon the commencement of the overt act, nor upon the evident approach toward it; but on the bare surmise, grounded on the mere possibility; for unless it goes that length, it will not support the right of forcible inquiry and search. What are the proximate circumstances which confer on you the right of intruding yourself into a Foreign Ship, over which you have no authority whatever, or of demanding the submission of its Crew to your inquiry, whether they mean to deal in the Traffick of Slaves, not in your Country, but in one with which you have no connexion? Where is the Law that has defined those circumstances, and created that right under their existence? Secondly, it must be shewn that the act imputed to the Parties is unquestionably and legally criminal, by the universal Law of Nations; for the right of search claimed makes no distinctions, and in truth can make none; for till the Ship is searched, it cannot be known whether she belongs to a Nation which admits the act to be criminal, or to one which maintains it to be merely commercial—and I say *legally* criminal, because neither this Court nor any other can carry its private apprehensions, independent of Law, into its publick judgments on the quality of actions. It must conform to the judgment of the Law upon that subject; and acting as a Court, it cannot attribute criminality to an act where the Law imputes none. It must look to the legal standard of morality; and upon a question of this nature, that standard must be found in the Law of Nations, as fixed and evidenced by general and ancient, and admitted practice, by Treaties, and by the general tenour of the Laws and Ordinances and the formal transactions of civilized States; and, looking to those Authorities, I find a difficulty in maintaining that the Traffick is legally criminal. Let me not be misunderstood, or misrepresented, as a professed apologist for this practice, when I state facts which no man can deny—that personal slavery, arising out of forcible captivity, is coeval with the earliest periods of the history of mankind—that it is found existing (and, as far as appears, without reproach) in the earliest and most authentic records of the human race—that it is recommended by the codes of the most polished Nations of antiquity—that under the light of Christianity itself, the possession of Persons so acquired has been in every civilized Country invested with the character of property, and

secured, as such, by all the protections of Law—that solemn Treaties have been framed, and national monopolies eagerly sought, to facilitate and extend the commerce in this asserted property—and all this with all the sanctions of Law, publick and municipal, and without any opposition, except the Protests of a few private moralists, little heard, and less attended to, in every Country, and till within these very few years, in this particular Country. If the matter rested here, I fear it would have been deemed a most extravagant assumption in any Court of the Law of Nations, to pronounce that this practice was prohibited by that Law, and was legally criminal. But the matter does not rest here. Within these few years a considerable change has taken place, particularly in this Country. Formal declarations have been made, and Laws enacted in reprobation of this practice; and pains, ably and zealously conducted, have been taken, to induce other Countries to follow the example; but at present with insufficient effect; for there *are* Nations which adhere to the practice, under all the encouragement which their own Laws can give it. What is the doctrine of Courts of the Law of Nations relatively to them? Why, that their practice is to be respected; that their Slaves, if taken, are to be restored to them; and if not taken under innocent mistake, to be restored with costs and damages. All this, surely, upon the ground that such conduct is no departure from the Law of Nations; because, if it were, no such respect could be allowed to it, upon an exemption of its own making; for no Nation can privilege itself to commit a crime against the Law of Nations, by a municipal regulation of its own. And if our understanding and administration of the Law of Nations be, that every Nation, independently of Treaties, has a legal right to carry on this Traffick, and that the trade carried on under that authority is to be respected by all Tribunals, it is not easy to find any consistent grounds on which to maintain, that the Traffick, according to our views of the Law, is criminal.

Against the Subjects of Countries which have issued Declarations hostile to the trade, the Courts have not unfairly applied the *argumentum ad hominem*. At the same time, it is impossible not to feel (and with concern,) that if the real understanding of the Law, both in this Country and others, is to be collected from publick Acts, as well as from publick Declarations, it will be rather difficult to determine, with certainty and precision, what that understanding really is; some parts of their systems looking one way, and some another. The notorious fact is, that in the Dominions of this Country and others, many thousands of Persons are held as legal property, they and their posterity, upon no other original title than that which I am now called upon to pronounce a crime—every one of these instances attended with all the aggravation that appertains to a long continuation of crime, if crime it be; and yet protected by Law, with all the securities that can be

given to property in its most respected forms. Recent Treaties with Foreign Powers stipulate for a permitted continuance of this Traffick to them for a course of years, and in extensive Districts, and without any limitation of the numbers they may export—that is, according to the argument that has been held, contracts for the commission of crime, without stint, throughout those Districts, and during those periods of time! In such a state of Law and fact, at home and abroad, it is difficult enough to arrive at the conclusion, and for this Court, representing this Country, to notify such conclusion to Foreign Parties, that in its clear and consistent judgment of the Law of Nations, upon this Traffick, it is a gross violation of that Law.

It is next said, that every Country has a right to enforce its own Navigation Laws: and so it certainly has, so far as it does not interfere with the rights of others. It has a right to see that its own Vessels are duly navigated, but it has no right in consequence to visit and search all the apparent Vessels of other Countries on the High Seas, in order to institute an inquiry whether they are not in truth British Vessels violating British Laws. No such right has ever been claimed, nor can it be exercised without the oppression of interrupting and harrassing the real and lawful Navigation of other Countries; for the right of search, when it exists at all, is universal to Vessels of all Countries, whether they tolerate the Slave-trade or not. It is no objection to say, that British Ships may by disguise elude the obligations of British Law. The answer of the Foreigner is plain,—that you have no right to provide against that inconvenience, by imposing a burthen upon his Navigation. If even the question were reduced to this, that either all British Ships might fraudulently escape, or all Foreign Ships be injuriously harassed, Great Britain could not claim the option to embrace the latter branch of the alternative. When you complain that the regulation cannot be enforced without the exercise of such a right, the answer again is, that you ought not to make regulations which you cannot enforce without trespassing on the rights of others. If it were a matter by which your own safety was affected, the necessities of self-defence might fully justify you; but in a matter in which your own safety is in no degree concerned, you have no right to prevent the suspected injustice of another, committing an actual injustice of your own.

The next argument is, that the Legislature must have contemplated the exercise of this right in time of Peace; otherwise they have left the remedy incomplete, and Peace in Europe will be War in Africa. The Legislature must be understood to have contemplated all that was within its power, and no more. It provided for the existing occasion, and left to future wisdom to provide for future times. Nothing can be more clear than that it was so understood by the British Government; for the Project of the Treaty proposed by Great Britain to France, in 1815, is, "*that permission should be reciprocally given by each Nation*

to search and bring in the Ships of each other," and when the permission of Neutrals to have their Ships searched is asked at the commencement of a War, it may then be time enough to admit that the right stands on exactly the same footing in time of War and in time of Peace. The fact turns out to be, that such permission was actually refused by France, upon the express ground, that she would not tolerate any maritime police to be exercised on her Subjects but by herself.

It is pressed as a difficulty; what is to be done, if a French Ship laden with Slaves for a French Port, is brought in? In answer, without hesitation, restore the possession which has been unlawfully divested—rescind the illegal act done by your own Subject, and leave the Foreigner to the justice of his own Country. What evil fellows? If the Laws of France do not prohibit, you admit that condemnation cannot take place in a British Court. But if the Law of France be what you contend, what would have followed upon its arrival at Martinique, the Port whither it was bound? That all the penalties of the French Law would have been immediately thundered upon it. If your case be true, there will be no failure of justice. Why is the British Judge to intrude himself *in subsidium juris*, when every thing requisite will be performed in the French Court, in a legal and effectual manner? Why is the British Judge, professing, as he does, to apply the French Law, to assume a jurisdiction and direct that the penalties shall go to the British Crown and its Subjects, which that Law has appropriated to the French Crown and its Subjects?

It is said, and with just concern, that if not permitted in time of Peace, it will be extremely difficult to suppress the traffick. It will be so; and no one can deny, that the suppression, however disagreeable, and however sought, is attended with great difficulties—difficulties which have baffled the most zealous endeavours for many Years. To every Man it must have been evident that, without a general and sincere concurrence of all the Maritime States, in the principle, and in the proper modes of pursuing it, comparatively but little of positive good could be acquired; so far at least as the interests of the victims of this Commerce were concerned in it: and to every Man who looks to the rival claims of these States, to their established habits of trade, to their real or pretended wants, to their different modes of thinking, and to their real mode of acting, upon this particular subject, it must be equally evident that such a concurrence was matter of very difficult attainment. But the difficulty of attainment will not legalize measures that are otherwise illegal. To press forward to a great principle by breaking through every other great principle that stands in the way of its establishment; to force the way to the liberation of Africa by trampling on the independence of other States in Europe; in short, to procure an eminent good by means that are unlawful, is as little consonant to private morality as to publick justice. Obtain the concur-

rence of other Nations, if you can, by application, by remonstrance, by example, by every peaceable instrument which Man can employ to attract the consent of Man. But a Nation is not justified in assuming rights that do not belong to her, merely because she means to apply them to a laudable purpose; nor should she set out upon a crusade of converting other Nations to humanity by acts of unlawful force. Nor is it to be argued, that because other Nations approve the ultimate purpose, they must therefore submit to every measure which any one State or its Subjects may inconsiderately adopt for its attainment. In this very case nothing can be clearer than that the only French Law produced is in direct contradiction to such a notion; because approving as it does (though to a very limited extent) the abolition, it nevertheless reserves to its own Authorities the cognizance of each cause and the appropriation of the penalties.

If I felt it necessary to press the consideration farther, it would be by stating the gigantic mischiefs which such a claim is likely to produce. It is no secret, particularly in this place, that the right of search in time of War, though unquestionable, is not submitted to without complaints loud and bitter, in spite of all the modifications that can be applied to it. If this right of War is imported into Peace by Convention, it will be for the prudence of States to regulate by that Convention the exercise of the right, with all the softenings of which it is capable. But Treaties, it must be remembered, are perishable things, and their obligations are dissipated by the first hostility. The covenants, however solemn, for the abolition of the trade, or for the exercise of modes of prevention, co-exist only with the relations of amity. At the same time it may be hoped, that so long as the Treaties exist, and their obligations are sincerely and reciprocally respected, the exercise of a right, which *pro tanto* converts a state of Peace into a state of War, may be so conducted as not to excite just irritation. But if it be assumed by force, and left at large to operate reciprocally upon the Ships of every State (for it must be a right of all against all,) without any other limits as to time, place, or mode of inquiry, than such as the prudence of particular States may impose; I leave the tragedy contained in this case to illustrate the effects that are likely to arise in the very first stages of the process, without adding to the account what must be considered an awful part of it, the perpetual irritation and the universal hostility which are likely to ensue.

Let it however be taken for the present, that the whole of these premises, tending to shew that no right of search upon the High Seas exists in time of Peace, are either unsound in themselves, or are strained to produce a conclusion that it is so. I proceed to inquire how far the French Law had actually abolished the Slave-trade, at the time this adventure occurred; having already observed, that if it were not, the Sentence of Condemnation was admitted to be unmaintainable, and

that no proof whatever of any French Law was produced in the Court below, either by the exhibition of the Law itself, or by the information received from Foreign Professors and Practisers of that Law, or by any thing else than the mere assertion of the Prosecutor in the Libel. What proof is offered is brought in upon appeal, and the question depends on its sufficiency. The actual state of the matter, as I collect it from these Documents, is this. On the 27th of July, 1815, the British Minister at Paris writes a Note to Prince Talleyrand, then Minister to the King of France, inclosing a Protocol of the 15th Conference, and expressing a desire on the part of his Court, to be informed, whether under the Law of France, as it then stood, it was prohibited to French Subjects to carry on the Slave-trade. The French Minister informs him in answer, on the 30th of July, that the Law of the Usurper on that subject was null and void (as were all his Decrees;) but that His Most Christian Majesty had issued *directions*, that on the part of France "the traffick should cease from the present time every where and for ever." In what form these directions were issued, or to whom addressed, does not appear; but, upon such authority, it must be presumed that they were actually issued. It is, however no violation of the respect due to that authority to inquire what was the result or effect of those directions so given? What followed, in obedience to them, in any publick and binding form? And I fear I am compelled to say, that nothing of the kind followed, and that the directions must have slept in the portfolio of the Minister to whom they were addressed; for it is, I think, impossible that if any publick and authoritative Ordinance had followed, it could have escaped the sleepless attention of many Persons in our own Country to all publick Foreign proceedings upon this interesting subject. Still less would it have escaped the notice of the British Resident Minister, who, at the distance of a Year and a half, is compelled on the part of his own Court to express a curiosity to know what Laws, Ordinances, Instructions, and other publick and ostensible Acts had passed for the abolition of the Slave-trade. On the 20th of November, 1815, the British and French Ministers declare, in the Additional Article to the Treaty of that date, that their Governments had each in their respective Dominions prohibited, without restriction, their Colonies *and Subjects* from taking any part whatever in this traffick. That Great Britain has acted with the *optima fides* upon this matter, no one can doubt who has observed the progress, either of its domestic Laws, or of its Foreign negotiations, and I am far from intimating that the Government of this Country did not act with perfect propriety in accepting such an assurance on the part of France, as complete proof of the fact. But that fact being now denied, by a person who has a right to deny it, (for though a Subject, he is not bound to acknowledge any Law but what

has publickly appeared;) and it now being put into course of legal inquiry, this Court is compelled to demand the common evidence of the fact, the production of the Law. In the same Instrument the French and English Governments declare, that, *without loss of time,* they will take the most effectual measures for the complete and universal abolition of the trade: and here again it must be admitted, that Great Britain has run this race without loss of time, and with a zealous fidelity to her engagements.

The learned Judge here recapitulated the circumstances which we have before stated, relative to the application of the British Ambassador on the 15th January, 1817, and his receiving the Ordinance, dated only one week prior thereto. That Ordinance is not even yet known to exist in a printed form. It does not by any means satisfy the promises of 1815. It is in substance a mere prospective Colonial Regulation, forbidding the importation of Slaves into the French Colonies, but, consistently with it, the French may become common carriers in the Slave-trade, for all other Nations. However, if ever so pointed and full, it could not affect the present expedition, which was undertaken a twelvemonth before. As to the Master's concealment, that cannot prove a Law which does not exist: and here the whole rule forcibly applies—*de non apparentibus et non existentibus eadem est ratio.* An Edict that does not appear, cannot bind the honest ignorance of the Subject. The Usurper's Edict of Abolition was dead-born; and if any Law existed at the time of this transaction, it seems to have been that which permitted the trade for 5 Years. At any rate, the Seizor has undertaken to prove the existence of a Law, in which he has wholly failed.

Upon the whole, therefore, the Court declared, that on both the grounds alleged in the Sentence, the Condemnation was untenable, and must therefore be reversed; and it consequently restored the Ship and Cargo; but considering the question as one that was *primæ impressionis,* it did not condemn the Seizor in costs and damages.

No. 15.—The Marquis d'Osmond to Viscount Castlereagh.

Londres, ce 29 Janvier, 1818.

Le Marquis d'Osmond a l'honneur d'accuser reception à Lord Castlereagh, de la Note qu'il lui a adressée le 24 de ce mois, au sujet de quelques exemples de renouvellement de la Traite qui auroient eu lieu sur les côtes d'Afrique au nord de la Ligne, dans le voisinage du Sénégal, et de l'île de Gorée.

Le Marquis d'Osmond s'empressera de porter ces plaintes à la connoissance de son Gouvernement, et il a l'honneur d'offrir ici à Son Excellence Lord Castlereagh l'assurance de sa haute considération.

S. E. Lord Castlereagh.

No. 16.—*Sir Charles Stuart to Viscount Castlereagh.—(Rec. 1st Feb.)*

My Lord, *Paris, 29th January*, 1818.

The active inquiries, which have been set on foot in England, to discover infractions of His Most Christian Majesty's Edict abolishing the Slave-trade, have rendered this Government extremely anxious not to incur any suspicion of connivance in the practices on the part of French Subjects, which have given room for animadversion, on the Coast of Africa and in the West Indies, during the last Year.

The Duke de Richelieu lately took an opportunity of expressing his hope, that the difficulties which oppose the endeavours of the French Government to extirpate this Commerce, will be justly appreciated by His Majesty's Ministers; saying, that he trusted in our good-will, to make known to him the abuses which are said to be encouraged by French Agents, and to point out the system which experience has shewn is most likely to offer an effectual check to such proceedings.

I inclose to your Lordship a Correspondence recently published in the *Moniteur* upon this subject. I assured Mons. de Richelieu, that his motives would be duly appreciated by my Court, when I should report the substance of his conversation. I have, &c.

Viscount Castlereagh, K. G. CHARLES STUART.

(Inclosure.)—Article in the Moniteur relative to the Slave-trade carried on at Senegal.

Nous avons déjà présenté à nos lecteurs, quelques observations sur la Lettre d'un Anglais établi au Sénégal, et publiée dans le *Morning Chronicle* du 7 Janvier.

Les Lettres suivantes, adressées par Son Excellence le Ministre de la Marine au Commandant du Sénégal, et aux Administrateurs des Ports, prouvent assez, combien nous étions fondés à révoquer en doute l'exactitude des faits allégués dans le Journal Anglais. Comment supposer en effet, que des Instructions aussi positives n'aient pas été suivies,—que des ordres aussi formels aient été violés!

Au surplus, l'Ordonnance du 8 Janvier, 1817, insérée au No. 136, du Bulletin des Lois, avait prescrit la confiscation de tout Bâtiment qui tenterait d'introduire des Noirs de Traite dans nos Colonies, et interdit le Capitaine de tout commandement, s'il était Français.

En outre les Lettres ci-dessous, il a encore été écrit par le Ministre de la Marine dans toutes nos Colonies, pour recommander la plus stricte exécution de l'Ordonnance précitée, et dans tous les Ports de France, pour ordonner la surveillance la plus sévère de tous les Bâtimens expédiés pour le Commerce.

Le Gouvernement du Roi rivalisera toujours de zêle et d'ardeur avec tous les Gouvernemens de l'Europe, pour arriver à un résultat si eminément désiré depuis long tems par les amis de l'humanité, et si

parfaitement conforme aux principes d'une saine philosophie et d'une religion éclairée.

(Sub-Inclosure 1.)—The Minister of Marine to the Commandant at Senegal.

MONSIEUR, *Paris, le 18 Janvier*, 1818.

LE *Morning Chronicle* du 7 Janvier, désigne ainsi qu'il suit, les Bâtimens Français qui seraient venus charger de Noirs au Sénégal, depuis l'abolition de la Traite.

" Bâtimens qui ont chargé avant le 8 Novembre, 1817. *La Reine Charlotte, l'Astrée, et le Sylphe* de Nantes; et *l'Elysa* de Bourdeaux."

" Bâtimens actuellement en charge.—*L'Elysée et le Zephyr*, de Bourdeaux."

Il parait que cette assertion est fondée sur une Lettre, qui a été adressée à l'Institution d'Afrique à Londres, par un Anglais établi au Sénégal.

Aussitôt la réception de la présente, vous voudrez bien prendre les informations les plus exactes sur les faits en question, et me rendre compte de leur résultat par les plus prochaines occasions.

Je vous recommande, au reste, d'exercer en général la plus stricte surveillance sur tout ce qui concerne l'exécution des Conventions et Traités sur l'abolition du Commerce des Esclaves, ainsi que des ordres donnés en conséquence par le Gouvernement du Roi.

Recevez, &c. COMTE MOLE.

P. S. Veuillez prendre cette Lettre dans la considération la plus sérieuse, et saisir toutes les occasions de me rendre compte de l'exécution des mesures qu'elle prescrit.

(Sub-Inclosure 2.)— Circular of the Minister of Marine to the Directors of Ports.

Paris, le 29 Janvier, 1818.

LE Navire Français, *La Reine Charlotte*, est signalé dans le *Morning Chronicle* du 7 Janvier, comme ayant pris au Sénégal un chargement de Noirs, postérieurement à l'abolition de la Traite; et les Bâtimens Français, *l'Elysée* et *le Zephyr*, comme étant, à la date du 8 Novembre, sur le point d'y recevoir un chargement de même nature.

Je vous prie de faire prendre des informations à l'effet de savoir si ces Batimens appartiennent à l'un des Ports de vôtre Arrondissement, et dans ce cas quelles sont les opérations auxquelles ils ont été employés, quel est le lieu où ils se trouvent aujourd'hui, et le Port de France où ils doivent effectuer leur retour.

Vous voudrez bien me transmettre au plus-tôt le résultat de ces informations. COMTE MOLE.

No. 17.—Viscount Castlereagh to Sir Charles Stuart.

SIR, *Foreign Office, 6th February*, 1818.

I HAVE the honour to transmit to your Excellency, for your information and guidance, the Copy of a Note with its Inclosure, which I addressed on the 24th ultimo to His Excellency the French Ambassador residing at this Court, relative to the renewal of the Slave-trade on the Coast of Africa North of the Line, by French Subjects, since the restoration of Senegal and Goree to France. I also inclose the Copy of a private Note from Mr. Planta to the Marquis d'Osmond inclosing Sir William Scott's judgment on the French Ship *Louis*, and the Copy of a Letter from an Officer lately returned from the Coast of Africa, to Mr. Planta, of the 29th ultimo on the same Subject.

I am, &c.

H. E. Sir Charles Stuart, G. C. B. CASTLEREAGH.

(Inclosures 1 and 2.)—See Nos. 13 and 14 of this Class.

(Inclosure 3.)—— —— to Joseph Planta, Jun. Esq.

SIR, *29th January*, 1818.

IN reply to yours of the 22d instant, on the subject of the Slave-trade, which I had the honour of receiving yesterday, I beg leave to state, for the information of Lord Castlereagh, a few circumstances respecting the revival of that Traffick, since the Peace, which have come under my observation.—In January 1817, some few Vessels of France and Spain arrived at Goree, soon after the Settlement was delivered up to the French, and previous to the departure of the British Troops; the Captains of which sold their ladings to the inhabitants, who, on the removal of the British, furnished them with Slaves in return, not immediately in, but a few miles distant from, the roads of Goree. In March following, 3 other Vessels were slaved off in the same manner; and, in June, having obtained leave to return to Europe, and being obliged to go to Goree from our establishment in the Gambia, in order to obtain a passage in an English Vessel then expected from Sierra Leone, I saw 2 Vessels then actually at anchor in the Roads, for the express purpose of carrying off Slaves, and I understood that a French Schooner had left it a few days before with a Cargo. The fear of detection which had at first obliged the inhabitants to act with some caution, had by this time almost worn off, and matters went on briskly; for example, the master of a French Vessel asked an English gentleman at that time resident in Goree, if he had any Slaves to dispose of. Numbers had been carried to, and exported from Goree, from the time the British left it, till that in which I was there in June last. At Dakar, on the main land, about 3 miles distant from Goree, and where the inhabitants of Goree have built some houses, I myself, a few days previous to my leaving the Coast, saw a number of miserable captives,

men, women, and children, guarded by French sailors, who, I understood, were destined as a part of the Cargo of a French Vessel then at anchor off Goree; and the Natives informed me that many more were confined in some of the houses. Not having an opportunity of visiting Senegal since its restoration to the French, I cannot speak as to facts; report, however, made it no less active than Goree, and by late accounts from the Coast, I understand, that at no one period prior to the Abolition was that detestable traffick carried on brisker than it is at present, both at Senegal and Goree. I have, &c.

Joseph Planta, Jun. Esq.

No. 18.—*Viscount Castlereagh to Sir Charles Stuart.*

SIR, *Foreign Office, 21st February*, 1818.

You will receive inclosed a Memorandum, together with the Documents to which it refers, which had been laid by me before the Plenipotentiaries of the Powers assembled here, under the 3d Additional Article of the Treaty of Paris, 1815.

Your Excellency will observe, that the main object which this Memoir has in view, is to induce these Powers, all of whom have already abolished the Slave-trade, to enter into a Conventional Agreement with each other for mutual Right of Visit, under Regulations similar to those which you will find have actually been established by the inclosed Conventions between Great Britain and the Courts of Spain and Portugal.

As the Prince Regent attaches a very peculiar value to the concurrence of the King of France in the proposed measures, I am to convey to your Excellency the Prince Regent's pleasure, that you do open this whole subject, in the most suitable manner, to the French Government, proposing to the King, to give the necessary powers to his Ambassador in London for concluding a Convention of an import similar to those above referred to; and if you should deem it expedient, you will request a special audience for the purpose of bringing before His Majesty, in the most impressive manner, the earnest solicitude of the Prince Regent, that the exertions of the two Governments may thus be cordially united for the purpose of perfecting a work which they have both equally at heart.

In pressing this subject upon the particular attention of the French Government, you will direct their notice to the great care with which, in the Spanish and Portuguese Conventions, the permission to visit Vessels suspected of having Slaves illegally on board, is guarded.

1st. The right is completely reciprocal between the Contracting Parties.

2dly. It is strictly confined to Ships of War, and it is further not generally exerciseable by all the Ships of War belonging to the Contracting Parties, but exclusively by those which shall receive, from

their respective Governments, the special Instructions *ad hoc*, as set forth in the Convention, by which the power will be localized and confined to the known scenes of the Traffick.

3dly. The power to visit can only be exercised by a Commissioned Officer, and subject to Regulations, imposing the utmost personal responsibility on such Officer.

4thly. Detention of the Vessel visited can alone take place upon the fact of Slaves being found on board, and with a further saving in favour of domesticated Slaves, which may, *bona fide*, make a part of the Crew.

5thly. The Ship so detained must be immediately carried before a Mixed Commission, who are to pronounce upon the grounds of detention, with full power to make compensation to the Party detained, in case of any act having been committed, either of error or injustice.

I trust, the Government of France will at once see, that, under this arrangement, the rights of all Parties are not only saved, but protected; that without such a reciprocal concession on the part of the Powers, whose Flags are found on the Coast of Africa, the illicit Slave Trader must, by a fraudulent use of whatever Flag may, at the moment, best serve to conceal his real national character, continue to defy every attempt at detection, and that the grant of such a power not only may take place consistently with the strictest maintenance of the maritime rights of the respective Parties, but that it may admit of such modifications and restrictions, as to render it next to an impossibility that it should be abused.

Should any further regulations be desired, for the purpose of guarding the exercise of this power, beyond those which are to be found in the Spanish and Portuguese Conventions, you may assure the French Government, that the Prince Regent's Ministers will be most willing to entertain, in this respect, any suggestions which France may have to propose.

It may be proper to inform your Excellency, that I have this day received a Dispatch from the Earl of Clancarty, notifying the consent of the King of The Netherlands, to the immediate signature of a Convention of the same tenor and import as those concluded with the Courts of Madrid and Portugal.

I am, &c.

H. E. Sir Charles Stuart, G. C. B.

CASTLEREAGH.

(Inclosure.)—Memorandum of Viscount Castlereagh.

In laying before the Conference the Reports received from the African Societies in London, in answer to the Queries addressed to them by His Majesty's Government, upon the present state of the Slave-trade, as connected with the improvement and civilization of Africa, Lord Castlereagh (the Reports being read) called the attention of his Colleagues to the following prominent facts:

That a considerable revival of the Slave-trade had taken place, especially on the Coast of Africa north of the Line, since the restoration of Peace; that the principal part of this Traffick being now of an illicit description, the Parties engaged in it had adopted the practice of carrying it on in armed and fast-sailing Vessels:

That the Ships engaged in this armed Traffick, not only threatened resistance to all legal attempts to repress the same, but, by their piratical practices, menaced the legitimate Commerce of all Nations on the Coast with destruction:

That the Traffick thus carried on was marked with increased horrors, from the inhuman manner in which these desperate Adventurers were in the habit of crowding the Slaves on board Vessels better adapted to escape from the interruption of Cruizers, than to serve for the transport of human beings:

That as the improvement of Africa, especially in a commercial point of view, has advanced in proportion as the Slave-trade has been suppressed, so, with its revival, every prospect of industry and of amendment appears to decline:

That the British Government has made considerable exertions to check the growing evil; that, during the War, and whilst in possession of the French and Dutch Settlements on that Coast, their endeavours had been attended with very considerable success, but that since the restoration of those Possessions, and more especially since the return of Peace had rendered it illegal for British Cruizers to visit Vessels sailing under Foreign Flags, the Trade in Slaves had greatly increased:

That the British Government, in the performance of this act of moral duty, had invariably wished, as far as possible, to avoid giving umbrage to the rights of any Friendly Power; that with this view, as early as July, 1816, the accompanying Circular Order had been issued to all British Cruizers, requiring them to advert to the fact, that the right of search (being a belligerent right) had ceased with the War, and directing them to abstain from exercising the same:

That the difficulty of distinguishing, in all cases, the fraudulent from the licit Slave Traders, of the former of whom a large proportion were notoriously British Subjects, feloniously carrying on this Traffick in defiance of the Laws of their own Country, had given occasion to the detention of a number of Vessels, upon grounds which the Prince Regent's Government could not sanction; and in reparation for which Seizures, due compensation had been assigned in the late Convention with Spain and Portugal:

That it was, however, proved beyond the possibility of doubt, that unless the right to visit Vessels engaged in this illicit Traffick should be established, by the same being mutually conceded between the Maritime States, the illicit Slave-trade must, in time of Peace, not only continue to subsist, but to increase:

That the system of obtaining fraudulent Papers, and concealing the real Ownership, was now carried on with such address, as to render it easy for the Subjects of all States to carry on the Traffick, whilst the Trade in Slaves remained legal for the Subjects of any one State:

That even were the Traffick abolished by all States, whilst the Flag of one State shall preclude the visit of all other States, the illicit Slave-trader will always have the means of concealing himself under the disguise of the Nation whose Cruizer there is the least chance of his meeting on the Coast. Thus the Portuguese Slave Trader, since the Abolition north of the Line took effect, has been found to conceal himself under the Spanish Flag: the American, and even the British Dealer, has in like manner assumed a Foreign disguise. Many instances have occurred of British Subjects evading the Laws of their Country, either by establishing houses at The Havannah, or obtaining false Papers. If such has been the case in time of War, when Neutral Flags were legally subjected to the visit of the Belligerent Cruizer, the evil must tenfold increase when Peace has extinguished this right, and when even British Ships, by fraudulently assuming a Foreign Flag, may, with every prospect of impunity, carry on the Traffick.

The obvious necessity of combining the repression of the illicit Slave-trade with the measure of Abolition, in order to render the latter in any degree effectual, has been admitted both by the Spanish and Portuguese Governments, and, in furtherance of this principle, the late Conventions have been negotiated; but whilst the system therein established is confined to the three Powers, and whilst the Flags of other Maritime States, and more especially those of France, Holland, and The United States, are not included therein, the effect must be to vary the ostensible character of the fraud, rather than in any material degree to suppress the mischief.

The great Powers of Europe, assembled in Congress at Vienna, having taken a solemn engagement in the face of mankind, that this Traffick should be made to cease; and it clearly appearing, that the Law of Abolition is nothing in itself, unless the contraband Slave-trade shall be suppressed by a combined system,—it is submitted, that they owe it to themselves to unite their endeavours without delay for that purpose; and as the best means, it is proposed, that the five Powers now assembled in Conference under the IIId Additional Article of the Treaty of Paris, should conclude a Treaty with each other, upon such enlarged, and at the same time simple principles, as might become a Conventional Regulation, to which all other Maritime States should be invited to give their accession. This Convention might embrace the following general Provisions:

1st. An engagement, by effectual Enactments, to render not only the import of Slaves into their respective Dominions illegal, but to

constitute the trafficking in Slaves, on the part of any of their Subjects, a criminal act, to be punished in such suitable manner, as their respective Codes of Law may ordain.

2d. That the right of visit be mutually conceded to their respective Ships of War, furnished with the proper Instructions, *ad hoc*—that the visit be made under the inspection of a Commissioned Officer, and no Vessel be detained unless Slaves shall be found actually on board.

3d. The minor Regulations to be such as are established in the Conventions with Spain and Portugal, under such further modifications as may appear calculated to obviate abuse, and to render the system, if possible, more unobjectionable as a general Law, amongst the High Contracting Parties, applicable to this particular evil.

After the Abolition shall have become general, in a course of years, the Laws of each particular State may, perhaps, be made in a great measure effectual to exclude import. The measure to be taken on the Coast of Africa will then become comparatively unimportant, but so long as the partial nature of the Abolition, and the facility to contraband import throughout the extensive Possessions to which Slaves are carried from the Coast of Africa, shall afford to the illicit Slave Trader irresistible temptation to pursue this abominable but lucrative Traffick, so long nothing but the vigilant superintendence of an armed and international Police on the Coast of Africa, can be expected successfully to cope with such practices.

To render such a Police either legal or effectual to its object, it must be established under the sanction, and by the authority, of all civilized States, concurring in the humane policy of Abolition; the force necessary to repress the same may be supplied as circumstances of convenience may suggest, by the Powers having Possessions on the Coast of Africa, or local interests, which may induce them to station Ships of War in that quarter of the Globe; but the endeavours of these Powers must be ineffectual, unless backed by a general Alliance, framed for this especial purpose. The rights of all Nations must be brought to co-operate to the end in view, by at least ceasing to be the cover, under which the object, which all aim at accomplishing, is to be defeated.

At the outset some difficulty may occur in the execution of a common system, and especially whilst the trade remains legal, within certain limits, to the Subjects both of the Crowns of Spain and Portugal, but if the principal Powers frequenting the Coast of Africa, evince a determination to combine their means against the illicit Slave Trader as a common enemy, and if they are supported in doing so, by other States denying to such illicit Slave Traders the cover of their Flag, the Traffick will soon be rendered too hazardous for profitable speculation. The evil must thus cease, and the efforts of Africa be directed to those habits of peaceful commerce and industry, in which all Nations

will find their best reward for the exertions they shall have devoted to the suppression of this great moral evil.

Lord Castlereagh, upon these grounds, invited his Colleagues, in the name of the Prince Regent, (should the Powers under which they at present act, not enable them to proceed to negotiate a Convention upon the grounds above stated, to solicit,) without delay, from their respective Sovereigns, the authority necessary to this effect; His Royal Highness confidently trusting that the enlarged and enlightened principles which guided the councils of these illustrious persons at Vienna, and which have now happily advanced the cause of Abolition so nearly to its completion, will determine them perseveringly to conduct the measure to that successful close, which nothing but their combined wisdom and continued exertions can effectuate.

Lord Castlereagh concluded by calling the attention of his Colleagues to the indisputable proofs, afforded both by the present state of the Colony of S erra Leone, and by the increase of African Commerce in latter years, of the faculties of that Continent both in its soil and population, for becoming civilized and industrious, the only impediment to which undoubtedly was the pernicious practice of Slave-trading, which, wherever it prevailed, at once turned aside the attention of the Natives from the more slow and laborious means of barter, which industry presented, to that of seizing upon and selling each other.

It was therefore through the total extinction of this traffick that Africa could alone be expected to make its natural advances in civilization, a result which it was the declared object of these Conferences, by all possible means to accelerate and promote.

No. 19.—*Viscount Castlereagh to the Marquis d'Osmond.*

Foreign Office, 21st February, 1818.

Lord Castlereagh, in compliance with the Marquis d'Osmond's desire, has the honour to transmit, for His Excellency's information, Copies of the several Legislative Acts and Orders in Council, which have, from time to time, been passed in Great Britain, for giving effect to the Laws for the abolition of the Slave-trade.

From these Documents His Excellency will perceive, that not only confiscation of Ship and cargo takes place in all cases where either a British Ship or British capital is found to have been engaged in any Slave-trading transaction whatsoever, but that all British Subjects so trafficking in Slaves, are guilty of felony and liable to transportation.

Lord Castlereagh, with all proper deference, takes this occasion, in compliance with Marquis d'Osmond's wishes, of representing to His Excellency, in what he conceives the existing state of the Law in France to fall short of the full measure of effectual abolition which

His Most Christian Majesty has announced his intention to enforce, as well in Prince Talleyrand's Letter of the 30th July, 1815, as also in the Additional Article of the Treaty of Peace, signed at Paris on the 20th November, 1815.

Lord Castlereagh apprehends, that neither the Letter nor the Treaty above alluded to, can be taken notice of by any French Tribunal as Law, without some public and authentic Act confirmatory of the same, either in the shape of a Law enacted by the Legislature, or in that of a Royal Decree emanating from His Majesty in the usual form; and were it even competent to plead a Treaty with a Foreign Power before a French Tribunal, as having the force of Law, still it is obvious that such a proceeding must fail of its effect, there being no specific penalty, forfeiture, or punishment therein declared, as applicable to offences against its provisions.

The only public Act as yet promulgated in France, and which can be considered as carrying with it the force of Law with suitable penalties, Lord Castlereagh conceives to be the Royal Decree of January 8th, 1817; but this Decree, His Excellency will observe, whilst it interdicts the importation of Slaves into the Colonies of France, does not interdict to French Ships and Subjects the traffick in Slaves generally; so that French Ships and Subjects might trade in Slaves on the Coast of Africa, without incurring any penalty under this Decree, provided the Slaves so carried off were delivered at any other than a French Port.

Lord Castlereagh submits, therefore, to the Marquis d'Osmond, whether His Most Christian Majesty's Government would not think it right to render the prohibition against Slave-trading universal, to the Ships, Subjects and capital of France, effectually applying to all property engaged therein the penalty of confiscation, and visiting the offence of Slave-trading with a punishment suitable to so serious a crime, when committed in violation of a public Law solemnly promulgated.

Lord Castlereagh requests H.E. the Marquis d'Osmond to accept, &c.

H. E. the Marquis d'Osmond. CASTLEREAGH.

No. 20.—Viscount Castlereagh to Sir Charles Stuart.

SIR, *Foreign Office, 21st February,* 1818.

IN reference to my Dispatch to your Excellency, inclosing the Communication which I had made to the Marquis d'Osmond, the French Ambassador at this Court, with respect to the late revival of the Slave-trade on the Coast of Africa, I have now the honour to send to you the Copy of a Note which I have this day addressed to His Excellency, transmitting to him, at his request, and for the information of his Government, Copies of all the Acts of Parliament and Orders in Council, which have been issued in this Country, for the complete

suppression and abolition of the traffick in Slaves by His Majesty's Subjects.

Your Excellency is, of course, already so well acquainted with these Papers, that it has been thought unnecessary to furnish you with duplicate Copies; but should you wish to consult any of them, which you may not have by you, and will communicate your wishes to me, they shall be transmitted to your Excellency without delay.

I am, &c.

H. E. Sir Charles Stuart, G. C. B. CASTLEREAGH.

No. 21.—*Sir Charles Stuart to Viscount Castlereagh.—(Rec. Feb. 22.)*

My Lord, *Paris, 19th February*, 1818.

I have communicated to the Duke de Richelieu the several Papers contained in your Lordship's Dispatch, detailing the infractions of His Most Christian Majesty's Ordonnance for the abolition of the Slave-trade in the Possessions lately restored to France on the Coast of Africa; and I have endeavoured to impress upon His Excellency's mind, the urgent necessity of measures which shall give force to a Law, which these Papers prove to have remained a dead letter in the French Colonies.

The Duke de Richelieu thanked me for the communication, adding, that he was desirous I should specify the measures, which your Lordship is of opinion will contribute most efficaciously to the suppression of this traffick, so as to enable the French Government to prove the sincerity of their intentions, by adopting a similar system in all their Colonial Possessions.

Two days after this conversation had taken place, Mons. Molé, the Minister of the Marine, informed me, that the French Government having instituted inquiries respecting the facts which are stated in the Memorial I lately delivered to Mons. de Richelieu, he had the mortification to find that the result of the information he had obtained, proved your Lordship's intelligence to be correct, and left no doubt that repeated violations of the Royal Ordonnance on the part of the French Authorities on the Coast of Africa, had defeated the plans of the Government for the civilization of the Natives, and had given rise to mischiefs which years of unwearied attention will hardly remedy.

Orders have been sent out for the immediate destitution of the persons inculpated in these proceedings, and fresh Instructions will be sent out to the Colonies to give full effect to the King's Ordonnance respecting the Abolition.

Mons. Molé expressed his belief, that the French Authorities in Senegal have not participated in the proceedings which have given rise to animadversion in other parts. I have, &c.

Viscount Castlereagh, K. G. CHARLES STUART.

No. 22.—The Marquis d'Osmond to Viscount Castlereagh.

Londres, le 24 Février, 1818.

Le Marquis d'Osmond a l'honneur d'accuser reception à son Excellence Lord Castlereagh de la Note qu'il lui a adressée le 21 de ce mois, et des pièces qui l'accompagnaient. Il s'est empressé de les transmettre à Paris pour l'information de son Gouvernement.

Le Marquis d'Osmond saisit cette occasion, &c.

S. E. Lord Castlereagh. OSMOND.

No. 23.—Sir Charles Stuart to Visct. Castlereagh.—(Rec. March 5.)

My Lord, *Paris, 2d March*, 1818.

In compliance with the instructions contained in your Lordship's late Dispatch, I have entered into communication with the Duke de Richelieu, upon the subject of the Negotiation which His Majesty's Government is desirous should take place, for the purpose of establishing, under certain restrictions, a reciprocal right of visit, on board of Ships suspected to be engaged in the Slave-trade, under the Flag of the several Powers which have consented to abolish the traffick.

Though Monsieur de Richelieu did not, in the first general conversation which took place, start any objection to this proposal, yet, when I read over the conditions by which it is proposed to modify the right, in a subsequent meeting, I observed a change of opinion which very much weakened my hope of his acquiescence; His Excellency expressed his fears, that the offer of reciprocity would prove illusory, saying that the disputes which must inevitably arise from the abuse of the right, would be more prejudicial to the interests of the two Governments than the commerce we are desirous to suppress; and, although these arguments were easily answered by the obvious reference to the restrictions mentioned in your Lordship's Dispatch, as he did not appear inclined to abandon his opinion, I thought it my duty to tell him, that the interest which His Majesty's Government, and the whole Nation, feel, in a measure which is indispensable to a complete abolition, would compel me to seek an opportunity of making known the Prince Regent's wishes to the King, and to desire he would accordingly let me know, when I might have an opportunity of seeing His Majesty for that purpose.

In compliance with this request, the King admitted me to a private audience on Friday, when I stated that, although the Prince Regent has been rendered fully sensible of His Majesty's desire to eradicate this trade by the measures the French Government has adopted, abuses have crept in, since the establishment of Peace has put an end to the right of visit, which can only be remedied by the mutual concert of all the Governments interested in effecting the abolition; that I was charged to state to His Majesty, that the Courts of Spain, Portugal, and the Low Countries have determined, under certain restrictions, to concert the esta-

blishment of a mutual right of visit during Peace, and that it cannot be supposed France alone will be unwilling to enter into the proposed arrangement, at a moment when the facts which have come to light, have induced certain persons to call in question the sincerity of His Majesty's intentions to effect the abolition; that I therefore hoped instructions would be given to His Ministers to enter into negotiation for that purpose; adding, that my Court is ready to admit any modification which the peculiar circumstances of France may render expedient.

His Majesty did not contest the justice of this reasoning; but said that, much as he desires the extirpation of the trade, he could not but feel that the proposition I had brought forward was of a delicate nature, which may very materially affect the commercial interests of his Subjects; that he therefore could only tell me, that his sentiments upon this point would be fully developed in the course of the Negotiation which had been entrusted to the direction of the Marquis d'Osmond, and he hopes they will leave no doubt of the sincerity of his desire to put an end to this traffick; which desire, he affirmed, was so deeply engraven in his heart, that the recollection of the share he had borne in the abolition, would be a consolation in the last moments of his existence.

Though His Majesty's determination was rendered pretty evident by this answer, a conversation which took place on the following day, with M. de Richelieu and M. Molé, did not leave the smallest doubt of their resolution not to admit the proposal: they told me that the extreme repugnance which prevailed among all Parties to the admission of the right of visit, though regulated and placed under the severest restrictions, convinced them that the measure ought not now to be agitated, and they entreated me to represent this to His Majesty's Government.

I have, &c.

Viscount Castlereagh, K. G. CHARLES STUART.

No. 24.—Sir Charles Stuart to Visct. Castlereagh.—(Rec. 5th March.)

(Extract.) *Paris, 2d March,* 1818.

ACCORDING to the directions in your Lordship's Dispatch, which incloses the Communication officially addressed to the Marquis d'Osmond, respecting the impossibility of preventing the continuation of the Slave-trade under the existing Laws of France, I took an early opportunity of carrying your Lordship's observations to the knowledge of the Duke de Richelieu, and of representing to His Excellency the urgent necessity of introducing the change in the Legislation upon this subject, which the importance of the question, not less than a due regard to the consistency of the Government, certainly require.

After reading your Lordship's Note to the Marquis d'Osmond, His Excellency admitted the justice of the reasoning it contained, and told me that he would immediately enter into communication with the Minister of the Marine, for the purpose of concerting the measures which may be the best calculated effectually to remedy the mischief.

Viscount Castlereagh, K. G. CHARLES STUART.

No. 25.—Sir Charles Stuart to Visct. Castlereagh.—(Rec. 11th March.)

My Lord, *Paris, 5th March,* 1818.

With reference to my Communications, dated last Monday, upon the subject of the measures which are contemplated, for the purpose of effecting the abolition of the Slave-trade, I think it necessary to inform your Lordship, that the French Ministers have determined not to publish any further Decree upon this subject, but to follow the more formal course of comprehending all the provisions of the Ordonnance they intended, in the Law they propose.

Though my further communications with the French Ministers have not enabled me to overcome their repugnance to concert a mode of admitting the reciprocal and restricted right of visit on board Ships suspected to be engaged in the Slave-trade, I have reason to hope that they will, at a subsequent period, be better prepared to enter into a negotiation for this measure. I have, &c.

Viscount Castlereagh, K.G. CHARLES STUART.

No. 26.—Sir Charles Stuart to Visct. Castlereagh.—(Rec. 14th March.)

My Lord, *Paris, 9th March,* 1818.

The Minister of Marine has communicated to me the Projet of the Law, which the French Minister proposes to submit to the consideration of the Chambers, for the purpose of remedying the defects in the present state of the French Legislation, which prevent the total extirpation of the Slave-trade.

By this Law, equipments of every description for the purpose of carrying on the traffick in Slaves are prohibited, all Vessels employed in the commerce are liable to confiscation, and the Masters and other Officers on board are rendered incapable of exercising their charge in any French Vessel during 10 Years.

After reading over the Projet, I took the liberty to observe, that the provisions of the Law fell very short of the suggestions which I had had the honour to communicate; that the punishment of the Persons convicted of carrying on the trade under the French Flag, is by no means sufficient to check the mischief, if it is as extensive as the Papers which have been received by His Majesty's Government give me every reason to fear; that the interdiction of the Master and Officers during a limited time, and confiscation of the Owners' property, do not approach the pains of felony which are incurred by every British Sub-

ject, who engages in this traffick; and that the Crews of the French Traders remain wholly unpunished, even under the most rigorous interpretation of the Act; all which considerations render me extremely doubtful, if this Law will fully answer the purpose intended.

I have the honour to be, &c.

Viscount Castlereagh, K. G. CHARLES STUART.

No. 27.—Viscount Castlereagh to Sir Charles Stuart.

SIR, *Foreign Office, 9th May,* 1818.

I THINK it proper to acquaint your Excellency, in addition to the intelligence which has been already forwarded to you upon the same subject, for the information of the French Government, that a Communication has been received by His Majesty's Government, from respectable authority, at Bathurst Town on the Gambia, and dated the 29th January last, which states, in direct terms, that the Natives of that neighbourhood were all at war for Slaves to supply the French, who were selling their goods at very reduced prices, and upon a very expensive scale, for the continuation of the Slave-trade, in defiance of the Laws of their Country. I am, &c.

H. E. Sir Charles Stuart, G. C. B. CASTLEREAGH.

No. 28.—Sir Charles Stuart to Visct. Castlereagh.—(Rec. 28th May.)

MY LORD, *Paris, 25th May,* 1818.

IN obedience to the Instructions contained in your Lordship's late Dispatch, I have addressed a Note to the Duke de Richelieu, stating that war among the Natives of the Gambia had resulted from the frequent infraction of His Most Christian Majesty's Ordonnances for the abolition of the Slave-trade.

I have received the answer of which I inclose a Copy, from the Duke de Richelieu, in which his Excellency requires further information, which I am quite unable to afford, upon the subject of the event to which my Communication has referred.

The French Government has at the same time been pleased to bring forward a reciprocal accusation; which is so palpably erroneous, that I regret to be under the necessity of requesting your Lordship to afford me the means of transmitting the Duke de Richelieu an answer upon the subject. I have, &c.

Viscount Castlereagh, K.G. CHARLES STUART.

(Inclosure 1.)—Sir Charles Stuart to the Duke de Richelieu.

MY LORD, *Paris, 16th May,* 1818.

I HAVE received the directions of His Majesty's Government to acquaint your Excellency, that Advices, dated the 29th of January, from Bathurst Town on the Gambia, state, that the Native Powers in that neighbourhood are at war, for the express purpose of obtaining Slaves

to supply the French Traders, who, it appears, have lately made considerable sacrifices with a view to continue that commerce in direct opposition to the Laws of France. I have, &c.

H. E. the Duke de Richelieu. CHARLES STUART.

(Inclosure 2.)—The Duke de Richelieu to Sir Charles Stuart.

MONSIEUR L'AMBASSADEUR, *Paris, le 22 Mai,* 1818.

J'AI reçu la Lettre, par laquelle votre Excellence m'a fait l'honneur de m'annoncer, que des nouvelles expédiées du Sénégal à son Gouvernement, sous la date du 29 Janvier, portaient que quelques Princes de ce pays s'étaient déclarés la guerre, dans la vue de se procurer des Esclaves pour en fournir aux François, qui au mépris des Lois continuent la traite des Noirs.

Je prie votre Excellence de recevoir mes remerciemens de cette information : mais je dois lui faire observer, qu'elle est conçue dans des termes si généraux, qu'elle serait peu propre à éclairer le Gouvernement de Sa Majesté, dans les démarches qu'il veut faire pour réprimer le délit dont il paraitroit que des Sujets François se sont rendus coupables.

Votre Excellence sentira, que pour se faire à cet égard des idées positives, il conviendrait de connaitre en détail les noms et la position géographique des peuplades Négres, qui se sont mises en état de guerre, et les raisons sur lesquelles on a été fondé à penser, qu'elles y étoient excitées par des Sujets du Roi, plutôt que par les Sujets d'autres Etats qui se livrent à la traite des Noirs. Ce sont ces détails, Monsieur l'Ambassadeur, que je vous prie de vouloir bien demander à votre Cour; et j'attache d'autant plus de prix à acquérir sur ce point des données exactes, que d'après les rapports dernièrement transmis de Gorée, par un Administrateur qui inspire au Gouvernement de Sa Majesté la plus grande confiance, j'avois lieu d'espérer qu'il ne se commettait plus dans ces parages, de la part des Français, aucune infraction aux Lois qui ont prononcé l'abolition de la traite.

Je crois devoir saisir cette occasion pour adresser à votre Excellence la Copie d'un Rapport qui est parvenu au Ministre de la Marine, et qui donne, sur l'expédition d'un Bâtiment Anglais qui paraissoit se préparer à faire la traite, des renseignemens qui peuvent être utiles au Gouvernement de Sa Majesté Britannique.

J'ai l'honneur d'être, &c.

S. E. le Chevalier Stuart. RICHELIEU.

(Inclosure 3.)—The Commissary General of Police at L'Orient to the Minister of Marine.

(Extrait.) *L'Orient, le* 14 *Mars,* 1818.

QUANT au bric le *Magnet*, ayant 13 Hommes d'équipage dont 3 Officiers, il est chargé de marchandises de traite, entr'autres 150

barils de poudre, 50 barils de pierres à fusil; sa destination est pour Mogador, Côte d'Afrique, ou tous autres comptoirs sur la dite Côte. Le Capitaine a prétendu n'aller en Afrique que pour traiter de la poudre d'or, morphil, et cuirs secs, mais l'ayant fait un peu jaser par quelqu'un d'assez adroit, il a dit que la traite des Négres s'y fait plus que jamais sous le Pavillon Espagnol et Portugais; enfin il a laissé entrevoir que c'était aussi son but; et il est à remarquer que le nom du Bâtiment qui devroit être inscrit sur la poupe, ne s'y trouve que sur une petite planche fixée avec quelques cloux.

Le Capitaine en buvant le punch a raconté avoir fait un pareil voyage à celui qu'il entreprenait, qui avait rapporté à l'Armateur 200 p. c. Il n'est arrivé que depuis 10 jours lorsqu'il a été réexpédié; il prétend avoir eu, avant son départ, une conférence avec Lord Castlereagh, qui demandait des renseignemens sur la manière dont la traite de Négres se faisait à la Côte Afrique.

S. E. le Ministre de la Marine.

No. 29.—*Viscount Castlereagh to Sir Charles Stuart.*

SIR, *Foreign Office, 29th May,* 1818.

I REGRET to be under the necessity of again calling your Excellency's attention to complaints renewed in the Reports from the Coast of Africa, of the continuance of the Slave-trade by His Most Christian Majesty's Subjects on the windward Coast, tolerated, as at least it would appear, if not clandestinely encouraged, by the French Authorities.

I am not aware, whether these complaints may not partly relate to occurrences, which I have before had occasion to direct your Excellency to lay before the French Government; but the continuance of this traffick, in any shape, is so entirely contrary to the principles so lately declared by His Most Christian Majesty, that I feel persuaded I have only to direct your Excellency to bring the facts to the knowledge of the French Government, in order to produce such Instructions from them to their Authorities in Africa, as shall effectually prevent the recurrence of practices, so contrary to the spirit and to the letter of the French Laws upon this subject. I am, &c.

H. E. Sir Charles Stuart, G. C. B. CASTLEREAGH.

No. 30.—*Viscount Castlereagh to Sir Charles Stuart.*

SIR, *Foreign Office, 1st June,* 1818.

SINCE my Dispatch of the 29th ultimo, respecting the French Slave-trade on the windward Coast of Africa, was signed, I have received from the Colonial Department the details upon this subject, which are contained in the accompanying Papers. They will enable your Excellency to set before the Duke de Richelieu the true nature and extent of the outrages, which continue to be exercised on the banks

of the Senegal, in defiance of the Laws of France, and, I should hope, will not fail to awaken, in the minds of the French Ministry, a due sense of the importance of taking the most effectual measures for putting an end to this horrid traffick. I am, &c.

H. E. Sir Charles Stuart, G. C. B. CASTLEREAGH.

(Inclosure 1.)—Henry Goulburn Esq. to Joseph Planta, Jun. Esq.

SIR, *Downing Street, 26th May,* 1818.

I AM directed by Lord Bathurst to transmit to you the Copy of a Letter from Mr. Ralph Smith, dated the 12th instant, inclosing an extract of a Letter from Sierra Leone, on the subject of the Slave-trade carried on from Senegal and Goree; and I am to request that you will lay the same before Viscount Castlereagh for his Lordship's information. I am, &c.

Joseph Planta, Jun. Esq. HENRY GOULBURN.

(Inclosure 2.)—Ralph Smith Esq. to Henry Goulburn, Esq.

SIR, 26, *New City Chambers, 12th May,* 1818.

THE inclosed is an extract of a Letter I have this day received from Sierra Leone; and as I consider the information it contains to be of the highest importance, both as it regards the interest and civilization of Africa, and the trade of this Country, I lose not a moment in handing it to you for the information of Government, not doubting but such steps will be immediately taken as the necessity of the case imperiously requires; for it appears evident, that, unless active measures are taken to vindicate the cause of Africa and protect the honour and interests of Great Britain, all will be completely ruined by the conduct of the French on that Coast. I am, &c.

Henry Goulburn, Esq. RALPH SMITH.

(Inclosure 3.)—William Stockdale, Esq. to Ralph Smith, Esq.

(Extract.) *Sierra Leone, 14th March,* 1818.

I LEFT Senegal about a month ago in my Cutter *Active,* to make some arrangement in this place, as I am only once more permitted to enter Senegal again, and I shall leave this in a few days to close my affairs in that place in the best manner I can. The Slave-trade is very brisk,--not less than 3 or 4 large Schooners at Senegal and Goree when I left. On the 10th ultimo, a Brig and a Schooner passed over the bar of Senegal with about 400 Slaves, which were actually all put on board in the River Senegal, and at the same time there was the Corvette called the *Bagadier,* a Brig and Schooner, also of War, lying outside, which never took the least notice of those 2 Slavers when they passed the bar; therefore we conclude they are allowed in this traffick.

Ralph Smith, Esq. WILLIAM STOCKDALE.

No. 31.—Viscount Castlereagh to Sir Charles Stuart.

SIR, *Foreign Office, 12th June,* 1818.

IN addition to the former Communications, which I have addressed to your Excellency, on the continuance of the Slave-trade in the French Settlements on the Coast of Africa, and under the countenance of the French Authorities, I regret to be under the necessity of transmitting to you the further Copy of a Letter, and of its Inclosure, which I have received from the Secretary of the African Institution; and I have to request, that your Excellency will take the earliest opportunity of laying the subtance of these Papers before the Duke de Richelieu, in order that the Government of His Most Christian Majesty may take the most prompt and effectual steps for putting a stop to a practice so contrary to the spirit of His Most Christian Majesty's engagements. I am, &c.

H. E. Sir Charles Stuart, G. C. B. CASTLEREAGH.

(Inclosure 1.)—The Secy. of the African Institution to Visct. Castlereagh.

MY LORD, *African Institution Office, 10th June,* 1818.

I HAVE the honour to transmit to your Lordship the Copy of a Letter very recently received from a Gentleman at Senegal, addressed to Mr. Allen, one of the Directors of this Institution; the information contained in which is so very important, that I deem it my duty to lose no time in laying it before your Lordship. I have, &c.

Viscount Castlereagh, K. G. THOMAS HARRISON.

(Inclosure 2.)—A Gentleman at Senegal to William Allen, Esq.

SIR, *St. Louis, Senegal, 19th March,* 1818.

ALTHOUGH I have not been favoured with any answer to my Letter of the 8th November last, in which I communicated to you several particulars respecting the trade in Slaves now carried on here, I feel that, having entered upon the subject, it is necessary for me, from time to time, to furnish you with such authentic information, as I trust will ultimately enable you, in conjunction with the other friends of Africa, to put a stop for ever to this diabolical Traffick.

When I last wrote to you, I was not without hope that, ere this, measures would have been taken by the French Government to arrest its progress; as it was difficult to suppose for a moment, that the Authorities here were ignorant of the extent to which the Trade was carried on in the Settlement: my expectations however have been disappointed: it has increased, is hourly increasing, and at present there is not the least appearance even of secrecy, nor the least fear of interruption; for the Slaves are now put on board in the River, and the Vessels pass the bar in sight of every Officer in the Garrison: indeed 2 of the last Vessels which left this with Slaves, passed outward at a time when 3 French Vessels of War (a Ship, a Brig, and a Schooner) were at

anchor outside the bar; and although the Slavers sailed within hail, no examination or notice was taken of them. The distress in the neighbouring Villages I stated to you in my last; and the news of this renewed traffick is spreading rapidly over the Country. Damel, one of the most powerful Kings in this part of Africa, lately came to the vicinity of the Settlement, and held several Conferences with the Slave-traders, as if to ascertain the accuracy of the information he had obtained, and immediately commenced burning and pillaging a number of his own Villages, under circumstances of the most shocking murder and cruelty;—and of his own Subjects whole families were dragged to the banks of the River, where they were sold, and thus separated from their friends, homes, and country, for ever. His booty on this occasion furnished the cargoes of the 2 Vessels mentioned above, which passed the bar on the 11th February. From the Moors they still continue to obtain a great number of Captives, and among them it has given rise to disputes and Wars unprecedented of late years; and it is reported here, that large caravans of Slaves have been collected in the interior, and are now on their way toward this place, where they are daily expected. The French Government having lately recalled Colonel Schmaltz, the Commandant, who, as I noticed in my former Letter, could not have been ignorant of what was passing, I cherished the hope, that it was the first step of that Government to put a stop to the trade; but I regret to be obliged to say, that his Successor appears still more inclined to overlook the mischief which is going on in his command; for, as I have mentioned before, the Slaves are now put on board in the River, and even, in one case, were embarked while the Vessel lay off the Town.

The 2 Vessels which remained in the River when I last wrote to you, obtained their cargoes, and sailed shortly afterwards: and one of them has since returned, and is now in the River preparing for a second cargo, to purchase which she has brought here a large quantity of rum and tobacco. I am in expectation of being able to forward this by a small Vessel bound to France, and as I am rather pressed for time, I shall conclude at present with annexing a List of the Vessels which carried off Slaves since I last addressed you, and of those remaining here, waiting for their Cargoes. I have, &c.

William Allen, Esq.

(Sub Inclosure.)—List of Vessels loaded with Slaves at Senegal, between the 9th November, 1817, *and the* 19*th March,* 1818.

Schooner *Zephyr*, of Martinique
... *Eliseé* or *Eliza*, of Bordeaux
... *Eliza*, of Senegal
Brig *Eliseé* or *Eliza*, of Bordeaux, second voyage
Galliot *Maria* of Marseilles

Vessels remaining in the River Senegal for Slaves, 19th March, 1818.

Schooner *Sylph,* of Nantes, second voyage
... *Eliseé or Eliza,* of Bordeaux, second voyage
... *Reine* and *Caroline,* of Nantes, second voyage
... *Zephyr,* of Nantes
Brig *Postillion,* of Bordeaux

N. B. The above Vessels are exclusively for Senegal: from Goree several Slave Vessels have been dispatched, and I understand the trade is carried on there to a great extent; but I regret that I am not possessed of sufficient information to communicate to you the particulars.

No. 32.—Sir Charles Stuart to Visct. Castlereagh.—(Rec. 3rd July.)

My Lord, *Paris, 29th June,* 1818.

The accompanying Ordonnance announces the intention of His Most Christian Majesty to employ a Naval Force upon the Coast of Africa, for the purpose of preventing the infraction of the Laws which have been enacted in France for the abolition of the Slave-trade.

I have thought it my duty to address the Letter I inclose, to Mons. de Richelieu, requesting to be informed whether this measure results from the confirmation of intelligence I have had the honour to transmit upon this subject; and I took an opportunity of adverting to my Notes, in the first conversation which took place between us.

His Excellency admitted the truth of the statements contained in the different communications he had received from this Embassy; but, he told me, that late information, which had reached him from the Isle of Bourbon, detailing the infractions of the same Law by His Majesty's Subjects in the Isle of France, had principally induced the King to fit out a Squadron for the purpose of preventing that traffick.

I could merely reply to his Excellency by observing, that a plain narrative of facts had incontestibly proved the continuance of the Slave-trade from the French Settlements; and although I could not absolutely contradict the unsupported and general statement which he had brought forward, that I must observe it can hardly be supposed to be the interest of the Inhabitants of the Isle of France to seek Slaves from the West of Africa, when it is well known that almost all the Slaves in the Isles of France and Bourbon are natives of the neighbouring Coast of Mosambique.

I have, &c.

Viscount Castlereagh, K. G. CHARLES STUART.

(Inclosure 1.)—Ordinance of the King of France. 24th June, 1818.

Louis, par la Grâce de Dieu, Roi de France et de Navarre;

Vû les différens Actes par lesquels la France a interdit le trafic connu sous le nom de traite des Noirs, et notamment notre Ordonnance du 8 Janvier, 1817, et la Loi du 15 Avril, 1818;

Voulant assurer, par tous les moyens qui sont en notre pouvoir, l'abolition du commerce des Esclaves dans tous les Pays de notre domination;

Sur le Rapport de notre Ministre Secrétaire d'Etat de la Marine et des Colonies; nous avons ordonné et ordonnons ce qui suit:

ART. I. Il sera entretenu constamment sur les Côtes de nos Etablissemens d'Afrique, une Croisière de notre Marine, à l'effet de visiter tous Bâtimens Français qui se présenteraient dans les parages de nos Possessions sur les dites Côtes, et d'empêcher toutes contraventions à notre Ordonnance du 8 Janvier, 1817, et à la Loi du 15 Avril, 1818.

II. Notre Ministre, Secrétaire d'Etat de la Marine et des Colonies, est chargé de l'exécution de la présente Ordonnance.

Donné en notre Château de Saint Cloud, le 24 Juin, l'an de Grâce 1818, et de notre Règne le 24. LOUIS.

Par le Roi,

Le Pair de France, Ministre, Secrétaire d'Etat de la Marine et des Colonies. COMTE MOLE.

(Inclosure 2.)—Sir Charles Stuart to the Duke de Richelieu.

MY LORD, *Paris, 26th June,* 1818.

As the measures which are officially stated in the French Publick Papers to be in contemplation, for the purpose of enforcing the observance of the Law enacted during the last Session of the Legislative Bodies, for the suppression of the Slave-trade, offer a very satisfactory proof of the anxiety on the part of His Most Christian Majesty's Government to assist the endeavours of my Court to attain that object, I presume that your Excellency will not hesitate to let me know, if these measures result from the confirmation of the intelligence I had the honour to transmit in my several Notes dated the 6th and 16th June, to which I anxiously expect an answer. I have, &c.

H. E. the Duke de Richelieu. CHARLES STUART.

No. 33.—Sir Charles Stuart to Visct. Castlereagh.—(Rec. 12th July.)

MY LORD, *Paris, 9th July,* 1818.

I HAVE received the accompanying answer to the Letter, which I lately had the honour to address to the Duke de Richelieu, respecting the publication of His Most Christian Majesty's Ordonnance, appointing a Squadron to Cruize upon the Coast of Africa, for the purpose of preventing the infraction of the Law abolishing the Slave-trade.

Notwithstanding the conversation which I had the honour to report to your Lordship in my Letter of the 29th of June, I find that the Duke de Richelieu has repeated the statement, which I think had been proved to be greatly exaggerated, if not altogether untrue, respecting the continuation of this trade in the British Colonies. If your Lord-

ship should be of opinion that this Note requires an answer, it may be expedient, that I should receive some information upon the subject from His Majesty's Government. I have, &c.

Viscount Castlereagh, K.G. CHARLES STUART.

(Inclosure.)—The Duke de Richelieu to Sir Charles Stuart.

MONSIEUR L'AMBASSADEUR, *Paris, le 4 Juillet,* 1818.

VOTRE Excellence, en m'entretenant par sa Lettre du 26 Juin de l'Ordonnance rendue la surveille, dans la vue d'assurer, par le moyen d'une Croisière établie sur la Côte d'Afrique, la répression du commerce des Noirs, m'afait l'honneur de me demander si cette mesure résultait de la confirmation des avis qu'elle m'avait transmis sur différentes expéditions faites en contravention aux Lois sur la Traite, et attribuées à des Bâtimens François.

Les informations que vous m'aviez données sur ce point, Monsieur l'Ambassadeur, ont été adressées immédiatement au Ministre de la Marine, qui a donné des ordres pour en faire vérifier sur les lieux l'exactitude, et punir les Sujets du Roi qui seraient reconnus avoir enfreint les règlemens.

Le peu de tems qui s'est écoulé depuis l'envoi de ces ordres n'a pas permis d'en connâitre encore le résultat. Ce n'est donc point par suite de ces communications qu'a été rendue l'Ordonnance du Roi; mais le Gouvernement de Sa Majesté avait appris dans le courant de l'Année dernière, que la Traite faite par des Bâtimens Espagnols, Portugais, et Anglais même, avait paru reprendre de l'activité; qu'en dépit des précautions les mieux prises, une importation de 4000 Noirs avait été successivement faite dans l'Ile Maurice, et qu'un Bâtiment Anglois avait été arrêté à Bourbon au moment d'en introduire 240. Ayant franchement le désir de compléter l'abolition de cet odieux commerce, il a voulu faire tout ce qui dépendait de lui, pour empêcher ses propres Sujets d'y prendre part, et c'est ce qui l'a déterminé à faire usage de la mésure qui vient d'être consacrée par l'Ordonnance de Sa Majesté.

J'ai l'honneur d'être, &c.

S. E. Le Chevalier Stuart. RICHELIEU.

No. 34.—Viscount Castlereagh to Sir Charles Stuart.

SIR, *Foreign Office, 25th August,* 1818.

I HAVE the honour to transmit to your Excellency the inclosed Copy of a Paper, received from the Secretary to the African Institution, containing information relative to the Slave-trade lately carried on at Senegal by French Subjects.

Although many of the facts stated in the accompanying Document are already before the French Government, and His Majesty's Government are aware that His Most Christian Majesty has since taken mea-

sures to check these abuses; yet it is nevertheless thought right, that your Excellency should communicate the same to the Duke de Richelieu, as a corroboratory proof of the correctness of the representations already made to the French Government upon the subject.

I am, &c.

H. E. Sir Charles Stuart, G. C. B. CASTLEREAGH.

(Inclosure.)—Memorandum from the Secretary to the African Institution, as to the French carrying on the Slave-trade at Senegal.

A GENTLEMAN from Senegal, who has resided there for a considerable time as a Merchant, and who has just arrived in this Country from thence, has attended on some of the Directors of the African Institution, and stated to them that he is fully able to confirm the statements contained in the Letters they had received through other channels from Senegal, of the 8th of November, 1817, and of the 9th March last, (Copies of which have already been transmitted to Government.)

He adds that, subsequent to the date of the above Letters, the *Sylph* has taken off a second Cargo of Slaves; but from the rough weather, and some of the People having been lost, she did not complete her Cargo. (She sailed early in April.)

He states that the *Eliza*, belonging to a Mr. Jaffro, of Senegal, and the Brig *Elisée*, of Bordeaux, (second voyage) took cargoes of Slaves on board within the bar, and that they passed over the bar in the presence of 3 French Men of War, viz. *la Byadire, le Leveret*, et *l'Heuron*. This took place in the 1st week of February last.

The *Maria*, of Marseilles, took a cargo of Slaves on board about the same time, in front of the town.

The Schooner *Elisée*, of Bordeaux, this Gentleman states, to have lain opposite his wharf for the purpose of fitting up for a Slave voyage; that the object of her fitting up was no secret; that the People passed to and from her over his wharf; that in consequence he remonstrated with the Governor, who would take no notice of it, but said he had nothing to do with it.

Subsequently this Gentleman heard the Governor say he had received orders to restrain the Slave-trade, but no Proclamation whatever had been issued in consequence.

He states it as his opinion, and that it is the general opinion, that the Officers of the Government were interested in every cargo of Slaves shipped off from Senegal; and adds, that the Captain of the *Postillion*, which had been seized, assured him that her Seizure was owing to his not having purchased any part of his Slaves from the Government Officers:

That very shortly after the Colony was transferred to the French, hearing with surprize that a Vessel was loading with Slaves 7 miles

above the Town, he went to see whether it was true, and found it to be so; that the then Governor heard of his visit, sent for the Captain, and told him not to do the thing so publicly.

That the *Zephyr* and the *Sylph* belong to a Monsieur Dennis, of Nantes, that their Agent at Senegal is a Monsieur Bougier, but that most of the French Merchants employ one Agent for their Slave-trading transactions, viz. C. Potin and Co.

No. 35.—Circular to His Majesty's Consuls at Nantes, Bordeaux, Bilboa, and Corunna.

SIR, *Foreign Office, 10th March,* 1819.

INFORMATION having reached His Majesty's Government, that several French Vessels have been fitted out from the Ports of Bordeaux and Nantes, intended for the Slave-trade, and have proceeded to Corunna and Bilboa, for the purpose of being provided with Spanish Crews, Papers, and Colours; I am to desire that you will endeavour to obtain and to transmit to me, for the information of His Majesty's Government, any certain intelligence which you may be able to procure, of any Vessels so fitting out, together with a particular description of the Vessels so circumstanced. I am, &c.

His Majesty's Consul at Nantes, &c. CASTLEREAGH.

No. 36.—Viscount Castlereagh to Sir Charles Stuart.

SIR, *Foreign Office, 7th June,* 1819.

I HAVE the honour to transmit to your Excellency a Letter received from the Colonial Department, announcing the capture of a French Ship with Slaves on board, under the circumstances stated in the Inclosure.

I send the Official Paper received from Captain Hunn, of the *Redwing,* in order that M. Dessoles may at once perceive the erroneous view of duty, under which this Vessel has been detained by the Naval Officer in question.

You will assure M. Dessolles of the sincere regret, with which the Prince Regent's Government has observed this unauthorized act on the part of a British Officer, and that His Royal Highness will be ready to make every suitable reparation to His Most Christian Majesty's Flag, for the error into which this Officer has fallen.

I have lost no time in addressing your Excellency upon this occurrence, that you may anticipate any demand on the part of the French Government for explanation and satisfaction, by voluntarily tendering both on the part of your Court; but you will, at the same time, not fail to call the serious attention of the French Government to this unequivocal proof of the continuance of the traffick by French Subjects, on French account, and urge this event as an additional argument in

favour of mutual arrangements between the two Governments for the suppression of the same. I am, &c.

H. E. Sir Charles Stuart, G. C. B. CASTLEREAGH.

(Inclosure 1.)—Henry Goulburn, Esq. to Joseph Planta, Jun. Esq.

SIR, *Downing Street, 2d June,* 1819.

I AM directed by Earl Bathurst to inclose to you the Copy of a Letter which has been transmitted to this Office from Captain Hunn, of His Majesty's Sloop *Redwing*, reporting the capture of the French Schooner, *Sylph*, with 388 Slaves on board, 20 of whom died on the passage; and I am to request, that you will lay the same before Viscount Castlereagh for his Lordship's information. I am, &c.

Joseph Planta, Jun. Esq. HENRY GOULBURN.

(Sub-Inclosure.)—Captain Hunn to Governor Mac Carthy.

SIR, *H. M's. S.* Redwing, *Sierra Leone, 10th Feb.* 1819.

I HAVE the honour to acquaint your Excellency, that whilst proceeding in the execution of orders from my Lords Commissioners of the Admiralty, on the 8th instant, being then in latitude 7 deg. 56 min. North, and longitude 16 deg. 30 min. West, I fell in with the French Schooner, *Sylph*, being 57 days from Bony, with a Cargo of 388 Slaves, bound to Guadaloupe, 20 of whom have died on the passage.

I have captured the above Schooner, and brought her to this anchorage in preference to the Cape of Good Hope, the more speedily to set these unfortunate victims at liberty; to effect which, and the speedy proceeding of His Majesty's Sloop under my command, I have to request your Excellency will be pleased to direct their immediate removal. I have the honour to be, &c.

H. E. Governor Mac Carthy. F. HUNN, *Commander.*

No. 37.—Sir Charles Stuart to Viscount Castlereagh.—(Rec. 20th June.)

MY LORD, *Paris, 17th June,* 1819.

IN obedience to the Instructions contained in your Lordship's late Letter, I have not failed to communicate to the Marquis Dessolles the Correspondence relative to the capture of the French Slave Ship, the *Sylph*, and to throw the expression of the feelings entertained by His Majesty's Government upon this subject into the shape of a Note, offering to make any reparation which the honour of the French Flag may require.

In an interview which took place on the following day, his Excellency was pleased to assure me, that he had seen with the greatest pleasure the desire manifested by His Majesty's Government in this instance, to maintain the harmony which exists between the two Courts.

The conciliatory tone of the Marquis Dessolles' language, enabled me to avail myself of the opportunity to call his Excellency's attention

to the latter part of your Lordship's Instruction, by observing, that this flagrant instance of the violation of the Law on the part of the Master of the *Sylph*, proved the justice of the arguments which had been alleged for the adoption of joint measures to prevent the continuance of the Slave-trade; that I had expected to receive some communication on the part of his Excellency upon this subject, and that I was willing to hope it had been deferred, rather from a press of other business, than from disinclination to enter upon the consideration of the question. Monsieur Dessolles admitted, that he owed to His Majesty's Government an explanation of the opinions entertained by the present administration respecting the Slave-trade; and that he hoped I would do them the justice to believe, that it did not essentially differ from the notions entertained by my Government: that, however, the current of publick opinion seemed decidedly unfavorable to the admission of a right of visit on the part of Foreigners, and presented a difficulty by no means easy to overcome. M. Dessolles added that he will forthwith recommend to his Colleagues to consider the subject thoroughly.

He further said, that if His Majesty's Government will, at the same time, turn their attention to the subject, perhaps we might contrive some expedient, which shall prevent the possibility of any future infraction of the Law. I am, upon the whole, of opinion that the tenor of the Marquis Dessolles' language, during this conversation, affords better hopes of ultimately meeting the wishes of the Prince Regent, by combining some arrangement for the prevention of the Slave-trade, than the Communications which took place last year allowed me to indulge. I have the honour to be, &c.

Viscount Castlereagh, K. G. CHARLES STUART.

No. 38.—Sir Charles Stuart to Visct. Castlereagh.—(Rec. 4th July.)

My Lord, *Paris, 1st July,* 1819.

I inclose, for your Lordship's information, a Copy of the Note, which, in virtue of the Instructions contained in your Dispatch, I sometime since addressed to M. Dessolles, for the purpose of announcing the capture of the French Slave Ship, the *Sylph*, together with the answer which his Excellency has been pleased to return under date of the 29th of last month.

As his Excellency's Note states, that a British Ship employed in the same traffick has been captured by a French Cruizer, I thought it my duty to avail myself of the opportunity, to call the attention of the other Members of the Government to the subject. I therefore detailed to Monsieur De Cazes in conversation what had passed, and urged that Minister, for reasons which I stated, to concert some joint arrangement with my Court for preventing the continuation of this trade.

I endeavoured to get over the objection to a general right of visit, by hinting that a joint expedition, specifically charged to prevent this

traffick, might be employed during a certain number of months in the year upon the coast. I have, &c.

Viscount Castlereagh, K. G. CHARLES STUART.

(Inclosure 1.)—Sir Charles Stuart to the Marquis Dessolles.

SIR, *Paris, 15th June,* 1819.

I HAVE the honour to inclose the Copy of an Official Letter from Captain Hunn, of His Majesty's Ship *Redwing*, detailing the circumstances which have attended the capture of the French Ship, the *Sylph*, on the passage from Bony, on the Coast of Africa, to Guadaloupe, with a cargo of Slaves.

I have received directions to state to your Excellency the sincere regret with which the Prince Regent's Government have seen that an erroneous notion of duty should have led to this unauthorized proceeding on the part of a British Officer, and to declare that His Royal Highness will be ready to make every suitable reparation to His Most Christian Majesty's Flag; though I must observe that so unequivocal a proof of the infraction of the French Laws, and of the continuation of this traffick by His Most Christian Majesty's Subjects, merits the most serious attention, and offers a fresh argument in favour of reciprocal arrangements between the two Courts to prevent the continuation of so great an evil. I have, &c.

H. E. The Marquis Dessolles. CHARLES STUART.

(Inclosure 2.)—The Marquis Dessolles to Sir Charles Stuart.

MONSIEUR L'AMBASSADEUR, *Paris, le 29 Juin,* 1819.

J'AI reçu avec la Lettre que votre Excellence m'a fait l'honneur de m'adresser le 15 de ce mois, une Copie de la Dépêche par laquelle le Capitaine Hunn, Commandant le Bâtiment Anglais *Le Redwing*, annonçoit à Monsieur le Gouverneur de Sierra Leone, la capture du navire François *Le Sylphe*, lequel paroit avoir tenté de transporter des Nègres de la côte d'Afrique à la Guadeloupe.

Les assurances et les offres dont votre Excellence a été chargé d'accompagner cette communication, sont, Monsieur l'Ambassadeur, de nature à satisfaire le Gouvernement de Sa Majesté Très Chrétienne, qui ne désire pas avec moins d'ardeur que le Gouvernement Britannique, l'entière abolition du Commerce des Noirs: les mesures qu'il a prises pour arriver à ce but paroissent avoir eu d'heureux résultats, et dernièrement encore il lui a été annoncé, qu'un Bâtiment armé à l'Ile de France, et faisant sous Pavillon Anglais le contrebande des Noirs, a été arrêté par l'ordre du Gouvernement de l'Ile de Bourbon, et remis au Capitaine de la Frégate Anglaise *la Magicienne*.

Comme il est probable, que Monsieur le Gouverneur de Sierra Leone aura jugé convenable de remettre à la disposition des Autorités de l'Etablissement Français le plus voisin, le navire saisi par M. le Ca-

pitaine Hunn, votre Excellence ne doit pas douter que l'armateur et l'équipage de ce navire ne soient jugés et punis suivant la rigueur des Lois. J'ai l'honneur, &c.

S. E. Mons. le Chevalier Stuart. LE MARQUIS DESSOLLES.

No. 39.—Sir Charles Stuart to Visct. Castlereagh.—(Rec. 3d Sept.)

My Lord, *Paris, 30th August*, 1819.

In obedience to your Lordship's directions, I have stated to the Marquis Dessolles, the Orders which have been issued by His Majesty's Government for the restoration of the French Ship the *Sylph*, which was lately detained by one of His Majesty's Cruizers, in her passage from the Coast of Africa to the West Indies; and I have requested that Duplicates of the Orders by which the French Authorities on the Coast of Africa are directed to receive the Vessel, may be entrusted to my care.

The Marquis Dessolles has transmitted me the Duplicates of the Orders upon this subject to the Governors of Senegal and of the Isle of Bourbon, which his Excellency expresses a wish to have forwarded to their destination as early as may be convenient. I must add, at the same time, that his Excellency expressed himself in the same conciliatory spirit which has distinguished all the Communications of the French Government upon this subject. I have the honour to be, &c.

Viscount Castlereagh, K. G. CHARLES STUART.

No. 40.—The Marquis de Latour Maubourg to Viscount Castlereagh.

Milord, *Londres, ce 29 Septembre*, 1819.

Désirant réunir les Documens les plus complets sur la Législation Anglaise, concernant l'Abolition de la Traite des Noirs, je crois pouvoir m'adresser à votre Excellence, pour la prier de me communiquer ceux qui se trouveraient à son Département, et qu'elle jugerait convenable de faire connoitre, en y joignant, s'il se peut, quelques renseignements sur les moyens de répression qui sont mis en usage contre l'extraction des Négres de la Côte d'Afrique, et contre les tentatives d'introduction dans les Colonies, soit que les Noirs aient été saisis en Mer et sur le Littoral, soit qu'ils l'aient été dans l'intérieur du Pays après le débarquement.

Le but commun et si louable que nos deux Gouvernmens se proposent, me fait présumer, Milord, que votre Excellence ne verra rien d'indiscret dans cette demande, et je saisis cette occasion &c.

S. E. Lord Castlereagh. M. DE LATOUR MAUBOURG.

No. 41.—Joseph Planta, Jun. Esq. to the Marquis de Latour Maubourg.

Foreign Office, 6th October, 1819.

Mr. Planta presents his compliments to the Marquis de Latour Maubourg, and in allusion to his Excellency's Note of the 29th Sep-

tember, requesting to be furnished with certain Documents relating to the Abolition of the Slave-trade, has the honour to acquaint his Excellency, that he has received Lord Castlereagh's directions to communicate most fully with him upon this subject, and to furnish his Excellency with every information which it may be in his power to afford upon it.

Mr. Planta will be most happy to receive his Excellency's commands for this purpose.

H. E. the Marquis de Latour Maubourg.

No. 42.—Viscount Castlereagh to Sir Charles Stuart.

SIR, *Foreign Office, 8th October,* 1819.

I HAVE the honour to transmit to your Excellency the inclosed Copy of a Paper, received from a respectable source, being a List of French Vessels said to be engaged in the Slave-trade, together with the Names of their supposed Owners, and the Ports from whence they have sailed.

Your Excellency will employ such means as may be in your power to ascertain the truth of this information; and in communicating it to M. Dessolles, you will particularly draw his Excellency's attention to the extent to which this abominable Traffick appears to be still carried on by His Most Christian Majesty's Subjects; and your Excellency will not fail to urge M. Dessolles, in the strongest manner, to take every step which he may think the most effectual for putting down these illicit practices, agreeably to the repeated assurances which His Majesty's Government have received upon this subject from the French Ministers.

I am, &c.

H. E. Sir Charles Stuart, G.C. B. CASTLEREAGH.

No. 43.—Viscount Castlereagh to the Marquis de Latour Maubourg.

MONSIEUR LE MARQUIS, *Foreign Office, 9th October,* 1819.

I HAVE the honour to send to your Excellency a Copy of a Paper which has been put into my hands, being a List of French Vessels said to be at present engaged in the Slave-trade, together with the Names of their supposed Owners, and the Ports from whence they are in the habit of sailing.

The repeated assurances which the British Government has received from the Ministers of His Most Christian Majesty, of their very earnest desire effectually to put a stop to these illicit practices on the part of His Subjects, have convinced me that they will accept with satisfaction, any information which can be furnished from hence on the subject of them. I have therefore transmitted a Duplicate Copy of this Paper to His Majesty's Ambassador at Paris, and have directed his Excellency to communicate upon it, without reserve, with the Marquis de Dessolles. I have, at the same time, thought it expedient to send it immediately

to your Excellency, in order that, in your Reports to your Government, you may add the weight of your high authority, to the representations which Sir Charles Stuart has been directed to make, with a view to the investigation of the facts therein alleged. I have the honour to be, &c.

H. E. the Marquis de Latour Maubourg. CASTLEREAGH.

No. 44.—Sir Charles Stuart to Viscount Castlereagh.—(Rec. 14th Oct.)

My Lord, *Paris, 11th October*, 1819.

I have again pressed upon the attention of the French Ministers, that it is necessary to lose no time in conveying the Instructions to His Most Christian Majesty's Ambassador in London, which may enable him to combine measures with the Ministers of the Powers which have concurred in the Abolition of the Slave-trade, for the purpose of preventing the infraction of the several Laws they have enacted upon this subject.

The Marquis Dessolles says, that (provided His Majesty's Government do not continue to insist upon the Right of Visit) His Most Christian Majesty will readily consent to authorise Monsieur de Latour Maubourg, to combine a system calculated to obtain the object in view, of which the execution shall be confided to the different Powers who have determined to abolish the Trade; but that it would be desirable to found the Instructions, which may be drawn up for this purpose, upon the general notions which, with reference to what passed in the conversations which I have had the honour to report to your Lordship, His Majesty's Government may be pleased to communicate.

I have the honour to be, &c.

Viscount Castlereagh, K. G. CHARLES STUART.

No. 45.—Sir Charles Stuart to Viscount Castlereagh.—(Rec. 11th Nov.)

My Lord, *Paris, 8th November*, 1819.

In obedience to the directions contained in your Lordship's Letter of the 8th October, I have not failed again to call the attention of the French Government to the necessity of checking the frequent infractions of their Law, enacted last Session, for the suppression of the Slave-trade; and, in stating the particulars of the information which has reached my Court upon this subject, I have expressed my hope, that the competent Authorities will be directed to take measures to apply the legal penalties to the Cases which, after enquiry, shall appear to be correctly represented in this Communication.

His Excellency having merely answered by general assurances, I have endeavoured to impress the anxiety of my Court, respecting this subject, upon his attention, by sending him the further intelligence which has been obtained in the course of my enquiries respecting the Cases mentioned in your Lordship's Letter. I have, &c.

Viscount Castlereagh, K. G. CHARLES STUART.

(Inclosure 1.)—Sir Charles Stuart to the Marquis Dessolles.

SIR, *Paris, 15th October,* 1819.

I HAVE received the directions of His Britannick Majesty's Government, to transmit to your Excellency the inclosed List of French Vessels said to be engaged in the Slave-trade, with the Names of their supposed Owners, and the Ports from whence they sail.

As this statement shews the great extent to which this abominable traffick has been carried on by His Most Christian Majesty's Subjects, the repeated assurances which have been received from the French Authorities induce me to hope that no time will be lost in taking every step which may be thought the most likely to prevent the continuance of such illegal practices. I have the honour to be, &c.

H. E. the Marquis Dessolles. CHARLES STUART.

(Inclosure 2.)—The Marquis Dessolles to Sir Charles Stuart.

MONSIEUR L'AMBASSADEUR, *Paris, ce 19 Octobre,* 1819.

J'AI reçu avec la Lettre que Votre Excellence m'a fait l'honneur de m'adresser le 15 de ce mois, une Liste des Navires Français que l'on présume avoir été employés au commerce des Noirs.

Je me suis empressé de la transmettre à M. le Ministre de la Marine, et de l'inviter à faire punir, suivant toute la rigueur des Lois, ces contraventions aux Ordres de Sa Majesté, si, après vérification, les faits allégués se trouvent être exacts. J'ai l'honneur, &c.

S. E. Sir Charles Stuart. LE MARQUIS DESSOLLES.

(Inclosure 3.)—Sir Charles Stuart to the Marquis Dessolles.

SIR, *Paris, 7th November,* 1819.

YOUR Excellency's Letter of the 19th October having announced that the necessary inquiries will be set on foot, without delay, for the purpose of ascertaining how far the Statement I had the honour to transmit to your Excellency on the 15th of last month, is worthy of credit; and that measures will be adopted for the punishment of the individuals who may infringe the Law abolishing the commerce in Slaves; I think it my duty to acquaint your Excellency, that, according to the information which I have received, the French Vessel the *Rodeur*, of 200 tons burthen, belonging to a Banker of Paris, and commanded by Captain Boucher, left the Port of Havre last Spring for the Coast of Africa, where she procured 280 Slaves, of whom the Captain succeeded in landing 200 on the Island of St. Thomas, the rest having died on the passage, since I cannot doubt that this case will merit your Excellency's serious attention. I have the honour to be, &c.

H. E. the Marquis Dessolles. CHARLES STUART.

No. 46.—Wm. Hamilton, Esq. to the Marquis de Latour Maubourg.

Foreign Office, 22d November, 1819.

Mr. Hamilton presents his compliments to the Marquis de Latour Maubourg; and in compliance with His Excellency's request to that effect, has the honour to forward, inclosed, for the information of of the Government of His Most Christian Majesty, a Copy of each of the various Acts which have passed the British Legislature, for the repression of the Slave-trade, together with several Orders in Council and other Documents upon the same subject.

H. E. The Marquis de Latour Maubourg.

No. 47.—Sir Charles Stuart to Viscount Castlereagh.—(Rec. Dec. 10.)

My Lord, *Paris, 6th December,* 1819.

I have received the Note of which I have the honour to inclose a Copy, from the Baron Pasquier, inclosing a Letter from the Minister of the Marine, in answer to my representation of the repeated infractions of the Law enacting the Abolition of the Commerce in Slaves, on the part of houses established in several of the principal Ports of France.

Your Lordship will observe that Monsieur Pasquier announces, in this Communication, that the French Authorities in the Colonies have received Orders to watch the Vessels which are suspected to have been fitted out for this service, with a view to enforce the Law, in every case where the suspicions of the infraction shall turn out to be well founded.

I have the honour to be, &c.

Viscount Castlereagh, K. G. CHARLES STUART.

(Inclosure 1.)—Baron Pasquier to Sir Charles Stuart.

Monsieur L'Ambassadeur, *Paris, le 1er Decembre,* 1819.

J'ai eu l'honneur d'informer Votre Excellence par ma Lettre du 25 du mois dernier, que j'avois adressé à Monsieur le Ministre de la Marine, les nouveaux renseignemens qu'elle m'avait transmis, rélativement à des navires soupçonnés d'être employés à la Traite des Noirs.

J'ai l'honneur d'adresser à Votre Excellence un extrait de la réponse que je reçois de ce Ministre. Elle y verra, que toutes les précautions ont été prises pour punir les Délinquans, si quelques uns des navires soupçonnés deviennent en effet coupables de contravention aux Lois qui prohibent ce trafic. J'ai l'honneur d'être, &c.

S. E. le Chevalier Stuart. PASQUIER.

(Inclosure 2.)—The Minister of Marine to Baron Pasquier.

(Extract.) *Paris, Novembre,* 1819.

Je viens d'informer les Gouverneurs et Commandans de nos Possessions d'outre-mer, que les 6 navires dont il s'agit sont suspects d'être destinés à des opérations de Traite de Noirs.

Je les charge en même tems de donner les ordres nécessaires, pour que ceux des dits navires qui se présenteraient dans un des Ports de leur jurisdiction, y soient l'objet de la surveillance la plus sévère, et dans le cas de contravention reconnue, pour qu'ils soient à la diligence du Ministère public, saisis, ainsi que leur Cargaison, conformément à la Loi.

Quant au navire *le Rodeur*, armé par M. Chevel, et commandé par le Capitaine Boucher, il est arrivé au Hâvre, le 6 Novembre, venant de St. Thomas, d'où il était parti le 16 Septembre précédent, et je donne au Commissaire de la Marine au Hâvre, l'ordre de prendre au sujet de ce bâtiment les informations les plus précises, et d'en communiquer le résultât par écrit au Ministère public.

Le Baron Pasquier.

No. 48.—*Sir Charles Stuart to Viscount Castlereagh.—(Rec. Dec.* 13.)

My Lord, *Paris, 9th December,* 1819.

I have the honour to inclose a Copy of a Letter I have received from Baron Pasquier, accompanying the Extract of a Deposition on the part of the Captain of the *Rodeur*, one of the Vessels suspected to have been lately engaged in the Slave-trade; which His Excellency considers to offer an explanation of the numerous reports received by His Majesty's Government respecting the infractions of the French Laws upon that subject. I have the honour to be, &c.

Viscount Castlereagh, K. G. CHARLES STUART.

(Inclosure 1.)—*Baron Pasquier to Sir Charles Stuart.*

Monsieur L'Ambassadeur, *Paris, le 7me Décembre,* 1819.

J'ai l'honneur de transmettre à Votre Excellence, comme faisant suite aux renseignemens que je lui ai adressés par ma Lettre du premier de ce mois, l'Extrait d'une Déposition faite par le Capitaine du Navire Français *le Rodeur*, du Hâvre, à son retour de la côte d'Afrique et de l'Ile St. Thomas.

Il est annoncé dans cette pièce, que les Bâtimens Espagnols et Portugais, qui se livrent à la Traite des Noirs, prennent le nom des Bâtimens Français qu'ils rencontrent en mer. Cette circonstance, que Votre Excellence ne manquera pas de remarquer, pourrait expliquer la fréquence des rapports qui attribuent à des Navires Français la violation des Lois qui prohibent la traite. J'ai l'honneur, &c.

S. E. le Chevalier Stuart. PASQUIER.

(Inclosure 2.)—*Déposition faite par le Capitaine du Navire* le Rodeur, du Havre, *venant de la Côte d'Afrique, et de l'Ile St. Thomas.*

(Extrait.)

Il n'a eu aucune connaissance, en cette rivière, d'aucun Bâtiment, soit faisant la Traite des Noirs, soit surveillant cette contravention; mais

après être sorti de la rivière, il avait fait rencontre de plusieurs Batimens Espagnols et Portugais qu'il a supposé être des Nègriers, ce dont toutefois il n'a pû s'assurer, n'ayant pas communiqué. Il observe à cet égard, qu'il a appris à St. Thomas que les Bâtimens de ces deux Nations avaient soin, lorsqu'ils avaient fait rencontre de quelques Navires Français, de changer leur nom contre ceux de ces derniers. Il ignore les motifs de cette manœuvre.

No. 49.—Viscount Castlereagh to Sir Charles Stuart.

SIR, *Foreign Office, 20th January, 1820.*

THE discussions in London on the important question of the Abolition of the Slave-trade, I regret to say, have latterly been altogether suspended, in consequence of certain of the Allied Ministers, and particularly the French Plenipotentiary, not having received the necessary instructions from their Governments.

Your Excellency will, therefore, in concert with General Pozzi di Borgo, represent to M. Pasquier the state in which the Negotiation now stands; the unabated interest which it inspires in this Country; and our deep regret that its progress has latterly not corresponded with the high expectations which so powerful an union entitled us to form of its success; and you will invite the French Government to devote, without loss of time, their serious attention to this subject, in order to give to the measures which the Five Courts are solemnly pledged conjointly to take, a renewed impulse.

I trust that your Excellency will find the French Government disposed, either to embrace a measure founded upon a modification of a mutual system of visit (an expedient which has always appeared to the Court of London the only one really effectual to the object), or to bring forward some other adequately operative system for consideration, upon which it may be their opinion that the united exertions of the Powers can be directed to the common purpose.

You may assure M. Pasquier that, in the latter case, any such proposition will be met on the part of the Prince Regent's Government, with every disposition to give it the most candid examination, and, if approved, to co-operate in its execution.

In discussing this matter with the French Government, your Excellency will endeavour to combine your exertions as much as possible with the Russian Minister; and in order to do justice to the view which has been hitherto taken by your own Court, of the most effectual measures for suppressing the illicit traffick now so extensively carrying on, I have to refer your Excellency, *in extenso*, to the proceedings which took place at Aix-la-Chapelle.

The report of an interview which I had, when at Paris, with M. Laisné and M. Molé on this subject, deserves particular attention, as the proposition therein stated to have been laid by me before these

Ministers, involves no permanent sacrifice whatever of any right. It proceeds upon the principle of an experimental measure, for the purpose of trying the efficacy or inefficacy, the convenience or inconvenience, for a limited number of years, of a local system, by which the united Naval means of the two Powers on the African Coast, should be turned against the illicit Slave-trade. Supposing, after a trial of 4 or 5 years, the system proved more objectionable than useful, or should the evil in the mean time have been intirely put down, the Convention, once expired, need not be renewed. On the other hand, if, as we believe, this mode of repression should be found to operate favourably, and not to be productive of embarrassment, the experiment thus made might induce the High Contracting Powers to renew the arrangement for a further term.

I recommend the whole of this subject to your Excellency's earliest and most particular attention, which presses the more, as Count Palmella leaves England for the Brazils early in April. I am, &c.

H. E. Sir Charles Stuart, G. C. B. CASTLEREAGH.

No. 50.—Viscount Castlereagh to Sir Charles Stuart.

SIR, *Foreign Office, 5th February,* 1820.

I HAVE the honour to transmit to your Excellency the inclosed Copies of a Correspondence which has lately passed between the Officer administering the Government of the Island of Mauritius, and the Governor of the Island of Bourbon, on the subject of the measures to be adopted for putting an end to the Slave-trade in that quarter; and I have to request that you will take an early opportunity of expressing to the Government of His Most Christian Majesty, the pleasure which His Britannick Majesty has derived from observing the sincere disposition of Governor Milius, to co-operate cordially in an object which His Majesty, in common with His Most Christian Majesty, has so much at heart. I am, &c.

H. E. Sir Charles Stuart, G. C. B. CASTLEREAGH.

(Inclosure 1.)—Henry Goulburn, Esq. to William Hamilton, Esq.

SIR, *Downing-Street, 27th January,* 1820.

I AM directed by Earl Bathurst to transmit to you the inclosed Copy of a Dispatch from the Officer administering the Government of the Mauritius, communicating a Correspondence which had taken place between himself and the Governor of the Island of Bourbon, on the subject of measures to be adopted for putting an end to the Slave-trade in that quarter; and I am to request that you would move Lord Castlereagh to take an early opportunity of expressing to the French Government, the pleasure which the Prince Regent has derived, from observing the sincere disposition of Governor Milius to co-operate

cordially in an object which His Royal Highness, in common with His Most Christian Majesty, has so much at heart. I am, &c.

William Hamilton Esq. HENRY GOULBURN.

(Inclosure 2.)—The Governor of the Mauritius to Earl Bathurst.

My Lord, *Mauritius, 15th July*, 1819.

From the opinion entertained that the exportation of arms and gunpowder to Madagascar, had proved a means of promoting the Slave-trade, as stated in the Letter which I had the honour of addressing to your Lordship on the 1st of May, it appeared to me desirable to induce, if possible, the Governor of the Island of Bourbon, from whence considerable supplies of those articles had been exported, to unite in the prohibition which had been ordered during General Hall's Administration.

I accordingly wrote to Governor Milius with this view, and inclose for your Lordship's information a Copy of my Letter, as likewise an Extract of his Answer, by which your Lordship will perceive that he has not only entered heartily into the measure, but has also prohibited the exportation of horses. I have since had occasion to write to Governor Milius on other points, and I have great pleasure in assuring your Lordship, that he has invariably manifested the most friendly disposition towards this Government. On one occasion he proposed to me, that reciprocal search should be established between the two Governments by the Ships of War of our respective Nations, in the case of Vessels belonging to either, suspected of being engaged in the Slave-trade. But as I had been informed by Mr. Smith, the Chief Judge, that a similar proposition had been made on the part of our Government, and rejected by the French, I conceived it proper to apprize M. Milius of this circumstance, and to decline recognizing the principle.

I have honour to transmit to your Lordship, the Copy of Governor Milius's Letter, and of my answer on this subject, which I hope will be approved by your Lordship. I have, &c.

Earl Bathurst, K.G. R. DARLING.

Mem. This Correspondence is fully given in the Inclosures to No. 56, page 340.

No. 51.—Sir Charles Stuart to Visct. Castlereagh.—(Rec. 6th Feb.)

My Lord, *Paris, 3d February*, 1820.

I have received your Lordship's Dispatch of the 20th January last, pointing out the mode in which it will be expedient to call the attention of the French Government to the adoption of some alternative for preventing the continued infraction of the Laws, enacted in France and England, for the suppression of the Slave-trade.

I lost no time in mentioning the subject to Baron Pasquier and to M. De Cazes. In my first interview with the former, he manifested

some reluctance to enter into the subject, saying that he saw no reason at present to concede the right of visit; that the infractions of the Law which had been attributed to French Subjects, in many of the Communications from England, had been greatly exaggerated; and, in some instances, had been the result of mercantile arrangements for the employment of English Capital; that, besides, it was not fair to press the subject exclusively upon France. I answered, that the Papers transmitted respecting the infractions of the Law on the part of French Subjects, contained statements, the particulars of which had been transmitted to His Majesty's Ministers; and that, so far from expecting the French Government to separate their opinion from that of Foreign Powers, my Court would be perfectly satisfied if they would adhere to any common arrangement, which the Ministers of Russia and Austria might be prepared to suggest, conjointly with myself.

I afterwards sought an interview with M. de Cazes, to whom I stated, at some length, the wishes of His Majesty's Government to check abuses which are equally odious to the Publick in both Countries. M. de Cazes said, that he would do the utmost to forward some combination which should meet the wishes of my Court; but he expressed a desire to know from me what arrangement would be considered satisfactory by my Court. I told him that, if the principle of a mutual right of visit could not be generally admitted for a limited number of years, perhaps he would consent to equip a Squadron of Ships of both Nations, under conditions to be agreed upon, to cruize upon the Coast of Africa for a certain period; and, as he appeared to consider this arrangement practicable, I communicated to him the several Papers respecting the abolition which had been laid before Parliament this Session.

M. de Pasquier, on Tuesday, told me, that this question had been examined by the Government with the greatest care; that they could not feel any repugnance to meet the wishes of my Court: but that he is convinced, no partial arrangement on the part of the two Powers is likely to attain the object; and that, unless the measures we propose are acted upon simultaneously by all the Powers in whose Colonial Possessions Slaving is tolerated, the Traders will always contrive to elude the Regulations we may adopt; that the best way of preventing the purchase of Negroes on the Coast of Africa, would be to prohibit their Sale in the Colonies; that France can easily enregister and number the Slaves in the Colonies she possesses, and forbid the sale of a single Negro, if other Powers will do the same. He did not appear to make any allowance for the extreme difficulty which I observed must occur in the enforcement of such regulations in the Spanish and Portugueze Colonies, if ever they should be enacted; and he insisted that the mere employment of an armed force to prevent their conveyance across the Atlantic was insufficient, so long as the Insurance

Offices in London continued to insure, at so much a head, the passage of Slaves under Flags of all Nations from the Coast of Africa to the West Indies; notwithstanding my solemn declaration that I believe the report is not entitled to credit. I have, &c.

Viscount Castlereagh, K. G. CHARLES STUART.

No. 52.—Sir Charles Stuart to Visct. Castlereagh.—(Rec. 10th Feb.)

My Lord, *Paris, 7th February*, 1820.

As the attention of the French Ministers is now thoroughly awakened to the necessity of putting their regulations respecting the abolition of the Slave-trade upon a better footing, I have pressed the subject in repeated conversations with M. de Cazes, M. Pasquier, and Baron Portal, during the last 3 days; and my instances have been supported by the Russian Minister, to whom I represented, that the present opportunity is particularly well chosen to give effect to the Instructions he has received upon that subject.

The Count de Cazes and Baron Portal, told me, that they fully entered into the feelings of my Court upon this question, and that they see the necessity of proving to the World, by measures, their determination to go hand in hand with His Majesty's Government in their endeavours to prevent the infractions of the Laws which constantly take place. When I pressed the latter to state to me in detail his opinion respecting the steps, which under the present circumstances, can be carried into effect without inconvenience, he said that, although he had lately considered the subject a good deal, he regrets to find that none of the alternatives which present themselves to his mind, appear to be wholly free from objection, or likely to lead to that decisive result which could be wished: that he had, in the first instance, thought they might prohibit all trade from Africa to the West Indies; but, upon considering the effects of such a regulation, he found it would be prejudicial to the fair trade which may be carried on in that part of the World, without preventing, in any respect, the passage of Slave-traders from the Coast of Guinea to the Brazils: that although the register of the Slaves in the Colonies in the possession of France, can, without difficulty, be effected, even this measure would not prevent their alienation, unless it is accompanied by a Law attaching them to the soil, and changing the state of Slavery to that of Service by engagement, which notion he threw out, rather for the consideration of the British Government, than from a conviction that it may be adopted. He expressed his fears, however, that so long as the system of secret insurances of Slave Ships shall prevail in England, and that the trade of the Portugueze shall not be abolished, no measure he can propose is likely to be thoroughly effectual: that, since the first mischief is to be traced exclusively to His Majesty's Subjects, he

must look to the British Legislature to find an adequate remedy; and that the difficulty can only be overcome by the joint efforts of all the Governments which have decreed the abolition; and he assured me, that Instructions will be sent to M. de Caraman, which will show that the French Government will not be tardy in giving their hearty concurrence to any arrangement likely to attain that object.

Two days after this conversation took place, I saw M. Pasquier; he said that his Colleagues would have told me the measures to which my overtures are likely to give rise; that if His Majesty's Ministers shall bring forward the necessary Bills to prevent the secret insurance of Slave Ships, the subject will necessarily come under discussion by our Legislature, about the time an Act will be proposed in France criminating the Accomplices in this commerce:—that the Instructions he should send to M. de Caraman, will be equally, if not more decisive, since that Gentleman will be authorized to propose the establishment of Commissions, composed of Subjects of the two Nations at Senegal, and at whatever Port in the West Indies should be deemed most expedient, for the express purpose of ensuring on the spot the application of the Laws enacted in both Countries:—that he will be further directed to concur in any representation which the Conference in London may think it proper to address to the Court of Rio Janeiro; since he cannot suppose the Portuguese Ministers will be able to resist the impulse, which our representations are likely to acquire, when they are supported by all the great Powers. I have, &c.

Viscount Castlereagh, K. G. CHARLES STUART.

No. 53.—Viscount Castlereagh to Sir Charles Stuart.

SIR, *Foreign Office, 25th May,* 1820.

I HAVE the honour of inclosing to your Excellency the Extract of a Letter and its Inclosures, received by Earl Bathurst from Governor M'Carthy at Sierra Leone, announcing the detention of the French Vessel *La Marie.*

In communicating these Papers to the French Government, you will make a suitable apology for the infraction of the rights of the French Flag, which has been, in this instance, committed, in the detention of the above-mentioned Vessel, without authority from this Government, and contrary, as they are ready to admit, to International Law.

You will, however, avail yourself of this fresh opportunity of demonstrating to the French Government, the extent and enormity of the abuses carried on along the Coast of Africa, under the French Flag, and you will call their attention particularly to that part of Governor M'Carthy's Dispatch, which states that none of His Most Christian Majesty's Ships are either stationed or cruizing in those

Latitudes, for the repression of the increasing prevalence of this illegal Traffick. I am, &c.

H.E. Sir Charles Stuart G.C.B. CASTLEREAGH.

Mem. The Inclosure in this Dispatch will be found in the Correspondence furnished by the Colonial Department.

No. 54.—Viscount Castlereagh to Sir Charles Stuart.

SIR, *Foreign Office, 25th May,* 1820.

I HAVE the honour of transmitting to your Excellency the Copy of a Letter received by Earl Bathurst from Governor M'Carthy, at Sierra Leone; and of one from Commodore Sir George Collier, reporting the detention of the French Schooner *La Catherine,* with 50 Slaves on board, which Vessel was to be sent to the nearest French Port, there to be delivered up to the French Authorities; and I request your Excellency will communicate these Papers to the French Government, for their information.

As the detention of this Vessel is marked by similar circumstances to those attending the seizure of the French Schooner *La Marie,* as detailed in my other Dispatch of this date, Your Excellency will not fail to hold the same language on this Case to the French Minister, both in apology for the detention of the Vessel by British Authorities, and in recommendation of some more efficacious measures on the part of His Most Christian Majesty's Government, for the better observance by their Subjects of the Stipulations of the Treaty. I am, &c.

H. E. Sir Charles Stuart, G. C. B. CASTLEREAGH.

Mem. The Inclosures in this Despatch will be found in the Correspondence furnished by the Colonial Department.

No. 55.—Viscount Castlereagh to Sir Charles Stuart.

SIR, *Foreign Office, 26th May,* 1820.

I HAVE the honour of inclosing to your Excellency the Extract of a Dispatch received by the Board of Admiralty from Commodore Sir George Collier, reporting his further operations in prevention of the illicit Slave-trade on the Coast of Africa; by which it appears, that he has boarded and searched 2 Vessels sailing under French Colours, the *Jeune Estelle* and *Joseph,* both of which proved to have Slaves on board.

Your Excellency will make such communication of this intelligence to the French Government as you may think fit: and in adverting to the horrible cruelties, which it appears, by Sir George Collier's Report, mark the prosecution of this inhuman and illegal Traffick, you will not fail to express the conviction of His Majesty's Government, of the deep regret with which the French Minister cannot but view the perpetration of such enormities, committed as they are under the protection of the French Flag; nor can His Majesty's Government entertain a

doubt of the French Minister's readiness to put down such extensive abuses, by all the means in his power.

You will also apprize His Most Christian Majesty's Government, that Sir George Collier has been cautioned to abstain in future from adopting any measures towards French Ships, which may either be derogatory to the dignity of His Most Christian Majesty's Flag, or not authorized by the Law of Nations. I have the honour to be, &c.

H. E. Sir Charles Stuart, G.C.B. CASTLEREAGH.

Mem.—The Inclosures in this Dispatch will be found in the Correspondence furnished by the Admiralty.

No. 56.—Count Caraman to Viscount Castlereagh.

MILORD, *Londres, ce 17 Juin,* 1820.

VOTRE Excellence m'ayant témoigné le désir de recevoir officiellement les pièces rélatives à la question de la Traite que j'ai eu l'honneur de lui communiquer confidentiellement, je me suis empressé d'en demander l'autorisation à M. le Baron Pasquier, qui s'est fait un plaisir de concourir, dans cette occasion, aux vues de Votre Excellence. J'ai en conséquence l'honneur de lui adresser ci-joint dix-huit pièces qui sont rélatives aux mesures prises à Bourbon pour la répression de la Traite, et un Rapport de Mr. Mackau, chargé d'une Mission spéciale au Sénégal. Ces communications serviront, j'espère, Milord, à donner au Gouvernement de Sa Majesté Britannique, des preuves non équivoques, du zèle des Administrations de nos Colonies. M. le Baron Pasquier me charge en outre de dire à Votre Excellence, que le Gouvernement du Roi étant très disposé à prendre dans les Colonies Françoises des précautions semblables à l'enrégistrement des Noirs, qui se fait dans les Iles Angloises, il recevra avec réconnoissance les renseignemens que Votre Excellence a eu la bonté de m'offrir, et qu'elle voudroit bien me communiquer à cet égard.

J'ai l'honneur d'être, &c.

Viscount Castlereagh, K.G. G. de CARAMAN.

(Inclosure 1.)—The Governor of Bourbon to the Minister of Marine.

St. Denis, le 25 Mai, 1819.

PAR ma Lettre en date du 28 Octobre, 1818, j'ai instruit votre Excellence de l'arrivée sur notre rade de la Frégate la *Magicienne,* pour arrêter et conduire à Maurice, le Lougre *le Voyageur,* prévenu d'avoir, sous le Pavillon Anglais, enlevé de vive force des Malais, et de les avoir vendus comme Esclaves de Traite.

Ces excursions barbares que nos traitans font si communément à Bourbon, malgré l'excessive sévérité que je montre pour m'y opposer, se renouvellent à ce qu'il parait aussi souvent à Maurice, mais avec des circonstances plus atroces que dans notre Colonie, si j'en juge par les deux événemens de ce genre qui sont parvenus officiellement à ma

connoissance, et dont je vais avoir l'honneur de rendre compte du dernier à votre Excellence.

La Frégate Anglaise, le *Liverpool*, Capitaine Collier, qui a remplacé la *Magicienne* à l'Ile de France, m'a apporté ces jours derniers, des Dépêches du Gouverneur de cette Ile, (dont je joins ici Copie) par lesquelles il réclame le secours de mon autorité, pour faire rechercher et arrêter, s'il est possible, un nommé Lemoine, accusé de piraterie, et poursuivi par les Tribunaux de Maurice et de Seychelles.

Les renseignemens qui m'ont été fournis sur cet individu ne m'ont procuré aucune lumière certaine, et je me suis trouvé dans la nécessité de répondre à M. le Major Général Darling, que je partageais son indignation, mais qu'il ne m'étoit pas possible de lui livrer le coupable, puisqu'il paraissait constant, qu'il avoit quitté Bourbon vers la fin de 1818, et qu'on n'en avait point entendu parler depuis.

A ce sujet je suis entré avec le Gouverneur dans plusieurs détails sur l'exécution de la Loi relative à l'Abolition de la Traite, et je crois même nécessaire de mettre cette Lettre sous les yeux de votre Excellence. Elle y remarquera j'espère, que l'esprit de concorde et d'harmonie qu'il me parait si sage de maintenir dans tous nos Rapports avec les Anglais, a été l'unique bâse des propositions que j'ai faites à M. le Major Général, c'est ce même esprit qui m'a servi et me servira toujours de règle de conduite, soit dans nos rélations commerciales, soit dans nos rélations politiques avec le Gouvernement Britannique.

Je reviens, maintenant, Monseigneur, à l'évènement dont je vous ai promis le récit, et dont les details s'ils sont véridiques, s'accordent si bien avec les observations que j'ai déjà eu l'occasion d'adresser tant de fois à votre Excellence, sur la dureté, la cupidité, et la barbarie de tous ceux qui se livrent au commerce des Esclaves.

En Septembre dernier, le Sieur Lemoine, Capitaine et Armateur de la Goëlette *l'Espoir*, ou *la Bamboche*, était parti de Maurice sous pavillon Anglais et s'était dirigé sur les côtes de Madagascar et de Mosambique. Il rencontra en route un Navire Portugais, chargé de noirs et de poudre d'or; l'avidité, l'amour du gain, s'emparèrent de son âme, il s'élança sur le Bâtiment Portugais, et tua d'abord le maître d'équipage à coups de fusils; arrivé à l'abordage, il s'empara bientôt du navire qu'il attaquait, et les premières questions s'adressèrent à un Colonel Portugais, agé de 50 ans, auquel il demanda où étoient l'argent et la poudre d'or:—après ce court interrogatoire, Lemoine se dérangea à dessein, et le nommé Reineur, qui se trouvait derrière lui, fit sauter la cervelle du malheureux Colonel, à l'aide d'un pistolet; mais ce crime ne suffisait point à leur affreuse cruauté. Le Capitaine du Bâtiment qui venait d'être pris, effrayé de la rapidité de ces massacres, se jetta à la mer, pour chercher un salut contre la mort. Vaine espérance; la rage de Lemoine, et de ses satellites n'étoit pas satisfaite. Ils le poursuivirent dans un Canot; et l'ayant bientôt atteint, ils lui déchargèrent

un coup de sabre sur la tête. L'infortuné se sentant blessé s'accrocha fortement pour se soutenir au canot que montaient ses assassins, ils profitèrent de cette erreur du desespoir, et ils eurent la lâche barbarie de lui passer un sabre au travers de la gorge dont la pointe sortit par le coté de leur victime. Le cadavre disparut, et ils revinrent à bord fatigués, mais non pas assouvis de meurtres. Ils renfermèrent dans la cale les matelots Portugais, et après en avoir enlevé la riche cargaison, ils sabordèrent le navire à la flottaison et le firent couler avec les prisonniers qu'ils avoient enfermés.

J'avoue, Monseigneur, que ces actes horribles de cruauté, seroient trop pénibles à raconter, s'il n'était pas extrêmement rare de les voir accompagnés de circonstances aussi affreuses.

Après cette infame expédition, Lemoine se rendit à Mahé, d'où il partit peu de tems après pour retourner à Maurice, en laissant au nommé Basset son second, le commandement de la Goëlette, restée aux Seychelles.

De retour à l'Ile de France, Lemoine donna l'ordre à Basset de vendre son navire à Mahé; cela fut exécuté par l'entremise du Juge de l'Amirauté, mais lorsque Basset réclama le montant de cette vente, les indiscrétions de son équipage avaient donné lieu à des soupçons; les bruits de leurs assassinats s'étaient généralement répandus, et Basset fut arrêté; ayant obtenu, des aveux du coupable, les preuves les plus authentiques du crime qui avoit été commis de complicité avec Lemoine et les matelots de la Goëlette *l'Espoir*, le Commandant des Seychelles les envoya à la Cour Supérieure de l'Ile Maurice où leur Affaire s'instruit en ce moment.

Mais la justice ne sera qu'à demi satisfaite; le premier coupable s'est échappé, et tout fait présumer qu'il a quitté les deux Colonies.

Voilà, Monseigneur, la narration fidelle des horreurs commises par un traitant. Voilà jusqu'où le délire de la cupidité peut porter ceux qui trafiquent ainsi du sang humain. Je n'ajouterai pas une seule reflexion, le cœur et la pensée de Votre Excellence feront la conclusion de cette Lettre. J'ai l'honneur, &c.

S. E. le Ministre de la Marine. MILIUS.

(Inclosure 2).—The Governor of Mauritius to the Governor of Bourbon.

SIR, *Port Louis, 24th April,* 1819.

I HAVE been honoured with the receipt of your Excellency's Letter, transmitting the Copy of a Proclamation, which your Excellency has issued on the occasion of a Slave Ship, under English Colours, which had been seized by an Officer of the French Navy; and detailing the particulars of the circumstances connected with that transaction.

Your Excellency does me justice in believing, that I concur most fully in the sentiments your Excellency has expressed in regard to the

Slave-trade, as I do in the indignation your Excellency so justly feels at the inhuman conduct of those who appear to have left the young man alluded to on a desolate rock, without assistance or the means of support.

In bringing the Offenders to justice, your Excellency may be assured of receiving from me all the assistance in my power to render in this case:—and, on the other hand, if it should rest with this Government to proceed against them, your Excellency may be equally satisfied, that every means which the Law affords shall be exerted to bring them to punishment.

Having conveyed to your Excellency these assurances of my sentiments, and desire to meet your Excellency's views and wishes; it is necessary I should explain to your Excellency, that, if the individuals are to be tried here, the clearest and most unequivocal proof would be necessary to bring them within the pale of the Law, which provides for the punishment of English Subjects carrying on the trade in Slaves. With such proof, which could only be obtained through your Excellency's means, which I should request your Excellency to furnish, no measure should be wanting,on my part, to bring them to that punishment which the Law inflicts, and which their violation of it has merited in a tenfold degree, by the accumulated aggravation of Piracy and inhumanity, which, according to the statement contained in your Excellency's communication, characterized their proceedings.

With respect to the redress to which the Officer in the Navy, who is the object of your Excellency's representation, may be entitled; it is necessary I should apprize your Excellency, that I entertain some doubts whether any English Court has the power of inflicting any serious punishment in this case; for, if it should prove to be an English Vessel carrying on the Slave-trade with its own Colonies, the search and seizure of such Vessel by a French Officer, would, I presume, be pleaded successfully as a violation of the Law of Nations, under the recent and solemn decision of the High Court of Admiralty in England, which ordered the restoration of the French Ship, *Louis*, on those very grounds; and, consequently, such an aggression would destroy any claim to individual redress. If, on the contrary, the contraband adventure was destined for a Foreign Colony, as may fairly be presumed from the result, the Laws and institutions of such Colony would doubtless afford the appropriate mode of punishment; and I shall rejoice most sincerely in hearing that those individuals, who, in defiance of the Laws, and in disregard to the ties of humanity, have thus dared to disobey both, have suffered the punishment which their crimes may have been found to merit.

I cannot permit myself to close this Letter without informing your Excellency, that I shall lose no time in communicating with the Agent of this Government at Seychelles, in order that he may furnish such

information hs he can obtain, respecting the proceeding, stated to have taken place at the Isle Daro.

This Government, I find, has not any accredited Agent at this latter place; and at present I have no knowledge of the Inhabitant named in your Excellency's Despatch. I have, &c.

H. E. Mons. Milius. R. DARLING.

(Inclosure 3.)—The Governor of Mauritius to the Governor of Bourbon.

SIR, *Port Louis, 18th May,* 1819.

I HAVE been honoured with the receipt of your Excellency's Letters of the 27th of last month, and I will no longer delay also acknowledging your other Communications, lest your Excellency might suppose there was any want of attention on the part of this Government to your Excellency's wishes.

Your Excellency will only do me justice in believing that I have been most desirous to afford you every information on the subject of those Letters; but the difficulty has been such in obtaining the particulars, from the variety of references that have become necessary, that the details have not yet been all completed. But pray assure yourself that the utmost diligence shall be used, as I am not less anxious to meet your wishes on every occasion, than to convince your Excellency of the profound respect and consideration with which I have the honour to be, &c.

H. E. Mons. Milius. R. DARLING.

(Inclosure 4.)—The Governor of Mauritius to the Governor of Bourbon.

SIR, *Port Louis, 20th May,* 1819.

I HAVE received the Letter with which your Excellency has been pleased to honor me, dated the 27th of last month, and I am fully impressed with the justice of Your Excellency's observation, respecting the difficulties which must oppose the discovery of those concerned in the transaction alluded to, when, as in the present case, it is unfortunately the interest of so many to counteract every exertion that can be made to this laudable end.

As the subject of the Slave-trade has been brought into discussion, and as your Excellency has done me the justice to express a belief that I am animated by the same sincere desire as that which your Excellency feels to prevent this odious traffick, I should have occasion to accuse myself of an important omission, should I fail to make your Excellency acquainted witb a measure adopted by my Predecessor with a view of checking this trade.

Major General Hall, as your Excellency is no doubt aware, resorted to a variety of measures to put a stop to the Slave-trade, and, amongst others, prohibited the exportation of arms and gunpowder to the Island of Madagascar. It is believed that this prohibition was at-

tended with a considerable degree of success, and that very few Negroes, if any, have been landed on the Island for some time past.

It is necessary for me to point out to your Excellency the almost certain effect of a similar proceeding on the part of the Government of Bourbon. By depriving the Native Chiefs altogether of those means of carrying on war, you would in a great measure prevent its effects. Prisoners, the principal object for which they now engage with each other, would be comparatively few in number, and as soon as they should find that the traffic was no longer productive, it may fairly be presumed they would discontinue it altogether.

In the present state of matters, the exertion of this Government can only operate as a half measure; for, so long as arms and gunpowder are exported from the Island of Bourbon to Madagascar, our efforts cannot be entirely effectual. But deprive them altogether of these means, and your Excellency will have reason to congratulate yourself, in having contributed essentially to the suppression of a system which enlightened humanity has united to eradicate.

Relying as I do on your Excellency's desire to see this traffick at an end, I should consider myself wanting to you personally, and to the cause in which I deem myself fortunate in being associated with your Excellency, were I to refrain from communicating frankly the means which appear so well calculated to bring to a successful termination the views and exertions of the Governments, which we have respectively the honour to serve. I have, &c.

H. E. Mons. Milius. R. DARLING.

(Inclosure 5.)—The Governor of Mauritius to the Governor of Bourbon.

SIR, *Port Louis, 22d May,* 1819.

CAPTAIN Collier, commanding His Majesty's Ship *Liverpool,* who has been so good as to charge himself with this Letter, will have the honour of explaining to your Excellency, more at length than it is in my power at this moment to do, the particulars, as communicated to this Government, of an act of Piracy supposed to have been committed by a person of the name of Lemoine, attended with circumstances of peculiar and aggravated atrocity.

In order to put your Excellency more completely in possession of the facts which have been stated, Captain Collier will have the honour of communicating to you certain original Documents, which have been received by this Government, to which I beg leave to refer your Excellency for every necessary information; and by which your Excellency will perceive that Monsieur Lemoine is stated to have left the Island in the month of January last, in the French Ship *Illusion,* Captain Montané, bound to Bourbon and France. It has therefore occurred to me that M. Lemoine may possibly be still at Bourbon, in which case your Excellency will, I am satisfied, willingly unite in

exertion with this Government, to bring the atrocious offender to justice; and will, for this purpose, cause him to be delivered to Captain Collier, should he, as it is hoped he may, still be within your Excellency's Government. I offer no apology for thus troubling your Excellency on this occasion: your character is a sure pledge, that in a cause of this nature the appeal will not be made in vain.

I have the honour to be, &c.

H. E. Mons. Milius. R. DARLING.

(Inclosure 6.)—Edward H. Madge, Esq. Surrogate, to Mr. Justice Smith.

Instance Court of Vice-Admiralty at the Mauritius.

SIR, *Mahé Seychelles, 24th April,* 1819.

I HAVE the honour to forward to you certain Papers relative to a Schooner named *l'Espoir,* Monsieur Lemoine, Captain and Owner, which arrived here some time since, under circumstances of much mystery, tending to offer grounds for suspicion of her having been engaged in acts of Piracy on the Coast of Madagascar and Mozambique. Lemoine, soon after his arrival here, embarked for the Isle of France, leaving his Vessel in charge of his first Officer, named Aimon Basset. The conduct of Basset and his Crew here, affording every confirmation of their guilt, I had the honour, on the 9th of October last, to address the Government on the subject, who, as I am informed, issued orders for the apprehension of Lemoine. In the mean time, Basset received a Letter from him, authorizing him to sell the Schooner, a Copy of which Letter you will find inclosed; he therefore delivered her into my hands, as Surrogate, for this purpose, which was accordingly done, and the funds, amounting to 456 dollars, lodged in the Registry. Basset then demanded that these funds should be applied to the payment of the arrears of the wages due to him and his Crew; but it not appearing in any manner, that there were actually such arrears of pay due on this account; that, on the contrary, the whole of the equipage were, *à la part;* and there having been produced by Monsieur Planeau, bills signed both by Lemoine and Basset for the repairs of the Vessel, as well as by Mr. Salom, for sail cloth, &c. and no power or authority being delegated to me to pass any final Sentence in a cause coming before the Vice-Admiralty Court at this Dependency, I have deemed it necessary to submit all the proceedings had in this affair to your Honor, for decision: observing, however, that had I been invested with the power of deciding myself in this matter, I should have directed that the funds, proceeding from the sale of *l'Espoir,* should have been applied to the payment of Messrs. Planeau and Salom, in proportion to the amount of their respective demands; there not appearing upon the face of the "Role d'Equipage," according to Law, any salary under which the armament undertook the voyage.

Deeming it necessary to proceed against Basset and his Crew, criminally, I directed him to be seized and imprisoned on an accusation of Piracy; he is consequently sent to Mauritius by this occasion, and I herewith inclose various Depositions against him and the Crew of *l'Espoir*, in order that a criminal prosecution may be entered against him, and such others as may be apprehended. Two of the Sailors have already been forwarded to the Police, and there are still two others in the Colony. I have, for some time, been using all my endeavours to lay hold of them; but the insufficiency of my police establishment for similar purposes, has hitherto prevented me from succeeding.

I have the honour to be, &c.

George Smith, Esq. EDWARD HENRY MADGE.

(Inclosure 7.)—The Procureur Général of Mauritius to Mr. Justice Smith.

MONSIEUR, *Port Louis, le* 21 *Mai,* 1819.

J'AI examiné Mons. Lafontan sur les faits imputés aux nommés Edmond Basset et Lingé. Voici le résultat de cet examen.

M. Lafontan se trouvait à Mozambique, lorsqu'un vaisseau Portugais a échoué sur les côtes, ayant des Noirs à bord. Il a été informé que ce Bâtiment avait été pillé, et que tout ce qu'il y avait de blancs à bord avait été assassiné. Il a appris que ce crime avait été commis par une douzaine d'hommes montant une goëlette portant Pavillon Anglais. Il n'a pas su quel était le nom de cette goëlette, il n'a pas non plus entendu nommer les personnes qui y étaient embarquées. M. Lafontan déclare qu'il a été lui-même recherché pour raison de ce crime par le Gouvernement de Mozambique, emprisonné pendant 5 mois, et chargé de fers. Il ajoute que ce n'est qu'après avoir été confronté aux Noirs formant l'équipage du vaisseau Portugais, qu'il a recouvré sa liberté en vertu d'un jugement dont il est porteur.

Votre Honneur jugera si, vû l'état des circonstances, il y a lieu de faire conduire le prévenu devant elle, pour être examiné. Il me parait de la dernière importance que les Noirs formant l'équipage du vaisseau Portugais, soyent reclamés, comme témoins nécessaires, du Gouvernement de Mozambique. M. Lafontan demeure en cette ville chez Madame Leclerc, rue de Moka, près l'établissement Monneron.

J'ai l'honneur d'être, &c.

Monsieur Smith. VIRIEUX.

(Inclosure 8.)—The Governor of Bourbon to the Governor of Mauritius.

MONS. LE GÉNÉRAL, *St. Denis,* 26 *Mai,* 1819.

LA Frégate de Sa Majesté Britannique, *le Liverpool,* ayant différé son départ jusqu'à ce soir, me fournit l'occasion de répondre aux différentes Lettres que votre Excellence a confiées à M. le Capitaine de

Vaisseau, Collier, qui veut bien se charger de lui remettre mes Dépêches.

Par sa Lettre du 18 du courant, votre Excellence répond à ma Lettre du 27 du mois dernier, par laquelle je la priais de me procurer quelques renseignemens relatifs à des successions vacantes, &c. L'obligeance avec laquelle votre Excellence a accueilli ma demande, m'est un sur garant qu'elle voudra bien presser ces diverses recherches: c'est l'assurance qu'elle me donne.

Une seconde Lettre, portant la date du 20 Mai courant, en réponse toujours à la mienne du 27, concerne des mesures adoptées par votre Prédécesseur pour entraver le Commerce des Noirs. Je ne saurais mieux répondre à cette Communication qu'en disant à votre Excellence, que j'ai appliqué à Bourbon, les dispositions arrêtés pour Maurice par le Général Hall, et qu'en conséquence du conseil qu'elle veut bien me donner, j'ai publié aujourd'hui une Ordonnance, qui prohibe la sortie de la poudre de guerre, et de tous les instrumens de déstruction qui y ont rapport; j'ai même étendu cette mesure jusqu'à défendre l'exportation des chevaux, attendu que j'ai acquis la presque certitude que *Radama* a manifesté l'intention de se monter une Cavalerie. Cet empressement que j'ai mis, et que je mettrai toujours, à co-opérer avec votre Excellence à prévenir les infractions aux Lois qui prohibent la Traite, est la meilleure preuve que je puisse lui donner du désir que j'ai de voir mettre un terme à ce traffic inhumain. Si j'agissais autrement j'encourrerois le blâme de mon Gouvernement, qui m'a donné l'ordre le plus impératif de m'y opposer par tous les moyens qu'il a mis à ma disposition. J'ajouterai à cette ouverture franche et loyale, que j'ai prévenu le Capitaine Collier, qu'il pouvoit prendre tous les Bâtimens Français qu'il rencontreraitàla mer, avec une Cargaison d'Esclaves, jusqu'à ce que nos Gouvernemens respectifs ayent fait des Conventions qui s'y opposent. Si votre Excellence le trouve bon, il y aura réciprocité; dans le cas contraire, je la prie de s'expliquer.

Votre Lettre du 22 de ce même mois, se rattache aux infractions de la Traite, mais ici elles se présentent sous l'aspect le plus hideux, puisqu'elle a donné lieu à un crime que le burin de l'histoire refusera de transmettre à la postérité. La barbarie du Capitaine Lemoine a excité mon indignation, et si ce grand coupable avait été à ma disposition, je me serois empressé de le remettre entre les mains du Capitaine Collier, afin qu'il pût le traduire dans les Prisons de Maurice. Je joins ici deux pièces qui feront connoitre à votre Excellence ce qu'est devenu le Sieur Lemoine; elles sont de nature à pouvoir figurer au procès.

Je ne terminerai pas cette Lettre sans renouveller à votre Excellence qu'elle me trouvera toujours dans les meilleures dispositions à son égard, et qu'aucun sacrifice ne me coutera pour lui prouver combien j'ai à cœur que nos rapports se continuent sur le même ton, et viennent cimenter, s'il est possible, l'union qui doit exister, et qui existe, entre

nos Souverains respectifs. C'est dans ces sentimens que j'ai l'honneur, &c.

S. E. Le Major Général Darling. MILIUS.

(Inclosure 9.)—The Governor of Bourbon to the Minister of Marine.

MONSEIGNEUR, *St. Denis, le 19 Juin,* 1819.

JE me crois dans l'obligation de revenir encore sur l'affaire du Négrier *la Favorite,* dont j'ai déjà entretenu si souvent, et si longuement, votre Excellence, dans mes Lettres précédentes.

Par toutes les Dépêches précitées, je rendais comptes de la capture de ce petit Bâtiment par la Goëlette de Sa Majesté, *le Lys,* dans les environs du Cap d'Ambre, et des circonstances qui avaient accompagné et déterminé cette prise, faite par un Navire du Roi, sur un Bâtiment reconnu pour faire la Traite, mais naviguant sous Pavillon Anglais. Le Major-Général Darling, Gouverneur de Maurice, que j'instruisis officiellement de cet évènement, en lui adressant ma Proclamation, me répondit par la Lettre ci annexée.

Ce sont les principes contenus dans cette Lettre qui m'ont déterminé, Monsieur, à vous écrire celle-ci.

Mons. Le Major Général Darling, tout en partageant l'indignation que j'ai toujours manifestée contre ceux qui se livrent au Commerce des Esclaves en général, tout en reconnoissant le droit que nous avons de les poursuivre et de les juger, semble, dans l'état de la question qui nous occupe ici, vouloir contester la validité de la prise de *la Favorite,* dans le cas où, naviguant sous Pavillon Anglais, elle aurait été destinée directement pour une Colonie Anglaise.

Je ne chercherai point à combattre ce point de Législation établi chez nos voisins, au sujet de la Traite, mais j'en profiterai au contraire, dans le cas où nous nous trouvons, puisqu'il offre un moyen victorieux de prouver que nous sommes parfaitement d'accord avec leurs Lois.

En effet, Monseigneur, *le Lys* arrête *la Favorite,* qui lui parait suspecte, dans la seule intention de la visiter; le Capitaine de ce Bâtiment, à la première question qui lui est faite, répond, qu'il vient de Zanzibar, qu'il est chargé de 143 Noirs, et qu'ils sont destinés pour Bourbon ; ainsi qu'il résulte du rapport ci-joint. Le Commandant du *Lys,* d'après un aveu si positif, s'empare de *la Favorite,* non pas même pour la capturer, mais pour la faire conduire à sa destination présumée, afin d'éclaircir le fait, et de s'assurer qu'elle n'était point coupable de Piraterie. L'Equipage se revolte, le Bâtiment s'échappe, en laissant l'Elève de la Marine qui en avait pris le commandement, sur une Ile déserte, et pour prouver que sa Cargaison était bien pour Bourbon, à l'aide d'un autre petit Navire, enlevé de vive force à l'Ile d'Arcy, le Capitaine de *la Favorite* vient effectuer sur notre côte, le débarquement des Noirs qu'il a pu sauver.

Tous ces évènemens, Monseigneur, sont tellement clairs, ils ont une telle connexité entr'eux, que l'on ne peut sous aucun prétexte nous contester la justice de nos droits sur cette prise; les faits parlent d'eux mêmes; il suffit de les connaitre et de les comprendre comme ils doivent être compris, pour reconnaitre que tout s'est fait en régle, et qu'il n'existe aucune contravention aux Lois Anglaises dans cette circonstance. Comme il est essentiel, cependant, de constater ce que je viens d'annoncer, d'une manière encore plus positive, je me suis procuré toutes les preuves matérielles qui pouvaient applanir jusqu'aux doutes que la mauvaise foi voudrait élever.

Je suis assez heureux pour pourvoir les adresser à votre Excellence.

Ces pièces sont au nombre de trois: la première est la Copie d'une Lettre, dans laquelle l'Armateur de *la Favorite* (le Sieur Crémasy) qui est Français, et qui habite Bourbon, fait part des Instructions qu'il a données au Capitaine de son Bâtiment, pour le voyage qu'il avait à faire à Madagascar, et non point sur la Côte d'Afrique, au retour de laquelle il a été pris.

La seconde est du Capitaine lui-même, qui déclare au Sieur Crémasy, qu'il va se rendre de son propre mouvement, et sans y être autorisé soit par son Armateur, soit par ses expéditions, à Zanzibar, et ce qui constitue une intention bien avérée d'y faire la Traite, puisqu'on ne fait pas d'autre Commerce dans cet Ile.

La troisième, enfin, est un Extrait des Minutes de la Cour de Vice Amirauté des Seychelles, qui constate le délit de l'enlèvement d'une autre Goëlette, pour mettre le Capitaine de *la Favorite* à même de continuer son Voyage à Bourbon, et qui a eu lieu comme je l'ai dit ci-dessus.

Ces Pièces suffiront sans doute à votre Excellence, pour lui démontrer la nécessité où Mons. Frappaz, Commandant du *Lys*, a été, de visiter le Bâtiment dont il est question.

Elles serviront bien plus encore pour répousser les prétentions du Gouvernement Anglais, dans le cas où Mons. le Major-Général Darling, lui aurait donné une connoissance officielle de cette Capture.

Cet Officier Général me rappelle dans sa Lettre, que la Cour d'Amirauté d'Angleterre s'est trouvée à même, dans une position à peu près semblable, de décider cette question en faveur de la France, au sujet de la prise du Bâtiment *le Louis*. J'admets facilement, Mons. que le fait rapporté par Mons. le Gouverneur de Maurice, soitvrai, mais je nie que les circonstances qui ont accompagné la Capture aient été les mêmes. Certainement la Cour d'Amirauté ne nous aurait jamais concédé l'objet d'une réclamation qui aurait été aussi évidemment fausse que celle que l'on pourrait former contre la prise de *la Favorite*.

J'ai, &c.

S. E. le Ministre de la Marine. MILIUS.

(Inclosure 10.)—Mons. Crémasy to the Procureur Général of Bourbon.

MONSIEUR, *St. Denis, 7 Avril,* 1819.

J'AI l'honneur de vous exposer qu'ayant sollicité, le 27 Mars dernier, la permission de Monsieur le Commandant et Administrateur pour l'union que je dois contracter en ce quartier avec Mademoiselle Moreau; j'ai été renvoyé par une apostille de joindre à ma demande Certificats et Papiers nécessaires pour obtenir son approbation. Le même jour, 27 Mars, je me suis rendu à St. Paul, afin de me procurer les pièces exigées, et aussitôt mon arrivée au dit quartier, je me suis mis en mesure de me les procurer comme vous le verrez, Monsieur, par le certificat de M. La Caille du 28 Mars, par celui de M. Alizard, Officier d'Administration du 31 Mars, et par l'extrait des minutes du Greffe de Justice de paix du 1er courant, ici joint.

Par suite des malheurs qui n'ont céssé de me poursuivre, je me vois compromis dans une affaire, pour laquelle je n'ai pris aucune part. En voici la preuve évidente.

Le 14 Août, 1818, j'ai été débarqué mourant, et sans connaissance de mon navire *la Favorite* que je commandais alors, au retour d'un voyage de Madagascar. Peu de jours après, j'eus assez de raison pour prier mon second, Mons. Geffrai, de ne pas rester sur rade et de partir le plutôt possible, pour Madagascar, y chercher un frêt de riz ou bœufs pour ne pas manger le navire en frais sur rade; il exécuta ma recommendation, et partit le 3 Septembre suivant, de St. Paul. Il m'écrivit le 19 du même mois la Lettre ci-jointe; qui prouve bien que le navire *la Favorite* étoit réellement destiné pour Madagascar, et non pour la côte d'Afrique;—le Capitaine Geffrai ayant opéré sans mon consentement pour ce voyage, puisque j'étais resté malade au lit à St. Paul, comme je puis le prouver par toutes les personnes du dit quartier et les certificats de M. Lacaille, qui m'a traité depuis le 14 Août jusqu'au 11 Février dernier.

Me trouvant à St. Paul, pour les raisons que je vous ai déjà nommés plus haut, j'ai appris qu'un Canot avait fait côte au Boucan-Canot, dans la nuit du 28 ou 29 Mars. Je me suis transporté sur le lieu de naufrage, pensant que ce pouvait être *la Favorite*, sans autre dessein que de porter des secours, et avoir des nouvelles de mon navire; mais voyant que ce n'était pas lui, et qu'il n'y avait personne sur la plage, j'ai continué ma route jusqu'à St. Gilles pour y demander l'hospitalité, et avoir des renseignemens du naufrage le même jour. M. le Commissaire Alizard, M. Kauval fils, et 2 Gens d'Armes, arrivèrent à St. Gilles, et c'est là que nous avons appris les détails mentionnés dans la Proclamation de M. le Commandant et Administrateur, rélatifs à la reprise de *la Favorite* par MM. Pradel et Barnet.

Voilà, Monsieur, l'exacte vérité, et c'est pour avoir voulu porter des secours à des naufragés sans mauvaises intentions, et ignorant qui ils

pouvaient être, que je suis accusé d'avoir eu connoissance du débarquement des Noirs du navire naufragé, et soupçonné d'être parti de St. Denis avec connoissance de cause. Je vous assure, que ce n'est que le hazard qui m'a conduit à St. Paul, comme je vous l'ai démontré, et je dois cette circonstance fâcheuse pour moi à ma malheureuse étoile.

J'ai de nouveau adressé hier à M. le Commandant et Administrateur, une requête en lui présentant les pièces demandées pour obtenir son approbation à mon mariage. Elles m'ont été renvoyées par M. Lefèvre, Capitaine Aide-de-Camp, suivant sa Lettre du 6 courant, que vous trouverez ci-inclus, qui m'engage à me présenter vers vous pour y subir interrogatoire, ayant rempli les volontés de Monsieur le Commandant et Administrateur : veuillez, je vous prie, Monsieur, me rendre le service de lever à ses yeux les doutes qui peuvent exister contre moi dans l'affaire dont il est cas, persuadé que vous avez déjà reconnu mon innocence, et par notre organe bienfaisant obtenir la permission que je sollicite de M. le Commandant, qui, j'ose me flatter, ne peut me reconnaitre coupable dans une affaire qui m'est aussi étrangère.

Je sollicite aussi de votre bonté, et de celle de M. le Commandant, que la parole d'honneur que je lui ai donnée de ne pas sortir de St. Denis, me soit rendue. J'ai l'honneur, &c.

Le Procureur du Roi à St. Denis. CREMASY.

(Inclosure 11.*)—Monsieur Gefray to Monsieur Crémasy.*

MON CHER MONSIEUR CRÉMASY, *Tamatave,* 19 *Septembre,* 1818.

JE vous apprendrai mon arrivée ici le 8 de ce mois. Prévoyant n'y rien faire, faute de chargement, et étant trop de navires en concurrence, plusieurs mêmes ayant des fonds pour faire des acquisitions, j'ai cru bien faire en entreprenant un voyage un peu long, mais qui pourrait offrir plus de bénéfices à l'armement, et je vais vous le faire connaitre.

Deux Traitans, MM. Pradel et Barnet, affrêtent le navire pour Zanzibar. Ils s'engagent à mettre àbord 120 B. sous seing privé, passé qu'ils payeront 40 piastres par tête sur la quantité qui se débarqueroit. Je trouve de plus plusieurs Traitans qui me confient quelques moyens pour employer pour eux, et dont ils me payerout aussi le frêt, mais à un prix moins que les premiers.

Je n'ai point fait grande dépense, les fréteurs embarquant leurs provisions, j'ai seulement augmenté notre plan et acheté quelques autres petites choses dont j'avais besoin pour entreprendre ce voyage. Quant à l'équipage je leur ai donné un port permis de plus à eux à l'employer pour moi. Je compte sur votre justice pour me donner 5 piastres par tête, et dix ports permis, et mes appointemens ordinaires.

Le retour est destiné pour . Ainsi attendez-moi à la fin de Décembre, peut être avant.

Je vous souhaite une bonne santé. Votre, &c.

M. Cremasy. A. GEFRAY.

Il vous sera présenté un mandat de 15 piastres, pour les droits de Jean René, que je n'ai pu payer ici.

(Inclosure 12.)—M. Frappaz to the Governor of Bourbon.

MON GÉNÉRAL, *Mahé Seychelles, le 10 Janvier,* 1819.

J'AI l'honneur de vous prévenir que le 22 Décembre, à 6 heures du matin, étant par 9 deg. 12 min. de latitude sud, et 47 deg. 48 min. de latitude orientale, j'apperçus, sous le vent à moi, et à 2 lieues, un Bâtiment qui un instant après se couvrit de voiles et prit chasse. Cette manœuvre me paroissant suspecte, sachant en outre que des pirates parcouraient les mers où je me trouvais, et ayant d'ailleurs entendu raconter à Anjouan l'épouvantable histoire de la Goëlette *l'Espoir,* surnommée *la Bamboche,* je laissai arriver et je forçai de voiles pour le joindre. A 9 heures et demie, étant par son travers à une portée de mousquet, ne le voyant arborer aucun Pavillon, et remarquant sur son pont beaucoup de matelots noirs et blancs, qui avaient l'air d'aller et de venir avec empressement, je hissai le Pavillon et la flamme en les appuyant d'un coup de fusil. Alors il mit le Pavillon Anglais. Je lui ordonnai de se mettre en panne, et après lui avoir fait plusieurs questions, il me répondit être la Goëlette *la Favorite,* venant de Zanzibar, ayant à bord 143 Noirs, destinés pour Bourbon. Sur quoi j'envoyai un Eleve visiter le Bâtiment. Il m'informa que le rôle de *la Favorite* fait sur une feuille volante, était bien daté de Maurice, mais qu'il ne comportait pas la moitié du monde present; que des Traiteurs et des Officiers passagers soi-disant, n'y étaient pas mentionnés ; qu'il n'y avait à bord aucun journal, et que tout portait à penser, que cette Goëlette était un pirate, ou peut-être *la Bamboche* elle même, qui arborait le Pavillon Anglais croyant ainsi pouvoir naviguer impunément. Ces importantes considérations, les noms du Capitaine et du Second, que plusieurs de mes hommes m'assurèrent être faux (ce qu'ils m'avouèrent effectivement eux mêmes) destination des Noirs pour Bourbon et l'extrême sévérité que les Gouvernemens de l'Europe mettent à l'Abolition de la traite, tout me détermina, si non à capturer *la Favorite,* au moins à la faire conduire à sa destination supposée, pour voir si effectivement elle était ce qu'elle prétendait être. L'intérêt général demandait cette mesure de sureté, et je n'hésitai pas à l'exécuter. Je chargeai M. Lelieur, Eleve de Ire classe de mener cette Goëlette à Bourbon. Je lui donnai deux matelots, et pour qu'il eût moins à craindre, je pris à mo n bord deux matelots Noirs, le Capitaine et son Second. Pressé ensuite par mes avaries majeures et mon manque de vivres, d'atteindre prompte-

ment les Seychelles, j'ai perdu de vue *la Favorite*, le soir même. J'ai eu pour les Officiers de ce batiment les plus grands égards.

J'ai l'honneur d'être, &c.

S. E. Mons. Milius. FRAPPAZ.

(Inclosure 13.*)—Extrait des Minutes du Greffe de la Délégation aux Iles Seychelles de la Cour de Vice Amirauté de l'Ile Maurice et Dépendences.*

Aujourd'hui, 13e *jour du mois d'Avril,* 1819, *à* 11 *heures du matin, pardevant nous, Edward Madge, Esq. Délégué aux Iles Seychelles de la Cour de Vice-Amirauté de l'Ile Maurice et Dépendances, assisté de Remy Jean D'Argent, Greffier de la Délégation.*

Est comparu le Sieur Benoiton, 2e Capitaine de la Goëlette *l'Espérance*, de Mahé, Capitaine et Propriétaire, Robert Rodolphe Young, lequel après avoir prêté entre nos mains le serment de dire vérité, a fait les déclarations suivantes.

Qu'étant parti sur la Goëlette *l'Espérance*, pour aller aux Amirautés, ils ont eu connoisance de terre le Jeudi, 4 Février, sur les 11 heures du matin: que sur les 4 heures après midi, ils ont apperçu les débris d'un navire, près de l'établissement du Sieur Young, à d'Aros» qu'au même moment ils ont vu un bateau qui se dirigeait sur eux, que ce bateau était commandé par le Sieur Pradel, qui leur dit qu'il était fréteur de la Goëlette Anglaise *la Favorite*, qui après avoir été capturée par la Corvette Française *le Lys*, ayant relâché à Daros, y avait fait côte; que le lendemain 5, le Capitaine descendit à terre, que le 6 n'ayant point reçu de nouvelles du Capitaine, il allait envoyer un canot à terre, lorsqu'il vit venir à bord un Bateau; il crut d'abord que c'était le Capitaine: mais quel fut son étonnement en voyant monter à bord 8 hommes armés de fusils et de sabres, qui s'emparèrent de lui et le forcèrent, ainsi que le Maitre d'équipage, de descendre à terre, où il trouva le Capitaine gardé par deux hommes armés, qu'il y a été lui même gardé, pour l'empêcher de retourner à bord, les Sieurs Barnet et Pradel,et l'équipage s'étant rendus Maitres de la Goëlette *l'Espérance;* qu'il avait vu l'équipage aidé des noirs de M. Young; qu'il faisaient travailler à force pour ce dernier navire afin de se sauver, et qu'en effet le 10 sur les 10 heurs du matin, ayant embarqué les noirs de la traite de *la Favorite*, vivres, et tous ce qui leur était nécessaire, ils ont fait voile dans le sud, avec une bonne brise de la partie du nord. Ayant laissé à terre le Sieur Lelieur Officier de la Corvette Française *le Lys*, Capitaine de la Goëlette capturée, *la Favorite.*

Le 18 Mars, le Bric, *le Courrier*, des Seychelles, Capitaine Langlois, a mouillé à Daros, allant à Aldabra, le dit Sieur Lelieur et 2 Matelots se sont embarqués pour aller aux Seychelles craignant n'avoir pas d'autres occasions.

Le 1er Avril le chaloupe de Mons. Dupuy, Capitaine Tiran, est *venu nous* chercher, et le 3 nous nous y sommes embarqués pour retourner à Mahé.

Lecture à lui donnée de la déclaration, il a dit qu'elle contenoit la verité, y a persisté et l'a signé avec nous, dans la Salle du Greffe de la Délégation à Mahé, aux Seychelles, les dits jour, mois et ans.

Signé à la Menielle, BENOITON, fils.

EDWARD MADGE, *Délégué du Juge de Vice-Amirauté, et* D'ARGENT, *Greffier.*

(Inclosure 14.*)—Report addressed to Monsieur Frappaz,* Enseigne de Vaisseau, *Aide-de-Camp to Monsieur Milius, His Most Christian Majesty's Commander-in-Chief and Governor at the Isle of Bourbon, and commanding His Majesty's Schooner the* Lys,—*relative to the recapture of the Slave Vessel the* Favorite, *by the Freighters of the said Vessel.*

MONSIEUR,

D'APRES votre ordre je me rendis à bord du Bric Goëlette *la Favorite* pour en prendre le commandment, et j'envoyai à votre bord le Capitaine du bâtiment, son Second, et 2 Matelots; en échange de ce 2 derniers vous me donnâtes les nommés Cabaret et Prigent.

Ayant trouvé à bord 2 Officiers de Marine marchande, passagers, Messieurs Ebrad et Duchesne, provenant de la Goëlette *l'Egremont* qui avait fait naufrage à la côte d'Afrique, je crus pouvoir leur confier un quart, vû qu'il n'avaient aucun intérêt sur le navire et que j'étais seul.

Vous m'enjoignites, d'après l'état de mes vivres que je vous communiquais, de faire voile pour la relâche la plus voisine, d'y faire de l'eau ainsi que le vivre dont je pourrais avoir besoin, et de continuer mon voyage.

Je restai en calme 8 à 9 jours; le 27 Décembre je tombai dangereusement malade d'une espèce de dissenterie épidémique, régnant généralement sur les Bâtimens qui viennent de traiter à la côte d'Afrique. Cette maladie qui commençait à se propager à bord, joint au manque d'eau, m'ayant fait perdre une vingtaine de noirs, je me déterminai à relacher aux Amirantes que je reconnus le 4 Janvier au matin; et le même jour je mouillai a l'Ile Daros, ayant tous mon équipage malade, à l'exception de 2 hommes. Après avoir pris des informations sur la possibilité de faire de l'eau et des vivres frais, j'envoyai à terre les matelots et noirs malades; éprouvant des difficultés pour faire de l'eau, et voyant que l'ouvrage se faisait avec lenteur, je me fis transporter à terre, faire creuser un puits et accélerer par ma présence la besogne; je m'y fis accompagner par les 2 Frêteurs, Messieurs Barnet et Pradel, afin de les avoir sous mes yeux et empêcher par là toute communication entr'eux et l'équipage, chose que je ne pouvais empêcher à bord, vû

l'état de ma santé. Mon eau étant faite, et ayant embarqué quelques tortues, je me disposai à mettre sous voile le lendemain pour Bourbon, malgré que le batiment fit 4 pouces d'eau à l'heure, qu'il n'eut qu'une pompe en état de servir et son mâitre beau cassé, mais je prévoyais qu'en relachant à Mahé pour la faire réparer, il serait reconnu hors d'état de reprendre la mer.

Le soir à environ 6 heures de l'après midi l'on vint m'annoncer que le bâtiment appareillait, j'en fus d'autant plus étonné que les vents étoient loin d'être assez forts pour contraindre à mettre sous voile; je m'informai sur le champ où étaient les 2 frêteurs, l'on me répondit qu'on les avait vûs il n'y avait qu'un instant, et qu'il devaient être dans le bois à la recherche d'un des noirs qui était parti marron depuis le matin. Sur ces entrefaites, j'appris que le Batiment était à la côte, j'envoyai aussitôt allumer du feu sur le rivage et prendre des informations sur le motif qui avait pu forcer à mettre sous voile, quoique j'eusse presque la certitude qu'il venait d'être enlevé; en effet j'acquis cette certitude, mais sans aucun détail; toute communication avec moi fut interdite jusqu'au lendemain que les frêteurs permirent à M. Ebrad, de venir m'informer que la veille au soir, Messieurs Barnet et Pradel, après avoir gagné les 2 hommes qui se trouvaient dans le canot à faire de l'eau, s'étaient rendus à bord, étaient descendus dans leur chambre, et que sous prétexte de faire mettre leur malles en bas, ils avoient appelé 2 ou 3 matelots, auxquels probablement, ils communiquèrent leur projêts; peu après ils montèrent tous armés, s'emparèrent de la porte de ma chambre où étoient mes armes, en déclarant que leur intention était de reprendre leur propriété; en conséquence ils engagèrent ces Messieurs à vouloir bien descendre sans faire une résistance qui ne pourrait avoir que de suites funestes pour eux, et qu'une fois sous voile ils les mettraient à terre; ces Messieurs obéirent; alors voulant appareiller ils s'étaient jetés à la côte. Tel est le résumé des faits les plus importans du rapport verbal de M. Ebrad. Le lendemain à la mer haute, le navire échoua sur la plage sans qu'il me fût permis de sauver la moindre des choses; ils mirent à part les objets qui pouvaient leur être de quelque utilité, et travaillèrent à degréer avec la hache.

Tous les hommes malades à terre avec moi passèrent de leur coté, à l'exception du Mâitre du Bâtiment et de M. Cabaret, (provenant du *Lys.*) Toutes les promesses du Traitant n'ont pu détourner ce dernier de son devoir; aussi je ne puis m'empêcher de soliciter votre intermède auprès de M. Milius pour obtenir la récompense d'une action rare dans une classe d'hommes où l'appas du gain l'emporte généralement sur l'honneur. Il me serait agréable de n'avoir que de bons témoignages à rendre des 2 hommes que vous m'aviez donnés, mais après vous en avoir récommandé un, je me crois obligé d'appeler toute la sévérité des lois sur l'autre, (Prigent); non content d'avoir été le

premier à se révolter, il a été un des instigateurs d'un autre complot, qui heureusement pour moi ne fut pas exécuté; il ne s'agissait que de se défaire de ma personne, afin d'ensevelir dans l'oubli l'enlèvement de *la Favorite;* mais la chose ne pouvant avoir lieu par la connoissance qu'en auroient les Noirs de M. Young, propriétaire de l'Ile, ils renoncèrent à ce projet, et à dater de ce jour jusqu'à celui de leur départ, j'ai été assez bien traité.

Dans les premiers jours de Février, voyant qu'ils apportaient une grande négligence à se garder, je formai le plan de la reprendre; je sondai à cet effet mes 2 hommes. Le nommé Cabaret s'offrit avec une empressement qui ne me laissa aucun doute que je puisse compter sur son courage, mais les réponses évasives de l'autre, qui craignait de s'exposer à une mort certaine en cas de non-réussite, m'obligea à me désister d'une entreprise impossible d'exécuter à 2 hommes.

Le 4 Février au soir, on apperçut dans le nord un navire gouvernant sur l'Ile; ils firent sur le champ mettre le feu à la carcasse de la *Favorite,* et je fus dès ce moment jusqu'à celui de leur départ gardé par un matelot armé dans une case attenante à la leur. Un des fréteurs se rendit à bord s'annonçant comme envoyé par moi, dit au Capitaine (M. Young) que *la Favorite* avait fait naufrage sur son Ile et que je ne pouvais me rendre à son bord étant malade. Le lendemain, 5, M. Young descendit à terre; ils lui declarèrent alors la vérité en lui proposant de traiter pour sa Goëlette; sur son refus, il fut arrêté, gardé à vue, et le jour suivant ils s'emparèrent de son navire, mirent son second et tout son équipage à terre, embarquèrent de l'eau, des vivres; et le 10 ils mirent à la voile, emmenant avec eux pour les conduire les 2 Officiers passagers dont je vous ai déjà parlé, et firent route pour le sud, ce qui me fait présumer qu'ils ont été à Madagascar.

Je restai sur l'Ile jusqu'au 17 Mars, lorsq'un Bâtiment allant prendre de la tortue à Aldabra et venant de Mahé, relâcha aux Amirantes pour s'informer de M. Young; je m'embarquai dessus et j'arrivai le 18 Avril suivant à Mahé, où je vous rejoignis après avoir, dans l'espace de 4 mois, perdu tout ce que je possedais, avoir été exposé à perdre la vie, et avoir fait une maladie aigue dont j'ai manqué être la victime.

Tel est, Monsieur, l'exposé des évènemens qui me sont arrivés depuis notre séparation, que je considérois comme rien si j'avais été assez heureux de remplir la mission que vous m'aviez confiée.

M. Frappaz. LELIEUR, *de-Ville-sur-Arcy.*

(Inclosure 15.*)—The Governor of Bourbon to the Minister of Marine.*

MONSEIGNEUR, *St. Denys, le* 22 *Juin,* 1819.

J'AI eu l'honneur de mettre sous les yeux de Votre Excellence par ma Dépêche du 29 Mai expiré, Copie de ma Lettre au Gouverneur de Maurice, rélativement à la proposition que je lui faisois d'autoriser

nos Croiseurs de courir indistinctement sur les Bâtimens des deux Nations se livrant au commerce des Esclaves, en contravention aux Lois qui en prohibent l'introduction dans nos Colonies. La réponse de cet Officier Général, que je joins ici, fera voir à votre Excellence que ma proposition tombe d'elle-même, et qu'elle n'aura pas de suite.

Je me félicite de jour en jour de la bonne harmonie qui règne entre le Général Darling et moi. Votre Excellence sera à même d'en juger par notre Correspondance respective, que j'ai déjà eu plusieurs fois l'occasion de mettre sous ses yeux. J'ai l'honneur d'être, &c.

Le Ministre de la Marine. P. MILIUS.

(Inclosure 16.*)—The Governor of Mauritius to the Governor of Bourbon.*

SIR, *Port Louis, 7th June,* 1819.

I HASTEN to acknowledge the receipt of your Excellency's Letters, and to express to you the sense I entertain of the cordial co-operation manifested by your Excellency, whenever I have had occasion to seek the assistance of your Government.

I beg you will be assured, that I am most sensible of your Excellency's attention, in communicating the circumstance of the loss of the Brig *Hope*; and in regretting an event which must prove so injurious to the Individual interested in the Vessel. I request your Excellency will accept my best thanks for the information conveyed to me.

The measures your Excellency has adopted, in union with this Government, in prohibiting the exportation of military arms and gunpowder to Madagascar, cannot fail to contribute essentially to the suppression of the Slave-trade in this quarter of the World. I trust sincerely the event will justify this anticipation, and that your Excellency will derive all the satisfaction you must feel in the success of so interesting a measure.

I should, indeed, most willingly adopt your Excellency's proposition, with respect to the reciprocal search of Vessels suspected of being employed in the Slave-trade, by the Ships of our respective Governments; but, in making this proposition, I conclude your Excellency was not aware that a similar one had been submitted by the British Minister at Paris, and rejected by the French Government. I have, therefore, thought it right to apprize your Excellency of this circumstance, that, in the zeal which your Excellency has so generously evinced in this cause, I might not be instrumental in leading you to the adoption of a measure, of which your Government might probably not be disposed altogether to approve; and I trust the frankness with which I put your Excellency in possession of this fact, will serve the more strongly to cement the confidence, which I am proud of seeing established between your Excellency and myself.

I quite agree in the opinion which your Excellency has expressed, that if Radama has any intention of equipping a Corps of Cavalry, it

will be of importance to discontinue the exportation of horses to Madagascar; and I am most happy to learn that your Excellency has resolved upon that measure.

With respect to Lemoine, we have only to regret, that our exertions to bring this offender to justice are not more likely to prove effectual. But I purpose writing to the Minister, that my Government may be informed of the event; and if your Excellency approves of this course you will probably adopt the same measure, that our respective Governments may take such steps as may appear to them expedient in this case.

I am happy in this opportunity of renewing to your Excellency the assurances of respect and consideration, with which I have the honour to be, &c.

H. E. Mons. Milius. R. DARLING.

(Inclosure 17.)—Première Note de la Traite.

Extrait des Documens adressés au Département de la Marine par les Administrations de Cayenne, de Sénégal et de Bourbon, concernant des Contraventions commises dans ces Colonies aux Loix et Ordonnances sur la Traite des Noirs.

CAYENNE.

Noms des Bâtimens en contravention.

L'Aurore.—Ce Bâtiment venant du Brésil, débarqua le 2 Novembre 1818, sur la Côte de Rémire, Ile de Cayenne, 87 Noirs, qui, ainsi que le Bâtiment, furent saisis par la Douane: ils étoient destinés à un Habitant de Cayenne qui déclara en avoir fait l'acquisition au Brésil, lorsque la Guyane étoit encore sous la domination Portugaise. Par jugement des 9 and 10 Novembre, le Tribunal de Première Instance a prononcé la mainlevée de la saisie des Noirs et du Navire, et la Cour Royale de la Guyane, sur l'appel interjetté par le Directeur des Douanes, a confirmé ces deux jugemens. Le Procureur Général de la Colonie et le Directeur des Douanes ont fait immédiatement une Déclaration de pourvoir en cassation, laquelle va recevoir la suite convenable.

SENEGAL.

La Scholastique.—Bombarde de Marseille, Armateur le Sieur Garnier, Capitaine le Sieur Brun, attendu qu'il est constant que dans la nuit du 11 ou 12 Août dernier, il a été embarqué sur ce navire, mouillé derrière la Barre de Sénégal, d'où il a mis à la voile le matin 12, des Négres captifs. Le Conseil de Justice du Sénégal a ordonné la confiscation du Navire et de la Cargaison, et prononcé l'interdiction du Capitaine.

BOURBON.

La Prospérité.—Cette Goëlette naviguant sous le Pavillon de Jean Réné, Chef de Tamatave, Ile de Madagascar, fut rencontrée le 26 Octobre 1818, à 5 mille environ des Côtes de Bourbon, par la Corvette du Roi *l'Amaranthe:* 99 Négres furent trouvés à bord, et la Bâtiment ayant été conduit à Bourbon, une procédure a été intentée. Un jugement rendu par le Tribunal de Première Instance le 17 Novembre, déclara qu'il n'y avoit pas lieu à confiscation, mais cet Arrêt a été annullé le 2 Décembre suivant par le Conseil Spécial de Révision, qui a ordonné la confiscation de la Goëlette, de la Cargaison et des Négres, et l'interdiction du Sieur Bancks, Capitaine. Ce dernier a annoncé l'intention de se pourvoir en cassation. Au 18 Octobre, 1819, le Pourvoir n'avoit pas été encore porté en France.

La Favorite.—Ce Bric Goëlette naviguant sous Pavillon Anglois, et venant de Zanzibar chargé de 143 Noirs, fut rencontré le 2 Décembre, 1818, par la Goëlette de Sa Majesté *le Lys,* et arrêté pour être conduit à Bourbon. En route l'équipage de la *Favorite* se révolta et ce Bâtiment s'échappa. Après s'être échoué à l'Ile d'Aros, le Capitaine de la *Favorite,* à l'aide d'un petit Navire Anglois nommé *l'Espérance,* enlevé de vive force sur les Côtes de cette Ile, a effectué à Bourbon le débarquement des Noirs qu'il avoit pu sauver. Par jugement du 9 Juin, 1819, le Tribunal de Première Instance de Bourbon a ordonné la confiscation du Navire, de la cargaison et des Noirs.

L'Espérance.—C'est le Bâtiment enlevé à l'Ile d'Aros dont on vient de parler. Par jugement du 22 Juin le Tribunal de Première Instance de Bourbon en a ordonné la confiscation et celle de la cargaison.

La Bayonnaise.—Cette Goëlette Françoise commandée par le Sieur Coupiny, et ayant à bord 27 Noirs, fut rencontrée le 16 Juin, 1819, aux environs du Port St. Denys, Ile de Bourbon, par la Goëlette de Sa Majesté *le Lys. La Bayonnaise* a été acquittée en Première Instance par jugement du 30 Juin. Le Conseil de Révision a cassé ce jugement, et déclaré de bonne prise les 27 Noirs trouvés à bord du Navire.

Paris, 5 Janvier, 1820.

(Inclosure 18.*)—Seconde Note sur la Traite.*

Note sur des Contraventions aux Réglemens prohibitifs de la Traite des Noirs, qui ont été commises por des Navires François sur Territoire Etranger.

Le Jeune Adolphe.—Par une Lettre du 29 Juillet, 1812, M. le Commandant de Bourbon a informé le Ministre de la Marine, qu'il venoit d'apprendre qu'un Navire François *Le Jeune Adolphe,* Capitaine Pepin, Armateur le Sieur Ferrères, démeurant à Bourbon, parti de cette Colonie pour Madagascar, a été arrêté par la Frégate An-

gloise le *Liverpool*, comme soupçonné d'avoir effectué à Maurice un débarquement de Noirs de traite ; que le Bâtiment amené à Maurice a été jugé de bonne prise, et son Capitaine envoyé à Londres par devant la Cour de Vice-Amirauté.

Le Département de la Marine est instruit que le Capitaine Pepin vient d'arriver à Portsmouth avec son Second.

Le Télémarque.—Ce Navire armé en Janvier dernier, avec destination pour St. Yago de Cuba, a fait fausse route, et s'est rendu à la Côte d'Afrique, pour y prendre une cargaison de Négres qu'il a transportée à La Havane. De retour à Bordeaux au mois d'Août dernier, il est reparti le 6 Novembre pour La Havane, sous le nom de *Mentor*.

M. le Procureur Général à la Cour Royale de Bordeaux est saisi de l'affaire.

Paris, 9 *Janvier*, 1820.

(Inclosure 19.*)—Rapport au Conseil des Ministres sur les résultats de la Mission au Sénégal de Mons. le Capitaine de Vaisseau Le Baron de Mackau, en ce qui concerne le mérite des imputations qui ont été dirigées contre l'Administration de cette Colonie relativement à la Traite des Noirs.*

Le 13 Septembre dernier je chargeai, en conformité des Ordres du Roi, le Capitaine de Vaisseau Le Baron de Mackau, de se rendre au Sénégal afin de vérifier sur les lieux les imputations qui étoient sans cesse dirigées contre l'Administration de cette Colonie, au sujet de la traite des Noirs.

Revenu en France en Mars dernier, cet Officier Supérieur m'a remis une Note terminée à St. Louis, le 25 Janvier, 1820, à la veille de son départ, dans laquelle il m'informe de toutes les recherches et observations qu'il a faites en exécution des ordres ci-dessus relatés.

Il est resté plus de 3 mois au Sénégal; il a fait en rivière un Voyage de 5 semaines, il a mis toute son attention à bien juger de chaque chose. Comme il plaçoit, dit il, son honneur à dire la vérité, ou du moins ce qui lui paroit vrai, il a vu les Naturels et leurs Chefs ; il a passé des journées entières dans leurs villages et dans leurs cases; et il déclare positivement n'avoir trouvé nulle part aucune trace des enlèvemens de Noirs, non plus que des dévastations et des horreurs décrites (comme ayant eu lieu presqu'immédiatement après le mois de Janvier, 1817) dans le 13me Rapport des Directeurs de l'Institution Africaine, cité dans la 81e. Livraison de la Minerve; heureusement, dit il, tout les faits, qui figurent dans ce tableau, sont controuvés.

Les accusations réproduites sous tant de formes, répétées dans tant d'écrits, " que la traite des Noirs avoit été non seulement tolérée mais encore encouragée au Sénégal en 1817 et en 1818, que l'autorité en tiroit un lucre détestable, que des captiveries avoient été publiquement établies à St. Louis, que 1500 Esclaves y étoient à la chaine dans les derniers mois de 1818,"—ne sont aux yeux de Mons. le Baron de

Mackau, que d'odieuses calomnies, inventées par la passion et accréditées par une facheuse imprudence.

Ce n'est pas que, depuis la reprise de possession jusqu'à la réception de la Loi du 15 Août, 1818, c'est à dire, dans un tems où l'administration du Sénégal ne pouvoit s'appuyer contre les infracteurs que du principe même de l'abolition, des défenses du Roi et de l'Ordonnance de Sa Majesté du 15 Janvier, 1817, il n'y ait eu dans les Possessions Françoises d'Afrique beaucoup de spéculations de traite; Mons. le Baron de Mackau est remonté à l'origine de chaque fait, et il a trouvé vrais la plupart de ceux rapportés dans un Imprimé publié en Angleterre et ayant pour titre, *Exposé des faits rélatifs à la Traite des Noirs dans le voisinage du Sénégal.*

Ainsi il est démontré que les Navires, *la Reine Caroline, l'Elisa, l'Astrée, le Sylphe, le Zéphyr,* une autre *Elisa,* et *le Marie,* ont enlevé des Noirs au Sénégal, du 25 Janvier, 1817 au 15 Juillet, 1818; qu'à Gorée particulièrement, on s'est livré à ce commerce avec une ardeur et une publicité très remarquables; que quelques Agens subalternes de l'administration avoient mérité et ont justifié depuis les dénonciations qui ont pèsé sur eux.

Mais que les premiers dépositaires de l'autorité sont restés aussi complettement étrangers au lucre de cet odieux commerce qu'adversaires constans de ceux qui s'y livroient.

Que Mons. le Capitaine de Frégate *Fleurion,* commandant par interim du Sénégal, n'a cessé de lutter avec une grande fermeté contre les Populations de St. Louis et de Gorée, toutes deux ambitieuses des gains de la traite, et que cet Officier développa dans cette lutte autant d'énergie que de talent.

Que la publication de la Loi du 15 Avril, 1818, ayant fortifié l'autorité, les tentatives d'infractions cessèrent à St. Louis, qu'elles s'opérèrent avec mystère à Gorée, et se portèrent surtout dans la Rivière de Cazamance, and dans les Bissagots, deux points tout à fait en dehors des limites des possessions qui nous sont exclusivement propres.

L'Autorité persévéra dans sa vigilance devenue nécessairement plus difficile; elle fit tous les efforts imaginables pour arrêter les infractions; si quelques expéditions eurent lieu, l'autorité les avoit ignorées, on avoit fait pour s'y opposer tout ce qui dépendoit d'elle: souvent même, dans ses précautions et dans ses mesures préventives elle s'exposa à dépasser peut être les limites tracées par le droit commun et par la Législation de la matière.

Pendant le cours de 1818, Mons. le Capitaine de Frégate *Fleurian,* continua à tenir la même ligne de surveillance et de sévérité: elle a été également suivi par Mons. le Colonel Schmaltz, qui reprit le commandement le 1er Avril, 1819.

Dans ce mois le même Armateur du Navire le *Zephyr,* qui demandoit à s'expédier de St. Louis pour les Iles du Cap Vert, et que l'on

soupçonna d'un projet de traite, renonça à son voyage plutôt que de souscrire aux garanties que l'Administration crut devoir exiger de lui pour s'assurer qu'il ne commettroit aucune infraction à l'abolition de la traite.

Mais il paroit trop réel qu'un bâtiment supposé François, favorisé par les Chefs indigènes et par les Habitans de Gorée, a enlevé dans la Baie d'Yof 125 Noirs. L'instruction a prouvé que ces Esclaves étoient venus nuitamment de St. Louis, par un long circuit dans l'intérieur, afin d'éviter les postes placés sur les Côtes. On présume que ces malheureux auront été transférés à bord dans la nuit du 16 au 17 Avril; cependant on n'a découvert aucun témoin de l'embarquement et sur cela, comme sur le nom du Bâtiment, l'autorité reste dans le doute le plus complet.

En Septembre, 1819, une infraction fut tentée sous le masque d'une expédition pour le bas de la Côte; le Projet fut déconcerté par les soins du Commandant pour le Roi.

Au mois d'Août la Bombarde la *Scholastique*, de Marseille, chargée de bœufs, moutons, &c. pour la Martinique, et expédiée pour la Douane de St. Louis parvint à jeter sur la Côte, pendant la nuit du 11 au 12, une partie de son chargement de bétail, et à recevoir en échange une vingtaine de Noirs, après quoi elle disparut. Aussitôt des informations furent prises, des interrogatoires prêtés, et un jugement, par contumace, interdit le Capitaine et prononça la saisie du Bâtiment et de la Cargaison. Des Copies du Jugement furent de suite adressées à la Martinique et en France. Depuis (le 8 Décembre) la *Scholastique* a eu l'audace de réparoitre à St. Louis. J'attend l'avis des diligences qui ont dû être faites dans la Colonie, pour l'exécution des condamnations.

Au moment où M. le Baron de Mackau a quitté le Sénégal, c'est à dire dans les derniers jours de Janvier, 1820, on y avoit généralement renoncé à la traite. Cependant quelques Hommes coupables paroissoient n'attendre qu'un régime moins sévère pour renouveller cet infame traffic, sous couleur de commerce, au bas de la Côte, et d'achats de cire, d'ivoire, de peaux, d'huile de palme, articles d'exportation d'une fort mince importance (au moins actuelle.)

Une Loi complémentaire de celle du 15 Avril, 1818, et qui atteigne personnellement non seulement les Armateurs et le Capitaine contravenans, mais encore tous participans, même indirects, aux délits de la traite, achevera d'armer l'autorité contre les infractions. Le Projet de Loi, dont le besoin avoit été préssant est tout préparé. Je pourrai le soumettre très incessamment au Conseil.

En outre, une station navale plus nombreuse, et dont la composition, ainsi que les points de croisière sont indiqués, éclairera les Côtes de manière à prevenir et empêcher les infractions. Des ordres sont donnés en conséquence. Ils ne tarderont pas à être exécutés.

Des Agens subalternes d'administration avoient été signalés comme ayant pris part à la traite : un vient d'être privé de son emploi et reduit à la pension de retraite; un autre a déjà donné sa démission : le reste sera écarté du service.

Je n'entre dans aucun détail sur les Bâtimens indiqués par M. de Mackau, comme s'étant effectivement livrés à la traite depuis le 25 Janvier, 1817. Les noms en sont portés dans l'état général ci-joint des Diligences, Poursuites, Instances et Condamnations qui ont eu lieu jusqu'à la fin du présent mois d'Avril, par suite des dispositions prohibitives de la traite des Noirs.

(Inclosure 20.)—Etat indicatif des Diligences, Poursuites, Instances, ou Condamnations, qui ont eu lieu depuis la publication des dispositions prohibitives de la traite des Noirs, soit en France soit aux Colonies Françaises.

Ministère de la Marine, Direction des Colonies, 29 Avril, 1820.

Navires au sujet desquels il n'a dû ou pû être fait encore que des diligences Administratives.

Noms des Bâtimens.	Indication du Pavillon.	Noms des Capitaines.	Motives de Préventions.	OBSERVATIONS.
			SENEGAL.	
LaJeune Eliza.	Français.	Desse - -	Parti de Bordeaux en 1818, pour le Sénégal et suspectés d'être destiné à la traite.	Ecrit à l'Administration du Sénégal en 1818, a été répondu qu'il ne s'etait trouvé aucune preuve que la Jeune Eliza, eût pris part à la traite, et que quant aux 3 autres Navires, ils n'avaient point paru dans les Colonies.
La petite Betsy.	Id. -	Hamon -	Parti de Nantes en 1818, pour le Sénégal, et suspectés de la même destination.	
La Suzanne -	Id. -	Blaye - -		
L'Alexandre -	Id. -	Rabot - -		
Le Zephyr -	Id. -	Bayot - -	Parti de L'Orient en 1818, a touché au Sénégal, puis à la Martinique, où on presumait qui l'avait importé des Noirs de traite.	Ecrit (1818), dans les Ports et à la Martinique, d'après les réponses il n'a été fait aucune poursuite contre ce Bâtiment, attendu qu'il ne s'est trouvé aucun indice de contravention.
L'Eliza - -	Id. -	Tabry - -	Armé à Bordeaux, désigné comme ayant chargé en 1818, au Sénégal 150 Noirs de traite.	Ecrit (1818), à Mr. Le Commissaire-Général de la Marine à Bordeaux, et à Mr. Le Commandant du Sénégal, d'après les réponses, aucune poursuit n'a été dirigée contre le Bâtiment, attendu qu'il n'y a pas eu d'indice de contravention.
L'Eclair - -	Id. -	Sée - -	Parti de Honfleur en 1819, pour St. Yago; est désigné comme ayant pris à la Côte d'Afrique 325 Esclaves qu'il aurait introduits à la Martinique.	
L'Eclair - -	Id. -	Lequesne -	Parti du Havre en 1818, pour Lisbonne dans le dessein présumé de faire la traite à la Côte d'Afrique.	Ecrit (1819), à la Martinque, à la Guadaloupe, à Cayenne, et au Sénégal. Les Administrateurs de la Martinique et de la Guadaloupe ont répondu, il resulte de leurs réponses que deux de ces Bâtimens, La Rosalie et la Perle, se sont présentés à la Martinique; mais qu'ils n'y ont donné lieu à aucun soupçon de contravention ; on attend les autres réponses.
Le Joseph -	Id. -	Guillotin -	Parti de Honfleur en 1819, pour la Côte d'Afrique dans le dessein présumé d'y traiter des Négres.	
L'Achille -	Id. -	Truyin -		
La Rosalie -	Id. -	Deschamps		
La Perle - -	Id. -	Chauffe -	Parti de Honfleur en 1819, pour Mariegalante.	
L'Auguste -	Id. -		Frèté à Marseille en 1819, est désigné comme ayant pris à la Côte d'Afrique 12 Nègres. l'Armateur réside au Havre.	Ecrit au Sénégal, à Marseille et au Hâvre (1819 et 1820.) Le Commissaire de la Marine au Hâvre a répondu que ce Bâtiment n'était pas encore rentré au Hâvre où demeure l'Armateur, qui avait déclaré positivement et prouvé par sa correspondance que son Navire s'était livré au Sénégal à tout autre commerce que celui de la traite. On attend les autres réponses.

Noms des Navires.	Indication du Pavillon.	Noms des Capitaines.	Motives de Préventions.	OBSERVATIONS.
La Narcisse -	Id. -		Armé à St. Malo en 1819, est désigné comme ayant pris 150 Nègres à la Cote d'Afrique et les ayant débarqué à la Martinique.	Ecrit au Sénégal à la Martinique et St. Servan, (1819 et 1820), on attend les réponses.
les deux Sœurs	Id. -	De l'Homosne.	Ce Bâtiment armé à Honfleur était désigné comme ayant pris 150 Nègres à la Côte d'Afrique et les ayant débarqués à la Martinique.	Ecrit (1819,) aux Administrateurs de la Martinique, de la Guadeloupe, du Sénégal, et de Cayenne, et au Hâvre. Les réponses, parvenues de la Martinique et de la Guadaloupe, portent que ce Bâtiment ne s'y est pas présenté, on attend les autres réponses.
Un Bric dont le nom n'est pas indiqué.			Parti de Bordeaux, et désigné comme ayant embarqué au Sénégal une femme Noire de traite, en 1819.	Ecrit à Bordeaux (1820) on attend la réponse.
Un Bric dont le nom n'est pas indiqué.			Désigné comme ayant chargé en 1819, au Cap Verd, 130 Noirs.	Ecrit à M. le Commandant du Sénégal, 1819, la réponse est attendue.
L'Africain -	Id. -		Ce Bâtiment a été armé au Sénégal en 1819.	Ecrit au Sénégal (1819), on attend la réponse, d'après un Rapport Officiel ultérieur ce Bâtiment (qu'on y nomme l'Africaine) surveillé de près, n'a pu effectuer son projet de prendre des Négres au bas de la Côte.
Un Bric dont le nom n'est pas indiqué.	Id. -		Envoyé en 1819, par une compagnie du Sénégal à Gulam avec le but présumé de faire la traite des Noirs.	Ecrit à M. le Commandant du Sénégal, 1819, on attend la réponse.
Le Rodeur - Le Cosmopolite	Id. -	Boucher -	En armement en 1820, au Hâvre, avec une destination présumée pour la traite.	Ecrit à l'Administration Maritime, au Hâvre (1820), on attend la réponse. N. B. Le Rodeur est déjà en état de prevention comme s'étant précédemment livré la à traite. La Commission instituée par l'Ordonnance Royale du 22 Dec. 1819, à l'effet de donner son avis motivé, concernant toutes actions judiciaires à intenter, à suivre, ou à soutenir en France dans l'intérêt de l'Administration publique, en matière de contravention aux dispositions prohibitives de la traite des Noirs, est chargée d'examiner s'il y a lieu de le poursuivre à cet égard; il est porté pour ce motif à la suite du présent état.
			Enquête adressée à Gorée le 6 Mai, 1819, au sujet d'un enlèvement de Nègres dans la baie d'Yo.	Il a été écrit à ce sujet à M. le Commandant du Sénégal en 1819; on attend la réponse.
			BOURBON.	
L'Aigle - -			Cette Goelette est soupçonnée d'avoir debarqué non loin de St. Denis, Ile de Bourbon, de Noirs qui ont été arrêtés.	Par lettre du 17 Dec. 1819, M. le Commandant de Bourbon, annonce qu'il a envoyé à la poursuite de ce Bâtiment.

Navires qui ont été l'objet de procédures dans les Colonies.

Noms des Bâtimens.	Indication des Pavillons	Dates des Jugemens.	Enoncés des Jugemens	OBSERVATIONS.
			GUADALOUPE.	
L'Arriero -	Espagnol	9, Xbre, 1817.	Acquitté - - -	Un autre jugement du 14 Août, 1818, rendu sur appel a encore mis les accusés hors de procès.
La Calypso -	Id. -	5 Août, 1818.	Acquitté - - -	Le jugement a été confirmé sur appel le 11 Septembre 1818.

Noms des Bâtimens.	Indication des Pavillons	Dates des Jugemens.	Enoncé des Jugemens.	OBSERVATIONS.
Le Sylphe	Français	20 Août, 1818.	Acquitté	Ces Jugemens ont été confirmé sur appel le 18 Sept. 1818.
La Reine Caroline	Id.	Id.	Acquitté	
L'Astrée	Id.	Id.	Acquitté	
La Maria Isabelle	Espagnol			Il s'agit d'un débarquement de Noirs qui auroit été fait au Port Louis (Guadaloupe), à la fin de 1819. La procédure s'instruit devant les Tribunaux de la Guadaloupe.
			CAYENNE.	
L'Aurore	Français.	9 et 10 Nov. 1818 et 11 Sept. 1819.	Main levée par le Tribunal de Première Instance, et par la Cour d'appel de la Guyane, de la saisie qui a été faite par la douane de 87 Noirs de traite.	La direction des Douanes de Cayenne et le Procureur Général de la Colonie se sont pourvus en cassation contre le Jugement de la Cour d'Appel. Par arrêt du 23 Mars, 1820, le dit Jugement a été cassé et les Parties sont renvoyées dévant la Cours Royale de Caen.
			SENEGAL.	
Le Postillon	Id.	28 Avril, 1818.	Confiscation du Navire et de la cargaison, interdiction du Capitaine.	
La Dorade	Id.	Juillet, 1818.	Même condamnation par défaut.	La Commission institnée par l'Ordonnance Royale du 22 Décembre, 1819, est saisie des pièces.
La Scholastique	Id.	8 Sept. 1819.	Confiscation par défaut du Navire et de la cargaison, interdiction du Capitaine.	La même Commission avait émis l'avis qu'il y aurait lieu de suivre l'exécution du jugement en France. Ce Navire a reparu au Sénégal le 8 Dec. 1819, et on attend le compte des poursuites qui auroient du être immédiatement exercées dans la Colonie.
			BOURBON.	
Le Voyageur	Anglais			Remis au Gouverneur de Maurice pour ordonner les poursuites. (Lettre de Mr. le Commandant de Bourbon, du 28 Oct. 1818.)
La Jeune Emilie	Français.	25 Nov. 1819.	Relachés comme n'ayant pas été effectivement en contravention.	On a demandé le 26 Août, 1819, au Commandant et Administrateur les pièces de la procédure afin d'examiner s'il n'y a pas lieu à se pourvoir en cassation (les délais n'expirent que le 26 Mai, 1820.) On attend les dites pièces qui doivent parvenir incessamment.
L'Eole	Id.			
La Prospérité	Madagascar	2 Dec. 1818.	Acquitté en Première Instance et condamné sur appel le 2d Dec. 1818.	Le Sieur Banks, Capitaine du Navire, a annoncé l'intention de se pourvoir en cassation. Le pourvoir n'ayant pas été signifié ici avant le 5 Mars, 1820, les délais (de 15 Mois,) sont expirés, et le jugement ne peut plus être attaqué.
Le Bon Accord	Anglais	13 Janvier, 1818	Confiscation du Navire, condamnation du Capitaine aux dépens.	Comme il n'y a point eu d'appel de la part des condamnés, la condamnation est définitive.
La Favorite	Id.	9 Juin, 1819.	Confiscation du Navire et de la cargaison.	Idem.
L'Espérance	Id.	22 Juin, 1819.	Confiscation du Navire et de la cargaison.	Idem.
La Bayonnaise	Français.	30 Juin, 1819.	Acquitté en Première Instance et condamné sur appel le 20 Juillet, 1819.	
La Joséphine	Id.	29 Sept. 1819.	Confiscation du Navire et de la cargaison.	Il n'a point été fait appel par les condamnés.

Jugemens rendus concernant des Noirs de Traite débarqués dans les Colonies par Bâtimens inconnus.

BOURBON.

Noms des Bâtimens.	Indications du Pavillon.	Dates des Jugemens.	Enoncé des Jugemens.	OBSERVATIONS.
		19 Nov. 1817.	Ordonné la Restitution à leur Propriétaire de 23 Noirs, arrêtés dans les Rues de St. Denis.	Sur l'appel, le Propriétaire a été renvoyé, par arrêt du 1er Décembre, 1817, à justifier de sa propriété devant le Tribunal de Première Instance, ce qu'il a fait.
		15 Sept. 1819.	Ordonné la restitution au Propriétaire de 32 Noirs, arrêtés sur les grandes routes de la Colonie.	Le jugement a été confirmé sur appel le 1er Oct. 1819.
		9 Sept. 1819.	Ordonné la restitution au Sieur Alain Gonefroy de la pirogue et des Noirs qui la montaient. Saisie en avait été faite sur le soupçon que la dite pirogue avait été employée à débarquer 4 Caffres trouvés sur la Côte. Ceux-ci ont été confisqués.	Le Procureur du Roi a interjeté appel; on n'a point encore avis qu'il ait été prononcé à ce sujet.

Affaires dont l'Instruction a eu lieu en France.

Noms des Bâtimens.	Indication des Pavillons	Dates des Jugemens.	Enoncé des Jugemens.	OBSERVATIONS.
Le Télémaque	Français.	- -	- - - - -	Ce Navire parti de Bordeaux en Janvier 1818, est accusé d'avoir débarqué à la Havane des Noirs de traite qui l'aurait pris à la Côte d'Afrique. La Commission instituée par Ordonnance du 22 Décembre, 1819, est saisie de l'examen des pièces.
Le Rôdeur -	Id. -	- -	- - - - -	Le Rodeur est signalé comme ayant pris à la Côte d'Afrique un chargement de 280 Noirs Esclaves, qu'il aurait ensuite transportés a St. Thomas. La Commission est saisie de l'examen des pièces.
La Marie -	Id. -	- -	- - - - -	Ce Bâtiment est signalé comme ayant embarqué au Sénégal 64 Nègres qu'il aurait transporté à Cayenne. Par dépêche du 22 Dec. M. M. Les Commandeur et Administrateur au Sénégal, et à Cayenne ont été chargés de faire diligences et poursuite. La Commission est aussi saisie de l'examen des pièces.
L'Expérience -	Id. -	- -	- - - - -	L'Expérience est signalée comme ayant pris au Sénégal et débarquée à Cayenne 250 Noirs de Traite. Le Commandant et Administrateur à Cayenne et les Autorités Maritimes à Bordeaux et a Bayonne sont chargées de remettre au Ministre Public, pour y être donné telles suites que de droit, les Documens rélatifs à l'affaire. Lorsque l'instruction aura été faite la Commission sera saisie de l'examen des pièces.

No. 57.—Viscount Castlereagh to the Count de Caraman.

Foreign Office, 4th, July, 1820.

VISCOUNT Castlereagh presents his compliments to the Count de Caraman, and in returning to the Count his best thanks for the Papers contained in his Note of the 7th ultimo, relative to the measures adopted by His Most Christian Majesty at the Isle of Bourbon for the suppression of the Slave-trade, has the honour to transmit to the Count de Caraman, as requested in his Note above alluded to, Copy of the Orders in Council, regulating the registry of Slaves in British Colonies.

Viscount Castlereagh renews to the Count de Caraman the assurances, &c.

Count de Caraman.

No. 58.—Viscount Castlereagh to Sir Charles Stuart.

SIR, *Foreign Office, 8th December,* 1820.

IN allusion to my former Dispatches, on the subject of the French Slave-trade, and relative to the French Establishment in the Gambia River, I have now the honour to transmit to your Excellency, a Paper which has been given in at this Office, by the Gentleman most prominent in this Country in watching over the entire abolition of the Slave-trade. This Paper appears to contain some very strong facts and reasonings, both as to the actual continuance of the French Slave-trade, in defiance of the Laws in force against it, and as to the manner in which it is sustained and increased by the French Settlement in the Gambia River, to which Settlement the French Government has, under existing Treaties, no claim.

Sir Charles Mac Carthy, the British Governor at Sierra Leone, is, at present, on leave of absence in Europe, and proceeded a few days ago to Paris. He has been, in many instances, an eye-witness of the facts stated in the Paper inclosed; and his long residence on the Coast of Africa, and continued attention to the subject, render him perhaps more conversant than any other Individual, with every thing relating to the actual state of the trade in Slaves.

I therefore have to request your Excellency to hold full communication with Colonel Mac Carthy; and when you shall have possessed yourself of the valuable information which he can furnish to you, and shall have attentively perused the inclosed Paper, to consider what representation can at present be made to the French Government, with the best chance of obtaining the desired object, viz. the real, instead of the apparent, abolition of the Slave-trade carried on by French Subjects and by French capital.

Your Excellency is already so fully acquainted with the views of the British Government on the subject, and with the nature of the

measures by which the real abolition can be effected, that it is not necessary for me now to enter into detail with respect to them.

A mutual agreement in the right of search is always, in the opinion of the British Government, the measure which would be most effectual for the abolition of the trade; but if, as it would appear, the difficulties to this agreement are, in the eyes of the French Government, insurmountable, the next best measure certainly is, that the highest punishment in each individual State, should be inflicted on the commission of the crime by their Subjects.

It is in this view, that I would call your Excellency's attention particularly to that part of the inclosed Paper, which urges the expediency of a Law being brought forward in France, inflicting a *peine infamante*, or at least a *peine correctionnelle* upon persons convicted of carrying on the trade; and also to that part of the Paper which reasons on the expediency of this being done by a postive Law, and not by an Ordonnance.

The approaching meeting of the Chambers in France, seems to point out this as the proper moment for your Excellency to make another effort with the Government of France in this great cause.

Your Excellency well knows with what sincere satisfaction any further steps, on the part of the French Government, to procure the real abolition of the Slave-trade, will be received by the British Government, the Parliament and the Nation. I am, &c.

H. E. Sir Charles Stuart, G. C. B. CASTLEREAGH.

P. S. I wish your Excellency to consider, whether, after laying before the Minister of Marine the information which I now send, it might not be advantageous for his Excellency to see Sir Charles Mac Carthy, and to satisfy himself, by examination, with respect to the real state of facts.

(Inclosure.)—Paper respecting the French Slave Trade.

DEAR SIR, *London, 10th November*, 1820.

WHEN I last had the honour of waiting upon you, you requested to be furnished with a statement in writing of the heads of the information which I communicated to you on the subject of the French Slave-trade. The French Minister of Marine, I am aware, declared in the month of June last, in the Chamber of Deputies, and has recently renewed the assurances to our Government, that that trade is now effectually suppressed.

This declaration, however, I fear cannot be supported by facts. The French Slave-trade, I venture to affirm, is at this moment carried on with more activity than at any former period, and under circumstances of cruelty, not less revolting than any by which this traffick had previously been characterized. I proceed to state briefly some of the facts which prove this.

The English Squadron stationed on the Coast of Africa during the present year, have fallen in with a number of Vessels bearing the French Flag, and openly engaged in the Slave-trade.

I have been credibly informed, that the number of Vessels which have thus been met, exceeds 25. The correctness of this statement is capable of being easily ascertained. The Official Letter of Sir George Collier, the Commodore on that station, to the Admiralty, and his Official Reports, must contain exact and detailed information on this subject.

Besides the Vessels found trading for Slaves on the African Coast under the Flag of France, I understand that Sir George Collier, on lately entering the harbours of The Havannah, found there upwards of 30 Slave Ships bearing the French Flag; and that the period having expired during which Spain was, by her Treaty with Great Britain, to carry on the trade under her own Flag, the Merchants of The Havannah were now generally resorting to the use of the French Flag, as that which could alone effectually protect them in the contravention of their own Abolition Laws.

Governor Mac Carthy, of Sierra Leone, who is now in this Country, assured me that when he left Sierra Leone in July last, no less than 6 Vessels bearing the French Flag, were engaged in procuring cargoes of Slaves at the River Gallinas, a place situated about 100 miles to the South of the Colony; and that he had received what he considered to be unquestionable evidence of the fact.

If these statements are correct, and the authority on which they rest seems to admit no doubt of their correctness, then it will follow, that between the months of December, 1819, and the month of August, 1820, not less than from 50 to 60 Ships, bearing the French Flag, were openly carrying on the Slave-trade; and as it cannot be supposed, that more than a certain proportion of the Vessels actually engaged in it could have been met by our Cruizers, or could have come under the observation of Governor Mac Carthy's informant, the fair inference seems to be, that the evil has attained to an unprecedented degree of enormity, at the very moment when the French Authorities, deceived, doubtless, by the representations made to them, are flattering themselves, and giving assurances to our Government, that the French Slave-trade is extinct.

Nothing more seems necessary to prove the extent of the French Slave-trade. Allow me, however, to add a few words on the circumstances of cruelty with which it is conducted.

When I had the honour of an interview with you, I put into your hands 2 Papers containing details on this subject. One was a Sierra Leone Gazette, in which was inserted an account of the state in which some Slaves were found by Sir George Collier, on board a French Vessel called *La Jeune Estelle*, Olympe Languines, Master, belonging to

Martinique. The other deservers more particular notice. It was an extract from a periodical work published in Paris in the course of the present year, entitled "Bibliothèque opthalmologique par M. Guillé, Directeur Général et Médecin en Chef de l'Institution Royale des Jeunes Aveugles, à Paris." To illustrate his observations on ophthalmia, he brings forward the following case.

"Le Navire *le Rodeur*, Capitaine B——, du port de 200 tonneaux, partit du Havre le 24 Janvier, 1819, pour la Côte d'Afrique, et arriva à sa destination le 14 Mars suivant. Ce Navire alla mouiller devant Bonny, dans la Rivière du Kalabar. L'équipage, qui était composé de 22 hommes jouit d'une bonne santé pendant la traversée et le séjour à Bonny, qui se prolongea jusqu'au 6 Avril. On n'avait remarqué aucune trace d'ophthalmie parmi les Habitants de la Côte, et ce ne fut que 15 jours après s'être mis en mer pour le retour, et lorsque le Navire se trouva peu près sous la ligne, qu'on ressentit les premières atteints de cette effroyable maladie.

"On s'apperçût que *les Nègres, qui étaient au nombre de* 160, *entassés dans la cale et dans l'entrepont*, avaient contracté une rougeur assez considérable des yeux. On ne donna cependant pas dans l'origine une grande attention à cette maladie, qu'on crût être occasionnée seulement *par défaut de rénouvellement de l'air dans la cale, et par la dissette de l'eau, qui commençait déjà à se faire ressentir.* On était alors rationné *à* 8 *onces par jour*; et plus tard *il n'en fut distribué qu'un demi-verre.*"

"D'après l'avis de M. Maignan, Chirurgien du Bâtiment, on fit monter successivement sur le bord *afin de leur faire respirer un air plus pur, les Nègres qui étaient demeurés jusqu'alors dans la cale. Mais on fut obligé de renoncer à cette mésure* toute salutaire qu'elle était, *parceque beaucoup de ces Négres affectés de hostalgie, se jetaient dans la mer, en se tenant embrassés les uns les autres.**

"Le danger de la contagion, et peut être la cause qui l'entretenait, furent augmentées par une violente dyssenterie, attribuée à l'usage qu'on avait fait de l'eau de pluie. Le premier homme de l'équipage atteint par la contagion, fut un matelot, qui couchait sous le pont. Le lendemain un novice fut affecté, et dans les 3 jours qui suivirent le Capitaine, et la presque totalité de l'équipage, en furent frappés aussi.

"Les douleurs augmentaient de jour en jour, ainsi que le nombre des aveugles, en sorte que l'équipage déjà saisi de la crainte d'une révolte parmi les Nègres, était frappé de la terreur de ne pouvoir diriger le Bâtiment pour se rendre aux Antilles, si le dernier des Matelots, qui seul n'avait pas été atteint par la contagion, et sur lequel se fondaient toutes les espérances, venait à cesser de voir comme les autres.

* A fact which I have from private but authentic information is omitted in this printed statement, namely, that the Captain, in order to deter the Slaves from suicide, shot and hanged several of their Companions who were seized in the attempt. But these examples produced no effect, and he was obliged again to shut them up in the hold.

"Un pareil évènement était arrivé à bord du *Leon*, Bâtiment Espagnol, qui croisait devant le *Rodeur* et dont *tout l'équipage devenu aveugle*, avait été obligé de renoncer à diriger le Navire, en se recommandant à la charité du *Rodeur*, presque aussi malheureux que lui. Mais les marins qui montaient ce Navire n'avaient pû ni abandonner leur bord pour aller sur le bord Espagnol, à cause de la cargaison des Nègres, ni recevoir l'équipage de ce Navire, le leur étant à peine suffisant pour eux.*"

"Arrivé à la Guadeloupe le 21 Juin, 1819, l'équipage était dans un état déplorable. Parmi les Nègres, 39 sont devenus aveugles, 12 sont borgnes, et 14 ont eû des taches plus ou moins considérables sur la cornée. Parmi l'équipage, 12 Hommes ont perdu la vue. De ce nombre, est le Chirurgien (M. Maignan, à présent en France), qui est resté aveugle sans espoir de récouvrer jamais la vue:—5 sont devenus borgnes; parmi ceux là se trouve le Capitaine; 4 ont de tais considérables, et des adhérences d'iris à la cornée."

One of the most horrid circumstances connected with this transaction, does not appear in the above account. It is the fact, which I understand is capable of the clearest proof, that the 39 Slaves who are stated to have become blind in consequence of having been struck with ophthalmia, were thrown overboard as an incumbrance. Had they been landed at Guadaloupe they would have entailed a heavy expence on the proprietors, without the possibility of any return. By throwing them into the sea, not only was this loss avoided, but a ground was laid for a claim on the Underwriters by whom the cargo was insured, which claim I also understand has been allowed by the Underwriters. What especial ground was laid for the claim I have not heard. I suppose it must have been, that, in the great want of water which existed on board, it was necessary to throw a part of the cargo into the sea to save the rest.

Another most important fact is this: that the above-named Vessel, *le Rodeur*, having returned to Havre, was again fitted out in the present year for the Slave-trade, and the command of her given to the same Captain who had charge of her on her first voyage.

Although the above transaction furnishes a striking illustration of many of the horrors of the middle passage, it is not entirely, or even principally, with that view that I have ventured to introduce it. It furnishes moreover a striking proof of the impunity with which such notorious infractions of the French Abolition Laws may be committed. The facts of the Case must have been well known to the Authorities at Guadaloupe; they have been for many months known in France, and yet, as far as I have been able to learn, not a single step has been taken, either at Guadaloupe or in France, for bringing the Authors

* The Spanish Ship mentioned above has not been heard of since, and has probably been lost.

of this contravention to punishment. Neither the Ship nor the Slaves were confiscated in the West Indies, nor has any suit been instituted for that purpose. On the contrary, I understand that the Slaves who were not thrown overboard, were sold to the Planters of Guadaloupe. The Captain has not undergone that sentence of destitution which the Law pronounces upon him. The Owners and Equippers of the Vessel at Havre, have not been called to account, but are allowed to enjoy, without question, the fruit of their crimes. Nay, they have fitted out the Vessel a second time, under the command of the same Captain, for a similar voyage, now either completed or in progress. Nor could it be said, in this case, that there was any deficiency of proof. The Surgeon, I understand, is now in Paris. His 11 blind companions are said also to be most, if not all of them, accessible. And surely, if ever there was a case which, independently of these facilities of proof, called for the interference of the Government, it is the case of the *Rodeur*, which has now been detailed.

It would be easy to multiply proofs of the infraction of the French Abolition Laws by the Merchants of the great Sea-port Towns of that Country, and particularly of Bordeaux and Nantes. But the Slave-trade is by no means confined to these. It is carried on to a considerable extent even from the Seine. The *Rodeur* is only one of many Slave Ships which have sailed from Havre; and even from the Port of Honfleur, on the opposite side of the River, I am enabled to testify, from my own personal inquiry on the spot, that several expeditions have taken place, some of them very recently. In the year 1819, a Vessel called *Les Deux Sœurs*, commanded by Mon. Delosmore, was fitted out from that Port; she went to Senegal, and took 52 Slaves thence to the West Indies. Returning to Honfleur, she was fitted out a second time early in the present year, and committed to the care of a Captain Flaheut. She procured a cargo of Slaves on the Coast of Africa, which were landed on the small Island of St. Martin; after which she returned to Honfleur on the 29th of last September.

Another Vessel, called *la Valentine*, sailed from the same Port on the 6th of March, 1820, under the command of Captain Delosmore, formerly of *Les Deux Sœurs*, for Senegal, whence she carried to Martinique about 304 Slaves. She was expected at Honfleur in the month of October, when it was supposed that both this Vessel and *Les Deux Sœurs* would be prepared for fresh expeditions.

Both these Vessels were fitted out by one M. Collen, a Merchant of Honfleur, who is supported in his speculations by a house at Rouen, and another at Paris. A third Vessel, named *l'Achille*, is at this moment preparing for the Slave-trade by the same Parties, if she has not already sailed.

Another Vessel, called *l'Eclair*, the property of Mess. Matthieu of

Rouen, has also made a successful Slave voyage from the Port of Honfleur.

But it is scarcely necessary to pursue this line of minute inquiry, because, if the facts stated on the authority of Sir George Collier and Governor Mac Carthy, are true, it will require no further evidence to shew, that the declarations made by the Government of France, with respect to the actual suppression of the French Slave-trade, are illusory.

Possibly, however, the declarations alluded to refer exclusively to the French Establishments on the Coast of Africa, and all that was meant may have been no more than this, that the Slave-trade had at length been put a stop to at Senegal and Goree.

Even, however, to this very limited extent, the statement, it is to be feared, admits of doubt. In the month of June, 1819, the Minister of Marine declared to the Chamber of Deputies, in a Speech from the Tribune, "We have suppressed this hateful traffick at Senegal:" and yet it will be found, I fear, that he is mistaken on this occasion, and that, if it has been found necessary by the Slave-traders of Senegal and Goree to take somewhat more pains than formerly to preserve appearances, there is, nevertheless, no diminution of their traffick. Possibly there may not now be shipments of Slaves, as formerly, from the very wharfs of Senegal and Goree, without even the slightest attempt at concealment; but the same shipments are made from places removed but a little distance from those Settlements, and lying immediately beyond their jurisdiction. I am aware that it is now, and always has been, but a small part of the French Slave-trade which has been actually carried on from Senegal and Goree. Probably nine-tenths of it is carried on from places not subject to the Crown of France. It is therefore idle to talk of its abolition, if by that word is meant its abolition along the 10 or 15 leagues of Coast actually belonging to France. This would be the same as if we were to say, that we had effectually abolished the Slave-trade, because we exported no Slaves from Sierra Leone and St. Mary's. In point of fact, however, the French Slave-trade is not abolished, even to this extent. It is admitted, under the sanction of the Minister of Marine himself, in a Report made to the Chamber of Deputies on the 29th of June last, that the purchase and sale of Slaves, to any extent, is permitted to the Inhabitants of these Colonies. "On les vend, on les achète sans violer la Loi. Les Nègreries de Saint Louis n'ont pû être détruites;" and in a Paper entitled "Réquête présentée à Messrs. les Membres composant la Commission pour les Affaires Litigieuses concernant la Traite des Noirs," it is affirmed, that the French Abolition Law prohibits only the carrying of Slaves to the French Colonies in the West Indies; it does not even forbid their removal from Senegal or Goree. And, in proof, it is there stated as a notorious fact, that *every day Slaves are sold at the Colony of Se-*

negal, in order to be transported to Babaguey or Guandiole, villages situated on the Coast at no great distance from Senegal; and that this is a trade authorized and permitted by the Laws of the Country, and which is carried on constantly*.

Now if this be so; if there be no limit whatever to the purchase of Slaves from the interior by the Inhabitants of Senegal and Goree; if, as M. Guidicelly affirms in his Pamphlet, and he states himself to have been an eye-witness of the fact, the Natives are to be seen exposed to sale from day to day in the market-place as cattle in a fair; if depôts of Slaves (des Nègreries) are regarded as legitimate Institutions in these Colonies; if, moreover, no restraint is imposed by the existing Laws of France on the removal of the Slaves held in these Slave-holds from time to time, as suits the Proprietors' convenience, beyond the limits of the Colonial jurisdiction,—can it be said, with any colour of truth, that the Slave-trade is in any sense abolished there? Such facilities as these cannot be required for the convenience of the Colonists themselves. If all that was wanted was a Slave or two for domestic use, to supply the occasional decrease that might occur in their very limited Population, there could at least be no occasion for Slave-holds. The fact is, that while the purchase of Slaves is permitted, the trade must continue. There must be an absolute prohibition of the Slave-trade, in all its modifications, accompanied by effective penalties, before an approach can be made to the consummation which the French Minister states to be already attained.

But, in point of fact, is this power of buying and selling their fellow Men, which is allowed to be possessed by the Colonists of Senegal and Goree to an unlimited extent, applied to any other purpose than that of supplying domestic Servants for their own use? It seems hardly requisite to undertake the proof of this point. It cannot be, as the Laws now stand, that the power in question should not be abused. Nay, frame what Laws you please, if such a power is reserved to Persons residing on the Coast of Africa, it must be abused, especially at Senegal and Goree, where no cultivation whatever is carried on by the Colonies. But the fact is, that Slaves are there bought for the very purpose of being sold again, and that when circumstances, as at present, render it hazardous to export them directly from the Settlements themselves, they are only moved to Babaguey or Gandiole, to Cacheo or

* The Paper quoted above, does not, I apprehend, state the French Law correctly. The Writer of it appears to have referred only to the Ordonnance du Roi of the 8th January, 1817. A Law subsequently passed, in April, 1818, enacts, that all participation by French Subjects or Ships, under any circumstances, or on any pretext whatever, in any part of the World, or by Foreigners within the Dominions of France, in the Slave-trade, shall be punished by confiscation of Ship and Cargo. But the above extract from a Report sanctioned by the Minister of the Marine, shews that the generality of the enactment, must, in his view, be subject to very large limitations. What these are I cannot pretend to say.

Cassamanga, to Bissao, or the Cape de Verd Islands, whence they can be shipped without at all compromising the French Authorities.

For the correctness of this statement, I beg to refer to Colonel Mac Carthy, and to the proofs and Documents which it is in his power to furnish; only remarking, that the Portuguese Authorities at Bissao and the Cape de Verd Islands, have shewn a great eagerness to afford every possible encouragement to the French Contrabandists. Indeed it might be shewn, but that this is not connected with the present subject, that the Governors of the Portuguese Settlements on the Coast of Africa, are themselves among the principal Contrabandists.

Before I quit that branch of the French Slave Trade which is connected with Senegal and Goree, there is one point to which I beg to call your very particular attention.

By means of the Settlement of Bathurst, at the mouth of the River Gambia, Great Britain so effectually commands that River, as to be able to prevent Slaves being exported thence by Sea. About 20 miles, however, above the British Settlement, there is a small place called Albreda, where the French had formerly a factory, and of which they have recently possessed themselves. Of this factory they make use for drawing Slaves from all parts of the River Gambia, which would otherwise be completely freed from the noxious influence of this Trade. For although they cannot carry their Slaves out of the River without being stopped by our Settlement of St. Mary's, yet this lawful Commerce with it not being interdicted, this difficulty is easily obviated. The Merchandize with which the Slaves are to be bought, is conveyed to Albreda by Vessels in the usual way, but the Slaves when bought are partly conveyed in small Canoes, partly marched overland to Cacheo, or some other place on the shore of the Atlantic, whence they are embarked. Now if the French had really a right to possess Albreda, there might possibly be no remedy which this Country could apply to such an evil. But I believe they have completely, by Treaty, divested themselves of that right. The Treaty of 1783 has the following Articles, viz:—ART. IX. The King of Great Britain cedes in full right, and guarantees to His Most Christian Majesty, the River Senegal and its Dependencies, with the Forts of St. Louis, Podor, Galam, Arguin, and Portendie, and His Britannick Majesty restores to France the Island of Goree, which shall be delivered up, in the condition it was in when the conquest of it was made.—ART. X. The Most Christian King, on his part, guarantees to the King of Great Britain, the possession of Fort James and of the River Gambia.

By these Articles it would appear, that the River Gambia was as effectually ceded to Great Britain, as the River Senegal was ceded to France. And as France would never have permitted us to retain in our hands any of the establishments in the latter River, so neither can

she claim a right to retain any upon the former. Besides, Albreda was a Dependency, not of Senegal, but of Goree, and it is to be noted, that when the restoration of Goree is stipulated for, the words "and its Dependencies," used in the case of Senegal, are excluded. France, it is true, may plead, that during the period which elapsed between 1783 and 1792, Albreda continued to be used as a factory or *comptoir* by her traders, but this arose simply from our not having taken possession of Fort James, which had been demolished during the war, and which remained a heap of ruins until 4 or 5 years ago, when it was again occupied. Since that time, Governor Mac Carthy has not ceased to remonstrate against the manifest contravention of the Treaty of 1783 (a Treaty which has in no degree been modified by any subsequent Convention), which is involved in the occupation of the factory of Albreda by the French.

It will be obvious from all that has been said, that the Abolition of the Slave Trade by France has been as yet a nominal, not an effectual measure. I would beg leave to suggest that, to make it effectual, it would be necessary not only to declare in general terms, that Slave-trading of all kinds is forbidden to French Subjects, and to all persons residing within the French Dominions, but specifically to prohibit the introduction of fresh Slaves from the interior, into French Settlements on the coast. It would be further necessary to extend the penalties of Slave-trading to all descriptions of the crime, wheresoever committed, including in the list of offenders, persons fitting out Ships with an intention to trade in Slaves, and persons insuring such property. These Enactments should be embodied into a Law, and not a Royal Ordonnance. How far it would be possible to add to the pecuniary inflictions they may impose, *une peine infamante*, or, if that were likely to be too strong a measure, *une peine correctionnelle*, I of course can have no means of knowing. It is most manifest, however, that such an addition would exceedingly promote the object of the Law. It would seem desirable, also, that a system of cruizing should be adopted, for the purpose of carrying their laws into effect. Hitherto the range of their cruizers has been limited to the few leagues of coast connected with Senegal and Goree. And if bounties on the Slaves captured were added, this would doubtless tend to quicken the zeal of their publick Officers of all descriptions.

In the Report made to the Chamber of Deputies on the 29th June last, to which I have already had occasion to allude, there is the following statement, viz.

"Cinquante deux Bâtimens François, Anglois, et Espagnol, ont été l'objet d'information, de condamnation, ou de poursuite."

It would seem necessary to call for such a detailed explanation of the above statement, as would put the British Government in a capacity to prosecute the English violators of the Abolition Laws.

I have also sent the Case of another French Slave Ship, named the *Sylph*. I am, &c.

No. 59.—Viscount Castlereagh to Sir Charles Stuart.

SIR, *Foreign Office, December 14th*, 1820.

SINCE the transmission to your Excellency of my Dispatch containing a resumé of facts, proving the existence and continuance of illicit Slave-trade by His Most Christian Majesty's Subjects in the French Colonies, the inclosed statements on the same subject have been received, the importance and authenticity of which render it essential, that your Excellency should take these Papers into your consideration, when you shall take steps for carrying into execution the instructions contained in my Dispatch above alluded to.

I am, &c.

H. E. Sir Charles Stuart, G.C.B. CASTLEREAGH.

(Inclosure 1.)—J. W. Croker, Esq. to William Hamilton, Esq.

SIR, *Admiralty Office, 15th April*, 1820.

I AM commanded by my Lords Commissioners of the Admiralty, to transmit to you, for the information of Lord Castlereagh, an extract of a Letter from Captain Kelly, of His Majesty's Sloop, *Pheasant*, dated in Accra Roads, on the Coast of Africa, the 29th October last, containing intelligence respecting the Foreign Vessels engaged in the Slave-trade. I am, &c.

William Hamilton, Esq. J. W. CROKER.

(1.) *Captain Kelly to J. W. Croker, Esq.*

H. M. S. Pheasant, *Accra Roads.*

(Extract.) *Coast of Africa, 29th October*, 1819.

I BEG leave to communicate for the information of my Lords Commissioners of the Admiralty, the proceedings of His Majesty's Sloop *Pheasant*, under my command, from the date of my last Communication of the 20th of August last.

After having completed my water at Sierra Leone, I again proceeded to sea, in order to resume my station in the bights of Benin and Biafra; in my way down, between the shoals of St. Ann's and Cape Palmas, I found the coast swarming with fast-sailing Schooners, which kept us in a continual chase for nearly a fortnight, and, although we were enabled to come up but with few of them, from their superior sailing, I have the satisfaction to know that some of them quitted that part of the coast, from the annoyance and interruption they received from the *Pheasant* in carrying on their traffick. In standing into Cape Mesurado Bay on the morning of the 31st August, I observed a Brig and Schooner at anchor. The Schooner, on discovering us,

weighed and attempted to escape; but finding it impossible, she again anchored, and on being boarded proved to be the French Schooner *l'Elize*, of and from Guadaloupe, with 21 Slaves on board, belonging to Messrs. Jubert and Ferrant, and commanded by the Sieur Lenant, who was then on shore at Mesurado, collecting the remainder of his Slaves for embarkation, in order to quit the coast for Guadaloupe in a few days. I must here remark, that I boarded the same Schooner in nearly the same place on the 24th of June last, when the Master informed me he was trading for palm-oil, ivory, &c. The other Vessel proved to be the French Brig *l'Oscar*, of Martinique, and (as the Master says,) intends to take in oil, ivory, &c.; but I have little doubt, when he quits the coast, his cargo will, like all the others, prove to be Slaves. On the 1st of September, off Grand Bassa, I boarded another French Schooner from Guadaloupe, called *La Thetis*, and belonging to the same Owners as *l'Elize;* he had also no cargo on board, and stated his intention of procuring a similar cargo to the Brig. Annexed I beg leave to add the number and description of Vessels on the windward coast, which I procured from the Master of an English Brig, all which he had either spoken, or shewn his Colours to in passing, between the 17th of August and 10th of September, and of which I some time since forwarded a Copy to Captain Strong, of His Majesty's Sloop *Morgiana*, cruizing on that station. I have been more diffuse in my description of these French Vessels, in order to shew their Lordships, how deeply the subjects of His Most Christian Majesty are concerned in carrying on this nefarious traffick: the other Vessels which appear on the List, under Dutch Colours, I have reason to think are Americans, having been so informed by the Natives. My provisions now getting low, I was under the necessity of pushing on to Cape Coast Castle, from whence (after victualling) I again sailed for the Leeward Coast, and finding in my former cruize in the Bight of Benin, that from the strong current setting to the E. N. E. few Vessels coming from thence could fetch much to windward of Cape Formosa, I deemed it advisable, in lieu of shewing myself by running down the coast, to keep a position west of that Cape as far as the Longitude of Lagos, the principal place of Slave traffick for the Portuguese Vessels coming out of the bight, as the custom of Slave Ships is now to land their outward cargo, and, as soon as they have bartered it all for Slaves, to embark them, and sail immediately. I have much satisfaction in reporting, that the result of my arrangement has proved most successful, by my capturing, on the 6th of October, the Portuguese Brig *Volcano*, of and from St. Salvador, but last from Lagos, in Benin, with a cargo of 270 Slaves: this Vessel I have sent to Sierra Leone for adjudication.

J. W. Croker Esq. B. M. KELLY.

(2.) *List of Vessels on the Coast.*

French Colours.—At Gallinas, 3; Mina, 2; Cape Mount, 3; Cape Mesurado, 2; Piccaniny Bassa, 1.

Dutch Colours.—Grand Bassa, 1; Trade Town, 3.

French Ditto.—Off Beorby, 1; Half Sapoa, 1.

Off Assurance River 1: did not shew her Colours.

(Inclosure 2.)—Viscount Chetwynd to William Hamilton, Esq.

SIR, *Council Office, 1st December,* 1820.

THE Lords of His Majesty's Most Honorable Privy Council having had under their consideration a Letter from William Delavand, Esq., Secretary of the Customs, transmitting an extract of a Letter from the Collector and Comptroller at Demerara, by which it appears that the Slave-trade is still carried on in the French Islands to a considerable extent, I have it in command to acquaint you, that although the Lords of the Council presume, that the Commissioners of the Customs have made a similar Communication to Viscount Castlereagh, their Lordships have nevertheless thought it right to direct, that Copies of the above Papers should be transmitted to you, to be laid before Viscount Castlereagh, for his Lordship's information. I am, &c.

William Hamilton, Esq. CHETWYND.

(1.) *William Delavaud, Esq. to William Buller, Esq.*

SIR, *Custom House, 28th November,* 1820.

THE Commissioners having received a Letter from their Collector and Comptroller at Demerara, dated the 18th of August last, stating, amongst other matters, that the Slave-trade is still carried on in the French Islands to a considerable extent;

I have it in command to transmit to you an extract of the said Letter, for the information of the Lords of His Majesty's Most Honorable Privy Council. I am, &c.

William Buller, Esq. WILLIAM DELAVAUD.

(2.) *Extract of a Letter, dated Antigua, 16th October,* 1820.

"A FRENCH Brig, with 128 Africans, was seized about 8 days ago off this Port. She is called the *Louise*, of about 120 tons, from Senegal, bound to the Island of Guadaloupe, which this island was taken for by the Mate, who had the command during the confinement of the Captain, then very ill on board. She came down the south side of the island with French Colours flying, and was boarded by Mr. Chipchase, waiter of the Customs here, who brought her into Por . After the Crew found their mistake, the poor Africans were all sent below, and some of the Crew had the temerity to come on shore for refreshments, stating that she was in ballast, bound to Cayenne.

The Negroes were in a miserable condition when landed, but now they look extremely well, and are generally young, chiefly Women, two of whom have infants at the breast, and one a few days ago was delivered of twins, still-born. Very great care has been taken of them by the Collector, who has had them clothed and well fed. I understand that the females will be sent to Trinidad.

The Captain went from this to Guadaloupe, and has since returned with directions to abandon the Brig, and return with the Crew to that island, where it appears she was going to the celebrated firm of De Lisle and Rancée, who have since disowned any concern with the Vessel."

(3.) *Extract of a Letter from Demerara, dated 18th August, 1820.*

From all inquiries we could make of the Captain and Crew of the Sloop *Harriott*, from Martinique, seized in the River Essequibo, who were interrogated separately, and whose answers concurred in one general result, the Slave-trade is still regularly carried on in the French islands openly, and to a very considerable extent. There are 7 or 8 Schooners regularly employed between the Coast of Africa and Martinique, part of the cargoes of which are carried direct to St. Thomas's, and part re-exported from Martinique to Surinam. A complaint has been made by a British Ship of War, of one of their Schooners which lay full of Slaves in the Bay of St. Pierre; and the Governor in some way interfered, of the result of which the Crew of the *Harriott* was not apprised; but, unless on a representation of that Nation, they are allowed to lie in the roads, bring the Slaves on shore, and sell and re-load and re-export them without any notice being taken of such proceedings; this circumstance is a breach of the Laws of France, and is as detrimental to British interests, as it is to the cause of humanity.

No. 60.—Sir Charles Stuart to Visct. Castlereagh.—(Rec. 24th Dec.)

My Lord, *Paris, 21st December,* 1820.

I am to acknowledge your Lordship's Dispatches, conveying the Instructions, by which His Majesty's Government deem it expedient that my endeavours to give effect to the Abolition of the Slave-trade should be regulated.

The Notes enclosed had already placed before the French Government the several incidents connected with this question, which had come to my knowledge since the date of the last Dispatch I had the honor to address to your Lordship, respecting the abolition, and had shewn the determination of His Majesty's Ministers to continue to press the measures which I have been so frequently directed to recommend.

In once more addressing Baron Pasquier, it became therefore merely necessary to repeat the arguments which have been often brought forward, supported by new facts and illustrations, forming the mass of information which accompanies your Lordship's Dispatches.

I accordingly drew up the Note, of which I enclose a Copy, and which was transmitted to Baron Pasquier on Tuesday, accompanied by a portion of the Papers your Lordship has forwarded to me.

In order to give full effect to the proposition contained in this Note, I thought it my duty to press the subject verbally upon the attention of the Duke de Richelieu and Baron Pasquier, at the same time that I requested Monsieur Portal to allow Sir Charles Mac Carthy to state to him the further particulars connected with the question, which might be necessary to fix the determination of the Cabinet.

The Duke de Richelieu expressed, in the strongest terms, his wish to omit no measure to put down a traffick, which he detests; stating that the positive Instructions which have been sent to the Colonial Authorities, and the Maritime Prefects, to this effect, offer the best proof that he is sincerely disposed to concur in every practicable alternative for the attainment of that object; and he said, that though I knew the impracticability of conceding the right of visit, yet that, at the first meeting of the Ministers, he should call their attention to the subject of the Slave-trade; and that I might depend upon his doing every thing in his power to meet the wishes of His Majesty's Government.

In a conversation which I had with Baron Pasquier on the following day, he said, that although the Government had not yet sufficiently digested their opinion to give me an answer in writing, their united opinions gave him every reason to think I should be satisfied with the result.

This language appears to have been repeated to Sir Charles Mac Carthy, by Baron Portal, and to have been accompanied with an assurance, that the Maritime Force, which is employed for the purpose of preventing the Slave-trade, shall be forthwith increased, and that the limits of their cruizing ground shall be extended to those parts of the coast where Sir Charles Mac Carthy may think their presence required.

Mons. Portal further announced his intention to direct the French Ships of War, bound to the West Indies, to run down the Coast of Africa on their outward voyage for the same purpose. I have, &c.

Viscount Castlereagh, K. G. CHARLES STUART.

(Inclosure 1.)—Sir Charles Stuart to Baron Pasquier.

Paris, 31st May, 1820.

I HAVE received the directions of His Majesty's Government to transmit, for your Excellency's information, the accompanying Papers,

stating the particulars of the detention of the French Vessels, *La Marie* and *La Catherine*, employed in the Slave-trade, by a British subject.

I am to acquaint your Excellency, that the Officers concerned in their detention have been directed to make a suitable apology for the infraction of the rights of His Most Christian Majesty's Flag, and to send the two Vessels to Senegal, for the purpose of being restored to the French Authorities.

A further communication from the Officer in command on the Coast of Africa, adds, that the Vessels the *Jeune Estelle* and *Josephe*, have likewise been engaged in this traffick, detailing circumstances of cruelty, which it is highly necessary should not be concealed from the knowledge of the French Government.

Under these circumstances, it becomes my duty once more to request your Excellency's attention to this important subject; and to point out, that notwithstanding every assurance, as no Vessel of War is employed on the coast for the purpose of checking such mischiefs, this trade is manifestly increasing under the French Flag; and that I must hope that the extent and enormity of the abuse will induce the French Government to devise some efficacious means of repressing such illegal practices. I have the honour to be, &c.

H. E. Baron Pasquier. CHARLES STUART.

(Inclosure 2.)—Sir Charles Stuart to Baron Pasquier.

SIR, *Paris, 21st October,* 1820.

WITH reference to the Communication I had the honour to address your Excellency on the 31st of May, announcing the detention of the French Slave-trade Vessels, *La Marie* and *La Catherine*, by His Britannick Majesty's Cruizers, I herewith enclose the Copies of further Communications upon this subject from His Majesty's Colonial Secretary of State. I have the honour to be, &c.

H. E. Baron Pasquier. CHARLES STUART.

(Inclosure 3.)—Sir Charles Stuart to Baron Pasquier.

(Extract.) *Paris, 11th December,* 1820.

THE rights of the two Nations (England and France) to these rivers (the Gambia and the Senegal) rest upon the Treaty of 1783, and as the IXth and Xth Articles of that Treaty place their respective pretensions to the Senegal and to the Gambia upon precisely the same footing, the altercations which must ensue, if His Britannick Majesty's Officers take advantage of the Treaty, to bring forward claims to the Senegal, like those brought forward by France to the Gambia, are so obvious, that I can scarcely suppose they will be sanctioned by His Most Christian Majesty's Government.

His Britannick Majesty's Government are consequently entitled to expect, that the removal of the French posts from the navigation of that river, will prevent a continued conflict of jurisdiction in that part of the world, which cannot ensure any proportionate advantage to the interests of either Government.

H. E. Baron Pasquier. CHARLES STUART.

(Inclosure 4.)—Sir Charles Stuart to Baron Pasquier.

SIR, *Paris, 18th December,* 1820.

FORMER Communications having fully made known to your Excellency the anxiety of my Court to take every measure which can prevent the Slave-trade, the recurrence to the same subject, which results from the inefficacy of the attempts by which it has been hitherto proposed to check this enormous evil, will, I am confident, be viewed by the French Government with that consideration, which good faith in the execution of mutual engagements must reciprocally inspire.

Among the numerous Papers respecting the Slave-trade which have reached His Britannick Majesty's Ministers, the accompanying selection of Statements on the part of credible witnesses will shew, that individual interest having rendered the existing Law abroad a dead letter, the Slave-trading Establishments along the Coast of Africa have acquired an extension which the combined and vigilant efforts of both Nations will hardly be able to put down; and it is highly probable, that all the Territorial and Commercial Questions at issue between the two Governments, in that part of the world, are to be traced to the continuation of this Commerce.

The good intentions of both Legislatures being thus eluded, and the abolition by France being as yet a nominal, not an effective, measure, my Sovereign relies upon the concurrence of His Most Christian Majesty's Government, in devising new precautions which may hasten a radical abolition.

The acknowledgement of a mutual right of search is the most effectual alternative in the opinion of my Court, provided that it be followed by the employment of Cruizers on the part of the Powers which have decreed the abolition, under a common regulation, offering advantages calculated to stimulate the zeal of the persons employed in that service. But if such an executive arrangement cannot be concerted between the two Governments, without encountering difficulties, which, according to the notions of His Most Christian Majesty's Ministers are quite insurmountable, I am sure your Excellency will feel, that considerations of good faith, as well as good neighbourhood, render some legislative measure necessary, to prove to the world their sincere intention to execute the engagements between the two Governments, which have been the subject of repeated communications to the British Parliament.

The declaration of His Most Christian Majesty's Ministers, that their serious attention will be directed to this question, renders the present moment suitable to consider the enactments which are best calculated to effect the abolition; and the experience of my Government upon the subject, enables me, perhaps without indiscretion, to recommend the following points to yonr Excellency's attention.

1st.—The prohibition, in general terms, of Slave-trading in all its branches, to French Subjects, and to Persons residing within the French Dominions.

2d.—The prohibition of the importation of fresh Slaves from the interior to the French Settlements on the Coast.

3d.—The application of the penalties of Slave-trading to all descriptions of Persons engaged in the equipment or insurance of Ships to trade in Slaves.

4th.—Although the infliction of the severest possible punishment is desirable, the wisdom of the legislature will decide, whether "a peine infamante" or "correctionnelle" against the individuals who are guilty of contravention, is best calculated to ensure the execution of these enactments.

The conciliatory spirit with which the relations between the two Governments are at present conducted, and the interest which my Court attaches to the abolition, induce me to hope, that after your Excellency has given these suggestions full attention, a sentiment analogous to the feeling of my Sovereign upon all questions of importance to the French Court, will lead to determinations favourable to the wishes, not only of His Majesty's Government, but of the British Nation in general. I have, &c.

H. E. The Baron Pasquier. CHARLES STUART.

No. 61.—Viscount Castlereagh to Sir Charles Stuart.

SIR, *Foreign Office, 1st January,* 1821.

IN addition to my Communications to your Excellency on the subject of the Slave-trade carried on by the French Subjects, I transmit to you the Copy of a Letter from the Under Secretary of State for the Colonial Department, relating to the seizure at Antigua of the French Slave Brig *Louisa;* which information your Excellency will take a proper opportunity of communicating to the Government of His Most Christian Majesty. I have, &c.

H. E. Sir Charles Stuart, G. C. B. CASTLEREAGH.

(Inclosure.)—Henry Goulburn, Esq. to Joseph Planta, Jun. Esq.

SIR, *Downing Street, 14th December,* 1820.

HEREWITH I transmit to you the Copy of a Letter from Mr. Wyke, Collector of the Customs at Antigua, dated 12th October last, acquainting Lord Bathurst with the seizure of the French Brig

Louisa, having on board 130 Slaves; and I am directed by his Lordship to request you will lay the same before Lord Castlereagh, for his Lordship's information; the statement therein contained being such, as fully to confirm the accounts received from Africa, of the Slave-trade being still carried on by the French from Senegal.

I am, &c.

Joseph Planta, Jun. Esq. HENRY GOULBURN.

(Sub-Inclosure.)—Mr. Wyke, Collector of the Customs at Antigua, to Earl Bathurst.

My Lord, *St. John's, Antigua, 12th October,* 1820.

I have the honour to inform your Lordship of the seizure of a French Brig, *Louisa,* with 130 Slaves on board, by an Officer of this survey, on the morning of the 4th, having arrived off the Harbour from Senegal, bound to New Orleans, (as stated by the Captain,) but from circumstances, there is little doubt of her destination being Guadaloupe. On the morning after the arrival of this Vessel in our Port, and the Crown Officer's opinion of the legality of the seizure having been taken, I disembarked the Africans, and immediately attended to their comforts, by having a good and convenient lodging prepared for their reception; and I have the honour to acquaint your Lordship, that there were some few of these unfortunate beings ill, and others very weak and feeble from their long confinement on ship board, and mode of treatment when landed; but I am happy to say, from the care and attention paid to them since their coming on shore, that the sick have nearly recovered, and the others in a weak state have been wonderfully improved; and I will not fail, my Lord, to pay every possible attention to these Africans; and, as soon as their situation will let it be advisable, to follow strictly His Majesty's Orders in Council, for properly indenting them to such persons as I may be satisfied will attend to the wishes of His Majesty's Government on this head. I did not fail to clothe the Africans immediately upon their getting on shore; and as soon as I am able to indent them, I shall have the honour of making an official return thereof to your Lordship. On the other side I take the liberty of describing the sexes, &c. for your Lordship's further information. I have the honour to be, &c.

Earl Bathurst, K. G. G. WYKE.

Africans.—33 Men, 66 Women, 6 Boys from 12 to 15 years old, 17 Girls from 12 to 16 ditto, 6 ditto, ditto, 9 to 11, 2 Infants.

No. 62.—Sir Charles Stuart to Viscount Castlereagh.—(Rec. 5th Jan.)

My Lord, *Paris, 1st January,* 1821.

I am to acknowledge your Lordship's Dispatch, containing the further Documents which have reached His Majesty's Government, and refer to infractions of the Law prohibiting the Slave-trade, by Vessels under the French Flag.

In the Letter, of which I inclose a Copy, I have requested Baron Pasquier to add these Papers to the mass of information which has already been placed before the French Government, and to lose no time in coming to the determination, which the apparent impunity hitherto enjoyed by the offenders certainly requires.

An interview with Baron Portal on the same day, gave me an opportunity of hearing the opinion of that Minister; and I had the satisfaction to find, that he did not contest the truth of the statements which had been laid before the Government, although he assured me that he had heartily co-operated in furthering the efforts of my Court to effect the abolition.

He asserted, that more than 40 prosecutions had been already instituted against persons implicated in transactions which come under the provisions of the French Law; but that the agreements, particularly the insurances effected with Foreigners, who are chiefly British Subjects, "sous seing privé," which it is almost impossible to bring to light, are so extremely common, that it is to be feared these prosecutions are in many instances likely to fall to the ground.

Monsieur Portal assured me, that, in the mean time, there had been no relaxation of vigour, in pressing forward the executive arrangement in his department of the service, to prevent the trade; that orders had been dispatched to the Admiral in the West Indies, directing him to send a Ship of War down to The Havannah, for the express purpose of intercepting the Slave Vessels destined to that Port, and that Instructions had been drawn out for the guidance of the Administration of Senegal, grounded upon the suggestions of Governor Mac Carthy, for the employment of the Cruizers on that Station, which he hoped would prove to my Government the sincerity of his wishes to forward this object.

I have, &c.

Viscount Castlereagh, K. G. C. STUART.

(Inclosure.)—Sir Charles Stuart to Baron Pasquier.

SIR, *Paris, 27th December*, 1820.

SINCE I had the honour to address to your Excellency my Note dated the 18th December, containing an abstract of the information which has been conveyed to His Britannic Majesty's Government respecting the continuance of the illicit Trade in Slaves, on the part of His Most Christian Majesty's Subjects in Africa and the West Indies, the further Documents I enclose* having been received from Official and Authentic sources, it is right that they should be annexed to the mass of Papers, upon which I have founded the representations, under the consideration of the French Government, as I flatter myself, that the infractions of the Law which are thus brought to light, will lead to

* See Inclosures in No. 59.

the adoption of Measures, calculated to attain the object which the two Governments have the most at heart. I have &c.

H. E. Baron Pasquier. C. STUART.

No. 63.—Sir Charles Stuart to Visct. Castlereagh.—(Rec. 14th Jan.)

My Lord, *Paris, 11th January,* 1821.

In obedience to the directions contained in your Lordship's Dispatch of the 1st January, the Note, of which I enclose a Copy, has been addressed to the Baron Pasquier, stating the circumstances which led to the detention of the Slave Ship the *Louise*, by order of the local Authorities in the Island of Antigua.

I have the honour to be, &c.

Vtscount Castlereagh, K.G. CHARLES STUART.

(Inclosure.)—Sir Charles Stuart to Baron Pasquier.

Sir, *Paris, 9th January,* 1821.

I have the honour to transmit your Excellency the enclosed Copy of a Letter, announcing the detention of the Slave Ship the *Louise* under French Colours, in the Ports of Antigua, on her way from Senegal to Guadaloupe.

The disembarkation of 130 Africans of both sexes, leaves no doubt of the Traffick in which this Vessel has been engaged; and this fact may be added to the numerous infractions of the French Law, to which it has been my duty to call your Excellency's attention.

I rely, however, upon your Excellency's assurances, that such abuses will be remedied. I have the honour to be, &c.

H. E. The Baron Pasquier. CHARLES STUART.

No. 64.—Memorandum of The Duke de Cazes.

12th February, 1821.

La France a franchement fait usage de toutes les ressources qu'elle trouvait dans la forme de son administration, pour créer des moyens propres à faire cesser la traite des Noirs.

Des Ordonnances publiées, des Lois rendues en 1817 et 1818, ont prononcé la confiscation des Bâtiments qui se livreraient à ce trafic, et l'interdiction du Capitaine qui les commanderait. En 1819 une Commission Spéciale présidée par un Conseiller d'Etat et composée de Magistrats choisis dans la Cour de Cassation, la Cour Royale et le Tribunal de Première Instance de Paris, et d'un Officier Général de la Marine, a été établie pour examiner toutes les Actions Judiciaires à intenter, à suivre ou à soutenir, en France, dans l'interêt public, en matière de contravention aux dispositions qui prohibent la Traite de Noirs.

Le Ministre de la Marine n'a cessé depuis 5 ans de poursuivre en toutes occasions les expéditions illicites. Dans cet espace de temps il

a été saisi par les soins de l'autorité Française, un grand nombre de Bâtiments fraudeurs, dont une partie a été condamnée et confisquée. Un état des diligences, poursuites, instances et condamnations qui ont eu lieu jusqu'à la fin du mois d'Avril 1820, a été transmis à Lord Castlereagh par M. Le Comte de Caraman, le 17 Juin dernier. Parmi les Bâtiments saisis il s'en est trouvé plusieurs appartenant à des Sujets de Sa Majesté Britannique.

Au mois de Septembre 1819, le Capitaine de Vaisseau *Baron de Mackau*, fut envoyé au Sénégal avec la Mission de vérifier sur les lieux les imputations qui étaient sans cesse dirigées contre l'administration de cette Colonie. Au retour de cet Officier il fut fait par M. le Ministre de la Marine, sur le résultat de sa Mission, un Rapport qui a été communiqué à Lord Castlereagh, en même temps que l'état ci-dessus mentionné, et par lequel le Gouvernement Anglais a dû voir que tous les Bâtiments indiqués comme s'étant effectivement livrés à la traite depuis le 25 Janvier, 1817, avaient été poursuivis ou condamnés, par suites des dispositions prohibitives de la Traite de Noirs.

Les Navires la *Narcisse* de St. Malo, et *l'Auguste* de Marseille, avaient été signalés par les Journaux Anglais, au commencement de 1820, comme ayant débarqué des Noirs de traite aux Antilles Françaises. Le Ministre de la Marine s'est empressé d'ordonner une enquête pour s'assurer de l'exactitude des faits. Elle a eu lieu de la part des Autorités de la Martinique, qui ont mis dans leurs récherches tout le soin et toute l'activité que l'on devait attendre de leur zèle, et il en est résulté que le débarquement annoncé était entièrement controuvé, et que la cargaison des Navires désignés se composait d'objets entièrement licites.

Le Gouvernement Français n'a pas mis moins de zèle à la répression de la traite à l'Ile Bourbon, et les nombreux Documents transmis par M. de Caraman à Lord Castlereagh, le 17 Juin dernier, auront donné au Gouvernement Anglais des preuves non équivoques des efforts des Administrateurs Français dans cette Colonie pour concourir à ce but.

Lois, Ordonnances, Instructions Ministérielles, Mesures Publiques, particulières, tout a donc été mis en usage. Si les résultats n'ont pas toujours été aussi complets qu'on devait l'espérer, ils ont du moins été plus satisfaisans que ne semblaient l'indiquer les Rapports transmis aux Autorités Anglaises. Il est de fait que les expéditions frauduleuses faites par les Sujets Français sont devenues beaucoup plus rares, et que le zèle des Autorités Françaises ne s'est point démenti. Il est probable que plusieurs expéditions de ce genre se seront faites sous Pavillon Français, et c'est ce qui aura donné en Angleterre l'idée que c'étoit en France que se commettait le plus grand nombre d'infractions aux Lois contre la Traite. Au surplus, de nouvelles mesures ont été successivement ajoutées à celles qui avaient été précedemment adoptées.

Plusieurs Agens subalternes qui ne mettaient point assez de sévérité dans l'exécution des ordres de répression ont été renvoyé du service.

Une flotille destinée à explorer les rivières sur la côte d'Afrique a été organisée. Elle contribuera puissamment à empêcher le trafic des Noirs.

La Station navale d'Afrique a été renforcée, composée de fins voiliers et munie d'instructions qui lui indiquent les points de croisière reconnus comme devant être occupés. Elle éclairera les côtes de manière à rendre impossible, ou du moins extrêmement difficile, tout embarquement ou débarquement illicite.

La Station des Antilles a été également renforcée en raison des moyens dont le Département de la Marine a pû disposer.

Enfin le Gouvernement Français a ordonné à ses Agens dans les établissemens de St. Louis et de Gorée de promouvoir et de favoriser autant que possible le systême des engagements volontaires d'Africains, et de se modeler à cet égard sur ce qui se pratique à Sierra Leone.

Londres, ce 12 *Fevrier,* 1821.

No. 65.—*Sir Charles Stuart to Viscount Castlereagh.—(Rec. Feb.* 22.)

(Extract.) *Paris,* 19*th February,* 1821.

My endeavours to press upon the Baron Pasquier the necessity of giving me a decisive answer upon the different representations I have lately had occasion to bring forward respecting the Abolition of the Slave Trade, have caused His Excellency to tell me, that all the information which the Minister of the Colonial Department has been able to collect upon the subject, has been transmitted to the French Ambassador in London, for the purpose of being carried to the knowledge of His Majesty's Ministers.

Viscount Castlereagh, K. G. CHARLES STUART.

No. 66.—*Viscount Castlereagh to Sir Charles Stuart.*

Sir, *Foreign Office,* 23*d March,* 1821.

The Memorandum, a Copy of which I herewith transmit to your Excellency, stating the measures which have been taken by the French Government and their Colonial Authorities, for the prosecution and punishment of cases of Slave Trade, was delivered in by the Duke de Cazes, a few days previous to His Excellency's departure for France.

Your Excellency will perceive that, in one part of this Memorandum, allusion is made to certain Ships bearing the British Flag, and stated to be engaged in this traffick. On a reference to the Papers inclosed in M. de Caraman's Note of June last, it appears that all the Vessels so referred to, and which your Excellency will observe bear French names, have been proceeded against and condemned in the Colonies; but the allusion here made by the French Ambassador, and several other intimations which have at different times been thrown out to your Excellency, of the occasional employment of British Capital in Slave-trading, and of Insurances on Slave Ships being effected in England, lead me to request that your Excellency will urge the French Govern-

ment to furnish you with the details of any cases of this sort, which may at any time have come, or which may in future come to their knowledge, and you will be pleased immediately to transmit such information to me.

On vague reports and loose charges generally thrown out, and which they have no distinct grounds for believing, it is impossible for the British Government to take any step: but if they can be furnished with precise and accurate information of the existence of a Slave-trade carried on with British Capital, or of any encouragement or protection being afforded thereto by British Subjects, it would be their most anxious desire, as it is their bounden duty, to use their utmost endeavours for the prosecution and punishment of the offenders. I am, &c.

H. E. Sir Charles Stuart, G.C.B. CASTLEREAGH.

Class D.

CORRESPONDENCE WITH THE UNITED STATES OF AMERICA.

LIST OF PAPERS.

No.			1819.	Page
1.	Rt. Hon. Charles Bagot to Viscount Castlereagh	Washington	7th Apr.	387
	Inclosure.—Act of Congress, 3rd March 1819			387
2.	Viscount Castlereagh to Richard Rush, Esq.	Foreign Office,	11th Nov.	390
3.	Richard Rush, Esq. to Viscount Castlereagh	London	16th Nov.	391
			1820.	
4.	Visct. Castlereagh to the Rt. Hon. Stratford Canning	Foreign Office,	7th Aug.	392
5.	Rt. Hon. Stratford Canning to Viscount Castlereagh	Washington	28th Oct.	393
6.	Visct. Castlereagh to the Rt. Hon. Stratford Canning	Foreign Office,	9th Dec.	394
7.	Rt. Hon. Stratford Canning to Viscount Castlereagh	Washington	30th Dec.	395
			1821.	
8.	Rt. Hon. Stratford Canning to Viscount Castlereagh	Washington	2d Jan.	396
9.	Viscount Castlereagh to the Lords Commissioners of the Admiralty	Foreign Office,	13th Mar.	399
10	Visct. Castlereagh to the Rt. Hon. Stratford Canning	Foreign Office,	25th Mar.	399

No. 1.—The Rt. Hon. C. Bagot to Visct. Castlereagh.—(Rec. 15th May.)

(Extract.) *Washington, 7th April,* 1819.

I HAVE the honor to transmit, inclosed, the Copy of an Act, passed in the last Session of Congress, in addition to the Acts prohibiting the Slave-trade.

Viscount Castlereagh, K. G. CHARLES BAGOT.

(Inclosure.)—An Act in addition to the Acts for prohibiting the Slave-trade. *3rd March,* 1819.

Sect. 1. BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the President

of The United States be, and he is hereby authorized, whenever he shall deem it expedient, to cause any of the armed Vessels of The United States to be employed to cruise on any of the coasts of The United States, or Territories thereof, or of the Coasts of Africa, or elsewhere, 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 and direct the Commanders of all armed Vessels of The United States, to seize, take, and bring into any Port of The United States 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 Colour, in violation of any of the provisions of the Act, entitled "An Act in addition to an Act to prohibit the importation of Slaves into any Port or place within the jurisdiction of The United States, from and after the 1st day of January, in the year of our Lord 1808, and to repeal certain parts of the same," or of any other Act or Acts prohibiting the traffick in Slaves, to be proceeded against according to Law. And the proceeds of all Ships and Vessels, their tackle, apparel, and furniture, and the goods and effects on board of them, which shall be so seized, prosecuted, and condemned, shall be divided equally between The United States and the Officers and Men who shall seize, take, or bring, the same into Port for condemnation, whether such seizure be made by an armed Vessel of The United States, or Revenue Cutter thereof. And the same shall be distributed in like manner as is provided by Law for the distribution of Prizes taken from an Enemy. Provided, that the Officers and Men to be entitled to one-half of the proceeds aforesaid, shall safe keep every Negro, Mulatto, or Person of Colour, found on board of any Ship or Vessel so seized, taken, or brought into Port, for condemnation, and shall deliver every such Negro, Mulatto, or Person of Colour, to the Marshal of the District into which they are brought, if into a Port of The United States, or, if elsewhere, to such Person or Persons as shall be lawfully appointed by the President of The United States, in the manner hereinafter directed, transmitting to the President of The United States, as soon as may be after such delivery, a descriptive list of such Negroes, Mulattoes, or Persons of Colour, that he may give directions for the disposal of them. And provided further, that the Commanders of such commissioned Vessels, do cause to be apprehended, and taken into custody, every Person found on board of such Vessel, so seized and taken, being of the Officers or Crew thereof, and him or them convey, as soon as conveniently may be, to the civil Authority of The United States, to be proceeded against, in due course of Law, in some of the districts thereof.

Sect. 2. And be it further enacted, that the President of The United

States be, and he is hereby authorized to make such regulations and arrangements, as he may deem expedient, for the safe-keeping, support and removal beyond the limits of The United States, of all such Negroes, Mulattoes, or Persons of Colour, as may be so delivered and brought within their jurisdiction; and to appoint a proper Person or Persons residing upon the Coast of Africa, as Agent or Agents, for receiving the Negroes, Mulattoes, or Persons of Colour, delivered from on board Vessels, seized in the prosecution of the Slave-trade by Commanders of The United States' armed Vessels.

Sect. 3. And be it further enacted, that a bounty of 25 dollars be paid to the Officers and Crews of the commissioned Vessels of The United States, or Revenue Cutters, for each and every Negro, Mulatto, or Person of Colour, who shall have been, as hereinbefore provided, delivered to the Marshal or Agent duly appointed to receive them: And the Secretary of the Treasury is hereby authorized and required to pay, or cause to be paid, to such Officers and Crews, or their Agent, the aforesaid bounty, for each person delivered as aforesaid.

Sect. 4. And be it further enacted, that when any Citizen, or other Person, shall lodge information, with the Attorney for the District of any State or Territory, as the case may be, that any Negro, Mulatto, or Person of Colour, has been imported therein, contrary to the provisions of the Acts in such case made and provided, it shall be the duty of the said Attorney forthwith to commence a prosecution, by information; and process shall issue against the Person charged with holding such Negro, Negroes, Mulatto, Mulattoes, Person, or Persons of Colour, so alleged to be imported contrary to the provisions of the Acts aforesaid: And if, upon the return of the process executed, it shall be ascertained, by the verdict of a Jury, that such Negro, Negroes, Mulatto, Mulattoes, Person or Persons of Colour, have been brought in, contrary to the true intent and meaning of the Acts in such cases made and provided, then the Court shall direct the Marshal of the said District to take the said Negroes, Mulattoes, or Persons of Colour, into his custody, for safekeeping, subject to the orders of the President of The United States; and the Informer or Informers, who shall have lodged the information, shall be entitled to receive, over and above the portion of the penalties accruing to him or them by the provisions of the Acts in such case made and provided, a bounty of 50 dollars, for each and every Negro, Mulatto, or Person of Colour, who shall have been delivered into the custody of the Marshal; and the Secretary of the Treasury is hereby authorized and required to pay, or cause to be paid, the aforesaid bounty, upon the certificate of the Clerk of the Court for the district where the prosecution may have been had, with the Seal of Office thereto annexed, stating the number of Negroes, Mulattoes, or Persons of Colour, so delivered.

Sect. 5. And be it further enacted, that it shall be the duty of the Commander of any armed Vessel of The United States, whenever he shall make any capture under the provisions of this Act, to bring the Vessel and her cargo, for adjudication, into some of the Ports of the State or Territory to which such Vessel, so captured, shall belong, if he can ascertain the same; if not, then to be sent into any convenient Port of The United States.

Sect. 6. And be it further enacted, that all such Acts, or parts of Acts, as may be repugnant to the provisions of this Act, shall be, and the same are hereby, repealed.

Sect. 7. And be it further enacted, that a sum not exceeding 100,000 dollars, be, and the same is hereby appropriated, to carry this Law into effect.

H. CLAY, *Speaker of the House of Representatives.*
JAS. BARBOUR, *President of the Senate, pro tempore.*
3d March, 1819. Approved—JAMES MONROE.

No. 2.—Viscount Castlereagh to Richard Rush, Esq.

Foreign Office, 11th November, 1819.

THE Undersigned, His Majesty's Principal Secretary of State for Foreign Affairs, has the honour to transmit to Mr. Rush, by command of the Prince Regent, Copies of Addresses which were presented by both Houses of Parliament at the close of the last Session, to His Royal Highness; which His Royal Highness has to request Mr. Rush will lay before the President, with an intimation that it is the Prince Regent's earnest desire to enter, without delay, into discussion with the Government of The United States, upon the important object to which these Addresses refer,—and in the successful accomplishment of which the common feeling and reputation of both States are equally and deeply involved. It has occurred to the Prince Regent's Government, that the difficulties which have hitherto operated to prevent the adoption by two Governments of a common system of concert and prevention, as directed against the illicit Slave-trade, could be most satisfactorily examined, by selecting Washington for the seat of deliberation: under this impression, the Undersigned has delayed to transmit to Mr. Rush the Addresses in question, till he could accompany them with some proposition to be conveyed to the Government of The United States, for giving practical effect to the views of Parliament.

The Undersigned has lately had the honour of acquainting Mr. Rush that Mr. Stratford Canning had been selected by the Prince Regent to replace Mr. Bagot, as his Envoy Extraordinary and Minister Plenipotentiary in America. As that Gentleman will proceed to his Mission early in the spring, and will carry with him full Instructions on this

subject, the Undersigned has to request Mr. Rush will invite his Government, on the part of the Prince Regent, to enter as soon as may be after Mr. Canning's arrival, upon the proposed discussion.

Upon a subject so deeply interesting to humanity, the Government of The United States can never require any other impulse than that of its moral principles, to awaken it to exertion; but whatever aid good offices can contribute to smooth the way for an amicable and advantageous proceeding on such a matter, the Undersigned is convinced will be supplied by Mr. Rush's zeal and enlightened attachment to the success of the great cause which this inquiry involves, and in this view the Communication is strongly recommended to his support and protection. The Undersigned, &c.

Richard Rush, Esq. CASTLEREAGH.

No. 3.—Richard Rush, Esq. to Viscount Castlereagh.

London, 16th November, 1819.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary from The United States, has the honour to present his compliments to Lord Castlereagh, and to acknowledge the receipt of his Note of the 11th of this month.

The Copies of the Addresses to His Royal Highness the Prince Regent from both Houses of Parliament, at the close of the last Session, respecting the Slave-trade, which, by command of His Royal Highness, came inclosed in his Lordship's Note, with a request that they might be laid before the President, the Undersigned will lose no time in transmitting to the Secretary of State with that view. The intimation of its being the earnest desire of the Prince Regent to enter without delay into discussions with The United States upon the important subject to which these Addresses refer, and in the successful accomplishment of which the two Nations have a common interest, will, the Undersigned is persuaded, be met by his Government in the same spirit of elevated benevolence which has given birth to the desire in the mind of His Royal Highness.

The Undersigned cannot avoid expressing his acquiescence in the opinion, that difficulties which have hitherto operated to prevent a system of concert against the illicit Slave-trade, between the two Governments, are most likely to be satisfactorily examined by selecting Washington as the seat of deliberation. If, happily, they are of a nature to be removed, it is by such a transfer of the scene of a new endeavour, that the best hopes may be formed; and it is hence with a peculiar satisfaction that the Undersigned learns, that Mr. Canning, when proceeding in his Mission to The United States, will carry with him such full Instructions upon the whole subject, as may prepare him for entering upon the interesting duty of giving effect to the views of Parliament. The Undersigned will not fail to make known this in

tention to his Government, by the earliest opportunity that he can command.

Upon a subject so universally interesting to humanity, Lord Castlereagh has justly inferred that the Government of The United States can never require any other incentive than that of its own moral impulse to awaken it to exertion. But if, upon the present occasion, it needed any other, the Undersigned must be permitted to say, that it would be abundantly found in the friendly and enlarged spirit of this renewed overture from the Government of the Prince Regent, and of the liberal justice rendered to the early and steadfast efforts of The United States in the cause of abolition, by the Addresses in question from both Houses in the Parliament of the Realm. Following up their uniform policy in this great cause, never tired in adopting new expedients of prohibition where new evasions have pointed to their necessity, the Undersigned feels happy in being able to state, feeling sure that the information cannot be otherwise than acceptable to the unwearied and useful zeal of his Lordship in the same cause, that besides the Law of April, 1818, of which the Undersigned had the honour to speak in his Note of the 21st of December of that year, a subsequent Act of Congress, of date so recent as last March, has raised up additional means for the extirpation of the baneful traffick. By this Act the President is specially authorized to employ armed Vessels of The United States to cruize upon the Coast of Africa; and other new provisions are enacted, intercepting and punishing such deliuquent Citizens as may be found, forgetful of the denunciations of their Government not less than of their own moral duties, abandoning themselves to the enormity of this transgression. It is well known that the sentiments of the President are in full and active harmony with those of Congress in the beneficent desire of putting a stop to this deep-rooted and afflicting evil. With such pledges before the world, the Undersigned cannot err in confidently anticipating, that the fresh proposals of the Government of His Royal Highness will be promptly taken up at Washington, under the deepest convictions of their importance, and every anxious desire for a favourable result, that can be made, compatible with the Constitution, and other essential interests of the Republick.

The Undersigned is happy to embrace this occasion, &c.

Viscount Castlereagh. RICHARD RUSH.

No. 4.—Viscount Castlereagh to the Right Hon. Stratford Canning.

Foreign Office, 7th August, 1820.

SIR,

YOU will receive inclosed the Copy of a Note, with its answer, which I addressed in November last to Mr. Rush, relative to the Abolition of the trade in Slaves.

I also send you such ample information on the important subject to which this Note relates, as may prepare you, when at Washington, to bring the whole of this question under the deliberate consideration of the American Government.

The Proceedings had upon the question of the Slave-trade at Aix la Chapelle, at Paris, and in London, in furtherance of the engagements taken by the European Powers at Vienna, will put you fully in possesion of what has appeared to His Majesty's Government the most efficacious system of repression of the illicit trade in Slaves, as also of the various modifications of this system devised by them, to meet the objections which were felt and brought forward by particular States, to the arrangements as first taken with this view, in the Treaties concluded with Spain and Portugal. The Treaty with The Netherlands localizes, and also limits to a given and equal number of Vessels on each side, the exercise of the powers which the Treaty sanctions, and the discussions with the French Government, especially at Paris, though not leading to any result, afford the further expedient of rendering the experiment temporary, as well as still more locally restrictive.

I do not know that it is possible to add any further argument, either to enforce the necessity of the adoption of this system, or to relieve it from objection. If the American Government cannot be induced to concur with that of Great Britain in a common system of Maritime Police, on the Coast of Africa, to be directed to an object of such permanent importance, I see no other course left for us to pursue than to invite them to point out in return, how, in their judgment, the evil is to be cured—for we must hope that so enlightened a State is not prepared supinely to acquiesce in the continued existence of so flagrant an immorality.

As soon as you have sounded the American Government upon this question, you will report to me the result, and you may rely upon receiving from me every aid and assistance in the prosecution of your discussions. Whenever you have a prospect of coming to an agreement with the Government of The United States, which may admit of being reduced into a Conventional shape, a suitable Full Power shall be transmited to you, enabling you to sign a Treaty in due from, upon a subject which your Court regards as one of the very highest importance.

I am, &c.

The Rt. Hon. Stratford Canning. CASTLEREAGH.

No. 5.—The Rt. Hon. S. Canning to Visct. Castlereagh.—(Rec. 29 Nov.)

(Extract.) *Washington, 28th October,* 1820.

SINCE I had the honour of writing to your Lordship, I have again spoken on the subject of the Slave-trade to Mr. Adams. He received

me for this purpose at the Department of State a few days after I had been presented.

The President, he said, was desirous of entering into the views of His Majesty's Government respecting the African Slave-trade, but at the same time felt strongly the impediments which stood in the way of concluding any formal and satisfactory agreement of the nature proposed between Great Britain and The United States.

Mr. Adams proceeded from this statement to urge the difficulty of Mixed Commissions with the American Constitution, and the inconveniencies which, in this Country, would infallibly attend on any admission of the right of search, from its supposed connection with the question of impressment.

After much argument upon these two points, Mr. Adams concluded by saying, that as soon as a convenient opportunity could be found after the approaching Union of Congress, the whole subject would be taken into deliberation, and if any less exceptionable plan were then devised, that a communication would be made to me, of which it would afford him pleasure to be the organ.

At this point, My Lord, the business is likely to remain till after Christmas, and I hasten to apprize your Lordship of what has passed, that I may be furnished in time with Instructions, calculated, as far as the case will allow, to meet any proposal which may be anticipated under present circumstances, as at all likely to proceed from the American Ministers.

Viscount Castlereagh, K. G. STRATFORD CANNING.

No. 6.—Viscount Castlereagh to the Right Hon. Stratford Canning.

(Extract.) *Foreign Office, 9th December,* 1820.

I HAVE read with considerable interest the statement of your conversations with Mr. Adams on the subject of the Slave-trade, but I do not think it necessary for me at present to give you any further Instructions upon the subject, than to recall your attention to the contents of my former Dispatch, and to request from you, when you may be able to obtain it, a full communication of what system the American Government are prepared to pursue for the suppression of this evil, if they do not find it convenient to take a part in the one, which, by His Majesty's Commands, you have proposed for their adoption.

As soon as I receive this information from you, I shall be enabled to send you precise Instructions, and Full Powers, if necessary, for the completion of the business.

The Rt. Hon. Stratford Canning. CASTLEREAGH.

No. 7.—The Right Hon. Stratford Canning to Viscount Castlereagh.
(Received 31st January, 1821.)

(Extract.) *Washington, 30th December, 1820.*

SINCE I last had the honour of addressing your Lordship, the House of Representatives, on the motion of Mr. Mercer, a Member from Virginia, distinguished for his zeal against the African Slave-trade, has passed a Resolution for soliciting from the Government a communication of its Correspondence with Foreign Courts on that important subject.

On learning this circumstance, I took an early opportunity to call on Mr. Adams. He informed me, that besides the Correspondence between your Lordship and Mr. Rush, a statement of what had passed between us respecting the proposed concert of measures for the more effectual suppression of the Slave-trade, was shortly to be laid before Congress.

He suggested at the same time, whether, under these circumstances, I should not find it consistent with your Lordship's Instructions, to repeat to him in writing the proposals which I had already made verbally, in the name of His Majesty's Government.

With the wish thus expressed by Mr. Adams, I thought it right to comply, especially as I still found him unprepared to make known to me the definitive sentiments of his Government on the points submitted to their consideration.

Inclosed is the Copy of a Note which I therefore addressed to him on the 20th instant.

Viscount Castlereagh, K. G. STRATFORD CANNING.

(Inclosure.)—The Rt. Hon. Stratford Canning to J. Q. Adams, Esq.
Washington, 20th December, 1820.

THE Undersigned, His Britannick Majesty's Envoy Extraordinary and Minister Plenipotentiary, took an early opportunity after his arrival in the City of Washington, to inform Mr. Adams, that in pursuance of Lord Castlereagh's Note, dated the 11th November, 1819, communicating to Mr. Rush an Address of both Houses of Parliament relating to the African Slave-trade, he was instructed to bring that important question again under the consideration of the American Government, in the hope of its being found practicable so to combine the preventive measures of the two Countries, as materially to accelerate the total extinction of an evil, which both have long united in condemning and opposing.

Mr. Adams will find no difficulty in recollecting the several conversations which have passed between him and the Undersigned on this subject; he will remember that the last of those conservations, which took place towards the close of October, was terminated with an assurance, on his part, that the proposals of the English Government would be taken into full deliberation, as soon after the meeting of Con-

gress as the state of publick business would allow, with a sincere disposition to remove any impediments which appeared, at first sight, to stand in the way of their acceptance.

An interval of considerable length having elapsed since that period, the Undersigned is persuaded that Mr. Adams will shortly be at liberty to communicate the definitive sentiments of his Government on a subject, which is of too deep and too general an importance not to engage the attention and benevolent feelings of The United States.

In this persuasion, the Undersigned does not conceive it necessary, on the present occasion, to go over the various grounds which formed the matter of his late Communications with Mr. Adams.

Nothwithstanding all that has been done on both sides of the Atlantic for the suppression of the African Slave-trade, it is notorious that an illicit commerce, attended with aggravated suffering to its unhappy victims, is still carried on; and it is generally acknowledged, that a combined system of Maritime Police can alone afford the means of putting it down with effect.

That concurrence of principle in the condemnation and prohibition of the Slave-trade, which had so honourably distinguished the Parliament of Great Britain and the Congress of The United States, seems naturally and unavoidably to lead to a concert of measures between the two Governments, the moment that such co-operation is recognized as necessary for the accomplishment of their mutual purpose. It cannot be anticipated that either of the Parties, discouraged by such difficulties as are inseparable from all human transactions of any magnitude, will be contented to acquiesce in the continuance of a practice so flagrantly immoral, especially at the present favourable period, when the Slave-trade is completely abolished to the North of the Equator, and countenanced by Portugal alone to the South of that Line.

Mr. Adams is fully acquainted with the particular measures recommended by His Majesty's Ministers, as best calculated, in their opinion, to attain the object which both parties have in view; but he need not be reminded, that the English Government is too sincere in the pursuit of that common object, to press the adoption of its own proposals, however satisfactory in themselves, to the exclusion of any suggestions equally conducive to the same end, and more agreeable to the institutions or prevailing opinions of other Nations.

The Undersigned embraces this opportunity, &c.

John Quincy Adams, Esq. STRATFORD CANNING.

No. 8.—The Rt. Hon. S. Canning to Visct. Castlereagh.—(Rec. 31 Jan.)

(Extract.) *Washington, 2d January*, 1821.

I HAVE the honour to inclose herewith the Copy of a Note which I received yesterday from Mr. Adams, in reply to mine of the 20th

ultimo, respecting the African Slave-trade. Your Lordship will share the concern which I feel in finding that the American Government continues to decline acceding to the engagements contracted between His Majesty and the Courts of Lisbon, Madrid, and Brussels, for the more effectual suppression of that inhuman traffick. But I sincerely hope that the counter-proposal contained in the latter part of Mr. Adams's Note, for the purpose of establishing a system of co-operation, grounded on common Instructions, between His Majesty's Cruizers and those of The United States, employed on the African Coast, may be found worthy, on examination, of being carried into effect.

Visct. Castlereagh, K.G. STRATFORD CANNING.

(Inclosure.)—J. Q. Adams, Esq. to the Rt. Hon. Stratford Canning.

SIR, *Department of State, Washington, 30th Dec.* 1820.

I HAVE had the honour of receiving your Note of the 20th instant, in reply to which I am directed by the President of The United States to inform you, that, conformably to the assurances given you in the conversation to which you refer, the proposals made by your Government to The United States, inviting their accession to the arrangements contained in certain Treaties with Spain, Portugal, and The Netherlands, to which Great Britain is a reciprocal contracting Party, have again been taken into the most serious deliberation of the President, with an anxious desire of contributing, to the utmost extent of the powers within the competency of this Government, and by means compatible with its duties to the rights of its own Citizens and with the principles of its National Independence, to the effectual and final suppression of the African Slave-trade.

At an earlier period of the Communications between the two Governments upon this subject, the President, in manifesting his sensibility to the amicable spirit of confidence with which the measures concerted between Great Britain and some of her European Allies had been made known to The United States, and to the free and candid offer of admitting The United States to a participation in those measures, had instructed the Minister of The United States, residing near your Government, to represent the difficulties resulting, as well from certain principles of international Law, of the deepest and most painful interest to these United States, as from limitations of authority prescribed by the People of The United States to the Legislative and Executive Depositories of the National Power, which placed him under the necessity of declining the proposal. It had been stated that a Compact, giving the power to the Naval Officers of one Nation to search the Merchant Vessels of another for Offenders and offences against the Laws of the latter, backed by a further power to seize and carry into a Foreign Port, and there subject to the decision of a Tri-

bunal composed of at least one half Foreigners, irresponsible to the Supreme Corrective Tribunal of this Union, and not amenable to the controul of impeachment for official misdemeanors, was an investment of power, over the persons, property and reputation of the Citizens of this Country, not only unwarranted by any delegation of Sovereign Power to the National Government, but so adverse to the elementary principles and indispensable securities of individual rights, interwoven in all the Political Institutions of this Country, that not even the most unqualified approbation of the ends to which this organization of authority was adapted, nor the most sincere and earnest wish to concur in every suitable expedient for their accomplishment, could reconcile it to the sentiments or principles, of which, in the estimation of the People and Government of The United States, no consideration whatever could justify the transgression.

In the several Conferences, which, since your arrival here, I have had the honour of holding with you, and in which this subject has been fully and freely discussed between us, the incompetency of the power of this Government, to become a party to the institution of Tribunals organized like those stipulated in the Conventions above noticed, and the incompatibility of such Tribunals with the essential character of the Constitutional rights guaranteed to every Citizen of the Union, has been shewn by direct references to the fundamental principles of our Government, in which the supreme, unlimited Sovereign Power is considered as inherent in the whole body of its People, while its delegations are limited and restricted by the terms of the instruments sanctioned by them, under which the powers of legislation, judgment, and execution, are administered, and by special indications of the Articles in the Constitution of The United States, which expressly prohibit their Constituted Authorities from erecting any Judicial Courts, by the forms of Process belonging to which American Citizens should be called to answer for any penal offence, without the intervention of a Grand Jury to accuse, and of a Jury of Trial to decide upon the charge.

But, while regretting that the character of the organized means of co-operation for the suppression of the African Slave-trade proposed by Great Britain, did not admit of our concurrence in the adoption of them, the President has been far from the disposition to reject or discountenance the general proposition of concerted co-operation with Great Britain to the accomplishment of the common end, the suppression of the trade. For this purpose armed Cruizers of The United States have been for some time kept stationed on the Coast which is the scene of this odious traffick; a measure which it is in the contemplation of this Government to continue without intermission. As there are armed British Vessels, charged with the same duty, constantly kept cruizing on the same Coast, I am directed by the President to propose, that Instruc-

tions, to be concerted between the two Governments, with a view to mutual assistance, should be given to the Commanders of the Vessels respectively assigned to that Service, that they may be ordered, whenever the occasion may render it convenient, to cruize in company together—to communicate mutually to each other all information, obtained by the one, and which may be useful to the execution of the duties of the other, and to give each other every assistance which may be compatible with the performance of their own service, and adapted to the end which is the common aim of both parties.

These measures, congenial to the spirit which has so long and so steadily marked the policy of The United States, in the vindication of the rights of humanity, will, it is hoped, prove effectual to the purposes for which this co-operation is desired by your Government, and to which this Union will continue to direct its most strenuous and persevering exertions.

I pray you, Sir, to accept the assurance, &c.

The Rt. Hon. Stratford Canning. JOHN QUINCY ADAMS.

No. 9.—Viscount Castlereagh to the Lords Commr. of the Admiralty.

My Lords, *Foreign Office, 13th March,* 1821.

It appearing by a Dispatch recently received from Mr. Stratford Canning, His Majesty's Minister in The United States, that with a view to the more effectual prevention of the Slave-trade on the Coast of Africa, the American Government are willing to give Instructions to their Vessels cruizing upon that Coast, as similar as circumstances will allow to those under which our Vessels are at present acting, I have to acquaint your Lordships, that I intend to transmit Copies of these Instructions to Mr. Canning for the above purpose, and that it is His Majesty's pleasure that an Additional Instruction be forthwith addressed to the respective Commanders of His Majesty's Vessels employed in the suppression of the Slave-trade, to use their best endeavours to co-operate, as far as may be in their power, with such American Ships as may be placed on the Coast of Africa for the same purpose.

I have the honour, &c.

The Lords Commr. of the Admiralty. CASTLEREAGH.

No. 10.—Viscount Castlereagh to the Right Hon. Stratford Canning.

Sir, *Foreign Office, 25th March,* 1821.

Your several Dispatches, reporting the progress of your discussions with the Government of the United States upon the subject of the Slave-trade, having been laid before the King, His Majesty has been

graciously pleased to approve of the zeal and intelligence with which you have endeavoured to give effect to the Instructions you were charged with upon this most important subject.

In referring to Mr. Adams's Note of the 30th December last, His Majesty's Government have perceived, with the deepest regret, the inability avowed by the American Government to contract mutual engagements for the suppression of the illicit trade in Slaves of the effectual character which you are directed to propose to them. The Counter-Proposal which you have transmitted from the American Secretary of State, will I fear be in its operation wholly inefficient as to the object, and can never be considered in the light of a substitute for that system which was proposed by His Majesty's Government, and which is founded upon the principle of rendering the Ships-of-war of the several Maritime Nations, when cruizing on the Coast of Africa, one common force for the protection of its population against this most inhuman traffick.

The King my Master, however, true to those benevolent principles which invariably actuate his Councils upon this subject, and anxious to co-operate with the Government of The United States in whatever may, in the slightest degree, mitigate this great evil, is ready to avail himself, even of this very limited opening to a concert between the two Powers.

In this view you will receive herewith Copies of the several Instructions under which the British Naval Force, stationed in those Seas for the extinction of the Slave-trade is now directed to act. You will lose no time in communicating these Papers for the information of the American Government; and though I cannot but express my conviction, that the measure proposed will tend but little to further the object we have in view, yet, you will acquaint them that an Additional Instruction will be immediately sent to the British Vessels on the Coast of Africa, to co-operate, by every means in their power, with such American Ships as shall be employed in those Seas for the extinction of the traffick.

I send you a Copy of the Letter in which I have signified to the Lords of the Admiralty His Majesty's pleasure upon this subject.

I am, &c.

CASTLEREAGH.

The Rt. Hon. Stratford Canning.

CORRESPONDENCE between The United States and France, relative to Claims of Citizens of The United States for Spoliations upon their lawful Commerce. 1816 *to* 1823.*

General Instructions of the Secretary of State to Mr. Gallatin.

(Extracts.) *Department of State, Washington, 15th April,* 1816.

It has, at all times, since our Revolution, been the sincere desire of this Government to cultivate a good intelligence with France. The changes which have taken place in her Government have never produced any changes in this disposition. The United States have looked to the French Nation, and to the existing Government, as its proper organ, deeming it unjustifiable to interfere with its interior concerns. The existing Government has, in consequence, been invariably recognized here, as soon as known. Should you find, that unfounded prejudices are entertained on this subject, which a frank explanation may remove, you are authorized to make it.

Cherishing these sentiments towards the French Nation, under all the Governments which have existed there, it has not been less a cause of surprise, than of regret, that a corresponding disposition has not, at all times, been reciprocated by the French Government towards The United States. The history of the last 10 years is replete with wrongs, received from that Government, for which no justifiable pretext can be assigned. The property wrested, in that space of time, from our Citizens, is of great value, for which reparation has not been obtained. These injuries were received, under the administration of the late Emperor of France, on whom the demand of indemnity was incessantly made, while he remained in power. Under the sensibility

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* Laid before the Congress of The United States, on the 2d of February, 1824; accompanied by the following Message.

To the Speaker of the House of Representatives of The United States.

I transmit to the House of Representatives a Report from the Secretary of State, agreeably to a Resolution of that House of the 11th of December last, with the Papers which accompanied that Report. JAMES MONROE.

Washington, 2d February, 1824.

Department of State, Washington, 2d February, 1824.

The Secretary of State, to whom has been referred the Resolution of the House of Representatives, of the 11th of December last, "requesting the President of The United States to communicate to that House, Copies of such parts of the Correspondence of the late Minister of The United States at the Court of France with the French Government, and such parts of the Correspondence of said Minister with the Secretary of State, relative to claims of Citizens of The United States for spoliations upon our lawful Commerce, as, in his opinion, may not be inconsistent with the public interest;" has the honour of submitting to the President the Papers required by that Resolution. JOHN QUINCY ADAMS.

thereby excited, and the failure to obtain justice, the relations of the two Countries were much affected. The disorder which has, of late, existed in France, has prevented a repetition of this demand; but now that the Government appears to be settled, it is due to our Citizens, who were so unjustly plundered, to present their Claims, anew, to the French Government.

A gross sum will be received, in satisfaction of the whole claim, if the liquidation and payment of every Claim, founded on just principles, to be established, cannot be obtained.

The management of this important interest is committed to your discretion, as to the moment and manner of bringing it under consideration, in which the prospect of obtaining a satisfactory reparation will necessarily have its due weight. You will be furnished with a Letter of Instruction, authorizing you to provide for it, by Convention, should that mode be preferred.

Mr. Gallatin. JAMES MONROE.

The Secretary of State to Mr. Gallatin.

SIR, *Department of State, Washington, 7th May,* 1816.

ON the presumption that His Most Christian Majesty may be disposed to provide, by special Convention, for the just Claims of the Citizens of The United States against France, as, also, for the like Claims of French Subjects against The United States—this Letter is given to you by direction of the President, as an authority and instruction to negotiate a Convention for that purpose, with such Person or Persons, as may have a like authority from His Most Christian Majesty. I have the honour to be, &c.

Mr. Gallatin. JAMES MONROE.

Mr. Gallatin to the Secretary of State.—(No. 10.)

(Extract.) *Paris, 11th November,* 1816.

I HAVE the honour to inclose the Copy of my Note, of the 9th instant, to the Duke de Richelieu, on the subject of indemnities due to Citizens of The United States, on account of the illegal and irregular sequestrations and condemnations made under the authority of the former Government of France. I had some difficulty in collecting, from scattered Documents, the information necessary to present a correct view of the subject, and adapted to existing circumstances.

The Hon. James Monroe. ALBERT GALLATIN.

Mr. Gallatin to the Duke de Richelieu.

MONSIEUR LE DUC, *Paris, 9th November,* 1816.

I HAD already the honour, in some preliminary conversations, to present to your Excellency a general view of the losses sustained by

American Citizens, under various illegal Acts of the former Government of France; and, for which, The United States claim an indemnity from the justice of His Most Christian Majesty.

The right to an indemnity, being founded on the Law of Nations, extends to all cases, where there has been an evident infraction of that Law, such as it is recognized by civilized Nations.

Of the Acts of the former French Government, openly violating that Law; those issued on the 21st November, 1806,* at Berlin, and on the 17th December, 1807,* at Milan, were promulgated in the shape of publick Decrees, applicable, at least nominally, to other Nations, as well as to The United States. Other Acts were, exclusively directed against America; appearing, also, sometimes under the form of Decrees, as that of Bayonne, of the 17th April, 1808,* and that of Rambouillet, of the 23d March, 1810;* and, at times, being only special Orders for seizing or selling certain American Vessels and Cargoes. To these various Acts, must be added, the wanton destruction, at different times, of American Vessels on the High Seas.

That the Berlin and Milan Decrees, so far as they declared liable to capture and condemnation, Neutral Vessels, pursuing an innocent Commerce, and contravening no municipal Laws, were an evident violation of the Law of Nations, has not been, and cannot be, denied. The plea of retaliation, grounded on a supposed acquiescence of Neutral Powers in certain Acts of Great Britain, and urged in justification of those Decrees, was unjust in its principle, and altogether inadmissible, when affecting a Neutral instead of an Enemy. And, even that pretence for plundering a friendly Power was abandoned, when the two belligerent Governments, whilst continuing to capture the Vessels of the Neutral trading with their respective Enemy, permitted a direct Commerce, by means of licenses. But that plea was, in point of fact, destitute of foundation, with respect to The United States. That they had uniformly opposed the aggressions of Great Britain, on their Neutral Rights, is notorious. It is not less true, and appears from all their Publick Acts, and from the tenor of their negotiations with both Belligerents, that it was solely owing to the Acts of France, to the Berlin and Milan Decrees, that still more decisive measures of resistance were not early adopted against Great Britain. So long as France and England equally continued to violate the Neutral Rights of America, she could not have selected either of those Nations for an Enemy, without tamely submitting to the aggressions of the other, and without deviating from that impartial course which it was her constant endeavour to pursue. And when, at last, the French Decrees had been revoked, so far as America was concerned, the perseverance of England in continuing her unlawful Orders, and in violating the Rights of The United States, produced a Declaration of War, on their part against that Country.

* See Page 462.

Notwithstanding the intrinsic justice of the Claim of The United States, for losses sustained by their Citizens under the Berlin and Milan Decrees, it was intimated by your Excellency that those Decrees having been of a general nature, other Nations that had also experienced losses by their operation, would have had an equal right to an indemnity, and that those Acts not having been enumerated in the last Treaties and Conventions between France and the other European Powers, amongst those for which a compensation should be made by France, The United States ought not to expect to be placed on a better footing than other Nations.

It would be preposterous to suppose, and it cannot have been intended to suggest, that The United States can in any case be bound by Treaties to which they were not Parties, and in which no attention whatever could have been paid to their interest. Nor can, by any correct analogy, the principles therein adopted, be applied to America.

The Allied Powers naturally sought to obtain indemnity in those cases in which they were most interested. Almost all, if not all of them, had been, during the late European Wars, either at war, or in Alliance with France, whilst The United States had never stood in either of those relations towards her. Hence, it necessarily followed, that the injuries sustained by the Subjects of those Powers, differed essentially from those inflicted by France on American Citizens. The Berlin and Milan Decrees, so far as they extended beyond prohibitory municipal Regulations, although nominally general, applied in fact almost exclusively to The United States. If there was any exception, it was in amount too small, and applied to Nations whose weight was too inconsiderable, to be taken into consideration. Of the other Powers, many had no interest that indemnities should be obtained on that account, whilst several of them, namely, England, Spain, Holland, Denmark, and Naples, had a direct interest that the principle should not be admitted. It will, of course, appear, that, by the Convention between France and Great Britain, compensation is to be made by France for all the property of English Subjects confiscated or sequestered, not only during the last War, but also during that which preceded the Treaty of Amiens, and including even the loss arising from the reduction of the publick debt of France, to one third of its nominal amount, with the exception of the seizures and confiscations made in consequence of the Laws of War, and of the prohibitory Laws. And the exception precisely embraces the principal classes of injuries, for which The United States are entitled to indemnity, since their grounds of complaint against France are the abuse on her part of belligerent rights, and the unlawful extension of prohibitory Laws beyond their legitimate sphere.

Not only were the Berlin and Milan Decrees an evident and acknowledged violation of the Law of Nations; not only the plea of

retaliation against England, and of a presumed acquiescence in her aggressions, was unfounded, with respect to The United States; not only neither the Treaties between France and the Allied Powers are binding on America, nor the principles adopted in those Treaties applicable to the relations in which she stood towards France; but those Decrees were also an open infraction of the Treaties subsisting between the two Countries; namely, of the XIIth, XIIIth, and XIVth Articles of the Convention of the 30th September, 1800*, which did not expire till the 31st of July, 1809. For, it was therein stipulated, that the Citizens of either Country might sail with their Ships and merchandize (contraband goods excepted) from any Port whatever, to any Port of the Enemy of the other, and from a Port of such Enemy, either to a Neutral Port, or to another Port of the Enemy, unless such Port should be *actually* blockaded; that a Vessel sailing for an Enemy's Port without knowing that the same was blockaded, should be turned away, but neither be detained, nor her cargo confiscated; that implements and ammunition of war should alone be considered contraband of war; and that free Ships should make free goods, extending that freedom even to an Enemy's property, on board the Ships belonging to the Citizens of either Country. The French Decrees, in violation of those Stipulations, after having declared the British Islands and Possessions in a state of Blockade, although they were not pretended to be actually blockaded, made liable to capture and condemnation all American (as well as other Neutral) Vessels, sailing on the high seas, from or to any English Port, or even which might have been visited by an English Vessel, as well as every species of merchandize belonging to English Subjects, or of English origin.

It is true that, in answer to the American Minister, who had applied for explanations respecting the construction intended to be given to the Berlin Decree, assurances were at first given that it would produce no change in the previous regulations respecting neutral Navigators, nor in the Convention with The United States. This construction, which gave to that Decree the character only of a prohibitory Municipal Law, was adhered to during the 10 first months which followed its promulgation; and it was only in September, 1807, that merchandize, found on board of Neutral Vessels at sea, was declared liable to condemnation, merely on account of its being of British growth or manufacture. This fact is here stated for the purpose of observing, that the assurances which had thus been given, and the practical construction thus first put on the Berlin Decree, prevented the early opposition which otherwise The United States would have made to it; and that this supposed acquiescence on their part, served as a pretence for the British Orders in Council of November, 1807,* which were immediately followed by the French Decree of Milan.*

* See Page 462.

The Decrees and Orders of the French Government, which applied exclusively to The United States, will now be noticed.

Assailed by the simultaneous aggressions of the two Belligerent Powers, the first step of the American Government was to withdraw the commerce of The United States from the depredations to which it was every where exposed. An embargo was laid in the latter end of the year 1807*, on all their Vessels; and notwithstanding the extraordinary privations and the great loss of revenue which were incurred, that measure was persevered in during 15 months. In the meanwhile, strong remonstrances were made to the French and English Governments, on the subject of their unlawful Acts. Not only was the appeal to their justice fruitless, but it appears that, by an Order said to have been issued at Bayonne, on the 17th of April, 1808, all American Vessels then in the Ports of France, or which might thereafter come into them, were directed to be seized, on the pretence that no Vessel of The United States could then navigate, without infringing a Law of The United States; as if the infraction of a municipal Law could be lawfully punished by a Foreign Power; as if it had not been notorious, that a number of American Vessels, which were abroad when the embargo became known to them, remained in Foreign Seas and Countries, in order to avoid the effect of that Law.

The pressure of the embargo on the agriculture and commerce of The United States became such, that Congress found it proper to modify that measure. By a Law of the 1st March, 1809,* the Act laying an embargo was repealed with respect to all Countries, England and France only excepted, and the Vessels and merchandize of both Countries were excluded from The United States after the 20th of May following; with the proviso, that, in case either France or Great Britain should so revoke or modify their Edicts as that they should cease to violate the neutral commerce of The United States, the commercial intercourse of The United States should be renewed with the Nation so doing. This Law in its nature was entirely municipal and pacific; and its object was to avoid immediate hostilities, and to give further time for negotiations; to withdraw, as far as practicable, the navigation of The United States from the operation of the unlawful Acts of both France and England, and to give to both sufficient inducements for repealing their Edicts, by the actual privation of the benefits derived from the American commerce, and by the prospect that, in case of such repeal by either Nation, she would again enjoy those advantages of which her Enemy would continue to be deprived.

The Act was officially communicated on the 29th of April, 1809, by the American Minister to the French Government. It was not at that time treated as hostile; and if it produced no favourable change, no remonstrance was made against it. But towards the end of the same

* See Page 462.

year, orders were given to seize all the American Vessels in France, or in the Countries occupied by her arms; and after a great number had been thus seized, principally in Spain and in Holland, an Imperial Decree was, on the 23d March, 1810, issued at Rambouillet,* ordering or rather confirming that seizure, extending it to all American Vessels which had entered France, or those Countries, since the 20th May, 1809, and directing that the product of the sales should be deposited in the Caisse d'Amortissement. The Act of Congress of the 1st March, 1809*, was alleged as the motive for that outrageous measure. In point of fact, it is not believed that any Vessels, the property of French Subjects, had been forfeited for a violation of that Act. At least, it is not recollected that any application was made for the remission of such forfeiture to the Treasury Department, which, by the Law, was authorized to grant such remissions, and would certainly have done it, in any case where the Law might not have been within the knowledge of the Parties. But it cannot be necessary seriously to discuss a plea, which was evidently but a pretence for plunder. It will be sufficient to observe, that the gross injustice of the Rambouillet Decree consists in its retrospective operation: and that if the French Government had promulgated an Order, excluding American Vessels from the Ports of France and of the Countries occupied by her arms, and pronouncing the penalty of confiscation after due notice of that Order, American Citizens who might have voluntarily and knowingly violated the provisions of what was only a municipal Law, would have been justly liable to its penalties.

The American property seized or captured by virtue of either of those Four general Decrees, or of special Orders, which are but partially known to the Government of The United States, may, in reference to its present situation, be classed under two general heads, viz.: that which has never been condemned, and that which has been actually confiscated.

The first class embraces the Vessels and cargoes burnt at sea, and those which have been sequestered.

It is not necessary to make any observations on the destruction of Vessels at sea, your Excellency having already intimated that the Government of France was disposed to make compensation for acts of that nature.

The Vessels and cargoes sequestered, and not condemned, consisted principally of those seized at St. Sebastian, and other Places, in the latter end of the Year 1809, and in the beginning of 1810, and sold by virtue of the Decree of Rambouillet. Fourteen Vessels, which, during the winter, had been driven into Holland, and which, by a particular Agreement between the Government of that Country and that of France, bearing date, it is said, the 16th of March, 1810,* were put at the disposal of France, are of the same description. And exclu-

* See Page 462.

sively of other special Orders of the same nature, which may not be known to me, the cargoes of 7 Vessels, arrived at Antwerp, in the beginning of the year 1807, and which were permitted to be landed there, were also sequestered, and finally sold, by virtue of an Order of Government, dated the 4th of May, 1810. In all these Cases, there has been no condemnation—no final decision. The Vessels and cargoes were only seized and sold by order of Government, and the proceeds of sales *deposited* in the Caisse d'Amortissement, or in some other publick chest.

The right to demand and obtain a decision on all those suspended Cases is undeniable: Either the proceeds of sales will be restored to the lawful Owners, by virtue of that decision, or the present Government of France must go beyond what had been done by the former Government, and decree the final confiscation of property, which even that Government had been unwilling to condemn. I will not permit myself for a moment to suppose that there can be any hesitation on that question.

With respect to property actually condemned; without intending to impair the indisputable right of The United States to an indemnity for every condemnation, made by virtue of Decrees, violating the acknowledged Law of Nations; I will beg leave to add some observations on the manner in which those Decrees were executed; for the purpose of showing that an investigation and revision of those condemnations ought to take place, even if it was admitted that France had a right to issue the Berlin and Milan Decrees, and to condemn Vessels contravening their tenor. The time necessary to obtain information in that respect, has occasioned the delay which has taken place in making this communication, since the last Conference I had the honour to hold with your Excellency.

1. These condemnations have, as has already been stated, been made in contravention of an existing Treaty, so far at least as relates to property seized or captured prior to the 31st of July, 1809.

2. Several of the condemnations, or, rather, acts of confiscation, were made by what has been called "Imperial Decisions," meaning thereby, not those cases where an appeal may have been made, from the Council of Prizes to the Council of State, but those instances where the order of condemnation issued from the Council, or from Napoleon himself, without any previous regular trial and condemnation by the Council of Prizes. Such proceedings must be considered as irregular and arbitrary acts, contravening the usages and Law of Nations. It is sufficiently hard for the Neutral, that his property should be tried exclusively by the Tribunals of the Belligerent, where a natural bias exists in favour of the Captors. It is, at least, necessary that the Decisions should be made by a regular and permanent Tribunal, acting according to fixed rules, and affording every security of

which such an Institution is susceptible. But The United States have a right to demand that those Imperial Decisions should be annulled, not only as contravening the usages and Law of Nations, but as violating, also, an existing Treaty. It has been stipulated by the XXIId Article of the Convention of the 30th of September, 1800*, "that in all cases the established Courts for Prize Causes, in the Country to which the Prizes might be conducted, should alone take cognizance of them." Of 27 Vessels and cargoes (captured or seized prior to the 1st of November, 1810,) which, as appears by a list before me, were condemned by Imperial Decisions, 18 had been seized or captured, prior to the 31st of July, 1809, the day on which the Convention expired.

3. I have been assured that, upon investigation, it will be found that some of the Decisions of the Council of Prizes itself, have taken place, without observing the forms prescribed by Law; without giving an opportunity to the Parties of bringing their proofs; without an examination of the Ship-papers, and, in fact, in obedience to an Imperial Order. A decision of the Council, dated 10th of September, 1811, and by which 6 Ships and cargoes were at once condemned, is particularly mentioned.

4. The retrospective operation of the Rambouillet Decree has already been mentioned. It will also be found that in several instances, the Milan Decree has received a similar construction, and that Vessels have been condemned for having contravened that Decree, which could not have known its existence, having sailed from American Ports either before, or a short time after, it had been issued, and the alleged infraction of the Decree itself, having, at least, in one instance, taken place prior to its date.

5. It might have been expected that, when the Berlin and Milan Decrees were declared to be revoked, from and after the 1st of November, 1810, no further condemnations would take place with respect to Cases not yet decided, at that time; notwithstanding which, it appears that 48 Ships and cargoes, previously seized or captured, were condemned subsequent to that day, namely:—by the Council of Prizes, 18 before, and 10 after, the 28th of April, 1811; and by Imperial Decisions, 11 before and 9 after, the last mentioned day. Yet the Decree of that day, (28th April, 1811,*) enacts and declares, that the Berlin and Milan Decrees are, from and after the 1st of November, 1810, definitively considered as if they had not existed, *(comme non avenus,)* with respect to American Vessels.

6. Several condemnations were made for frivolous pretences, of Vessels captured after the 1st of November, 1810, or in other cases, which the general Decrees could not reach;—such as alleged irregularities in the Certificates of Origin, or in other Ship-papers;—presumed naviga-

* See Page 462.

tion under British convoy;—mutiny on board;—intention to remit the proceeds of sales through England.

It appears, from the preceding statement, that, independent of the illegality of the Berlin and Milan Decrees, there is sufficient cause for the revision of the condemnations which have taken place. Nor is there any thing novel in that course. A number of unlawful captures of American Vessels having been made by Great Britain, during the commencement of her war with France, particularly by virtue of certain British Orders in Council, [Additional Instructions] of the 6th November, 1793, it was agreed, by the VIIth Article of the Treaty of November, 1794, between The United States and England, that full and complete compensation should be made by the British Government for the losses and damage sustained by Citizens of The United States, by reason of *irregular or illegal captures or condemnations* of their Vessels and other property, under colour of authority or Commissions from His Britannick Majesty: and a sum exceeding £. 1,200,000 sterling, in specie, was actually paid to American Citizens, by the decision of the joint Commission appointed in conformity with the said Treaty.

From this view of the subject, I have the honour to propose to your Excellency an arrangement, founded on the following basis, in which, without abandoning the just rights of the Citizens of The United States, a positive stipulation is avoided, which would, at this time, bind the Government of France to make compensation, generally, for all the condemnations under the Berlin and Milan Decrees.

1st. That the Government of France will engage to make compensation to the Citizens of The United States: 1. For all Vessels and cargoes captured, seized, or sequestered, which have not been definitively condemned, by the Council of Prizes, and the proceeds of which were placed either in the Publick Treasury, in the Caisse d'Amortissement, or in any other publick chest; and also for all Vessels and cargoes destroyed at sea, and likewise not condemned by the Council of Prizes; 2. For the losses sustained by reason of such other irregular or unlawful seizures, captures, or condemnations, as will be decreed, by a joint Commission, to have been made contrary to Publick Law and justice, or in contravention of existing Treaties.

2nd. That a Joint Commission, (or Commissions) shall be established, with power; 1, To liquidate the amount due for property, either destroyed at sea, or sequestered, and not definitively condemned as aforesaid: 2. To decide in what other cases of irregular or unlawful seizures, captures, or condemnations, the Government of France is justly bound to make also compensation, and to what amount.

The manner in which the Commission, or Commissions, should be appointed and organized may, it is presumed, be easily arranged, and

every reasonable stipulation will be admitted, which may be necessary to limit exclusively the right to compensation to cases of *bonâ fide* American property.

I cannot end this Communication without saying, that the present situation of France is known and felt by the Government of The United States. It is evidently the interest of America that France should be prosperous and powerful. It is the sincere wish of the Government of America, that the present Government of France may soon be relieved from the difficulties which the lamentable event of March, 1815, has occasioned. It is, therefore, with reluctance, and only in obedience to a sacred duty, that a demand is made, at this time, which may have a tendency to increase those difficulties; and every disposition exists to accede to such time and mode of payment as, without being inconsistent with the just rights of the Citizens of The United States, may be least inconvenient to France.

Permit me to request your Excellency to take the subject into early consideration, and to communicate to me, as soon as may be practicable, the determination of His Majesty's Government.

I have the honour to be, &c.

H. E. The Duke de Richelieu. ALBERT GALLATIN.

Mr. Gallatin to the Secretary of State.—(No. 19.)

(Extracts.) *Paris, 20th January,* 1817.

HAVING received no answer from the Duke de Richelieu, to my Letter of the 9th November last, I addressed to him, on the 26th December, a short Note, of which, and of his answer, dated the 16th instant, Copies are inclosed.

In the interview, which accordingly took place to-day, I requested that he would proceed to state what he had concluded to offer, in answer to the basis proposed in my Note of the 9th of November last. He said that his offer would fall very short of our demands; that he would not go beyond an indemnity for Vessels burnt at sea, and for those, the proceeds of which had been only sequestered and deposited in the Caisse d'Amortissement. He added, that he would make his proposal in writing, and that this would not be attended with much delay. I then said that I could not give any opinion on his proposal, until I had received his Note, but that I wished him to understand that, if the Government of The United States thought it proper, (which I could not at present promise,) to accept an indemnity for certain classes only of our Claims, this never would be purchased by a relinquishment of the other just demands of our Citizens.

ALBERT GALLATIN.

The Hon. James Monroe.

(Inclosure 1.)—Mr. Gallatin to the Duke de Richelieu.

Paris, 26th December, 1816.

THE Undersigned, sensible of the important business which, at the opening of the two Chambers, must have engrossed the attention of His Most Christian Majesty's Government, has heretofore avoided to urge the consideration of the subject matter of the Letter, which he had the honour to address, on the 9th of November last, to his Excellency the Duke de Richelieu. It has, however, become necessary that he should be able to communicate to his own Government the result of his application. He, therefore, requests an interview, as early as will suit the convenience of the Duke de Richelieu.

The Undersigned embraces, with pleasure, this opportunity, &c.

H. E. The Duke de Richelieu. ALBERT GALLATIN.

(Inclosure 2.)—The Duke de Richelieu to Mr. Gallatin.

(Translation.)

Paris, 16th January, 1817.

THE Duke de Richelieu cannot but deeply regret that his weighty and multiplied avocations have compelled him to put off until this moment, the time he had promised himself to receive Mr. Gallatin, and now fixes the time for Monday morning, the 20th of the present month, at noon, if that day meets his convenience.

He prays him to accept, &c.

Mr. Gallatin. RICHELIEU.

Mr. Gallatin to the Secretary of State.—(No. 27.)

(Extract.) *Paris, 23d April, 1817.*

I HAD an interview on the 13th instant with the Duke de Richelieu, in which he announced to me, that he had concluded not to give a written answer to my Note, of the 9th of November last, on the subject of American Claims. The Claims of the Subjects of European Powers which France was, by the Convention of 1815, bound to pay, had been estimated at a sum not exceeding at most 150,000,000 of francs (or an annuity of 7,500,000.) But it was now found, that the terms thus imposed were much harsher than the French Government had expected, or than the Allies themselves had intended. The reclamation under the Convention with Great Britain did not, indeed, exceed the sum of 50,000,000 at which they had been estimated; but those of the Subjects of Continental Powers, filed with the Commission appointed for that purpose, exceeded 1,200,000,000, without including a portion of the Spanish Claims, the time for preventing which had not yet expired. Many of those demands would, undoubtedly, be rejected, or reduced by the Commission. Still, the probable amount which might be declared justly due, so far exceeded every previous calculation, and

was so much beyond the ability of France to pay, that he (the Duke) was now employed in seeking some means of obtaining modifications which might bring the payments in some measure within the resources of the Country. Under such circumstances, and whilst unable to face the engagements which superior force had imposed on them, it was, he said, utterly impossible for His Majesty'y Government to contract, voluntarily, new obligations. They were not willing to reject, absolutely and definitively, our reclamations *in toto;* they could not, at this time, admit them. What he had now verbally communicated, could not, for many reasons, become the ground of an Official Answer to my Note. He had, therefore, concluded that a silent postponement of the subject was the least objectionable course, since, having now made our demand for indemnity in an official manner, the question would be left entire for discussion at some more favourable time, after France was in some degree disentangled from her present difficulties. He added, that if there was any apparent inconsistency between the language he had formerly held, and what he was now compelled to say, it must be ascribed to the circumstances he had stated,—to the extraordinary and frightful amount to which he had lately found other Foreign Claims to have swelled.

After some remarks on the disappointment which, after what had passed in our first conversation, this unexpected determination must produce, I replied, that the payment by France of exaggerated and doubtful Claims to the Subjects of every other Foreign Power, did but increase the injustice of refusing to admit the moderate and unexceptionable demands of the American Citizens. The present embarrassments of France, however increased by the magnitude of those Foreign private Claims, could form no solid objection to the recognition and liquidation, although they might impede the immediate discharge of our reclamations. It was with this view of the subject that I had, from the first outset, expressed the disposition of the Government of The United States to accommodate that of France, as to the time and manner of making compensation to the Claimants. I added, that his declining to answer my Note in writing, would, exclusively of other objections, leave no trace of the ground on which he placed the postponement of the subject.

The Duke, without answering my observations in a direct way, gave me to understand, that, after the great sacrifices to which the King's Ministers had been compelled to give a reluctant assent, and the magnitude of which would soon be known, they would not dare to take the responsibility of acknowledging a new debt, although made payable at a distant period.

On my mentioning that His Majesty's Government had voluntarily recognized all the engagements previously contracted with French Subjects, and which constituted what was called the *arrière*,

and suggesting that the sequestrations of American property might be considered as coming under that description, which would prevent the necessity of asking a specific credit for that object from the legislative body; he answered that the Law would not justify such a construction.

Having exhausted every argument which the occasion suggested, I ended the Conference, by saying, that, as I could not compel him to give me a written answer, I would reflect on the course which it behoved me to pursue, and that, probably, I would refer the case to my Government. He said that he intended to write to M. de Neuville, to make to you a Communication similar to that which he now had made to me.

I addressed to him yesterday the Letter, of which a Copy is inclosed. Its principal object, as you will perceive, is to put on record the ground on which he had himself placed the postponement of the subject, and to leave the door open to further representations respecting cases of property not condemned, in case you should think it best not to urge further at present the demand for indemnity in all cases.

ALBERT GALLATIN.

The Hon. James Monroe.

(Inclosure.)—Mr. Gallatin to the Duke de Richelieu.

MONSIEUR LE DUC, *Paris, 22d April,* 1817.

IN the interview which I had the honour to have with your Excellency on the 13th instant, you intimated that the increased magnitude of the claims made upon France by Subjects of European Powers, under the Conventions of the year 1815, rendered it necessary to postpone, to a more favourable time, the discussion of the American Claims, which were the subject of my Note of the 9th of November last. Without repeating here the unavailing arguments which I urged against this indefinite and unexpected delay, I will only say that I am not authorized to accede to it, and that it cannot be viewed favourably by the Government of The United States, after the assurances which had been given, of its disposition to concur in any reasonable arrangement which might be proposed, with respect to the time and manner of making compensation to the Claimants.

I presume, however, that the postponement is intended to apply only to those claims, which, though founded on strict justice, were found by His Majesty's Government in a situation that seemed to render a Convention necessary for their proper adjustment. The demands for property burnt at sea, or seized and sequestered without having ever been condemned, or even brought to a trial before any Tribunal whatever, are not of that description. They are, to all intents and purposes, an *arrière* or unliquidated debt, for property seized, which, if not condemned, must be paid for, and the settlement of which

does not require a specific Convention. It cannot be supposed that, after His Majesty's Government has not only agreed to pay various Foreign Claims, of a different nature, but has recognized all those of French Subjects arising from the Acts of the former Governments of France, the Citizens of The United States should alone be excepted from the operation of those measures dictated by justice and sound policy, which, under most arduous circumstances, have so eminently contributed to surmount every difficulty, and to restore publick credit. If any distinction was indeed attempted to be made, it should be in favour of the Citizens of a Foreign Nation at peace, whose property was forcibly arrested from them, rather than in favour of Subjects who voluntarily advanced theirs, and in many instances with a view to an expected profit. But no such distinction is claimed; and I only trust that, whilst the communication made to me compels me to wait for further Orders from my Government on the subject of American Claims, generally, those of the description last mentioned shall not remain suspended, and that Orders shall be given to the proper Authorities for their speedy liquidation, and for discharging them in a manner as favourable, at least, as that which has been provided for the claims of French Subjects known by the name of *arrière*.

I request your Excellency to accept, &c.

H. E. The Duke de Richelieu. ALBERT GALLATIN.

Mr. Gallatin to the Secretary of State.—(*No.* 13.)

(Extract.) *Paris, 12th July,* 1817.

He, (the Duke de Richelieu) then said, that he wished it to be clearly understood, that the postponement of our claims for spoliations was not a rejection; that a portion of them was considered, as founded in justice; that he was not authorized to commit His Majesty's Government by any positive promise; but that it was their intention to make an arrangement for the discharge of our just demands, as soon as they were extricated from their present embarrassments. He still persisted, however, in his former ground, that they could not, at present, recognize the debt, or adjust its amount.

The Hon. James Monroe. ALBERT GALLATIN.

Mr. Gallatin to the Secretary of State.—(*No.* 55.)

(Extract.) *Paris, 2d January,* 1818.

15,000,000 are spoken of, which, with the 5,000,000 already paid, and the 3 allotted to British Subjects, will make an aggregate of 460,000,000, in five per cent stock, paid by France for European private Claims. Ours, in the mean while, remain in the same situation; and I wait for an answer to my Dispatch, No. 27, (of the 23d of April last,) before I take any new steps on the subject.

The Hon. J. Q. Adams. ALBERT GALLATIN.

Mr. Gallatin to the Secretary of State.—(*No.* 67.)

(Extract.) *Paris, 27th April,* 1818.

I HAD, in my Letter of the 2d of January last, mentioned, that I would wait for an answer from your Department to my Dispatch of the 23d of April, 1817, before I took any new steps on the subject of our own Claims: and I had no expectation that a new application would, at this moment, prove successful. Yet, it appeared that, to remain altogether silent, at the moment when an arrangement for the Claims of the Subjects of every other Nation was on the eve of being concluded, might, in some degree, be injurious to the rights of our Citizens. It was also apprehended, that, in their publick Communications, the Ministers of the King, wishing to render the new Convention as palatable as possible, might announce to the Nation, in general terms, that all the Foreign Claims of individuals were now satisfied. These considerations induced me to address to the Duke de Richelieu the Note of the 3d instant, of which I have the honour to inclose a Copy, as well as of that by which he acknowledged thé receipt of mine. You will perceive that, in his Communication to the Chambers, (which has been inserted, correctly, in no other newspaper than the Moniteur,) that he has expressed himself in the following terms: "France (by this payment) is liberated, both as to principal and interest, from all the debts contracted towards the Subjects of the other *European* Powers, prior to the 20th November, 1815." The consideration of our Claims is not, therefore, barred by any thing which has taken place; but there is not yet any disposition to take up the subject.

The Hon. J. Q. Adams. ALBERT GALLATIN.

(Inclosure 1.*)—Mr. Gallatin to the Duke de Richelieu.*

MONSIEUR LE DUC, *Paris, 3d April,* 1818.

I HAVE not had the honour to address your Excellency on the subject of American Claims since my Letter of the 22d of April last. The disposition of the Government of The United States never to abandon the just rights of their Citizens, and at the same time, to pay every due regard to the unfavourable circumstances under which France has been placed, is sufficiently known to your Excellency. It is, however, notorious, that negotiations are now carried on, for the amicable liquidation of all the private Claims of the Subjects of European Powers against France; and it is generally believed that the negotiations are on the eve of being terminated, and that the sum to be paid on that account will be definitively settled. The magnitude of those Claims, and the uncertain result of the liquidations contemplated by the former Conventions with the Allied Powers, had been alleged, in April last, as reasons which rendered it necessary to postpone, at that time, the consideration of American reclamations. It has there-

fore become my duty to bring these once more to your Excellency's recollection.

It is not my intention to renew, at this moment, the discussion of the justice of our demands. In this stage of the business, I could only refer to the facts and observations, contained in former Notes, which still remain unanswered. But I must say, that further delays in the adjustment of American Claims, when those of the Subjects of other Nations are settled, could not be viewed favourably by the Government of The United States; whilst, on the other hand, a simultaneous and definitive arrangement of all Foreign demands arising from the injustice of the former Government of France, seems most consistent with sound policy, and could not fail to have a beneficial effect on publick credit.

Whatever course may be pursued, I feel satisfied that the result of the late negotiation with the European Powers will not be considered or announced by His Majesty's Government as a total liberation of all the Foreign Claims of individuals: for, however unsuccessful my endeavours may heretofore have been, I have uniformly ascribed that result to the untoward situation of France; and I know that my Government has never ceased to place a firm reliance on the spirit of justice and good faith which animates His Majesty's Councils.

I request your Excellency to accept, &c.

H. E. The Duke de Richelieu. ALBERT GALLATIN.

(Inclosure 2.) The Duke de Richelieu to Mr. Gallatin.—(Translation.)

SIR, *Paris, 7th April,* 1818.

You have done me the honour to address to me, on the 3d of this month, some new observations on the American Claims, which I shall take care to lay before His Majesty.

Accept, Sir, the assurances, &c.

Mr. Gallatin. RICHELIEU.

The Secretary of State to Mr. Gallatin.

(Extracts.) *Department of State, Washington, 31st Dec.* 1818.

No Communication from you, since your return to France, has yet been received; but it is hoped that, since the Foreign Troops have been withdrawn from that Country, and an adjustment has been made by the French Government, of the Claims of the Subjects of European Powers, there will be time and a disposition to make a suitable provision for those of the Citizens of The United States.

Meanwhile, you have herewith inclosed a Copy of a Statement made to this Department, of a Claim of Archibald Gracie and Sons, which appears to stand upon grounds so peculiar and unexceptionable, that we cannot but hope the French Government will give immediate satisfaction upon it, without waiting for the discussion or delay which

may be thought necessary for others, and without prejudice or disparagement to them.

Mr. Gallatin. JOHN QUINCY ADAMS.

Mr. Gallatin to the Marquis Dessolles.

MONSIEUR LE MARQUIS, *Paris, 11th February,* 1819.

I HAVE the honour to transmit to Your Excellency a Memorial, addressed by Mr. Parish, a Citizen of The United States, to his Excellency the Minister of Finance, on the subject of a Claim which, it appears, has been laid before that Department.

Having been confined for the last three weeks by indisposition, I have been prevented from asking an interview of your Excellency, with which I was desirous of being favoured, before I presented to you this Memorial, and renewed my application for the settlement of the American Claims in general. But, having recently received very special orders from my Government, accompanied by a particular recommendation of Mr. Parish's Claim, I am no longer at liberty to defer the discussion of this interesting concern.

I have therefore to request your Excellency to have the goodness to examine the Official Notes which I had the honour to address to the Duke de Richelieu upon the subject of these Claims, and to which I have as yet received no answer. I shall not now enlarge upon the view presented in my Note of the 9th November, 1816. By that of the 22d of April, 1817, it will be seen, that the negotiations on that subject were suspended, solely in consideration of the trying situation in which France was then placed, and, especially, of the embarrassments of the Administration by the enormous and unexpected mass of Claims brought forward by the Subjects of the Allied Powers. These obstacles are now happily removed; every demand of all the European Powers and their Subjects has been amicably adjusted and settled. The rights, so legitimate, of the Citizens of The United States, alone remain unsatisfied. My Government, preserving an unshaken confidence in His Majesty, cannot doubt that the time has at length arrived when ample justice will be rendered to its Claims.

With respect to that of Mr. Parish, it may be remarked, that it is very simple, and is susceptible of being adjusted without waiting the result of, or in the least interfering with, a general settlement. In fact, the cargoes in question were never condemned, but were only sold for the joint benefit of all, and the proceeds deposited, provisionally, in the Sinking Fund. It is further important to remark, that, by an order of the French Government, permission was granted to the Consignees of cargoes sequestered at that period, at Antwerp, to take possession and dispose of them, on their giving an obligation to become responsible for the amount, to the publick Treasury, in the event of a Decision pronouncing their confiscation. The house of Mr. Ridgway, Consul

of The United States, together with that of Mr. Parish, refused their assent to a condition which implied an admission of the legality of the seizure. The European Consignees, with whom this consideration had no weight, received and sold their goods; and their obligations were subsequently returned to them. Thus, by refunding to the houses of Ridgway and Parish, the proceeds of the cargoes consigned to them, the Decision which was virtually carried into effect in the case of all others, similarly situated, will only receive its due application, as it regards them.

I have to observe, that although the Claim of both these houses are perfectly similar to each other, that of Mr. Parish is the only one which appears to have been taken into consideration by the Department of Finance.

In the hope that my health may soon permit me to confer personally with your Excellency, I have the honour to be, &c.

H. E. The Marquis Dessolles. ALBERT GALLATIN.

Mr. Gallatin to the Secretary of State.

(Extracts.) *Paris, 3d July,* 1819.

I TRANSMITTED in my Dispatch, No. 100, the Copy of the Letter which I had addressed to Marquis Dessolles, on the 11th of February last, on the subject of American Claims in general, and more particularly of that of Messrs. Gracie and Parish.

On the 23d of March, in transmitting to the same Minister a Letter from Mr. Hyde de Neuville, in behalf of Mr. Gracie, I reminded him of my preceding Note, and requested that a Report which the Director General of the Douanes was shortly to make on the Claim, might be communicated to me before the Minister of Finance should decide upon it. This was the more important, as the Director was known to be decidedly hostile to the Claim, and to the restitution of any sum which had, in any shape, found its way to the publick Treasury.

My request was not complied with; but Mr. Parish still thought that the affair had taken a favourable turn, and, not expecting an immediate decision, left this City for Antwerp, and went thence on some business to England. From this last Country he wrote to me a few days ago, and transmitted the inclosed Copy of a Letter addressed to him by the Minister of Finance, and by which he is informed that his Claim is inadmissible.

The Minister's Letter is not less incorrect as to facts than weak in argument. The order to sell and to pay into the Treasury the proceeds of the sales of sequestered property is not, and was not, by the then existing Government, considered as a condemnation. When the Vessels in question arrived at Antwerp, the only penalty to which they were liable, for having touched in England, was, to be refused admission, and the only question was, whether this exclusion should be

enforced, or whether the Consignees should be permitted to sell the cargoes. It was not at all, by giving a retrospective effect to the Milan Decree, that the cargoes were sold. The sale took place about the same time that the property seized at St. Sebastian was sold. It was done by virtue of an Order from Government, distinct from the Rambouillet Decree, and for which no motive was assigned. I have requested Mr. Parish's Lawyer to procure Copies of the Order of Sale, and of that by which the money was paid into the publick Treasury, instead of the *Caisse d'Amortissement*; for, although the substance of the Orders is known, the text has not been communicated.

But, however easy it might be to answer the Minister's Letter, there would be some inconvenience in pursuing that course, or in prosecuting further Mr. Parish's Claim, distinct from others of the same nature.

The decision of the Minister of Finances, founded on the assumed principle that no redress remains when the money has been paid into the Treasury, and been expended, would apply with equal force to all the American Claims. If it becomes necessary to combat seriously that doctrine, it will be better to do it generally, and in a direct Correspondence with the Minister of Foreign Affairs, than by answering a Letter which is not addressed to me, and applying my arguments to a single case.

In the present state of things I will try, until I am positively instructed, to keep the negotiation alive, but without urging a decision, unless I can ascertain that a favourable result will be thus obtained.

Hon. J. Q. Adams. ALBERT GALLATIN.

(Inclosure.) The Minister of Finance to Mr. Parish.—(Translation.)

SIR, *Paris, 22d May*, 1819.

You have applied, in behalf of Mr. Archibald Gracie, of New York, for the restitution of the value of the cargoes of 3 American Ships, the *Perseverance*, the *Hiram*, and the *Mary*, sequestered by the Imperial Government in 1807, and the proceeds of which were afterwards confiscated by it.

Having had a detailed Statement laid before me of the circumstances connected with this transaction, the Documents exhibited established the following facts:

By a Decree issued at Berlin, 21st November, 1806*, the British Islands were placed in a state of blockade. By Articles VII and VIII of this Decree, every Vessel coming directly from England or from the English Colonies, or having been there since the publication of the said Decree, was refused admission into any Port; and every Vessel attempting to contravene that Clause, by means of a false declaration, was, together with the cargo, subject to seizure and confiscation, as if they were English property. It was while these legislative

* See Page 462.

measures were in force, that the 3 Ships in question arrived at Antwerp, to your address. They had put into England; a circumstance, which was, however, not considered by the Custom-house as an irremissible cause of confiscation, there being reason to presume that it was through stress of weather.

In the interval of time previous to the decision which was to be made by the Chief of the State, a proposal was made to you, to dispose, conditionally, of the cargoes of these Vessels, on your engaging to refund the proceeds, in the event of their final confiscation. You refused your assent to this offer, and, at a subsequent period, claimed its execution; but things had then changed, the Legislative measures having become more rigorous.

By a Decree of 23d November, 1807*, it was declared:

"Art. I. That all Vessels, which, after touching in England, from any cause whatsoever, shall enter the Ports of France, shall be seized and confiscated, together with their cargoes, without exception or distinction of goods and merchandize."

By a retrospective effect, which I am certainly very far from wishing to justify, but to which it is proper to advert, because it forms one of the striking features of the case, this Decree of 23d November, was enforced as to these 3 Vessels. It was ineffectually that the Director-General of the Customs represented to the Head of the Government, that the English had no interest whatever in these 3 Vessels, and that they were solely and *bonâ fide* American property; an immediate sale of their cargoes having been ordered by the Supreme Authority on the 4th May, 1810. This order was carried into execution on the 15th of June following, and the proceeds, at first deposited in the Sinking Fund, were subsequently withdrawn, in conformity, also, with the same superior orders, and placed in the Publick Treasury, as having definitively become the property of the State.

I admit with you, Sir, the iniquity of these measures; and with you I deplore their effects; but, to repair them, is not within the compass of my power. If the cargoes in question still existed in the Custom-house stores, they should be immediately restored to you; but they were sold, and their proceeds no longer exist. The whole transaction was terminated, irrevocably terminated, 4 years prior to the restoration, and it is not within the power of His Majesty's Government to revive an absolute claim, to renew a discussion on rights which are extinct, or to repair individual losses by an augmentation of the publick burthens.

With the expression of my regrets, be pleased, Sir, to accept the assurances, &c.

Mr. Parish. BARON LOUIS.

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* See Page 462.

Mr. Gallatin to the Secretary of State.—(*No.* 140.)

SIR, *Paris, 16th March,* 1820.

I HAD, on the 9th of June, 1818, addressed a Letter to the Duke de Richelieu, in relation to the American Vessels *Dolly* and *Telegraph*, burnt at sea by 2 French Frigates, in the latter end of the year 1811. Mr. Lagrange the Lawyer of the Owners, communicated to me, a short time ago, the Decision of the Council of State in that Case, Copy of which, as well as of my Letter to the Duke de Richelieu is herewith inclosed. You will thereby perceive that the application for indemnity has been rejected, principally on the ground that the French Captains must have been ignorant of the revocation of the Berlin and Milan Decrees, since the Decree of the 28th of April 1811*, was not published till the 8th of May, 1812.

It appeared to me essential, not only to remonstrate against this flagrant injustice, but also to refute at large the doctrine thus attempted to be established, in violation of the solemn engagements of the French Government. The effect the Decision might have on our claims in general, and the ground which had been uniformly assumed by the Government of The United States, in its discussions with that of Great Britain, and in all the Publick Reports made on that subject, are considerations too obvious to require any comment on my part. I have the honour to inclose the Copy of the Letter which I have addressed to M. Pasquier on the occasion; and am, &c.

The Hon. John Quincy Adams. ALBERT GALLATIN.

(Inclosure 1.*) Mr. Gallatin to the Duke de Richelieu.*

MONSIEUR LE DUC, *Paris, 9th June,* 1818.

I HAD heretofore abstained from addressing your Excellency on the subject of special American Claims for spoliations committed on our commerce by the French Authorities. A general decision had appeared and still seems to be, the most eligible mode of coming to a satisfactory arrangement. Being, however, informed, that some Cases are still pending before the Council of State, it becomes my duty to depart in these instances, from the line of conduct I had adopted.

I have, therefore, the honour to transmit to your Excellency a Memoir addressed to the King in Council, in behalf of the Owners of the Ships and cargoes of the American Vessels *Dolly* and *Telegraph*, burnt at sea in November and December, 1811, by the French Frigates *la Meduse* and *la Nymphe*.

It is certainly preposterous to suppose that His Majesty's Council will, at this time, condemn American Vessels for any presumed contravention to the iniquitous Decrees of Berlin and Milan. But a discussion of that point is not even necessary in these cases. It is evident that those Vessels were destroyed several months, at least, after the

* See Page 462.

solemn revocation of those Decrees, so far as respected The United States. It is equally evident, that neither the presumed fact that the Captors were ignorant of that revocation, nor the omission of formalities, to use no stronger language, on their part, can be pleaded against the American Owners. It seems unnecessary, in a case so plain, to enforce those arguments, or to anticipate objections. In simply recommending it to your Excellency's attention, I feel a perfect confidence that the Parties will obtain from His Majesty's Council, that decision in their favour, which has been too long protracted, and to which they are so justly entitled. I pray your Excellency to accept, &c.

H. E. The Duke de Richelieu. ALBERT GALLATIN.

(Inclosure 2.)—Decision of the Council of State.—(Translation.)

Extract from the Register of Deliberations. Session of 23d December, 1819.

Louis, by the Grace of God, King of France and Navarre, upon the Report of the Board of Questions:

Having seen the Petition presented to us in the name of the Proprietors and Owners of the American Ships the *Dolly*, and the *Telegraph*, captured on the 29th November and 6th December, 1811, by the French Frigates the *Meduse* and the *Nymphe*, and burnt at sea, by the orders of Mr. Raoul, Captain of the Frigate *Meduse*, and Commander of said Division; the said Petition being registered at the Secretary General's Office of our Council of State, the 11th June, 1818, and praying that it would be our pleasure,

1st. To declare the said Captures null and illegal:

2d. To ordain that the Proprietors of said Ships, and of their lading, should be indemnified for the losses which the burning them had occasioned:

3d. To remit them to the legal Tribunal for the liquidation of said indemnities, under the reservation of all means and exceptions; especially to proceed and conclude, as shall be proper, against the Authors or Accomplices of the abstractions which they pretend to have been committed on board of the 2 Ships, and, generally, under all the reservations of right:

Having seen the Procès-verbal of the capture, and of the burning of the American Ships *Dolly* and *Telegraph*, which occurred at sea on the 29th November, and 6th December, 1811, signed by the Captain, Lieutenant, Ensigns de Vaisseau, (Second Lieutenants,) and Purser, (Agent comptable,) composing the Crew of the Frigate *La Meduse:*

Having seen the Acts of Protest and Declaration made before the Consul of The United States at L'Orient, to wit, by Mr. Stephen Bayard

Captain of the Ship *Telegraph*, on the 11th January, 1812, and by Mr. William Friat, Passenger on board the *Dolly*, and calling himself Proprietor of divers merchandize embarked on board of said Vessel, dated the 29th December, 1811:

Having seen the bills of lading and affidavits annexed to these Declarations:

Having seen the Conclusions, dated the 31st October, 1814, of the Attorney-General, before the Council of Prizes, to whom these Claims had been submitted:

Having seen the decision made by this Council, on the same 31st October, 1814, by which it was ordained that, before a Decree, the Persons composing the Crews of the Frigates *la Meduse* and *la Nymphe*, should be interrogated upon the different circumstances of said captures:

Having seen the Procès-verbal of the interrogatories undergone, on the 13th January, 1815, by Mr. Raoul, Captain of the Frigate *la Meduse*, and Mr. Crom, at that time Boatswain's Mate in the same Frigate, from which it results, that these captures and burnings took place in consequence of their Instructions, which prescribed to them the execution of the Berlin and Milan Decrees:

Having seen the Decrees, dated, that of Berlin, on the 21st November, 1806, and those of Milan, on the 23d November, and 17th December, 1807:*

Considering that it is evident that the Ship the *Dolly*, laden with merchandize for Havannah, sailed from Liverpool, a Port of the English Dominion, and that the Ship *Telegraph*, laden with flour at Philadelphia, was destined for Lisbon, at that time occupied by the English Troops; and that, since that time, these Vessels sailed in contravention of the Berlin and Milan Decrees:

Considering that the first publick notification which was given of the revocation of said Decrees, with respect to the Americans, took place only by the Notes inserted in the Moniteur, of the 8th of May, 1812, several months after the capture of said Vessel, and that, from that time, the Captains of the *la Meduse* and *la Nymphe* could not know it: and that it even appears, according to the Note, dated 12th March, 1812,* imputed by the Petitioners to the Minister Plenipotentiary of The United States, that, at that time, this Minister himself did not know it:

Having heard our Council of State, we have ordained and do ordain as follows:

ART. I. The Petition of the Proprietors and Owners of the Ships *Telegraph* and *Dolly* is rejected, without prejudging any thing of the reservations inserted in their Conclusions.

II. Our Keeper of the Seals, Minister Secretary of State of the Department of Justice, and our Minister Secretary of State of the

* See Page 462.

Department of the Marine and of the Colonies, are charged, each in what concerns him, with the execution of the present Ordinance.

Approved the 29th December, 1819. LOUIS.

By the King:

The Keeper of the Seals, Minister of Justice, H. DE SERRE.

(Inclosure 3.)—Mr. Gallatin to Baron Pasquier.

SIR, *Paris, 15th March,* 1820.

THE American Brig *Dolly,* bound from Liverpool to Havannah and New Orleans, with a valuable cargo, was captured and burnt at Sea, on the 29th of November, 1811, by the French Frigates *Meduse* and *Nymphe.* On the 6th of December following, the same Frigates also captured and burnt the American Ship *Telegraph,* bound from New York to Lisbon, with a cargo consisting principally of flour. Mr. Barlow, then Minister of The United States at Paris, addressed, on the 12th of March, 1812*, a strong remonstrance on the subject to the Duke of Bassano, then Minister of Exterior Relations. The death of the American Consul, with whom the Captains of the Vessels destroyed had left their powers, and the interruption in the Communications, occasioned by the war which took place in 1812, between The United States and Great Britain, created a delay in the regular application of the Parties, and prevented an immediate decision. The affair in the mean while took the usual course, and was transferred, in 1815, from the Council of Prizes to a Committee of the Council of State. On the application of the Parties, I had the honour, on the 9th of June, 1818, to transmit their *Mémoire* to his Excellency the Duke de Richelieu, and added such short observations as the Case seemed to require.

It was with equal astonishment and regret, that I received, a few days ago, the information that the application of the Parties for indemnity, had been rejected by a Decision of the Council of State, of the 23d of December, 1819, on the following grounds:

" Considérant qu'il est constant que le Navire le *Dolly* chargé de marchandises à la destination de la Havane, sortit de Liverpool, Port de la Domination Anglaise, et que le Navire le *Télégraphe,* chargé de farine à Philadelphie, étoit destiné pour la Lisbonne, occupé à cette époque par les Troupes Anglaises; et que dès lors, ces Bâtimens naviguoient en contravention aux Décrets de Berlin et de Milan:

" Considérant que la première notification publique qui ait été donnée du Décret de révocation des dits Décrets, à l'égard des Américains n'a eu lieu que par les Notes insérés dans le Moniteur, du 8 Mai, 1812, plusieurs mois après la prise des dits Bâtimens, et que dès lors les Capitaines de la *Meduse* et de la *Nymphe* ne pourroient en avoir connaissance, et qu'il paroit même, d'après la Note en date du 12

* See Page 462.

Mars 1812, attribuée par les Requérans au Ministre Plénipotentiaire des Etats Unis, qu'à cette époque lui-meme ne la connoissoit pas:

"Notre Conseil d'Etat entendu," &c.

I must in the first place enter my most solemn Protest against this Decision, so far as it seems to sanction the Berlin and Milan Decrees. These Acts were in flagrant violation of the Law of Nations and of common justice. The United States never acquiesced in them, and have never ceased to claim the indemnity justly due to American Citizens for the injuries and losses they suffered by reason of those illegal enactments. But it is unnecessary, on this occasion, to discuss that question. The Owners of the *Dolly* and *Telegraph* claimed an indemnity solely on the ground of the previous revocation of the Decrees, so far as they applied to the American commerce; and it is to that point alone I beg leave to call your Excellency's attention.

I am at a loss to understand whether, by the decision of the Council of State, it was intended to assert, that the ignorance, on the part of the French Captains, of the revocation of the Decrees, deprives the Parties of their right to an indemnity, or to suggest that the revocation was to take effect only from the date of its publication in the Moniteur. Both positions are equally untenable.

The Council of State seems to have been unacquainted with the circumstances which attended the revocation of the Decrees, and to have supposed that that revocation depended only on the Decree of the 28th of April, 1811*, and to have considered this last Decree, not as the result of a solemn engagement, but as a mere Municipal Law, or at best, as a gratuitous concession to The United States. It is difficult, even on that supposition, to understand how they could omit altogether to take notice of the Clause which gives to the Decree a retrospective effect. But it is not on that Decree, as an insulated Act, that The United States found their demand for indemnity. A recapitulation of the facts connected with the revocation will place the question on its true ground. Permit me first to take notice of an error in the statement of the Council.

This error consists in supposing that the Minister of The United States, when writing his Letter of the 12th of March, 1812, to the Duke of Bassano, was not aware of the revocation of the Berlin and Milan Decrees. His ignorance in that respect, had it been real, would not have affected the rights of the Claimants; but the supposition, on the part of the Council of State, that he was unacquainted with it, is an evident proof that their own Decision is founded in error, and must be solely ascribed to the facts not having been properly laid before them. If, in his Letter to the Minister of External Relations, Mr. Barlow did not mention by name the revocation of the illegal Decrees, it was because he considered the burning at sea of 2 American

* See Page 462.

Vessels as a wanton outrage, not at all connected with those Decrees, which, indeed, did not authorize any such proceeding. It was, perhaps, also because the revocation was so well known, both to him and to the Duke of Bassano, that it had become unnecessary to refer to it on every occasion. That it was thus known, is sufficiently proven by all the Correspondence between them, as it stands in the archives of the Department over which your Excellency presides. It will be sufficient for me to quote Mr. Barlow's Letter to the Duke of Bassano of the 6th of February, 1812*, and written, therefore, about a month prior to the time at which he is supposed to have been ignorant of the revocation. In that Letter (of the 6th February, 1812,) Mr. Barlow complains that the Brig *Belisarius*, of New York, was about to be confiscated as liable to the Decree of Milan, and then says: "I know positively that this American Vessel left New York, *the 17th of June*, 1811, *7 months after the revocation of the Decrees of Milan and Berlin!*"— He concludes by ascribing the decision to an error of date, by which the year 1810 may have been taken for the year 1811, and asking for a revision of the affair. The Duke of Bassano, in his answer, dated the 15th of March, 1812,* informs Mr. Barlow, that the difficulty in that case arose from some irregularity in the Ship-papers respecting the ownership, which was a formal contravention of the rules of navigation *generally adopted and established at all times:* that the Vessel and the part of the cargo of which the ownership *(pour compte)* was proven, would be given up, and time allowed to establish the fact that the residue of the cargo was American property *conformably to the ancient rules.*

All the facts relative to the revocation of the Decrees are, indeed, so perfectly known to the French Department of Foreign Affairs, that I thought it unnecessary, in my Letter of the 9th of June, 1818, to his Excellency the Duke de Richelieu, to say any thing more on the subject, but barely to refer to it. I had presumed that every explanation on that point which the Council of State might require, would be of course supplied by that Department; and the following statement of facts is intended for that Body, and not for the purpose of giving any new information to your Excellency.

It is well known that the Government of The United States attempted, by various successive measures of the most moderate and conciliatory nature, to avert the injuries inflicted on the commerce of their Citizens, by the unlawful Decrees of France and Great Britain, to obtain redress for those injuries, and above all, to induce both Powers to rescind those Decrees, and to adopt a course consistent with justice, and with the acknowledged Law of Nations.

An Embargo of 15 months duration was succeeded by the Act of Congress, of the 1st of March, 1809,* which prohibited the introduction of British and French merchandise in The United States, and inter-

* See Page 462.

dicted their ports to Vessels of both Nations. To this temporary Act which expired on the 1st of May, 1810*, another was substituted, of the same date, by which it was enacted, 1st, That the ports of the United States should be interdicted to the armed Vessels of France and Great Britain; 2dly, That, if either of those two Powers should, prior to the 3d of March, 1811, revoke its unlawful Edicts, (which fact the President of The United States should declare by Proclamation,) the interdiction thus imposed on armed Vessels should cease, in relation to such Power; 3dly, That, if the other Nation should not, in that case, revoke her unlawful Edicts within 3 months thereafter, the restrictions imposed by the Act of the 1st of March, 1809, that is to say, the prohibition to import merchandise, and the Interdiction of all Vessels, should, at the expiration of 3 months after the Proclamation aforesaid, be revived, in relation to the Nation thus refusing to revoke her Edicts.

This last Act of Congress, of the 1st of May, 1810,* having been communicated both to the French and to the British Governments, the Duke de Cadore, then Minister of External Relations, addressed, on the 5th of August, 1810.* a Letter to Mr. Armstrong, then Minister of The United States, at Paris, in which, after having commented on the various Acts of Congress, he says, "In this new state of things, I am authorized to declare to you that the Decrees of Berlin and Milan *are revoked*, and that, *after the 1st of November*, they will cease to have effect, it being understood that, in consequence of this declaration, the English shall revoke their Orders in Council, and renounce the new principles of blockade which they have wished to establish, *or that the United States, conformably to the Act you have just communicated, shall cause their rights to be respected by the English.*"

The execution of this revocation depended then, on the alternative of two conditions, one of which was not under the control of The United States; but the other was only that they should act conformably to what they had already announced to be their determination.

The President of The United States did, accordingly, by his Proclamation of the 2d of November, 1810,* declare, that the Decrees of France, in question, had been revoked, so as to have ceased to have effect, on the 1st day of that month, and that all the restrictions imposed by the Act of Congress, of the 1st of May, 1810, were henceforth to cease, in relation to France.

On the same day, the 2d of November, 1810,* the Secretary of the Treasury Department of The United States, transmitted the President's Proclamation to several Collectors of Customs, and gave them Instructions* for the immediate admission of French armed Vessels in the Ports of The United States, and for the exclusion of all British Vessels, and the prohibition of all British merchandize, after the 2d of February, 1811, that is to say, 3 months after the date of the

* See Page 462.

President's Proclamation, in case they, the said Collectors, should not, before that day, be officially notified by the Treasury Department, that Great Britain had revoked her unlawful Edicts.

Although both those Documents were, at that time, officially communicated to the French Government, Copies are again herewith inclosed.*

Great Britain not having revoked her Edicts, the interdiction of her Vessels and merchandise accordingly took place, on the 2nd of February, 1811. It received an additional sanction by the Act of Congress, of the 2nd of March following, and continued in force till the month of June, 1812, when, in addition to that measure, Great Britain still persevering in her refusal, The United States found themselves at last obliged to declare War against her.

The United States having thus, with perfect good faith, fulfilled the engagement contracted by their Act of the 1st of May, 1810, and on which the execution of the revocation of the Berlin and Milan Decrees were made to depend, it follows that the right to demand the complete execution of that revocation from the 1st of November, 1810, and an indemnity in every case where injuries were sustained subsequent to that day, by American Citizens, under colour of those Decrees, is fully established as the result of a positive Compact, and is altogether independent of any subsequent Act of the French Government. That right would remain entire, even if that Government had departed from their engagement, and had attempted to revive the Berlin and Milan Decrees, with respect to The United States. This, however, was not the case.

On the 25th of December, 1810, 2 Letters were addressed, one by the Duke of Massa, Minister of Justice, to the President of the Council of Prizes, the other by the Duke of Gaete, Minister of Finance, to the Director General of the Customs.* Both Letters recapitulate the paragraph, already quoted, of the Duke of Cadore's Letter, of the 5th of August, 1810, to Mr. Armstrong, and the substance of the Proclamation of the President of The United States, and of the Circular Letter of the Secretary of their Treasury Department, of the 2d of November, 1810. The Director-General of the Customs is accordingly informed that the Berlin and Milan Decrees must not be applied to any American Vessels that have entered French Ports since the 1st of November, or may enter in future. By the Letter of the Grand Judge, Minister of Justice, it is ordered that, " in consequence of the engagement entered into by The United States, (the President's Proclamation, and the Circular of the Secretary of the Treasury) all the Causes that may be pending in the Council of Prizes of captures of American Vessels, made after the 1st of November, *and those that may, in future, be brought before it, shall not be judged according to the principles of the Decrees of Berlin and Milan,* but that they shall remain sus-

* See Page 462.

pended; the Vessels captured or seized, to remain only in a state of sequestration, and the rights of the Proprietors being reserved for them until the 2d of February next, the period at which The United States having fulfilled the engagement to cause their rights to be respected, *the said captures shall be declared null by the Council,* and the American Vessels restored, together with their cargoes, to their Proprietors."

It is not irrelevant to observe, that these 2 Letters were immediately made publick in France. They appeared even in a Bourdeaux Newspaper as early as the 30th of December.

Accordingly, as soon as the restriction on British Vessels and on British merchandise, as announced by the previous Acts of the American Government, had actually been carried into effect, on the 2d of February, 1811, and an account of it had been received by the French Government, the American Vessels were admitted to entry in the French Ports, although they might have been in contravention to the Berlin and Milan Decrees; and the Vessels which had been captured subsequent to the 1st November, 1810, by virtue of those Decrees, were released, in all cases where some other objection, unconnected with those Decrees, such as the question of Ownership, in the case of the *Belisarius,* did not occur.

It was with reference to all these circumstances, that his Excellency the Minister of Marine, in a Letter of the 30th November, 1818, to the Council of State, stated that the revocation of the Berlin and Milan Decrees had been *definitively pronounced* only on the 2d of February, 1811. His expressions are, " que le Capitaine Raoul, Commandant les 2 Frégates, parti de la Rivière de Nantes, le 28 Décembre, 1810, n'a pas pu avoir connaissance de la révocation des Décrets de Berlin et de Milan, à l'égard des Américains, révocation qui n'a été définitivement prononcée que le 2 Février suivant." Without admitting the correctness of that statement in all its parts, it is at least evident, that the Minister knew that the Council of State might have seen, by that Letter, that there was some other Act besides, and previous to the Decree of the 28th of April, 1811,* by which the revocation had been already definitively pronounced.

The general admission of American Vessels to entry was announced to Mr. Russell, Chargé d'Affaires of The United States, by a Letter of the Duke of Bassano, of the 4th of May, 1811*. To prove that no distinction was made with respect to Vessels, in contravention to the Berlin and Milan Decrees, it will be sufficient, in addition to the case of the *Belisarius,* to mention that of the *New Orleans Packet.*

That Vessel arrived from Gibraltar, at Bourdeaux, the 3d of December, 1810, and had, besides, been boarded by 2 publick British Vessels. She was immediately, for these express causes, seized by the Director of Customs, as having violated the Milan Decree. On

* See Page 462.

the representation of the American Chargé d'Affaires, and in conformity with the Letter of the Minister of Finance, of the 25th of December, 1810, which has already been quoted, the Vessel and cargo were restored to the Consignees, on giving bond to pay the estimated value, should it definitively be so decided. And, according to orders given to that effect, the bond was cancelled shortly after the date of the Duke of Bassano's Letter, of the 4th of May, 1811.

With respect to Vessels *captured* subsequent to the 1st of November, 1810, I can appeal to the Records of the Court of Prizes for proof, that not a single one was condemned for a contravention to the Berlin and Milan Decrees. The Archives of this Legation, though necessarily defective in that respect, enable me to mention the following Vessels, viz.: the *Two Brothers*, *Good Intent*, *Star*, *Neptune*, and *Acastus*, all of which, having been captured and brought into Port for having contravened those Decrees, were acquitted and released, in consequence of their revocation. Whether, besides the *Dolly* and *Telegraph*, there might not be some other case which remained undecided in April, 1814, I cannot positively assert. There is none within my knowledge.

It is material to add, that all the Vessels which I have mentioned, were released *before the 8th of May*, 1812, the day on which the Decree of the 28th of April, 1811, is stated, by the Council of State, to have been published in the Moniteur. And your Excellency may have perceived, that, in the preceding statement of facts, I have not alluded to that Decree. Indeed, if the Council of State, instead of suggesting that the revocation of the Berlin and Milan Decrees was unknown to the Minister of The United States, at the time when he wrote his Letter of the 12th of March, 1812, had only said, that he was unacquainted with the Decree of the 28th of April, 1811, I would, whilst shewing, as I have done, that his ignorance in that respect was irrelevant to the question, have acknowledged the fact to be true. That Decree was first communicated to him on the 10th May, 1812, and did not reach the Government of The United States, till the 13th of July following, that is to say, 1 month after war had been declared against England. It, therefore, had no effect on any of their acts, or any part of their conduct. The Compact was complete without it, and rested on the official declarations of the Minister of Foreign Relations, and on the execution of the engagement on the part of the French Government. In what manner that Government chose to announce the revocation to its Officers and Subjects, was immaterial to The United States. The only point in which they were concerned was, that the revocation should, according to the engagement, be faithfully carried into effect. And this is the reason why I thought it necessary to shew in what manner it was executed in France. Why the publication of the Decree of 28th April, 1811, was delayed, is not known

to The United States, and they have no interest in knowing it. The delay cannot affect them, since their rights, founded on Compact, are independent of the Decree, and would be precisely the same if it had never been enacted.

Had all these facts been brought within the view of the Council of State, had that Body been aware that the revocation of the Berlin and Milan Decrees had been the result of an engagement taken by the French Government, on a condition which had been faithfully fulfilled by that of The United States; had they been informed that it was thus considered by the former Government of France, and that every decision which had heretofore taken place in relation to American Vessels, was consistent with the principle that those Decrees had ceased to have effect with respect to American commerce, from the 1st of November, 1810; it is impossible to suppose that the presumed ignorance of that revocation, on the part of the Captains of 2 French Frigates, could have been alleged as a reason why the Owners of the *Dolly* and *Telegraph* should not be indemnified, for the destruction of their Vessels and cargoes, more than one year after that date.

That ignorance on the part of the Captains may be accepted, as a sufficient justification for every part of their conduct, so far as respects their responsibility towards their own Government, if that Government thinks it proper. That is a point in which The United States have no concern. But that circumstance cannot release the Government of France from their engagement with that of America, that the Decrees should have no effect after the 1st of November, 1810, nor from the obligation of indemnifying the American Citizens who may, in contravention of that engagement, have sustained losses by the erroneous application of those Decrees, subsequent to that day.

The Government of France, having once entered into that engagement, became responsible for its faithful and complete execution. The solemn promise was made on the 5th of August, 1810, and it became irrevocable, provided the condition attached to it was fulfilled. In postponing the execution till the 1st of November, an epoch fixed by the French Government itself, time was taken, sufficient in its own opinion, to give the necessary Orders, and to ensure the performance of the promise. It became the duty of that Government to give instructions to that effect to their Tribunals and Officers; and they are bound to indemnify, if, through neglect, or any other cause, some of their Naval Officers were not duly instructed, and American Citizens have suffered any injury on that account. The condition annexed to the revocation, as announced on the 5th of August, 1810, was only that The United States should act in conformity with the Act of Congress of the 1st of May preceding. As there was, of course, the strongest probability that that condition would be fulfilled, and that the

revocation would, as in fact it did, take effect on the 1st of November following, Orders ought to have been immediately issued to prevent, after that day, any act violating the engagement. It may be added, without attaching much importance to the fact, that the President's Proclamation and the Treasury Circular, of the 2d November, 1810, were communicated by Mr. Russell to the Duke of Cadore, on the 17th of December following; that is to say, 11 days prior to the sailing of the *Medusa*.

In the case of the *Dolly* and *Telegraph*, there are two distinct acts committed by the Captains of the French Frigates—the capture of the American Vessels, and afterwards their destruction. In all cases of capture, The United States have a right to demand a trial by a competent Tribunal. According to the present jurisprudence of France, that Tribunal appears to be the Committee of the Council of State, known by the name of "Comité du Contentieux." The first question they had to decide was, whether the capture was legal or not. On that question there could not have been any hesitation. The series of the acts connected with the revocation, the Decree itself of the 28th of April, 1811, all the former precedents, all the Decisions of the Council of Prizes, left not the smallest doubt, that the Berlin and Milan Decrees had ceased to have effect, on the 1st of November, 1810, and that any subsequent capture, founded on those Decrees, was illegal and null. Indeed, there would have been no difficulty, if the Captains of the Frigates, ignorant of the revocation, had only captured the *Dolly* and *Telegraph*, and sent them into Port for adjudication. Those 2 Vessels would have been acquitted and restored, as were all the other American Vessels that were brought into French Ports, under similar circumstances. Instead of pursuing this course, the French Captains plundered and burnt the Ships. This act renders the restoration impracticable; but, the capture being illegal, it does not, at least, release the French Government from its responsibility.

A Belligerent has a right to capture, and, at his discretion, to destroy, the Vessels of the Enemy. With respect to Neutrals, he can only capture, and send in for adjudication, the Vessels pursuing a trade, contrary to the duties imposed on Neutrals, by the Law of Nations. It is already sufficiently hard on them that the decision should be made by a Tribunal of the belligerent Power. But the benefit of such Trial was never denied to them, not even by the Berlin and Milan Decrees. Those Decrees declared, in violation of the Law of Nations, Neutral Vessels liable to capture and condemnation for pursuing a legitimate Commerce; but they did not change the course of proceedings with respect to the mode of decision. A Trial and condemnation, by a competent Tribunal, were still necessary. Navy Officers, by the Law of Nations, never are, and even by those Decrees were not, authorized, in any case, to burn at Sea, the Vessels of a Nation at peace. Such an

act is a wanton outrage, wholly unjustifiable, and for which, if at any time, committed, even under a plea of necessity, the Nation is always responsible. The most aggravating circumstance of the whole case cannot, in any view of the subject, be adduced as a reason to defeat the right of the Parties to an indemnity. That indemnity is equally due by the Government of France,—that Government is equally responsible for the outrage committed by the Officers of its Navy,—whether the act be owing to neglect, in not issuing in time the necessary orders; to improper or unauthorized conduct on the part of the Officers; or to any other cause.

Having laid before your Excellency what, I trust, will be considered a conclusive statement of facts, it grieves me to be compelled to say, that the Decision of the Council of State, of the 19th of December last, is the first positive act by which the Government of France seems to have considered itself as released from the solemn obligation contracted with The United States, "that the Berlin and Milan Decrees were to cease to have effect, after the 1st of November, 1810." And it has afforded me great relief to find, on the face of that Ordinance, irrefragable proofs that it must be ascribed to an unintentional error, arising from the Council not having been put in possession of all the material facts connected with the case.

I apply, therefore, to your Excellency, with perfect confidence in the justice of His Majesty's Government; and have the honour to request, 1st, that you will be pleased to lay the subject before His Majesty, in order that the Ordinance, of the 23d of December last, may be rescinded, and a revision of the affair ordered. 2ndly, that when brought again before the Council of State, you will have the goodness to have all the facts relative to the revocation of the Berlin and Milan Decrees fairly laid before that Body, in order that the Owners of the *Dolly* and *Telegraph* may receive the indemnity justly due to them for such a wanton and unjustifiable outrage, as the destruction of their Vessels and Cargoes.

I request your Excellency to accept the assurances, &c.

H. E. Baron Pasquier. ALBERT GALLATIN.

Mr. Gallatin to the Secretary of State.

(Extract.) *Paris, 27th April,* 1820.

Mr. Pasquier has also informed me that he had referred to the Minister of Justice my remonstrance, of the 15th of March last, against the Decision of the Council of State, in the case of the *Dolly* and *Telegraph*. This is a very unusual course, in an affair where our Rights are founded on a positive agreement between the two Countries—an agreement entirely political, and in which the Minister of Foreign Affairs was the organ of the French Government.

The Hon. J. Q. Adams. ALBERT GALLATIN.

Mr. Gallatin to the Secretary of State.—(No. 147.)

(Extract.) *Paris, 9th June,* 1820.

BEING yet without instructions, on the subject of our Claims for indemnity, I acquiesced in Mr. Parish's wish to lay the Antwerp Cases before the Department of Foreign Affairs, and have the honour to inclose the Copy of a Letter which I wrote to M. Pasquier on that subject.

The Hon. J. Q. Adams. ALBERT GALLATIN.

(Inclosure.)—Mr. Gallatin to Baron Pasquier.

SIR, *Paris, 9th May,* 1820.

I HAD the honour, on the 11th February, 1819, to transmit to his Excellency General Dessolles, a Memorial of Mr. David Parish to his Excellency the Minister of Finance, relative to certain American Vessels and Cargoes, sequestered at Antwerp, in the beginning of the year 1807; and I now beg leave to transmit a new application of that Gentleman, addressed to your Excellency. Permit me to add a few observations to those contained in those Memorials, and in my Letter of the 11th of February, 1819, to General Dessolles.

The only extraordinary French Decree in force, when those Vessels arrived at Antwerp, was that of Berlin, dated the 21st of November, 1806. Some of its enactments were unjust, and contrary to the Law of Nations: yet it made merchandize liable to confiscation, only in case of its being British property, or of the manufacture or produce of Great Britain or her Colonies. With respect to Vessels coming from England, it was, by that Decree, only declared that they should not be received in French Ports; and such Vessels were, with their Cargoes, made liable to confiscation, only in case they should have contravened that provision by means of a false declaration. It was not until the 17th December, 1807, that, by the still more arbitrary Decree of Milan, Neutral Vessels, which might have been searched by an English Ship, or sent to England, were declared to be denationalized, and good prize.

The Vessels in question were bound from The United States to France; but had, on their passage, been sent forcibly to England, and were afterwards released. They do not seem to have come, in any shape, within the purview of the Berlin Decree. But even if, considered as coming from England, within the meaning of the Act, as they had not concealed the fact by any false Declaration, the utmost penalty to which they were liable by that, or any other existing Decree, was not to be received in a French Port. Their being nevertheless, admitted and sequestered, instead of being sent off, was the act of the French Government. They were detained, as will immediately be shown, only in order to ascertain whether there was not some other contravention of the Decree; whether the Cargo, or some part of it,

was not British Property. Unless this can be established, or that they had made a false declaration, the simple fact of their having arrived at Antwerp from an English Port, did not make them liable to confiscation.

By an Imperial Decision, of the 2d July, 1808, the Cargoes, being of a perishable nature, were ordered to be sold, and the proceeds to be placed as a deposite in the *Caisse d'Amortissement;* and an inquiry was directed to be made in order to ascertain whether the property was not British. His Excellency Baron Louis, to whom, as Minister of Finance, the Memorial of Mr. Parish, above-mentioned, had been addressed, wrote to him, on the 22d of May, 1819, that the proceeds of the sales had been withdrawn, by superior Orders, from the *Caisse d'Amortissement*, and paid into the Publick Treasury, and he adds, that they were thereby definitively acquired by the State. He has communicated neither the date nor the tenor of those Orders. That he should have considered them as precluding him, on his own authority, and without the sanction of Government, from ordering the money to be repaid to the American Owners, may be understood; and it is presumed that this was his meaning. He cannot have intended, either to pronounce on the merits of the case, or to maintain the untenable position, that the transmission of the money from one publick chest to another could have affected the rights of the Parties. Its being expended for publick purposes instead of remaining as a deposite, is a proof of the wants of Bonaparte, but is not a decision on the Case. A definite confiscation, even under the Imperial *Regime*, could only take place with the usual forms, and by virtue of a direct and positive Act to that effect. All that was done by that Government, with respect to this property, was the order of sale, the order to place the proceeds in some publick chest, and the inquiry relative to the Ownership. No final decision, no condemnation, has ever taken place.

It happens even that, with the exception of these Vessels, and of 4 others, consigned to Mr. Ridgeway, the American Consul at Antwerp, all the other Cargoes sequestered in that Port, under similar circumstances, were delivered to the Owners, and that the conditional bonds they had given were returned to them. The principle has thus been decided in favour of the Claimants, and nothing remains but to apply it to their special case.

Having received special Instructions from my Government in regard to this Claim, it is in its name that I beg leave to call your Excellency's attention to Mr. Parish's Memorial, and that I ask for that decision which justice requires, and which has been but too long protracted.

Your Excellency will perceive, that this decision does not depend on the question of the legality or illegality of the Berlin and Milan Decrees, and that I have argued as if those Acts had been valid.

Although they cannot certainly be admitted as such by the Government of The United States, it is a question unconnected with the present case, and which is reserved for a future discussion.

I request your Excellency to accept the assurances, &c.

H. E. Baron Pasquier. ALBERT GALLATIN.

The Secretary of State to Mr. Gallatin.

(Extract.) *Department of State, Washington, 31st March,* 1821.

Mr. Archibald Gracie has again solicited some special interposition of this Government, to press that of France for an adjustment of his Claim. He considered it as standing upon grounds so clear and incontrovertible, that the French Government cannot ultimately resist the equitable obligation of providing for it.

The Government of The United States cannot undertake to discriminate between the comparative merits of the Claims of their Citizens upon the Government of France. It asks justice for them all; it asks no more than justice for any. More than 2 years since, the Claims of Mr. Gracie, and all the Antwerp Cases, were recommended to your special attention, in the presumption that, standing on ground peculiarly imposing on the French Government, it would not be able to resist them, and that success in those Cases would pave the way for it in all others. It is in this view,—that is, by pressing this, and the Antwerp Cases generally, the other Cases would not only not be injured, but benefited,—that your attention to them is suggested. The force of example, added to the other powerful considerations in their favour, might do much. But that is left altogether to your judgment; aided as you are by all the lights belonging to the subject; and, unless you shall be satisfied that the proposed pressure will have the good effect contemplated, it is expected that you will of course decline it.

Mr. Gallatin. JOHN QUINCY ADAMS.

The Secretary of State to Mr. Gallatin.

Sir, *Department of State, Washington, 29th June,* 1821.

I have the honour of inclosing, herewith, a Copy of a Letter received at this Department some time since, from Mr. Connel, as Agent for sundry Insurance Companies in Philadelphia, having Claims upon the French Government; upon which I would refer you to the Letter which I lately wrote you concerning the case of Mr. Gracie's Claim. These Gentlemen appear to have received recent information, upon which they place some reliance, indicating on the part of the French Government a disposition more favourable to Claimants, upon their justice, than had been previously manifested. Should any prospect of that nature be perceived by you, your own disposition to make it

available for the benefit of the Sufferers, will, itself, serve the purpose of a standing instruction.

I am, &c.

Mr. Gallatin. JOHN QUINCY ADAMS.

Mr. Gallatin to the Secretary of State.—(*No.* 193.)

(Extract.) *Paris, 15th November,* 1821.

MR. de la Grange, the Lawyer generally employed in American Cases, having requested me to transmit to the Minister of Foreign Affairs, a Copy of his Memoir in the Appeal of Richard Faxon, now pending before the Council of State, for indemnity on account of a seizure made at Santander, in the year 1812; I addressed to M. Pasquier, on the 31st ultimo, a Note on the subject, Copy of which, as well as of the said Memoir, I have the honour to inclose. You will perceive, that I took that opportunity of reminding the Minister of the Case of the *Dolly* and *Telegraph,* on which it does not seem that the Minister of Justice has yet made any Report.

The Hon. J. Q. Adams. ALBERT GALLATIN.

(Inclosure.)—Mr. Gallatin to Baron Pasquier. (Translation.)

SIR, *Paris, 31st October,* 1821.

I HAVE the honour to transmit to your Excellency, under this cover, a Memorial addressed to the King, in his Council of State, for Richard Faxon, a Citizen of The United States, who complains of a Judgment of the Board of Finance, approved by his Excellency the Minister of the same Department.

The question is, of a seizure made by the French Customs, in 1812, at Santander, in the stores of Joachim Munios, of a quantity of sugars, belonging to said Faxon. The Board of Finance seems to have dismissed his Claim, from supposed presumption that he was not the Proprietor; and your Excellency, by glancing over the Memorial, will be convinced, that there can be no doubt in this regard.

But the Board has, if I may be allowed the expression, reserved a subsidiary question, that of knowing if a Citizen of The United States could pretend to any indemnity, for having suffered, in that part of Spain, the application of the Laws of France, which then aimed at Colonial goods. Ignorant of what Laws the Board speaks, I can only observe, generally, that none could ever give the right of seizing, without indemnity, upon the known property of a Citizen of The United States, deposited, for 3 years, without having been there molested, in the stores of his Correspondent.

As it is, however, possible, that the Laws in question may be no other than the Berlin and Milan Decrees, and the different Imperial or administrative Decrees which have been the consequence of them, I pray your Excellency to be pleased to lay before the Council of State,

the Correspondence between the Ministers of the Government, from that time, and those of The United States, as well as the other Documents, which prove that these Decrees had been repealed, in regard of The United States, long before the seizure of the sugars of Mr. Faxon.

I ought also to remind your Excellency of another affair, more important for the principles which apply to it, but which depends, likewise, upon the date of the repeal of these two celebrated Decrees. I had the honour to address to you, under date of 15th March, 1820, a very long Note on the subject of the decision of the Council of State, by which the Claim of the Proprietors of the Vessels *Dolly* and *Telegraph*, burnt on the open Sea by 2 French Frigates, in November and December, 1811, was rejected. This decision could only have taken place because the Documents, proving the date of the repeal, had not been laid before the Council; but it is supported by considerations which can only produce the most troublesome effects. I can assure your Excellency that the revision is of high importance, and I hope that you will judge that a delay, which is already upwards of 20 months, ought to be no farther prolonged.

I pray your Excellency to accept, &c.

H. E. Baron Pasquier. ALBERT GALLATIN.

Mr. Gallatin to the Secretary of State.—(No. 200.)

(Extract.) *Paris, 14th January,* 1822.

I HAVE the honour to inclose the Copy of a Note which I wrote on the 10th instant to the Minister of Foreign Affairs, on the subject of the Antwerp Claims.

The Hon. J. Q. Adams. ALBERT GALLATIN.

(Inclosure.)—Mr. Gallatin to The Viscount de Montmorency.

SIR, *Paris, 10th January,* 1822.

I HAD the honour, on the 9th of May, 1820, to transmit to your Excellency's Predecessor, a Memorial of Mr. David Parish, relative to the American Cargoes sequestered at Antwerp in the beginning of the year 1807, and to add some observations in support of the Claim. Twenty months having since elapsed, a time amply sufficient to make every inquiry respecting the merits of the Case, I have been instructed by my Government to renew the application, and to call, in the most forcible manner, the earnest attention of His Majesty's Ministers to that subject.

In urging a decision on this reclamation, separately from others, there is not the most distant intention of abandoning the other Claims of Citizens of The United States for the indemnities so justly due to them. But it is time, after so many delays, to obtain at last a decisive answer, and to ascertain the determination of the Government of France in that respect. And this Claim has been selected because it is alto-

gether free of any of the objections, however unfounded these may be, which have been suggested in regard to other Cases.

It is not, in the first place, necessary in this instance, to discuss questions connected with the illegality of any of the Decrees contravening the Law of Nations, which were issued by Bonaparte. The Vessels in question had not violated any of those Decrees; their Cargoes were not liable to confiscation, by virtue of any provision contained in any Edict, in force at the time of their seizure.

And, secondly, not only is the Case entire; not only has there been no trial or condemnation of the Cargoes, but the principle that they were not liable to confiscation has been settled, by the decision of Government in analogous Cases, and even with respect to portions of the identical property for which indemnity is now claimed.

I trust that I will be able to establish both these positions, to your Excellency's satisfaction.

The only extraordinary Decree of the French Government affecting the navigation of Neutral Nations, in force at the time of the arrival of the Vessels alluded to in a French Port, was that issued at Berlin, the 21st of November, 1806.

It was, by that Decree, amongst other provisions, declared, 1st, that merchandize belonging to a British Subject, or being the produce or the manufactures of Colonies of Great Britain, should be condemned as good prize, (Art. 5 and 6,) 2d, that no Vessel coming directly from England, or from her Colonies, or going there (qui s'y rendra) after the known publication of the Decree, should be permitted to enter any French Port, (Art. 8.) 3d, that every Vessel contravening the Decree by a false declaration should be seized and her Cargo confiscated as British property, (Art. 9.)

During the first months subsequent to that Decree, a number of American Vessels arrived in France, coming from The United States, but having on their passage been compelled to stop in England, either by British Cruizers or by stress of weather. The question arose, whether it was intended by the 8th Article of the Decree, to exclude only Vessels which had gone voluntarily to an English Port, or whether it included even those which had been compelled to do it by what is called *relache forcée.* The words used in the Article, *venant directement,* and *qui s'y rendra,* seemed to favour the first construction; and it was clear, that if the last was adopted, British Cruizers had nothing to do but to stop for a few days every Neutral Vessel bound to France, in order to destroy her external commerce. These, however, were questions for the French Authorities exclusively to decide. It was altogether in their power to have decided, that the Vessels in question were embraced by the Decree, and to have refused to admit them in any Port. The Minister of Finance, impelled by what was evidently for the interest of the French Commerce, allowed the Cargoes to be

provisionally landed, and deposited in the publick stores, until the decision of Bonaparte, on the question was known; and permitted, also, that they should be delivered to the Consignees on their giving an obligation to pay to the Custom-house the estimated value thereof if so ordered by that decision. It was, therefore, by the act of the French Government, that the Vessels landed their Cargoes instead of being ordered off. And that provisional construction continued in force till the 4th of September, 1807, when the Director General of the Douanes announced, by a Circular, "That the Emperor had decided that the 8th and 9th Articles must have their full and entire execution, and that no Vessel which had touched in England, or been conducted there, could be admitted." "Thus" added the Director, "the immediate retrogradation of those Vessels shall be required, whatever be the alleged causes of superior force, and the Documents produced in proof thereof. Those which, by a false declaration, may conceal the fact of having touched in England, and succeed in thus entering our Ports, shall be seized, and the Vessels and their Cargoes shall be proceeded against, in the form prescribed by the Decree, in relation to English property." In conformity with this decision, several American Vessels bound to Antwerp, were sent away, amongst which may be mentioned, the "*Dragon*" and the "*Two Brothers,*" and also the *Orozimbo,* belonging to one of the Owners of the Cargoes for which indemnity is now claimed, although her Cargo had already been actually landed. It would have been fortunate for the Owners of the merchandize, which is the object of this reclamation, that this decision should have been made from the first, or that when made it should have been applied to their property.

Amongst the American Vessels, arrived from The United States in French Ports in the year 1807, prior to the decision of the 4th of September, and which had been compelled to touch in England, 7 came to Antwerp, consigned to 2 American houses;—the *Bordeaux Packet, Helena, North America,* and *Diamond,* to that of Mr. Ridgway; and the *Perseverance, Hiram* and *Mary,* to that of Mr. Parish. The Consignees declined availing themselves of the option offered by the French Authorities to receive the cargoes, on giving bond for their value, to abide by the final decision of Bonaparte.* They preferred that the cargoes should remain in the Custom-house stores, subject to that decision. Their motive was obvious.

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* To this there were two exceptions: the Consignees having subscribed obligations, 1st, for a small quantity of pot-ash, (about 15,000 francs in value,) received and sold by them on the first arrival of the Vessels; 2dly, for the value of some of those Vessels, in order to enable them to leave the Port. The others were permitted to depart without the bond being required.

It was only by the subsequent Decree of Milan, of the 23d November, 1807, that it was enacted, "That all Vessels, which, after having touched in England, might from any motive whatever enter the Ports of France, should be seized and confiscated, as well as their cargoes, without exception or distinction of produce or merchandize." The only causes of confiscation by the Berlin Decree, were, concealment of the fact of having touched in England, and the merchandise being either British property or the produce of England, or of her Colonies. It was known to the Consignees, it had already been acknowledged, and was further substantiated by a subsequent inquiry, that every part of the cargoes belonged to American Citizens, and that no part was the produce of Great Britain, or of her Colonies. It was equally known, and has never been denied, that the Captains of all the 7 Vessels had, on their first arrival, made no concealment; that they had all made true declarations of the compulsory touching in England *(relache forcée)*. The expected Imperial Decision could, therefore, only apply to the doubtful question, whether the Vessels and cargoes in that predicament were embraced, or not, by the Article of the Decree which forbade, in general terms, the admission of Vessels that had touched in England, whether the cargoes in question should be admitted or sent away. In case the decision should be that the Vessels were, notwithstanding the *relache forcée*, included in the Article of the Decree, and that the cargoes were inadmissible, they might, by remaining in the publick stores in their original state, be sent out of France, and the decision be strictly complied with. But if, instead of that, those cargoes were sold, (and the Consignees could have had no object in receiving them, but that of selling them) the exportation could not taken place in conformity with the decision; and the Consignees, unable to comply with it, might have been compelled to pay the amount of the bond, which would have been tantamount to a confiscation of the property.

The Decision of the 4th September, 1807, being made only prospective, the Consignees at first hoped, that the cargoes of the 7 Vessels previously arrived, would be admitted to be sold for home consumption, and accordingly delivered to them. But when they found themselves disappointed in that respect, adhering to the same line of conduct which they had pursued, not to depart from the enactments of the Berlin Decree, they applied, on the 22d of March, 1808, to the Director-General of the Douanes, and on the 7th of April ensuing, renewed the application, both to him and to the Minister of Finance, stating, that the steps they had taken to obtain the definitive admission of that merchandise having been fruitless, and the goods, especially the pot-ash, rice, brown sugar, and cochineal, becoming gradually damaged, in the entrepôt, they now asked permission to

export the merchandize into a Foreign Country, and that in conformity with the Decree of the 21st of November, 1806.

In answer to that Petition, Bonaparte ordered, by a Decision of the 2d of July, 1808, that the cargoes should be sold, and the proceeds deposited in the Caisse d'Amortissement, and that an inquiry should be made on each of the Vessels which had brought in the cargoes, in order to ascertain whether the Owners were not British. On this decision it is only necessary to observe, that it corroborates what has already been stated, and was, indeed, evident, that no concealment having been made by the Captains of their *relache forcée* in England, no other cause or pretence for confiscation could be, or was alleged, than the apprehension, that the property was British, or of British origin.

To the sale of the cargoes for the purpose intended, the Consignees did of course object; and they succeeded in preventing it for 2 years. But to that part of the decision which ordered an inquiry, they cheerfully submitted, and communicated all the Documents, Papers, and Letters, connected with the Vessels and their cargoes. A severe scrutiny took place, the result of which was altogether favourable, it being proven, in the clearest manner, that the cargoes were exclusively owned by American Citizens. Of their origin, there does not appear to have ever existed any doubt.

The merchandize, notwithstanding the result of this enquiry, was not restored to the Consignees. By a Decree dated at Ebersdorf, the 29th of May, 1809, 780 barrels, of pot-ash and pearl-ash, making part of the cargoes of the *Perseverance* and *Mary*, were put at the disposal of the Minister of War, and the estimated value directed to be paid by him in the Caisse d'Amortissement. That portion of the cargoes was accordingly taken from the entrepôt, and delivered to that Department, having previously been valued at nearly 450,000 francs, notwithstanding a deduction made on account of the damages arising from the long detention in the publick stores. Finally, the whole of the residue of the cargoes was sold in June, 1810, by virtue of an Imperial Decision of the 4th May, of that year. It is asserted, that by virtue of an order subsequent to the sales, which has never been published nor communicated, the proceeds of those sales were ultimately paid, in whole, or in part, into the Publick Treasury.

Your Excellency must agree with me, that, from the preceding statement of facts, it evidently follows, 1st. That, as I had stated in the beginning of this Letter, there has been in this case no violation of any existing Decree; that the cargoes were not liable to confiscation, by virtue of any provision contained in any Edict then in force; 2d. That the Consignees uniformly took those Decrees as the basis of their conduct, and committed no act which might impair the rights of the

Owners of the property; 3d. That, by allowing the Cargoes to be deposited in the publick stores, until the decision of Bonaparte was known, whether the Vessels were, or were not, embraced by the Article of the Decree, which forbade the admission of those which had gone to England, a formal engagement had been contracted on the part of Government, to permit the exportation of the merchandize, in conformity with the Decree, in case the decision was against its being admitted for home consumption; 4th, That although nothing could be farther from the views of the Minister of Finance, yet it was solely owing to the doubts he entertained respecting the construction of the Berlin Decree, that the cargoes fell in the possession of the Custom-house; that it was the unforeseen consequence of his act, which was that of the proper French Authority in that case, that the above-mentioned engagement not having been fulfilled, the Owners have, by a flagrant injustice, been to this day deprived of the merchandize and of its proceeds.

The fact that there has been no trial or condemnation of the property is notorious; and I would at once proceed to the decisions made in analogous cases, was it not necessary to take in the first place, notice of a most extraordinary and unfounded inference, drawn from a fact, immaterial in itself, and which, although not officially communicated, has been made known to me by the Parties.

Amongst the several applications for indemnity made at different times, and in various shapes, by the Consignees, a Memorial had been addressed to the Minister of Finance, by Mr. Parish, which, at his request, I transmitted on the 11th of February, 1819, to Marquis Dessolles. I wrote again to that Minister on the same subject, on the 23d of March following, and had requested, that a Report intended to be made by the direction of the Douanes to the Minister of Finance might be communicated to me. This was not done: but His Excellency Baron Louis, wrote to Mr. Parish on the 22d of May, of the same year, that the proceeds of the sales had been withdrawn, by superior orders, from the Caisse d'Amortissement, and paid into the Publick Treasury: and he added, that they were thereby definitively acquired by the State. This inference appeared so preposterous, that, when alluding to it in my Letter of the 9th of May, 1820, to his Excellency Baron Pasquier, I said, that I presumed the meaning of the Minister of Finance to have simply been, that he considered the orders in question, as precluding him, on his own authority, and without the sanction of Government, from ordering the money to be repaid to the American Owners.

The assertion having, however, been made, in that broad way, I am compelled to refute it. But I beg your Excellency to be persuaded, that I do it only in an hypothetical way, and in discharge of my responsibility, and that I do not suppose, or mean to insinuate, that it ever

has been, or can be, the intention of His Majesty's Ministers, seriously, to resort to such an untenable pretence, for the purpose of avoiding the payment of a just debt. I consider the objection, as being the work of a subordinate Agent, whose duty it may have been to collect whatever might be suggested against claims on the Publick Treasury, and the communication to Mr. Parish, as only intended to afford him the means of knowing and repelling every such suggestion. For that purpose, the following observations will, it is hoped, be deemed conclusive:

1. It was agreed, by the XXIId Article of the Convention between France and The United States, of the 30th September, 1800,* which which was in full force when the Vessels in question arrived at Antwerp, that the established Courts for Prize Causes should alone take cognizance of them; that whenever such Tribunal, of either of the Parties, should pronounce Judgment against any Vessel, or goods, or property, claimed by the Citizens of the other Party, the Sentence, or Decree, should mention the reasons, or motives, on which the same should have been founded; and that an authenticated Copy of the Sentence, or Decree, and of all the proceedings in the Case, should, if demanded, be delivered to the Commander or Agent, of the said Vessel. By the Xth Article of the Berlin Decree, the Council of Prizes at Paris was, accordingly charged, to decide on all Cases arising under the said Decree, in the following words: "Notre Conseil des Prises à Paris est chargé de décider de toutes contestations qui pourront s'élever au sujet des prises, qui en vertu du present Décret, pourront être faites, tant dans notre Empire que dans les Pays occupés par nos troupes." There never having been any trial in the Cases in question, before the Council of Prizes, there can have been no condemnation of the property, in conformity either with the solemn obligations of the Treaty, or with the provision of the only Decree in force at the time, and applicable to those Cases.†

2. Independent of any consideration drawn from Treaty obligations, or from the provisions of the Decree itself, it is equally repug-

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*The Convention was to be in force for 8 years, from the date of the exchange of the Ratification, which took place at Paris on the 31st of July, 1801.

†This Provision appears to have been omitted in the Milan Decrees of the 23d of November and 17th December, 1807. But even then, condemnations took place only by virtue of special and positive Imperial Decisions to that effect, and were not inferred from an order to pay in the Treasury. Thus in the case of the *Sally*, condemned under those Decrees, the Minister of Finance wrote, on the 6th November, 1810, to the Director-General of the Douanes, "J'ai l'honneur de vous informer que *par Décision* du 30 Octobre dernier, Sa Majesté *a ordonné la confiscation* du Navire Américain *la Sally*, Capitaine M. Brown, ainsi que de sa cargaison, pour cause de 2 relaches en Angleterre."

nant to the principles of the Law of Nations, as generally recognized by the civilized World, and to those of the Municipal Laws of any civilized Nation, to consider the Order in question as implying the condemnation of the property of the Parties, or as, in the smallest degree, affecting their rights. There was not in this Case, even the form of a trial; no hearing of the Parties; no notice given to them of any alleged ground for condemnation, or even any intention to bring them to a trial. Nor was the Order alluded to communicated to them, or made publick, either in the Bulletin of Laws, or in any other manner. On those topics it is unnecessary to dwell—it is sufficient to have stated them. I will only observe, that, without publicity in Laws or Decrees, there would be no guarantee of the rights of Individuals: that publication has, therefore, by the Laws of every well ordered Country, of France as well as of every other, always been made a necessary ingredient of any Judgment or Decree affecting such rights, and that the fact of the Order, in this case, not having been published, or at least communicated, is alone a conclusive proof that it was a mere administrative Order, binding on the Publick Functionaries to whom it was directed, and in no shape impairing or affecting the ultimate rights of the Parties.

3. The Official Reports and Acts of Government, since the Restoration, are in direct contradiction with the inference attempted to be drawn, that the payment, (versement,) into the Treasury, or the application to publick purposes, of funds before deposited there, is tantamount to a definitive acquisition to the State of such funds, and releases it from the obligation of repaying the same. This will be fully demonstrated by the following quotations from the Report of the Minister of Finance, (Baron Louis himself,) of July, 1814.

(Translation.)—"The Caisse d'Amortissement was instituted as a depository of the funds of securities; the judiciary deposites, and several individual deposites, were intrusted to it on a provision of restitution. All these funds were, for a long time, by the orders of the Chief of the Government, employed for the expenses of the State;———. The funds deposited in the Caisse d'Amortissement, are the securities—they amount ——— to the sum of ——— (of which it) has only actually received the sum of ———. The surplus *has been paid over, and remains in the Treasury*, for 88,675,000 francs, &c. The judiciary deposites, placed in the Caisse d'Amortissement, amounted to 11,814,000. The other funds in deposite are ——— total 7,358,000. *The reimbursements* on these funds have been continued, &c.

"The funds deposited in the Caisse de Service amount——— total 43,000,000. The reimbursements of the funds deposited have been faithfully continued, *although they had been expended, &c.*

"The necessity of anticipations introduced them from the commencement of each duty, and they have often been extended to all the funds which this Minister (of Finance) could obtain, and they have *devoured the funds deposited, &c.* The arrearage of the Minister of Finance on the 1st April, is composed of *deposites expended, &c.*"

I must here beg leave to observe, that I do not mean to say, that his Excellency Baron Louis was inconsistent with himself, with respect to the question relative to the proceeds of the Antwerp cargoes. The transaction was probably unknown to him, or not attended to at the date of the Report alluded to; or he may, at that time, have already been told, that they made no part of those deposites *(depôts consommés,)* which Government was bound to reimburse. All that concerns me is to refute the inference, as made in his Letter to Mr. Parish, that such deposites were acquired to the State, merely because they had, by superior orders, been withdrawn from a certain *Caisse*, and paid (versés) in the Treasury. And it follows, irresistibly, from the quotations I have made, that it was the general habit of the Head of the Government, at that time, to apply to the expenses of the State, whenever exigencies required it, every species of deposited funds, without regard to their origin, or to the particular chest in which they were deposited; that the proceeds of the Antwerp cargoes would not have been any more respected, had they been nominally left in the Caisse d'Amortissement, instead of being transferred (versés) into the Treasury; that the funds originally deposited, although withdrawn and expended, (consommés) continued to be faithfully reimbursed by Government, and, especially, that the payment (versement) in the Treasury, did not, as is clearly proven in the instance of the cautionnemens, operate as a release from the obligation of reimbursing the funds thus diverted and expended. I will add, that, although those cautionnemens are not from their nature, generally considered as a debt, the payment of which may be required, (dette exigible) yet a very considerable portion has actually been reimbursed to the Functionaries or Persons belonging to the Territories formerly annexed to France, which make no longer part of it.

4. The Council of State has decided, in an analogous Case, that the payment in the Treasury was not tantamount to a condemnation. In January, 1810, the American Vessel *Eagle*, had been captured within 5 leagues of the shore, by a French Privateer, and conducted to the Port of Passage. The Captured and Captors made a compromise on the subject; but the Vessel and cargo were seized, sequestered, sold, and the proceeds paid into the Treasury, by virtue of the Decrees passed at that time by Bonaparte, under colour of reprisals. The Case was brought before the Council of State, who, on the 20th of April, 1820, ratified the compromise abovementioned, notwithstanding the opposition both of the Captured, and of the general direction of the

Douanes. The first reason assigned for this decision is in the following words: "Considérant qu'il n'existe dans l'espèce aucun acte qui ait prononcé la confiscation du Navire *l'Aigle* au profit du Gouvernement François." This Case and that of the Antwerp Vessels may differ in many other respects; but the *Eagle* was included in the general arbitrary, and unjustifiable seizures, known by the name of the St. Sebastian sequestration; and the Vessels and cargoes, thus sequestered, are, so far as relates to the particular question now under discussion, precisely in the same predicament as the Antwerp cargoes. They were equally sold, nearly at the same time, and the proceeds were equally, by a similar order, paid into the Treasury, and applied to publick purposes. Indeed, from the comparison of dates, and other information obtained, I may assert, that the identical order by which the proceeds of the Antwerp cargoes were directed to be paid into the Treasury, included all the others which had been sequestered; and amongst them, the St. Sebastian and Passage Vessels and cargoes, including the *Eagle*. The fact, at all events, of the proceeds of sales in this last case, having, like those of the Antwerp cargoes, been paid into the Treasury, is not only notorious, but was within the full knowledge and view of the Council of State, when the above decision was made. For, in the observations laid before it by the direction of the Douanes, in opposition to the claim of the Captors, it is expressly stated "que c'est *en vertu d'Ordres emanés de Sa Majesté*, et ayant pour base le droit de représailles, que le séquestre avoit été mis, la vente effectuée, et *le produit versé au Trésor*." In declaring, therefore, that there existed no Act which had pronounced the confiscation of the Vessel *Eagle* to the profit of the French Government, the Council of State has explicitly and directly decided, that an Order issued from Bonaparte, directing the sale of a Vessel and cargo, and that the proceeds should be paid into the Treasury, was not an Act pronouncing the confiscation of such Vessel and cargo, or of their proceeds.

Your Excellency will probably think, that it was superfluous on my part, to have accumulated such an overwhelming mass of proofs, for the purpose of crushing a mere shadow, which may be dissipated without recurring to any extraneous consideration. In taking for granted the Order alluded to by Baron Louis, it must be assumed such as he had stated it, that is to say, as simply directing the withdrawing of the proceeds of sales from a certain chest, and their being paid into the Treasury. Indeed, had there been any thing further affecting the question in that Document, he would not have failed to mention it in support of the inference attempted to be drawn. Such a Decree, from its nature, must be strictly construed; it cannot be extended beyond what appears on the face of it, beyond its positive enactments, and be made to say, what is not contained in it. Had it been intended, not only to make use of the

property, for immediate exigencies but to pronounce its definitive condemnation, there could have been no motive, since the Decree was not to be published, for not inserting in it a positive clause to that effect, as was done in the other cases where condemnation was the object. But, whatever may have been the intention, the omission of such a clause is of itself and alone, conclusive against the gratuitous and unjustifiable assertion, that the Order is tantamount to a condemnation. The Order in question does not confiscate the property, because it contains no clause to that effect.

The Acts and Decisions of the Government, directly supporting or recognizing the justness of the claim, will now be stated.

All the Vessels which arrived, under similar circumstances with those whose cargoes were sequestered at Antwerp, subsequent to the Decision of the 4th September, 1807, and prior to the Milan Decree of the 23d of November ensuing, instead of being detained, were refused admittance and sent off. One of them, at least, the *Orozimbo*, was within the power of the Government, and her cargo, which, as has already been stated, was actually landed on account of repairs wanted by the Vessel, might certainly have been seized. On the same principle on which she was suffered to depart with that cargo, those of the 7 Vessels previously detained, should have been allowed to be exported. To admit that she was not liable to seizure, was an acknowledgment that there was no right to sequester and sell those of the other Vessels. But there are other cases still more in point.

It was only in the instance of the 7 Vessels in question, that it was agreed that the cargoes should be deposited in the publick stores, until the final decision respecting the construction of the Berlin Decree was known. The Consignees of all the other numerous Vessels which arrived during the same period, and under the same circumstances, in the other Ports of France, preferred to avail themselves of the option given by the Minister of Finance, to receive the cargoes and to give bond for the estimated value thereof. The obligations (soumissions) subscribed by the Consignees, were in the following form:

(Translation.)—"State of the merchandise brought into this Port by the Ship ———, we claim from the sequestration of the Custom-house, where they are deposited by order, &c.

[Here follows the enumeration and valuation of the merchandise.]

"Which sum of ——— we submit, with our security for the whole debt ——— to represent to the Receiver of the Customs of ———, if the decision of His Imperial Majesty ordain it, on account of the forced visit in England of said Ship ———, we, reserving, in need, recourse to the legal Tribunal. Done at ———, the ———.

"(Signed) The Trustees, and their Security."

The number of cases in which obligations of this kind were given, is known to the French Government, though not to me; but

it embraces, as already stated, all the Vessels, the 7 which came to Antwerp only excepted, which, having been compelled to touch in England, arrived in French Ports, from the publication of the Berlin Decree, in the latter end of 1806, until the decision of the 4th September took place.

In no instance whatever, has the payment of any one of these obligations been enforced. In every other instance but that of the Antwerp cargoes, those of Vessels precisely in the same predicament, have been sold for the use of the Owners, no steps taken to recover the estimated value for which the obligations were given, and in some instances, at least, those obligations have been positively annulled. Notwithstanding the difficulty of obtaining information on the last point, the Parties interested in the Antwerp Claims, have been able to furnish me with the following extracts of two Decisions:

(Translation.) "20*th September*, 1809.

"Napoleon, &c.

"The underwritten recognizance to the Custom-house of Marseilles, by M. M. Autran Bellier, to answer for the value of the cargo of the American Ship *Eliza*, which was remitted to their disposal, is annulled."

"16*th November*, 1809.

"The same Decrees in favour of M. Hottinguer, for the cargo of the American Ship *Ann*, arrived at Cherbourg."

Whatever may have been the motive of Government for not enforcing the payment of those obligations, the omission of doing it in any case whatever is an absolute recognition, on its part, that there was no ground for confiscation; and the two instances quoted are sufficient to establish the fact of positive decisions, in cases perfectly similar to that which is the object of the present reclamation.

The same principle has been applied even to a portion of the identical property sequestered at Antwerp, the payment of similar obligations, which, as already stated, had been subscribed, not only for some of the Vessels, but also for a small part of the cargo of one of them, having never been enforced.

Finally, indemnity has actually been paid, since the Restoration, for a considerable portion of one of the cargoes.

The house of Mr. Parish had a short time after the arrival of the Vessels, sold to Messrs. Fillietaz and Co. of Antwerp, 256 bales of cotton, part of the cargo of the Ship *Hiram*. It being then confidently expected that the merchandise would be delivered to the Parties, the sale was absolute, and at the risk of Mr. Fillietaz. He had paid the purchase money, received a proper bill of sale, and became thus vested with all the rights of the original shipper, but without recourse against him or the Consignees. He was disappointed in his expectation of receiving the merchandise thus purchased. His cotton shared the

fate of the rest, and was sold in the same manner, and at the same time, for a sum exceeding 4,000,000 francs. The proceeds, undistinguished from those of the other cargoes, were, in the same manner, and under the same order, paid into the Treasury. He applied for indemnity as a Subject or Resident of Belgium, to the Mixed Commission appointed under the Treaties and Conventions of Paris. His claim was allowed, and placed in the first class, that of cautionnemens and deposites,* and he has received, in payment, an inscription of 5 per cent, Consolidated French Stock, amounting in principal to 495,760 francs, bearing interest from the 22d of March, 1819, together with 10,726 francs in specie, for arrears of interest, after deducting the commission expenses, or charges.

It has now been fully demonstrated, not only that the claim is founded in strict justice; not only that the property was never confiscated, and that there never was any decision to that effect, either in that or similar cases; not only that, on the contrary, there have been positive decisions, recognizing the validity of the claim: but, also, that other Foreigners, who had become Owners of part of it, have been indemnified by virtue of the Treaties concluded between His Majesty's Government and Foreign Powers. Permit me to add, that France has received and continues to enjoy the benefit of the money arising from the sales of the cargoes.

That money was paid into the Treasury, and applied towards defraying the publick expences of the State. Had it been restored to the legitimate Owners, and not thus applied, those expenses would have been exactly the same. The only difference would have been that the large *arrière* left unpaid by Bonaparte, would have been still further increased precisely by the sum thus detained from the American Citizens. With what good faith the whole of that *arrière*, without even excepting the expences of the 100 days, has been liquidated and paid by His Majesty's Government, is well known. In fact, unless France sets up two measures, one for her own Subjects and all other Foreigners, and another for the Citizens of The United States, it is impossible that she can refuse discharging this just debt.

I beg leave to apply, not only for that payment, but, also, for a speedy decision. The United States had, from the most friendly motives, yielded to the reluctance to take up the subject of American

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* Mr. Mertens, of Brussels, formerly a Partner in the house of Mr. Ridgway, presented a claim to the same Commission, for the whole amount which had been consigned to that house. His application was rejected, on correct grounds; because, although himself a Subject of Belgium, his house was American, and because they were only Consignees, and not Owners of the cargoes, the right to which, with the exception of the sale to Mr. Fillietaz, has remained the property of American Citizens.

Claims, which was evinced in the year 1817. The objection arising from the state of the Finances, and from the enormous amount of the demands pressing, at that time, on the resources of France, has now happily ceased to exist. Time amply sufficient has, in the mean while, been taken, for every possible investigation of this Claim. The Parties have already experienced most grievous losses, from the long detention of so large an amount of property. They should not be tortured by further vexatious delays. Justice, when too tardy, often fails in its object. When it is known, as in this case, that such is the nature of the Claim that it will ultimately be paid, intriguing speculators are never wanting, who will try to take advantage of the distance and of the necessities of the Claimants, to purchase their Rights at a depreciated rate. Such attempts, which, even when not actually tainted, never can avoid the suspicion of corruption, it has been my duty to repel, and heretofore with success. I have told the Parties to listen to no proposals, to reject every indirect interference, that their Claim was indisputable, and must necessarily be allowed. We employ, to attain that object, no other but direct means; no weapons but those of argument. I trust that they will not have been used in vain, when the appeal is made to your known loyalty, to His Majesty's high sense of justice, to those principles of good faith, in discharging the obligations of the State, which in every instance but that of the American Claims, have uniformly distinguished his Government.

I request your Excellency to accept, &c.

H. E. Viscount de Montmorency. ALBERT GALLATIN.

Mr. Gallatin to the Secretary of State.—(*No.* 203.)

(Extract.) *Paris, 28th January,* 1822.

I HAD yesterday a Conference with the Minister of Foreign Affairs, on the subject of the Antwerp Claims. In the course of it, I referred him to my Letters to one of his Predecessors, of the 9th of November, 1816, and of the 22d of April, 1817; to the first, in order that he might have a general view of the nature and extent of our Claims; to the other, for the purpose of showing both the cause of the delay which had taken place on that subject, and that we had always considered the reclamations for property sequestered and not condemned, to be of such nature that the Claims ought to be liquidated and paid in the ordinary course of business, and did not require any diplomatick transaction. I then stated, that although our commercial difficulties might have justly claimed the more immediate attention of the two Governments, yet there was this difference between the two subjects, that the last was only one of mutual convenience, each party being, after all, at liberty, though at the risk of encountering countervailing measures, to regulate his own commerce as he pleased; whilst the question of indemnity, for injuries sustained, was one of right. In this case we de-

mand justice, and, I was sorry to be obliged to say that, notwithstanding my repeated applications, during a period of near 6 years, I had not been able to obtain redress in one single instance for my fellow-Citizens; an observation, which applied, not only to cases which had arisen under the former Government of France, but also to wrongs sustained under that of His Majesty. Such result could not escape the notice of my Government, and had accordingly been complained of, in the most pointed manner, in the instructions I had, from time to time, received. There was, indeed, an aggravating and most extraordinary circumstance, with respect to the applications relative to injuries sustained under Bonaparte's Government: not only had I failed in obtaining redress, but I had not even been honoured with an answer. It could not be concealed, that such a course of proceeding on the part of France, had a tendency to impair the friendly relations between the two Countries, and might have an unfavourable effect, even in the discussion of other subjects. I therefore, earnestly requested, that he would immediately attend to the reclamation now before him, and no longer delay the decision which we had a right to expect.

Viscount Montmorency at once answered, that he had read the Papers relative to the Antwerp sequestrations, and that he was struck with the justice of the Claim: he regretted, he added, that the settlement of this reclamation should have fallen on the present Ministry; that a decision had not taken place in the year 1819; that such an objection as that complained of, had, at that time, been raised by the Minister of Finance. This candid declaration was made, he said, in full confidence, that I would understand it as an opinion formed on a first impression, and as being only his individual opinion: he had not yet conferred on the subject with the Minister of Finance or his other Colleagues, which he promised to do without delay, and to lay the subject before the King as soon as possible. Speaking of our claims generally, he alluded to the hardship that the King's Government should be made responsible for the misdeeds of Bonaparte: an observation, to which I did not think necessary to answer, as he spoke only of the hardship of the case, and did not assert that the obligation did not exist.

The Hon. J. Q. Adams. ALBERT GALLATIN.

Mr. Gallatin to the Secretary of State.—(*No.* 208.)

(Extract.) *Paris, 23d April,* 1822.

In several conversations I had with Viscount de Montmorency, on the subject of the Antwerp Cases, he always evinced a sense of the justice of the claim, and a disposition that indemnity should be made, but I have not yet been able to obtain an Official Answer; and finding that objections, which were not distinctly stated, were still made by the Department of Finance, I asked M. Montmorency's permission to

confer on that subject with M. de Villèle, in order that I might clearly understand what prospet there was of obtaining justice. This was readily assented to, and I according had an interview, yesterday, with that Minister.

I found that M. de Villèle had only a general knowledge of the subject, and had not read my Note of the 10th January last, to which I referred him, and which he promised to peruse with attention. It appeared, however, to me, that, although he was cautious not to commit himself, he was already satisfied, from the inspection of Papers in his Department, and without having seen my argument, that the claim was just, and that the ground assumed by Baron Louis, in his Letter to Mr. Parish, was untenable.

His objections to a payment of the claim at this time, supposing that on a thorough investigation it proved to be just, were the following:

1st. There were no funds, at his disposal, from which the payment could be made; and it was absolutely necessary that an application should be made to the Chambers for that purpose: a demand which would be very ill received, as it had been generally supposed that France was relieved from every Foreign claim of that description.

2d. Such was the amount of the wrongs committed by Bonaparte, and the acknowledged impossibility that France could repair them all, that all the European Powers, although with arms in their hands, and occupying a part of the Country, had consented to receive, as a payment in full, a stipulated sum, which fell very short of the amount of their claims. The payment thus made by France, had, therefore, been in every instance, the result of an agreement, (d'une transaction) founded on equitable principles, and on an abandonment, on the part of Foreign Powers, of a considerable part of their claims. It appeared to him impossible that an application for funds could be made to the Chambers, for the purpose of satisfying American Claims, unless it was also the result of a *transaction* of a similar nature.

3d. Even in that case, the engagement to pay any sum at this time, for that object, would, for the reasons already stated, and for many others arising from the change of Government, appear extremely hard. The only way to render it palatable was, that it should be accompanied by the grateful information, that our commercial difficulties were arranged in a satisfactory manner. He regretted, therefore, extremely, that the discussion of the two subjects had been separated; one being treated in The United States, and the other here; and he asked, whether it was probable that the result of the negotiation at Washington, would be known at Paris before the next Session of the Chambers, which is to take place in June next.

I must say that these objections did not appear to be made with an intention of throwing new obstacles in the way of an adjustment of

our claims, but for the purpose of stating the difficulties which the Government would have to encounter, in any attempt to effect that object. It was not the less necessary to reply to the suggestion thus made: and I observed, with respect to the delays which had taken place, that they were to be ascribed solely to the French Government. It was in consequence of the determination of the Duke of Richelieu, and I referred to my Letter to him of the 22d of April, 1817; it was against my opinion, and notwithstanding my strong remonstrances, that the subject had been postponed, and that provision was not made for our claims at the same time as for those of Subjects of the European Powers. But, I had taken care to remind the Duke of Richelieu, when the Communication for the last object was made to the Legislative Body, that the American claims were not included in the settlement; and he had accordingly expressly stated in that Communication, that the sum, to be voted, would discharge France from all demands, on the part of the Subjects of the European Powers. This was so well understood, that a subsequent grant of 7,000,000 had been voted for the purpose of discharging the Algerine claims. Ours, alone, remained unsettled; and the Chambers must have expected, and could not, therefore, be astonished, that an application for that object should also be made to them.

As to the propriety of a Convention, for the general adjustment of the Claims of American Citizens, I informed M. de Villèle, that this was precisely what The United States had asked; and I referred him to my Note of the 9th November, 1816, which, to this day, remained unanswered. The extraordinary silence of the French Government was, at least, a proof of its reluctance to adopt that mode of settlement, and there was an intrinsic difficulty in what he called a transaction. The United States could have no objection to a partial admission and reimbursement of the claims of their Citizens; but they would not, in order to obtain that object, sacrifice other reclamations equally just, and give that general release, which France was desirous to obtain, in consideration of that partial payment. Under these circumstances, it was a natural, and perhaps the most practicable, course, to press a settlement of those claims which, it might be presumed, she intended ultimately to pay: To repel this, on a plea that a Convention, embracing the whole, was a preferable mode, was an untenable position, so long as our overture, having the last object in view, remained unanswered.

After having expressed my sincere wishes, that an arrangement of our commercial difficulties might soon be effected, and having shewn, from a recapitulation of what had taken place at the time, that the transfer of the Negociations for that object, to Washington, was owing to the French Government; I stated that there was no connection, whatever, between that and the subject of our claims, and that even when discussed at the same place, they had always been treated distinctly. Our reclamations were of much older date, and, not to speak

of the former Government of this Country, they had, since the Restoration, been pending near 4 years, before any discussion of our commercial relations had commenced. I was ready to acknowledge, that it would be, at any time, an unpleasant duty for His Majesty's Ministers to be obliged to ask funds for the purpose of repairing the injuries sustained, during a former period, by the Citizens of a Foreign Nation; and I was sensible that the task would be more easy after the settlement, than during the existence of other difficulties. But justice, and our perseverance, on which he might rely, required that the duty, however unpleasant, should, at some time, be performed; and I was the less disposed to acquiesce in new and vexatious delays, on the ground alluded to, because the result of the Negociations was very uncertain. The delay, in that respect, was solely due to the French Government: they had thrown great obstacles in the way of an arrangement, by blending other subjects with that immediately to be attended to; afterwards, they became sensible, in the latter end of September last, that it was necessary to send new Instructions to M. de Neuville. I had, in the month of October, made every representation, and given all the explanations, which could be necessary; yet, the instructions to M. de Neuville, were not, as I understood, sent till late in January, and had not yet, I believed, been received on the 12th of March. The success of the negociation depended upon the nature of those Instructions, with which I was not acquainted. If they produced no favourable result, the consequence would only be, that the commerce between the two Countries would be lessened, and flow through indirect channels; probably, to our mutual loss, and to the profit of the British manufacturers and navigation: but, however this might be lamented, it was only a question of policy; each of the two Nations had a right to regulate her commerce, as in her opinion best suited her interest. But with respect to our claims, it was a question of right, the consideration of which, ought not, and could not, be abandoned or postponed, even if the commercial relations should continue to be less extensive and less advantageous than they had formerly been, or might again become, in case a satisfactory arrangement, respecting the discriminating duties, was made: whether the result of the negotiation would be known here in June, it was, of course, impossible for me to say.

M. de Villèle, having taken a Memorandum, and promised to read the Notes to which I had alluded, asked me, whether there was any difference between Mr. Parish's claim, (meaning the 3 Vessels consigned to his house,) and that for the 4 other Antwerp Ships? to which I answered, most decidedly, in the negative. He then, having the Decree of 22d of July, 1810 before him, inquired, in what consisted the difference between the Antwerp claims, and those for other property sequestered and embraced by the same Decree, viz.: the St. Sebastian seizures, and the Vessels given up by Holland. I answered, none whatever, in substance, and that the reason why a specific application

was made for the Antwerp claims, alone, in my Letter of the 10th January last, was that, having already demanded indemnity for all the claims, particularly in my Note of 9th November 1816, the Claimants, who relied on the exertions of their Government to obtain redress, had generally thought it unnecessary to make separate applications: Mr. Parish, however, being on the spot, had urged a special decision in his case, and my Government having, for the reasons already stated, acquiesced in that course, the Antwerp claims were, in that manner, first presented to the consideration of that of France. But, I had expressly stated in my Note, that this was not, in any way, to be construed as an abandonment of their claims, equally just, although their features might not, in every respect, be precisely the same. Between the Antwerp and the other claims for property sequestered and not condemned, I knew none but merely nominal differences. The St. Sebastian Vessels and cargoes, had been seized and sold under an untenable and frivolous pretence, that of retaliation, to which a retrospective effect had been given. The Antwerp cargoes had been seized and sold, without any pretence whatever being assigned for it; in neither case had a condemnation taken place. In both cases we had always claimed restitution, or trial, before the ordinary competent Tribunal. The right to ask for such trial was, in both cases, derived from the Law of Nations, and it was for the Antwerp cargoes, also founded on positive Treaty Stipulations.

The Hon. J. Q. Adams. ALBERT GALLATIN.

Mr. Gallatin to the Secretary of State.—(No. 212.)

SIR, *Paris, 13th May,* 1822.

I HAVE the honour to inclose the Copy of a Letter I wrote, on the 3d instant, to Viscount Montmorency, on the subject of the Antwerp claims. He has promised an answer: but, as he spoke, though in vague terms, of objections, which it would be better to prevent, rather than to answer, I asked of him an interview, which is to take place on Saturday next. I have, &c.

The Hon. J. Q. Adams. ALBERT GALLATIN.

(Inclosure.)—Mr. Gallatin to Viscount Montmorency.

SIR, *Paris, 3d May,* 1822.

I HAD the honour, on the 10th of January last, to address to your Excellency, a Note, relative to the American cargoes sequestered at Antwerp. But, although the conversations I had since the honour to have with your Excellency, on that subject, had led me to hope that there was a disposition to render a tardy justice to the Claimants, the Note still remains unanswered.

It is my duty to remind also your Excellency, that all the former Notes which I had the honour to address to His Majesty's Ministers,

either with respect to that reclamation, or, generally, on the subject of the American claims, and particularly the Note of the 9th November, 1816, have shared the same fate. That on a subject so important, no official answer should for such length of time have been given, to the earnest and repeated applications of a friendly Power; that, where favours are not asked, but justice is demanded, there should have been such a tacit perseverance in avoiding even to discuss the question, must be allowed a most uncommon proceeding in the intercourse between Independent Nations.

To these considerations I beg leave to add, that 2 American Citizens, with powers from the Owners of the greater part of the Antwerp cargoes, have been here for a length of time, one of them a year, for the sole purpose of pursuing and liquidating that claim; and that they both unite in requesting that they may be no longer detained, and that, at all events, a decision may be made in that case.

Permit me, therefore, most earnestly to request from your Excellency, that no further delays may take place, and to ask that official answer, which I have never doubted, would, when made, prove satisfactory to the just expectation of the Parties interested.

I request your Excellency to accept, &c.

H. E. Viscount Montmorency. ALBERT GALLATIN.

Mr. Gallatin to the Secretary of State.—(*No.* 216.)

(Extracts.) *Paris, 13th June,* 1822.

THE Conference I had, on the 18th ultimo, with Viscount de Montmorency, on the subject of the American claims, turned principally on the difficulties which this Government would find in effecting an arrangement with us. The result of a free conversation on what was practicable, seemed to be that a definitive agreement was preferable to a partial payment, and that the choice must, in that respect, be between the two following modes: either the payment of a stipulated sum, in full discharge of the demands of The United States for spoliations, and to be distributed by their Government; or, the reference of the whole case to a joint Commission, which, in case of disagreement, would refer the diputed points to a Sovereign chosen by the two Governments.

Although M. de Montmorency appeared to continue to be personally well disposed, he did not conceal, that there were objections in the Council of Ministers; and he stated, a few days after, that they were inclined to postpone the subject, until the result of the negotiation at Washington was ascertained. I concluded, nevertheless, to insist for an answer to my last Note, being satisfied that it would not amount to a rejection, which would have committed hereafter this Government, and that there would be some advantage in obtaining, at least, something more than verbal from them. The answer of the 1st instant, was

accordingly received, Copy of which is herewith inclosed. We had so many accounts of a near prospect of an arrangement being on the eve of being concluded between you and M. de Neuville, that I waited a few days before I made a reply: but, having now heard of the adjournment of Congress, without any Convention having been made, I this day have made the answer, of which I have the honour to inclose a Copy.

The Hon. J. Q. Adams. ALBERT GALLATIN.

(Inclosure 1.)—Viscount Montmorency to Mr. Gallatin.—(Translation.)

SIR, *Paris, 1st June,* 1822.

I HAVE received the Letter which you did me the honour to write me on the 3d of May, relative to the American Cargoes sequestered in the Port of Anvers, and to the other claims which you have already heretofore laid before the Ministers of the King.

I could have wished, Sir, to have been able to answer you sooner, and, especially, to have been able to welcome your demands; but I was under the necessity of first submitting them to the King, who is engaged in Council; His Majesty having nothing more at heart, than to see adjusted, in a proper and satisfactory manner, the affairs of mutual interest for both Countries, and thus to multiply between them useful and amicable relations.

The object of your claims, is without doubt, interesting to a great number of individuals; and we have, also, individual claims to make, which are likewise of great interest to the Subjects of the King, whom they concern. I would be the first to wish that the Government could be engaged with them; but you are not ignorant, Sir, that there is, at this moment, at Washington, a Negotiation which embraces general interests of the highest importance to the Navigation of France and of America.

The King's Council has judged, that it was better to put off the examination of the individual claims until the negotiation upon the general interests was concluded; and, as soon as that shall take place, I shall hasten Sir, to move in the King's Council, the examination of the claims which form the object of your Letter of the 3d May.

I have the honour to renew, &c.

Mr. Gallatin. MONTMORENCY.

(Inclosure 2.)—Mr. Gallatin to Viscount Montmorency.

SIR, *Paris, 13th June,* 1822.

I HAD the honour to receive your Excellency's Letter of the 1st instant, in answer to mine of the 3d of May, relative to the American reclamations.

It is satisfactory to find, that the unfavourable suggestions heretofore made on that subject are no longer alluded to, and that the only

reason assigned for its postponement is foreign to the merits of the claim. I had expected no less from the justice of His Majesty's Government. But this new delay is as vexatious as unexpected; and the grounds on which it is placed appear altogether untenable.

It will appear, by my Letter of the 22d April, 1817, to his Excellency the Duke of Richelieu, that the magnitude of the claims made upon France by Subjects of European Powers, was the reason alleged, at that time, for postponing, to a more favourable moment the discussion of the American claims in question. The Government of The United States, from the most friendly motives, though with great reluctance, acquiesced so far in that delay, as to have abstained from pressing again the subject, until the European claims had been arranged, in a satisfactory manner. I made, at that time, as will appear by my Letter to the Duke of Richelieu, of the 3d April, 1818, an unavailing effort to obtain a simultaneous and definitive arrangement of the American claims, as most consistent both with common justice and sound policy. And now, when the original cause of the postponement has ceased to exist, when the prosperous situation of the Finances of France leaves no ground for the primitive objection, a new cause of delay is sought in circumstances of a subsequent date, and which are wholly unconnected with the subject in question. The consideration of the American claims was adjourned on a presumed plea of temporary inability, or inconvenience, early in 1817; and the commercial difficulties, which it is the object of the negotiation pending at Washington to arrange, did not arise till the year 1819. That the question of indemnity ought not to be made to depend upon the fate of that negotiation, is equally evident.

An arrangement, which will restore to the Navigation of America and France, those advantages now enjoyed, to the exclusion of both, by Foreign Vessels, and which will have a tendency to extend the commercial and friendly relations between the two Countries, is undoubtedly a most desirable object, and of the highest importance. But it is, after all, a question not of right, but of policy. Either of the same two Governments may, on that subject, take an erroneous determination; but each of them, should they not, unfortunately, be able to agree on that point, has, ultimately, the right to make its own commercial regulations, exposing itself, without doubt, to countervailing measures, but without giving thereby any just ground of complaint, or disturbing, in other respects, the harmony subsisting between the two Nations. In fact, that state of things exists, to a much greater extent, between France and many European Powers, particularly with Great Britain. The commerce between America and France, and which may be estimated to amount in value to about 80,000,000 of francs a year, may still be carried on in Foreign Vessels, or through indirect channels. Neither Country has prohibited the importation of the products of the

soil or industry of the other. The only question under discussion, and on which they may happen not to agree, is that of the Navigation, that is to say, of the freight of the articles of exchange, which may, in the whole, be worth about 3,000,000 a year. But, from the respective prohibitions existing in France and England, it is not merely the navigation, but the commerce itself between the two Countries, which is so nearly annihilated as not to exceed 12 or 15 millions a year. It has, certainly, in this case, never been suggested, that, because each Government follows in that respect, its own views, other questions of right or general policy should, on that account, be suspended; that because a Treaty of Commerce may appear injurious to either of them, the other would, for that reason, be justified in refusing to do justice in other respects. The question of the indemnity claimed by the United States from France, is one not merely of policy, but of right. It will again revert, and with the same force, in case there should be no arrangement of the commercial difficulties. The foundation on which the demand rests cannot be affected by that result. France must still acknowledge or deny the justice of the claim. She is bound, in the first case, to grant the indemnity, in the other, to adduce satisfactory reasons for her denial.

I must beg leave to observe, that the object of these reclamations cannot be, and is not, considered by the Government of the United States, as only affecting the interest of private individuals, but as an important subject of publick concern. It is not for private contracts voluntarily entered into, or other claims of a similar nature; it is for numerous spoliations, committed not only contrary to every principle of common justice, but in violation of the acknowledged Law of Nations, and of positive Treaty-stipulations; it is for the most flagrant and continued infraction of their rights, as a Neutral and Independent Nation, that The United States demand, that, at least, a satisfactory indemnity should be made to her Citizens for the losses thus suffered. The whole series of their public acts, at home and abroad, when those outrageous proceedings took place, and the peculiar circumstances (arising from simultaneous aggressions on the part of England,) which alone prevented a resort to war, are facts of such notoriety, as to render it difficult to conceive, how the subject can be viewed as of an inferior importance, and as only affecting private interests. If any further proof was required, in that respect, the Xth Article of the Treaty of the 16th March, 1810,* between France and Holland, might be quoted. Certain American cargoes, which make part of our reclamations, were, by that Treaty, put at the disposal of France, "in order," according to the said Article, "that the same may be dealt with according to circumstances, and to the political relations between France and the United States."

* See Page 493.

Not knowing to what reclamations, by Subjects of France against The United States, your Excellency alludes, I can only observe, that if there are any, respecting which a stipulation should be deemed necessary, it must, of course, be understood, that every such stipulation will, in every respect, be reciprocal, and embrace on both sides, all reclamations of a similar nature, and for the same period of time.

I request your Excellency to accept, &c.

H. E. Viscount Montmorency. ALBERT GALLATIN.

[See the conclusion of these Papers, Vol. 1822, 1823, page 1061.]

DOCUMENTS concerning the Claims of American Citizens upon France, referred to in the preceding Correspondence. 1800 *to* 1812.

LIST.

No.				Page.
1.	Convention between France and The United States	Paris	30th Sept. 1800	463
2.	Treaty between The United States and France.	Paris	30th April 1803	465
3.	Decree of the Emperor Napoleon	Berlin	21st Nov. 1806	466
4.	Order in Council	London	7th Jan. 1807	468
5.	Orders in Council	London	11th Nov. —	469
6.	Decree of the Emperor Napoleon	Milan	23rd Nov. —	474
7.	Orders in Council	London	25th Nov. —	475
8.	Decree of the Emperor Napoleon	Milan	17th Dec. —	482
9.	Act of Congress of The United States	Washington,	22d Dec. —	483
10.	Decree of the Emperor Napoleon	Bayonne,	17th April 1808	484
11.	Act of Congress of The United States	Washington,	1st March 1809	484
12.	Order in Council	London	26th April, —	491
13.	Treaty between France and Holland	Paris	16th March 1810	493
14.	Decree of the Emperor Napoleon	Rambouillet,	23d March —	495
15.	Act of Congress of The United States	Washington,	1st May, —	496
16.	The Duc de Cadore to the American Minister	Paris	5th Aug. —	497
17.	Proclamation of the President of The United States	Washington,	2nd Nov. —	498
18.	Circular to the Collectors of the Customs of The United States	Washington,	2nd Nov. —	499
19.	The French Minister of Justice to the President of the Tribunal of Prizes	Paris	25th Dec. —	500
20.	The French Minister of Finance to the Director General of the Customs	Paris	25th Dec. —	501
21.	Act of Congress of The United States	Washington,	2nd Mar. 1811	502
22.	Decree of the Emperor Napoleon	St. Cloud,	28th April —	503
23.	The Duke of Bassano to the American Minister	Paris	4th May —	504
24.	Correspondence between the American Minister and the Duke of Bassano	Paris	Feb. March 1812	504
25.	Declaration of the British Government	London	21st April —	506
26.	Order in Council	London	21st April —	510
27.	Order in Council	London	23rd June —	512

(1.)—*Convention between France and The United States. Paris, 30th September,* 1800.*

ART. XII. It shall be lawful for the Citizens of either Country to sail with their Ships and merchandize (contraband goods always excepted) from any Port whatever, to any Port of the Enemy of the other, and to sail and trade with their Ships and merchandize, with perfect security and liberty, from the Countries, Ports, and Places of those who are Enemies of both or of either Party, without any opposition or disturbance whatsoever, and to pass not only directly from the Places and Ports of the Enemy aforementioned, to Neutral Ports and Places, but also from one place belonging to an Enemy, to another place belonging to an Enemy, whether they be under the jurisdiction of the same Power, or under the several; unless such Ports or Places shall be actually blockaded, besieged, or invested.

And whereas it frequently happens, that Vessels sail for a Port or Place belonging to an Enemy, without knowing that the same is either besieged, blockaded, or invested, it is agreed, that every Vessel so circumstanced may be turned away from such Port or Place; but she shall not be detained, nor any part of her Cargo, if not contraband, be confiscated, unless, after notice of such blockade or investment, she shall again attempt to enter; but she shall be permitted to go to any other Port or Place she shall think proper. Nor shall any Vessel of either, that may have entered into such

ART. XII. Les Citoyens des deux Nations pourront conduire leurs vaisseaux et marchandises (en exceptant toujours la contrebande) de tout Port quelconque, dans un autre Port appartenant à un Ennemi de l'autre Nation; ils pourront naviguer et commercer en toute liberté et sécurité, avec leurs navires et marchandises, dans les Pays, Ports et Places des Ennemis des deux Parties ou de l'une ou de l'autre Partie, sans obstacles et sans entraves, et non seulement passer directement des Places et Ports de l'ennemi susmentionnés, dans les Ports et Places neutres, mais encore de toute Place appartenant à un Ennemi dans toute autre Place appartenant à un Ennemi, qu'elle soit ou ne soit pas soumise à la même jurisdiction, à moins que ces Places ou Ports ne soyent réellement bloqués, assiégés ou investis.

Et dans le cas, comme il arrive souvent, où les vaisseaux feraient voile pour une Place ou un Port appartenant à un Ennemi, ignorant qu'ils sont bloqués, assiégés ou investis, il est convenu que tout navire qui se trouvera dans une pareille circonstance, sera détourné de cette Place ou Port, sans qu'on puisse le retenir ni confisquer aucune partie de sa cargaison (à moins qu'elle ne soit de contrebande, ou qu'il ne soit prouvé que le dit navire, après avoir été averti du blocus ou de l'investissement, a voulu rentrer dans ce même Port;) mais il lui sera permis d'aller dans tout autre

* Expired 31st July, 1809.

Port or Place before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such Place with her Cargo, nor if found therein after the reduction and surrender of such Place, shall such Vessel or her Cargo be liable to confiscation, but they shall be restored to the Owners thereof.

XIII. In order to regulate what shall be deemed contraband of war, there shall be comprised under that denomination, gunpowder, saltpetre, petards, match, ball, bombs, grenades, carcasses, pikes, halberds, swords, belts, pistols, holsters, cavalry saddles and furniture, cannon, mortars, their carriages and beds, and generally all kinds of arms, ammunition of war, and instruments fit for the use of Troops; all the above articles, whenever they are destined to the Port of an Enemy, are hereby declared to be contraband, and just objects of confiscation; but the Vessel in which they are laden, and the residue of the Cargo, shall be considered free, and not in any manner infected by the prohibited goods, whether belonging to the same or a different Owner.

XIV. It is hereby stipulated that free Ships shall give a freedom to goods, and that every thing shall be deemed to be free and exempt which shall be found on board the Ships belonging to the Citizens of either of the Con-

Port ou Place qu'il jugera convenable. Aucun navire de l'une ou de l'autre Nation, entré dans un Port ou Place avant qu'ils ayent été réellement bloqués, assiégés ou investis par l'autre, ne pourra être empêché de sortir avec sa cargaison: s'il s'y trouve, lorsque la dite Place sera rendue, le navire et sa cargaison ne pourront être confisqués, mais seront remis aux propriétaires.

XIII. Pour régler ce qu'on entendra par contrebande de guerre, seront compris sous cette dénomination la poudre, le salpêtre, les pétards, mêches, balles, boulets, bombes, grenades, carcasses, piques, hallebardes, épées, ceinturons, pistolets, fourreaux, selles de cavalerie, harnais, canons, mortiers avec leurs affuts, et généralement toutes armes et munitions de guerre et utensiles à l'usage des Troupes. Tous les articles cidessus, toutes les fois qu'ils seront destinés pour le Port d'un Ennemi, sont déclarés de contrebande et justement soumis à la confiscation. Mais le bâtiment sur lequel ils étaient chargés, ainsi que le reste de la cargaison, seront regardés comme libres, et ne pourront en aucune manière être viciés par les marchandises de contrebande, soit qu'ils appartiennent à un même ou à différens propriétaires.

XIV. Il est stipulé par le présent Traité que les bâtimens libres assureront également la liberté des marchandises, et qu'on jugera libres toutes les choses qui se trouveront à bord des navires appartenant aux Citoyens d'une

tracting Parties, although the whole lading, or any part thereof, should appertain to the Enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to Persons who are on board a free Ship, with this effect, that although they be Enemies to either Party, they are not to be taken out of that free Ship, unless they are Soldiers, and in actual service of the Enemy.

XXII. It is further agreed, that in all cases, the established Courts for Prize Causes, in the Country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such Tribunal of either of the Parties shall pronounce judgment against any Vessel or goods, or property claimed by the Citizens of the other Party, the Sentence or Decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated Copy of the Sentence or Decree, and of all the proceedings in the Case, shall, if demanded, be delivered to the Commander or Agent of the said Vessel, without any delay, he paying the legal fees for the same.

des Parties Contractantes, quand même le chargement ou Partie d'icelui appartiendrait aux Ennemis de l'une des deux; bien entendu néanmoins que la contrebande sera toujours excepté. Il est également convenu que cette même liberté s'étendra aux personnes qui pourraient se trouver à bord du bâtiment libre, quand même elles seraient Ennemies de l'une des deux Parties Contractantes, et elles ne pourront être énlevées des dits navires libres, à moins qu'elles ne soyent militaires et actuellement au service de l'Ennemi.

XXII. Il est de plus convenu que dans tous les cas, les Tribunaux établis pour les causes de prises dans les pays où les prises seront conduites, pourront seuls en prendre connaissance; et quelque jugement que le Tribunal de l'une ou de l'autre Partie prononce contre quelques Navires ou marchandises ou propriétés réclamées par des Citoyens de l'autre Partie, le Sentence ou Décret fera mention des raisons ou motifs qui ont déterminé ce jugement, dont copie authentique, ainsi que de toute la procédure y relative, sera, à leur réquisition, délivrée, sans délai, au Capitaine ou Agent du dit Navire, moyennant le payement des frais.

(2.)—Treaty between The United States and France. Paris, 30th April, 1803.

VIII. In future, and for ever, after the expiration of the 12 years, the Ships of France shall be treated upon the footing of the most favoured Nations, in the Ports above mentioned.

VIII. A l'avenir, et pour toujours, après l'expiration des 12 années susdites, les Navires Français seront traités sur le pied de la Nation la plus favorisée, dans les Ports ci-dessus mentionnés.

(3)—*Décret Impérial, qui déclare les Iles Britanniques en état de Blocus.—Berlin, le* 21 *Novembre,* 1806.

Au Camp Impérial de Berlin, le 21 *Novembre,* 1806.

NAPOLEON, Empereur des Français, Roi d'Italie.

Considérant.

I. Que l'Angleterre n'admet point le droit des gens suivi universellement par tous les peuples policés.

II. Qu'elle répute ennemi tout individu appartenant à l'Etat ennemi, et fait en conséquence Prisonniers de Guerre, non-seulement les équipages des Vaisseaux armés en Guerre, mais encore les équipages des Vaisseaux de commerce, et des Navires marchands, et même les facteurs du commerce, et les négociants qui voyagent pour les affaires de leur négoce;

III. Qu'elle étend aux Bâtiments et marchandises du commerce et aux propriétés des particuliers le droit de conquête, qui ne peut s'appliquer qu'à ce qui appartient à l'Etat ennemi;

IV. Qu'elle étend aux Villes et Ports de commerce non fortifiés, aux havres et aux embouchures des rivières, le droit de blocus, qui, d'après la raison et l'usage de tous les peuples policés, n'est applicable qu'aux places fortes;

Qu'elle déclare bloquées des places devant lesquelles elle n'a pas même un seul Bâtiment de Guerre, quoiqu'une place ne soit bloquée que quand elle est tellement investie, qu'on ne puisse tenter de s'en approcher sans un danger imminent;

Qu'elle déclare même en état de Blocus, des lieux que toutes ses forces réunies seraient incapables de bloquer, des côtes entières et tout un Empire;

V. Que cet abus monstrueux du droit de blocus n'a d'autre but que d'empêcher les communications entre les peuples, et d'élever le commerce et l'industrie de l'Angleterre sur la ruine de l'industrie et du commerce du Continent;

VI. Que tel étant le but évident de l'Angleterre, quiconque fait sur le Continent le commerce des marchandises Anglaises, favorise par là ses desseins et s'en rend le complice;

VII. Que cette conduite de l'Angleterre, digne en tout des premiers âges de la barbarie, a profité à cette Puissance au détriment de toutes les autres;

VIII. Qu'il est de droit naturel d'opposer à l'ennemi les armes dont il se sert, et de le combattre de la même manière qu'il combat, lorsqu'il méconnait toutes les idées de justice, et tous les sentiments libéraux, résultat de la civilisation parmi les hommes;

Nous avons résolu d'appliquer à l'Angleterre les usages qu'elle a consacrés dans sa législation maritime.

Les dispositions du présent Décret seront constamment considérées comme principe fomdamental de l'Empire, jusqu'à ce que l'Angleterre ait réconnu que le droit de la guerre est un, et le même sur terre que sur mer; qu'il ne peut s'étendre ni aux propriétés privées, quelles

qu'elles soient, ni la personne des individus étrangers à la profession des armes, et que le droit de Blocus doit être restreint aux places fortes réellement investies par des forces suffisantes:

Nous avons, en conséquence, décrété et décrétons ce qui suit:

ART. I. Les Iles Britanniques sont déclarées en état de Blocus.

II. Tout commerce et toute correspondance avec les Iles Britanniques sont interdits.

En conséquence, les Lettres ou pacquets adressés ou en Angleterre, ou à un Anglais, ou écrits en langue Anglaise, n'auront pas cours aux postes, et seront saisis.

III. Tout individu Sujet de l'Angleterre, de quelque état et condition qu'il soit, qui sera trouvé dans les Pays occupés par nos troupes ou par celles de nos Alliés, sera fait Prisonnier de Guerre.

IV. Tout magasin, toute marchandise, toute propriété, de quelque nature qu'elle puisse être appartenant à un Sujet de l'Angleterre, sera déclaré de bonne prise.

V. Le commerce des marchandises Anglaises est défendu; et toute marchandise appartenant à l'Angleterre, ou provenant de ses fabriques et de ses Colonies, est déclarée de bonne prise.

VI. La moitié du produit de la confiscation des marchandises et propriétés déclarées de bonne prise par les Articles précédents, sera employée à indemniser les négociants des pertes qu'ils ont éprouvées par la prise des Bâtiments de commerce qui ont été enlevés par les Croisières Anglaises.

VII. Aucun Bâtiment venant directement de l'Angleterre ou des Colonies Anglaises, ou y ayant été depuis la publication du présent Décret, ne sera reçu dans aucun Port.

VIII. Tout Bâtiment, qui, au moyen d'une fausse déclaration, contreviendra à la disposition ci-dessus, sera saisi; et le Navire et la cargaison seront confisqués comme s'ils étaient propriété Anglaise.

IX. Notre Tribunal des Prises, de Paris, est chargé du jugement définitif de toutes les contestations qui pourront survenir dans notre Empire ou dans les Pays occupés par l'armée Française, rélativement à l'exécution du présent Décret. Notre Tribunal des Prises à Milan, sera chargé du jugement définitif des dites contestations qui pourront survenir dans l'étendu de notre Royaume d'Italie.

X. Communication du présent Décret sera donnée par notre Ministre des Relations Extérieures, aux Rois d'Espagne, de Naples, de Hollande, et d'Etrurie, et à nos autres Alliés, dont les Sujets sont victimes comme les nôtres de l'injustice et de la barbarie de la législation maritime Anglaise.

XI. Nos Ministres des Relations Extérieures, de la Guerre, de la Marine, des Finances, de la Police, et nos Directeurs-Généraux des Postes, sont chargés chacun en ce qui le concerne, de l'exécution du présent Décret. NAPOLEON.

Par l'Empereur:

Le Ministre Secrétaire d'Etat. HUGUES B. MARET.

(4.)—*Order in Council, for the Seizure of Neutral Vessels trading with Ports in the possession of France, or her Allies.—7th January,* 1807.

At the Court at the Queen's Palace, the 7th Janunry, 1807.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS the *French* Government has issued certain Orders, which, in violation of the usages of War, purport to prohibit the Commerce of all Neutral Nations with His Majesty's Dominions, and also to prevent such Nations from trading with any other Country, in any articles the growth, produce, or manufacture of His Majesty's Dominions:

And whereas the said Government has also taken upon itself to declare all His Majesty's Dominions to be in a state of Blockade, at a time when the Fleets of *France* and her Allies are themselves confined within their own Ports by the superior valour and discipline of the *British* Navy:

And whereas such attempts on the part of the Enemy would give to His Majesty an unquestionable right of retaliation, and would warrant His Majesty in enforcing the same prohibition of all commerce with *France*, which that Power vainly hopes to effect against the commerce of His Majesty's Subjects; a prohibition which the superiority of His Majesty's Naval Forces might enable him to support, by actually investing the Ports and Coasts of the Enemy with numerous Squadrons and Cruizers, so as to make the entrance or approach thereto manifestly dangerous:

And whereas His Majesty, though unwilling to follow the example of his Enemies, by proceeding to an extremity so distressing to all Nations not engaged in the War, and carrying on their accustomed trade, yet feels himself bound by a due regard to the just defence of the rights and interests of his People, not to suffer such measures to be taken by the Enemy, without taking some steps on his part to restrain this violence, and to retort upon them the evils of their own injustice:

His Majesty is therefore pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, that no Vessel shall be permitted to trade from one Port to another, both which Ports shall belong to or be in the possession of *France* or her Allies, or shall be so far under their controul as that *British* Vessels may not freely trade thereat: And the Commanders of His Majesty's Ships of War and Privateers shall be, and are hereby instructed to warn every Neutral Vessel coming from any such Port, and destined to another such Port, to discontinue her voyage, and not to proceed to any such Port; and any Vessel after being so warned, or any Vessel coming from any such Port, after a reasonable time shall have been afforded for receiving information of this His Majesty's Order, which shall be found proceeding to another such Port, shall be captured and brought in, and, together with her cargo, shall be condemned as lawful prize.

And His Majesty's Principal Secretaries of State, the Lords Commissioners of the Admiralty, and the Judges of the High Court of Admiralty and Courts of Vice-Admiralty, are to take the necessary measures herein, as to them shall respectively appertain. W. FAWKENER.

(5 A.)—*Order in Council, declaring the Ports of France, and of all Countries, from which the British Flag is excluded, in a state of Blockade.*—11*th November*, 1807.

At the Court at the Queen's Palace, the 11*th of November*, 1807,

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS certain Orders, establishing an unprecedented system of warfare against this Kingdom, and aimed especially at the destruction of its commerce and resources, were, some time since, issued by the Government of France, by which "The British Islands were declared to be in a state of Blockade," thereby subjecting to capture and condemnation all Vessels, with their cargoes, which should continue to trade with His Majesty's Dominions:

And whereas by the same Orders, "all trading in English Merchandize is prohibited, and every article of Merchandize belonging to England, or coming from her Colonies, or of her manufacture, is declared lawful Prize:"

And whereas the Nations in Alliance with France, and under her controul, were required to give, and have given, and do give, effect to such Orders:

And whereas His Majesty's Order of the 7th of January last has not answered the desired purpose, either of compelling the Enemy to recall those Orders, or of inducing Neutral Nations to interpose, with effect, to obtain their revocation, but, on the contrary, the same have been recently enforced with increased rigour:

And whereas His Majesty, under these circumstances, finds himself compelled to take further measures for asserting and vindicating his just rights, and for supporting that Maritime Power which the exertions and valour of his People have, under the blessing of Providence, enabled him to establish and maintain; and the maintenance of which is not more essential to the safety and prosperity of His Majesty's Dominions, than it is to the protection of such States as still retain their Independence, and to the general intercourse and happiness of mankind:

His Majesty is therefore pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, that all the Ports and Places of France and her Allies, or of any other Country at War with His Majesty, and all other Ports or Places in Europe, from which, although not at War with His Majesty, the British Flag is excluded, and all Ports or Places in the Colonies belonging to His Majesty's

Enemies, shall, from henceforth, be subject to the same restrictions in point of trade and navigation, with the exceptions hereinafter mentioned, as if the same were actually blockaded by His Majesty's Naval Forces, in the most strict and rigorous manner:—And it is hereby further ordered and declared, that all trade in articles which are of the produce or manufacture of the said Countries or Colonies, shall be deemed and considered to be unlawful; and that every Vessel trading from or to the said Countries or Colonies, together with all goods and merchandize on board, and all articles of the produce or manufacture of the said Countries or Colonies, shall be captured, and condemned as prize to the Captors.

But although His Majesty would be fully justified, by the circumstances and considerations above recited, in establishing such system of restrictions with respect to all the Countries and Colonies of his Enemies, without exception or qualification; yet His Majesty, being nevertheless desirous not to subject Neutrals to any greater inconvenience than is absolutely inseparable from the carrying into effect His Majesty's just determination to counteract the designs of his Enemies, and to retort upon his Enemies themselves the consequences of their own violence and injustice; and being yet willing to hope that it may be possible (consistently with that object) still to allow to Neutrals the opportunity of furnishing themselves with Colonial Produce for their own consumption and supply; and even to leave open, for the present, such trade with His Majesty's Enemies as shall be carried on directly with the Ports of His Majesty's Dominions, or of his Allies, in the manner hereinafter mentioned:

His Majesty is therefore pleased further to order, and it is hereby ordered, that nothing herein contained shall extend to subject to capture or condemnation any Vessel, or the cargo of any Vessel, belonging to any Country not declared by this Order to be subjected to the restrictions incident to a state of Blockade, which shall have cleared out with such cargo from some Port or Place of the Country to which she belongs, either in Europe or America, or from some Free Port in His Majesty's Colonies, under circumstances in which such trade from such Free Port is permitted, direct to some Port or Place in the Colonies of His Majesty's Enemies, or from those Colonies direct to the Country to which such Vessel belongs, or to some Free Port in His Majesty's Colonies, in such cases, and with such articles, as it may be lawful to import into such Free Port;—Nor to any Vessel, or the cargo of any Vessel, belonging to any Country not at War with His Majesty, which shall have cleared out from some Port or Place in this Kingdom, or from Gibraltar or Malta, under such regulations as His Majesty may think fit to prescribe, or from any Port belonging to His Majesty's Allies, and shall be proceeding direct to the Port specified in her clearance;—Nor to any Vessel, or the cargo of any Vessel, belonging to any Country not at War with His Majesty, which

shall be coming from any Port or Place in Europe which is declared by this Order to be subject to the restrictions incident to a state of Blockade, destined to some Port or Place in Europe belonging to His Majesty, and which shall be on her voyage direct thereto; but these exceptions are not to be understood as exempting from capture or confiscation any Vessel or goods which shall be liable thereto in respect of having entered or departed from any Port or Place actually blockaded by His Majesty's Squadrons or Ships of War, or for being Enemies' property, or for any other cause than the contravention of this present Order.

And the Commanders of His Majesty's Ships of War and Privateers, and other Vessels acting under His Majesty's Commission, shall be, and are hereby, instructed to warn every Vessel which shall have commenced her voyage prior to any notice of this Order, and shall be destined to any Port of France, or of her Allies, or of any other Country at War with His Majesty, or to any Port or Place from which the British Flag as aforesaid is excluded, or to any Colony belonging to His Majesty's Enemies, and which shall not have cleared out as is hereinbefore allowed, to discontinue her voyage, and to proceed to some Port or Place in this Kingdom, or to Gibraltar or Malta; and any Vessel which, after having been so warned, or after a reasonable time shall have been afforded for the arrival of information of this His Majesty's Order at any Port or Place from which she sailed, or which, after having notice of this Order, shall be found in the prosecution of any voyage contrary to the restrictions contained in this Order, shall be captured, and, together with her cargo, condemned as lawful prize to the Captors:

And whereas Countries, not engaged in the War, have acquiesced in the Orders of France, prohibiting all trade in any articles the produce or manufacture of His Majesty's Dominions; and the Merchants of those Countries have given countenance and effect to those prohibitions, by accepting from Persons styling themselves Commercial Agents of the Enemy, resident at Neutral Ports, certain Documents, termed "Certificates of Origin," being Certificates obtained at the Ports of Shipment, declaring that the articles of the cargo are not of the produce or manufacture of His Majesty's Dominions, or to that effect:

And whereas this expedient has been directed by France, and submitted to by such Merchants, as part of the new system of warfare directed against the trade of this Kingdom, and as the most effectual instrument of accomplishing the same, and it is therefore essentially necessary to resist it;

His Majesty is therefore pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, that if any Vessel, after reasonable time shall have been afforded for receiving notice of this His Majesty's Order at the Port or Place from which such Vessel

shall have cleared out, shall be found carrying any such Certificate or Document as aforesaid, or any Document referring to, or authenticating the same, such Vessel shall be adjudged lawful prize to the Captor, together with the goods laden therein, belonging to the Person or Persons by whom, or on whose behalf, any such Document was put on board.

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, His Majesty's Principal Secretaries of State, the Lords Commissioners of the Admiralty, and the Judges of the High Court of Admiralty and Courts of Vice-Admiralty, are to take the necessary measures herein, as to them shall respectively appertain.

W. FAWKENER.

(5 B.)—*Order in Council, respecting the Importation of Merchandize into Great Britain, in Vessels of Countries at amity with His Majesty. 11th November*, 1807.

At the Court at the Queen's Palace, the 11th of November, 1807,

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS articles of the growth and manufacture of Foreign Countries cannot by Law be imported into this Country, except in British Ships, or in Ships belonging to the Countries of which such articles are the growth and manufacture, without an Order in Council specially authorizing the same:

His Majesty, taking into consideration the Order of this day's date, respecting the trade to be carried on to and from the Ports of the Enemy, and deeming it expedient that any Vessel belonging to any Country in alliance, or at amity, with His Majesty, may be permitted to import into this Country articles of the produce or manufacture of Countries at War with His Majesty:

His Majesty, by and with the advice of his Privy Council, is therefore pleased to order, and it is hereby ordered, that all goods, wares, or merchandizes, specified and included in the Schedule of an Act, passed in the 43rd year of His present Majesty's Reign, intituled "An Act to repeal the Duties of Customs payable in Great Britain, and to grant other Duties in lieu thereof," may be imported from any Port or Place belonging to any State not at amity with His Majesty, in Ships belonging to any State at amity with His Majesty, subject to the payment of such Duties, and liable to such Drawbacks as are now established by Law upon the importation of the said goods, wares, or merchandize, in Ships navigated according to Law; and with respect to such of the said goods, wares, or merchandize, as are authorized to be warehoused under the provisions of an Act, passed in the 43rd year of His present Majesty's Reign, intituled "An Act for permitting certain Goods imported into Great Britain, to be secured in Warehouses

without payment of Duty," subject to all the regulations of the said last-mentioned Act; and with respect to all articles which are prohibited by Law from being imported into this Country, it is ordered, that the same shall be reported for exportation to any Country in Amity or Alliance with His Majesty.

And His Majesty is further pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, that all Vessels which shall arrive at any Port of the United Kingdom, or at the Port of Gibraltar or Malta, in consequence of having been warned pursuant to the aforesaid Order, or in consequence of receiving information, in any other manner, of the said Order, subsequent to their having taken on board any part of their Cargoes, whether previous or subsequent to their sailing, shall be permitted to report their cargoes for exportation, and shall be allowed to proceed upon their voyages to their original Ports of destination, (if not unlawful before the issuing of the said Order,) or to any Port at amity with His Majesty, upon receiving a Certificate from the Collector or Comptroller of the Customs at the Port at which they shall so enter, (which Certificate the said Collectors and Comptrollers of the Customs are hereby authorized and required to give,) setting forth that such Vessels came into such Port in consequence of being so warned, or of receiving such information as aforesaid; and that they were permitted to sail from such Port under the regulations which His Majesty has been pleased to establish in respect to such Vessels. But in case any Vessel so arriving shall prefer to import her cargo, then such Vessel shall be allowed to enter and import the same, upon such terms and conditions as the said cargo might have been imported upon, according to Law, in case the said Vessel had sailed after having received notice of the said Order, and in conformity thereto.

And it is further ordered, that all Vessels which shall arrive at any Port of the United Kingdom, or at Gibraltar or Malta, in conformity and obedience to the said Order, shall be allowed, in respect to all articles which may be on board the same, except sugar, coffee, wine, brandy, snuff, and tobacco, to clear out to any Port whatever, to be specified in such Clearance; and, with respect to the last-mentioned articles, to export the same to such Ports, and under such conditions and regulations only, as His Majesty, by any Licence to be granted for that purpose, may direct.

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, His Majesty's Principal Secretaries of State, the Lords Commissioners of the Admiralty, and the Judges of the High Court of Admiralty and Courts of Vice-Admiralty, are to take the necessary measures herein as to them shall respectively appertain.

W. FAWKENER.

(5 C.)—*Order in Council, declaring the Sale of Enemies' Vessels to a Neutral to be illegal.*—11*th November*, 1807.

At the Court at the Queen's Palace, the 11*th of November*, 1807,

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS the Sale of Ships by a Belligerent to a Neutral is considered by France to be illegal:

And whereas a great part of the Shipping of France and her Allies has been protected from capture during the present hostilities by transfers, or pretended transfers, to Neutrals:

And whereas it is fully justifiable to adopt the same rule, in this respect, towards the Enemy, which is applied by the Enemy to this Country:

His Majesty is pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, that in future the Sale to a Neutral of any Vessel belonging to His Majesty's Enemies, shall not be deemed to be legal, nor in any manner to transfer the property, nor to alter the character of such Vessel: And all Vessels now belonging, or which shall hereafter belong to any Enemy of His Majesty, notwithstanding any Sale, or pretended Sale to a Neutral, after a reasonable time shall have elapsed for receiving information of this His Majesty's Order, at the Place where such Sale, or pretended Sale, was effected, shall be captured and brought in, and shall be adjudged as lawful prize to the Captors.

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, His Majesty's Principal Secretaries of State, the Lords Commissioners of the Admiralty, and the Judges of the High Court of Admiralty and Courts of Vice-Admiralty, are to take the necessary measures herein as to them shall respectively appertain.

W. FAWKENER.

(6.)—*Décret Impérial, portant Saisie et Confiscation des Bâtimens qui, après avoir touché en Angleterre, entreront dans les Ports de France. Milan, le* 23 *Novembre*, 1807.

Au Palais de Milan, le 23 *Novembre*, 1807.

NAPOLEON, Empereur des Français, Roi d'Italie, et Protecteur de la Confédération du Rhin.

Sur le Rapport de notre Ministre des Finances, nous avons décrété et décrétons ce qui suit:

ART. I. Tous les Bâtiments qui, après avoir touché en Angleterre, par quelque motif que ce soit, entreront dans les Ports de France, seront saisis et confisqués, ainsi que les Cargaisons, sans exception, ni distinction de denrées et marchandises.

II. Les Capitaines des Bâtiments qui entreront dans les Ports de

France, devront, dans le jour de leur arrivée, faire au Bureau des Douanes Impériales une déclaration du lieu de leur départ, de ceux où ils ont relâché, et lui présenter leurs manifestes, connaissements, papiers de mer et livres de bord.

Lorsque le Capitaine aura signé et remis sa déclaration, et communiqué ses papiers, le Chef des Douanes interrogera séparément les matelots en présence de deux principaux préposés. S'il résulte de cet interrogatoire que le Bâtiment a touché en Angleterre, indépendamment de la saisie et confiscation dudit Bâtiment et de sa cargaison, le Capitaine sera, ainsi que ceux des matelots qui, dans leur interrogatoire, auraient fait une fausse déclaration, constitué prisonnier, et ne sera mis en liberté qu'après avoir payé une somme de 6,000 francs pour son amende personnelle, et celle de 500 francs pour chacun des matelots arrêtés, sans préjudice des peines encourues par ceux qui falsifient leurs papiers de mer et livres de bord.

III. Si des avis et renseignements donnés aux Directeurs de nos Douanes élèvent des soupçons sur l'origine des Cargaisons, elles seront mises provisoirement en entrepôt jusqu'à ce qu'il ait été reconnu et décidé qu'elles ne proviennent ni d'Angleterre, ni de ses Colonies.

IV. Nos Commissaires des relations commerciales qui délivreront des certificats d'origine pour les marchandises qui seront chargées dans les Ports de leur résidence, à destination de ceux de France, ne se borneront pas à attester que les marchandises ou denrées ne viennent ni d'Angleterre, ni de ses Colonies et de son commerce; ils indiqueront le lieu de l'origine, les pièces qui leur ont été représentées à l'appui de la déclaration qui leur a été faite, et le nom du Bâtiment à bord duquel elles ont été transportées primitivement du lieu de l'origine dans celui de leur résidence.

Ils adresseront un Duplicata de leur Certificat à notre Conseiller-d'Etat, Directeur-Général de nos Douanes.

V. Nos Ministres des Relations Extérieures, de la Guerre, et des Finances, sont chargés, chacun en ce qui le concerne, de l'exécution du présent Décret. NAPOLEON.

Par l'Empereur,

Le Secrétaire d'Etat, HUGUES B. MARET.

(7 A.)—*Order in Council, fixing the Periods at which the Order, respecting the Trade of Neutral Vessels with Ports in the possession of France, or her Allies, shall be held to be received and known.—25th November,* 1807.

At the Court at the Queen's Palace, the 25th of November, 1807,

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS it has been represented that it would be expedient to fix certain periods at which it shall be deemed that a reasonable time shall

have elapsed for receiving information, at different Places, of His Majesty's Order in Council of the 11th of November instant, respecting the trade with His Majesty's Enemies, and in their produce and manufactures; His Majesty taking the same into consideration, and being desirous to obviate any difficulties that may arise in respect thereto, and also to allow ample time for the said Order being known to all Persons who may be affected thereby, is pleased, by and with the advice of his Privy Council, to order and declare, and it is hereby ordered and declared, that information of the said Order of the 11th of November instant, shall be taken and held to have been received in the Places hereinafter-mentioned, at the periods respectively assigned to them; namely,

Ports and Places within the Baltic—December 21, 1807.

Other Ports and Places to the Northward of Amsterdam—December 11, 1807.

From Amsterdam to Ushant—December 4, 1807.

From Ushant to Cape Finisterre—December 8, 1807.

From Cape Finisterre to Gibraltar, inclusive—December 13, 1807.

Madeira—December 13, 1807.

Ports and Places within the Streights of Gibraltar, to Sicily and Malta, and the West Coast of Italy, inclusive—January 1, 1808.

All other Ports and Places in the Mediterranean beyond Sicily and Malta—January 20, 1808.

Ports and Places beyond the Dardanelles—February 1, 1808.

Any Part of the North and Western Coast of Africa, or the Islands adjacent, except Madeira—January 11, 1808.

The United States, and British Possessions in North America and the West Indies—January 20, 1808.

Cape of Good Hope, and East Coast of South America—March 1, 1808.

India—May 1, 1808.

China, and the Coast of South America—June 1, 1808.

And every Vessel sailing on or after those days, from those Places respectively, shall be deemed and taken to have received notice of the aforesaid Order: And it is further ordered, that if any Vessel shall sail within 20 days after the periods above assigned respectively, from any of the said Places, in contravention of the said Order of the 11th of November instant, and shall be detained as prize on account thereof, or shall arrive at any Port in this Kingdom, destined to some Port or Place within the restriction of the said Order, and proof shall be made to the satisfaction of the Court of Admiralty in which such Vessel shall be proceeded against, in case the same shall be brought in as prize, that the loading of the said Vessel had commenced before the said periods, and before information of the said Order had actually been received at the Port of Shipment, the said Vessel, together with the goods so laden, shall be restored to the Owner or Owners thereof,

and shall be permitted to proceed on her voyage in such manner as if such Vessel had sailed before the day so specified as aforesaid: And it is further ordered, that no proof shall be admitted, or be gone into, for the purpose of shewing that information of the said Order of the 11th of November instant had not been received at the said Places respectively, at the several periods before assigned:—And the Right Honourable the Lords Commissioners of His Majesty's Treasury, His Majesty's Principal Secretaries of State, the Lords Commissioners of the Admiralty, and the Judges of the High Court of Admiralty and Courts of Vice-Admiralty, are to take the necessary measures herein as to them shall respectively appertain. W. FAWKENER.

(7 B.)—*Order in Council, prescribing conditions respecting the Trade of Neutral Vessels with British Ports.—25th November*, 1807.

At the Court at the Queen's Palace, the 25th November, 1807,

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS His Majesty, by His Order in Council, dated 11th November instant, respecting the trade to be carried on with His Majesty's Enemies, was pleased to exempt from the restrictions of the said Order, all Vessels which shall have cleared out from any Port or Place in this Kingdom, under such regulations as His Majesty may think fit to prescribe, and shall be proceeding direct to the Ports specified in the respective clearances; His Majesty, taking into consideration the expediency of making such regulations, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that all Vessels belonging to Countries not at war with His Majesty, shall be permitted to lade in any Port of the United Kingdom, any goods being the produce or manufacture of His Majesty's Dominions, or East India goods, or prize goods, (all such goods having been lawfully imported) and to clear out with, and freely to convey the same to any Port or Place in any Colony in the West Indies or America, belonging to His Majesty's Enemies, such Port or Place not being in a state of actual Blockade, subject to the payment of such duties as may at the time when any such Vessels may be cleared out, be due by Law on the exportation of any such goods, or in respect of the same being destined to the Ports of the Colonies belonging to His Majesty's Enemies; and likewise to lade, clear out with, and convey as aforesaid, any articles of Foreign produce or manufacture which shall have been lawfully imported into this Kingdom, provided His Majesty's Licence shall have been previously obtained for so conveying such Foreign produce or manufactures.

And it is further ordered, that any Vessel belonging as aforesaid shall be permitted to lade in any Port of the United Kingdom, any goods, not being naval or military stores, which shall be of the growth, pro-

duce, or manufacture of this Kingdom, or which shall have been lawfully imported, (save and except Foreign sugar, coffee, wine, brandy, snuff, and cotton,) and to clear out with and freely to convey the same to any Port, to be specified in the clearance, not being in a state of actual Blockade, although the same shall be under the restrictions of the said Order; and likewise to lade, clear out, and convey Foreign sugar, coffee, wine, brandy, snuff, and cotton, which shall have been lawfully imported, provided His Majesty's Licence shall have been previously obtained for the exportation and conveyance thereof: And it is hereby further ordered, that no Vessel shall be permitted to clear out from any Port or Place in this Kingdom, to any Port or Place of any Country subjected to the restrictions of the said Order, with any goods which shall have been laden (after notice of the said Order) on board the Vessel which shall have imported the same into this Kingdom, without having first duly entered and landed the same in some Port or Place in this Kingdom; and that no Vessel shall be permitted to clear out from any Port or Place in this Kingdom to any Port or Place whatever, with any goods the produce or manufacture of any Country subjected to the restrictions of the said Order, which shall have been laden after notice as aforesaid on board the Vessel importing the same, without having so duly entered and landed the same; or any goods whatever which shall have been laden after such notice, in the Vessel importing the same, in any Port or Place of any Country subjected to the restrictions of the said Order, without having so duly entered and landed the same in some Port or Place in this Kingdom; except the cargo shall consist wholly of flour, meal, grain, or any article or articles the produce of the soil of some Country which is not subjected to the restrictions of the said Order, except cotton, and which shall have been imported in an unmanufactured state direct from such Country into this Kingdom, in a Vessel belonging to the Country from which such goods have been brought, and in which the same were grown and produced:

And it is further ordered, that any Vessel belonging to any Country not at war with His Majesty, may clear out from Guernsey, Jersey, or Man, to any Port or Place under the restrictions of the said Order, which shall be specified in the clearance, not being in a state of actual Blockade, with such articles only, not being naval or military stores, as shall have been legally imported into such Islands respectively, from any Port or Place in this Kingdom direct; and with respect to all such articles as may have been imported into the said Islands respectively, from any Port or Place under the restrictions of the said Order, it shall not be permitted to any Vessel to clear out with the same from any of the said Islands, except to some Port or Place in this Kingdom:—And the Right Honourable the Lords Commissioners of His Majesty's Treasury, His Majesty's Principal Secretaries of State, the Lords Commissioners of the Admiralty, and the Judges of

the High Court of Admiralty and Courts of Vice-Admiralty, are to take the necessary measures herein as to them shall respectively appertain. W. FAWKENER.

(7 C.)—*Order in Council, regulating the trade of Neutral Vessels with Gibraltar and Malta.—25th November*, 1807.

At the Court at the Queen's Palace, the 25th of November, 1807,

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS His Majesty by his Order in Council dated the 11th of November instant, respecting the trade to be carried on with His Majesty's Enemies, was pleased to exempt from the restrictions of the said Order all Vessels belonging to any Country not at war with His Majesty, together with their cargo, which shall be coming from any Port or Place in Europe which is declared in the said Order to be subject to the restrictions incident to a state of Blockade, direct to some Port or Place in Europe belonging to His Majesty, and also all Vessels which shall be cleared out from Gibraltar or Malta, under such regulations as His Majesty may think fit to prescribe, and which shall be proceeding direct to the Ports specified in their respective clearances:

And whereas it is expedient to encourage the trade from Gibraltar and Malta to Countries under the restrictions of the said Order, subject to regulations to be made in respect thereto; His Majesty is therefore pleased to prescribe the following regulations in regard to such trade, accordingly, and by and with the advice of His Privy Council, to order, and it is hereby ordered, that all sorts of flour and meal, and all sorts of grain, tobacco, and any other article in an unmanufactured state, being the growth and produce of any Country not being subjected by the said Order to the restrictions incident to a state of Blockade, except cotton, and naval and military stores, which shall have been imported into Gibraltar or Malta, direct from the Country where the same were grown and produced, shall, without any licence, be permitted to be cleared out to any Port or Place not being in a state of actual Blockade, without the same being compelled to be landed: But neither the said article of cotton, however imported, nor any article which is not the growth, produce, or manufacture of this Kingdom, or which has not been imported in a British Ship, or from this Kingdom direct, (except fish,) and which shall have been laden at the Port of original shipment, after the period directed by an Order of this date, to be taken as the time at which notice of the said Order of the 11th of November shall be considered as having been received at such Port of shipment, shall be permitted to be exported from Gibraltar or Malta, except to some Port or Place in this Kingdom, and all other articles of the growth, produce, and manufacture of this King-

dom, or which shall have been imported into Gibraltar or Malta in a British Ship, or from some Port or Place in this Kingdom, together with the article of fish, however imported, may be exported to any Ports or Places in the Mediterranean or Portugal, under such licence only as is hereinafter directed to be granted by the Governor of Gibraltar and Malta respectively:

And it is hereby further ordered, that Licences be granted by the Governors, Lieutenant-Governors, or other Persons, having the Chief Civil Command at Gibraltar or Malta respectively, but in His Majesty's name, to such Person or Persons as the said Governors, Lieutenant-Governors, or Persons having the Chief Command shall think fit, allowing such Person or Persons to export from Gibraltar direct, to any Port in the Mediterranean, or to any Port of Portugal, or to any Port of Spain without the Mediterranean, nor further North than Cape Finisterre, and from Malta direct to any Port being within the Mediterranean, with any articles of the produce or manufacture of His Majesty's Dominions, and any Articles which shall have been imported into Gibraltar or Malta from this Kingdom, to whomsoever such articles shall appear to belong, (not being naval or military stores) in any Vessel belonging to any Country not at war with His Majesty, or in any Vessel not exceeding 100 tons burthen, and being unarmed, belonging to the Country to which such Vessel shall be cleared out and going, and also to import in any such Vessel or Vessels as aforesaid, from any Port within the Mediterranean, to Gibraltar or Malta; or from any Port in Portugal or Spain as aforesaid, to Gibraltar; such Port and such destination respectively to be specified in such licence, any articles of merchandize whatsoever, and to whomsoever the same may appear to belong; such articles to be specified in the bill of lading of such Vessel, subject however to such further regulations and restrictions with respect to all or any of the said articles so to be imported, or exported, as may be inserted in the said licences, by the Governors, Lieutenant-Governors, or other Persons having the Chief Civil Command at Gibraltar or Malta, for the time being respectively, as to them shall, from time to time, seem fit and expedient:

And it is further ordered, that in every such licence shall be inserted the names and residence of the Person or Persons to whom it shall be granted, the articles and their quantities permitted to be exported, the name and description of the Vessel, and of the Master thereof, the Port to which the Vessel shall be allowed to go, which shall be some Port, not under actual Blockade; and that no licence so to be granted shall continue in force for longer than 2 months from its date, nor for more than 1 voyage; or any such licence be granted, or acknowledged to be valid, if granted to permit the clearance of any Vessel to any Port which shall be actually blockaded by any Naval Force of His Majesty or of his Allies.

And it is further ordered, that the Commanders of His Majesty's Ships of War and Privateers, and all others whom it may concern, shall suffer every such Vessel sailing conformably to the permission given by this Order, or having any Licence as aforesaid, to pass and repass, direct between Gibraltar, or Malta, and such Port as shall be specified in the Licence, in such manner and under such terms, regulations, and restrictions, as shall be expressed therein:

And it is further ordered, that, in case any Vessel, so sailing as aforesaid, for which any such Licence as aforesaid shall have been granted, and which shall be proceeding direct upon her said voyage, shall be detained and brought in for legal adjudication, such Vessel, with her cargo, shall be forthwith released by the Court of Admiralty in which proceedings shall be commenced, upon proof being made that the Parties had duly conformed to the terms, regulations, and restrictions of the said Licence; the proof of such conformity to lie upon the Person or Persons claiming the benefit of this Order, or obtaining or using such Licence, or claiming the benefit thereof.

And it is hereby further ordered, that no Vessel belonging to any State on the Coast of Barbary shall be prevented from sailing with any articles of the growth or produce of such State, from any Port or Place in such State, to any Port or Place in the Mediterranean, or Portugal, such Port or Place not being actually blockaded by some Naval Force belonging to His Majesty, or his Allies, without being obliged to touch at Gibraltar or Malta:

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, His Majesty's Principal Secretaries of State, the Lords Commissioners of the Admiralty, and the Judges of the High Court of Admiralty and Courts of Vice-Admiralty, are to take the necessary measures herein, as to them shall respectively appertain.

W. FAWKENER.

(7 D.) *Order in Council, relative to Goods laden on board British Ships.—25th November,* 1807.

At the Court at the Queen's Palace, the 25th of November, 1807.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS His Majesty, by his Order in Council of the 11th of November instant, was pleased to order and declare, that all trade in articles which are of the produce or manufacture of the Countries and Colonies mentioned in the said Order, shall be deemed and considered to be unlawful (except as is therein excepted); His Majesty, by and with the Advice of His Privy Council, is pleased to order and declare, and it is hereby ordered and declared, that nothing in the said Order contained shall extend to subject to capture and confiscation any

articles of the produce and manufacture of the said Countries and Colonies laden on board British Ships, which would not have been subject to capture and confiscation if such Order had not been made;

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, His Majesty's Principal Secretaries of State, the Lords Commissioners of the Admiralty, and the Judges of the High Court of Admiralty and Vice-Admiralty, are to take the necessary measures herein as to them may respectively appertain.

W. FAWKENER.

(8.)—*Décret Impérial, contenant de nouvelles mesures contre le Système Maritime de l'Angleterre.—Milan, le* 17 *Décembre,* 1807.

Au Palais Royal de Milan, le 17 *Décembre,* 1807.

NAPOLEON, Empereur des Français, Roi d'Italie, et Protecteur de la Confédération du Rhin.

Vu les dispositions arrêtées par le Gouvernement Britannique, en date du 11 Novembre dernier, qui assujettissent les Bâtiments des Puissances Neutres, amies et même alliées de l'Angleterre, non-seulement à une visite par les Croiseurs Anglais, mais encore à une station obligée en Angleterre et à une imposition arbitraire de tant pour cent sur leur chargement, qui doit être réglée par la Législation Anglaise.

Considérant que, par ces Actes le Gouvernement Anglais a dénationalisé les Bâtiments de toutes les Nations de l'Europe; qu'il n'est au pouvoir d'aucun Gouvernement de transiger sur son indépendance et sur ses droits, tous les Souverains de l'Europe étant solidaires de la souveraineté et de l'indépendance de leur Pavillon; que si, par une foiblesse inexcusable, et qui seroit une tache ineffaçable aux yeux de la postérité, on laissait passer en principe et consacrer par l'usage une pareille tyrannie, les Anglais en prendraient acte pour l'établir en droit, comme ils ont profité de la tolérance des Gouvernements pour établir l'infâme principe que le Pavillon ne couvre pas la marchandise, et pour donner à leur droit de Blocus une extension arbitraire et attentatoire à la Souveraineté de tous les Etats;

Nous avons décrété et décrétons ce qui suit:

ART. I. Tout Bâtiment, de quelque Nation qu'il soit, qui aura souffert la visite d'un Vaisseau Anglais, ou se sera soumis à un voyage en Angleterre, ou aura payé une imposition quelconque au Gouvernement Anglais, est par cela seul déclaré dénationalisé, a perdu la garantie de son Pavillon, et est devenu propriété Anglaise.

II. Soit que lesdits Bâtiments ainsi dénationalisés, par les mesures arbitraires du Gouvernement Anglais, entrent dans nos Ports ou dans ceux de nos Alliés, soit qu'ils tombent au pouvoir de nos Vaisseaux de Guerre ou de nos Corsaires, ils sont déclarés de bonne et valable prise.

III. Les Iles-Britanniques sont déclarées en état de Blocus sur mer comme sur terre.

Tout Bâtiment, de quelque Nation qu'il soit, quel que soit son chargement, expédié des Ports d'Angleterre ou des Colonies Anglaises, ou des Pays occupés par les troupes Anglaises, ou allant en Angleterre ou dans les Colonies Anglaises, ou dans des Pays occupés par les Troupes Anglaises, est de bonne prise, comme contrevenant au présent Décret; il sera capturé par nos Vaisseaux de Guerre ou par nos Corsaires, et adjugé aux Capteurs.

IV. Ces mesures, qui ne sont qu'une juste réciprocité pour le systême barbare adopté par le Gouvernement Anglais, qui assimile sa législation à celle d'Alger, cesseront d'avoir leur effet pour toutes les Nations qui sauraient obliger le Gouvernement Anglais à respecter leur Pavillon.

Elles continueront d'être en vigueur pendant tout le temps que ce Gouvernement ne reviendra pas aux principes du droit des gens, qui règle les relations des Etats civilisés dans l'état de Guerre. Les dispositions du présent Décret seront abrogées et nulles par le fait, dès que le Gouvernement Anglais sera revenu aux principes du droit des gens, qui sont aussi ceux de la justice et de l'honneur.

V. Tous nos Ministres sont chargés de l'exécution du présent Décret, qui sera inséré au Bulletin des Lois.

Par l'Empereur, NAPOLEON.

Le Ministre Secrétaire d'Etat, HUGUES B. MARET.

(9.)—*Act of Congress of The United States, laying an Embargo on all Ships and Vessels in the Ports and Harbours of The United States. 22d December,* 1807.

SECT. I. BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that an embargo be, and hereby is, laid on all Ships and Vessels in the Ports and Places within the limits or jurisdiction of the United States, cleared or not cleared, bound to any Foreign Port or Place; and that no clearance be furnished to any Ship or Vessel, bound to such Foreign Port or Place, except Vessels under the immediate direction of the President of The United States: And that the President be authorized to give such Instructions to the Officers of the Revenue, and of the Navy, and Revenue Cutters, of The United States, as shall appear best adapted for carrying the same into full effect; Provided, that nothing herein contained shall be construed to prevent the departure of any Foreign Ship or Vessel, either in ballast, or with the goods, wares, and merchandize, on board of such Foreign Ship or Vessel, when notified of this Act.

II. And be it further enacted, that, during the continuance of this Act, no registered or sea-letter Vessel, having on board goods, wares, and merchandize, shall be allowed to depart from one Port of

The United States to any other within the same, unless the Master, Owner, Consignee, or Factor, of such Vessel, shall first give bond, with one or more Sureties, to the Collector of the District from which she is bound to depart, in a sum of double the value of the Vessel and Cargo, that the said goods, wares, or merchandize shall be relanded in some Port of The United States, dangers of the seas excepted; which Bond and also a Certificate from the Collector where the same may be relanded, shall, by the Collector respectively be transmitted to the Secretary of the Treasury. All armed Vessels possessing Publick Commissions from any Foreign Power, are not to be considered as liable to the embargo laid by this Act.

[*Approved*—22 *December*, 1807.]

(10.) *Décret Imperial. Bayonne, 17th April*, 1808.

The American Minister at Paris to the Secretary of State.

(Extract.) *Paris, 23d April*, 1808.

ORDERS were given on the 17th Instant, and received yesterday at the Imperial Custom-house here, "to seize all American Vessels now in the Ports of France, or which may come into them hereafter."

Postscript, 25th April 1808.—I have this moment received the following explanation of the above mentioned Order; viz. that it directs the seizure of Vessels coming into Ports of France after its own date, because no Vessel of The United States can now navigate the seas without infracting a Law of the said States, and thus furnishing a presumption that they do so on British account, or in British connection.

Mr. Madison. JOHN ARMSTRONG.

(*Note.*—The above Extracts contain the only authentic information, received at the Department of State, relative to the Bayonne Decree.*)

(11.) *Act of Congress, to interdict the Commercial Intercourse between The United States and Great Britain and France, and their Dependencies, and for other purposes.*—1*st March*, 1809.

SEC. I. BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, that from and after the passing of this Act, the entrance of the Harbours and waters of The United States and of the Territories thereof, be and the same is hereby interdicted to all Publick Ships and Vessels belonging to Great Britain or France, excepting Vessels only which may be forced in by distress, or which are charged with Dispatches or business from the Government to which they belong, and

* See Message of the President of the United States to Congress, 23d December, 1808.

also Packets having no Cargo nor merchandize on board. And if any publick Ship or Vessel as aforesaid, not being included in the exception abovementioned, shall enter any Harbour or waters within the jurisdiction of The United States, or of the Territories thereof, it shall be lawful for the President of The United States, or such other Person as he shall have empowered for that purpose, to employ such part of the Land and Naval Forces, or of the Militia of the United States, or the Territories thereof, as he shall deem necessary, to compel such Ship or Vessel to depart.

II. And be it further enacted, that it shall not be lawful for any Citizen or Citizens of The United States or the Territories thereof, nor for any Person or Persons residing or being in the same, to have any intercourse with or to afford any aid or supplies to, any publick Ship or Vessel as aforesaid, which shall, contrary to the provisions of this Act, have entered any Harbour or waters within the jurisdiction of The United States or the Territories thereof; and if any Person shall, contrary to the provisions of this Act, have any intercourse with such Ship or Vessel, or shall afford any aid to such Ship or Vessel, either in repairing the said Vessel or in furnishing her, her Officers or Crew, with supplies of any kind, or in any manner whatever, or if any Pilot or other Person shall assist in navigating or piloting such Ship or Vessel, unless it be for the purpose of carrying her beyond the limits and jurisdiction of The United States, every Person so offending, shall forfeit and pay a sum not less than 100 dollars, nor exceeding 10,000 dollars; and shall also be imprisoned for a term not less than 1 month, nor more than 1 year.

III. And be it further enacted, that from and after the 20th day of May next, the entrance of the Harbours and waters of The United States and the Territories thereof, be and the same is hereby interdicted to all Ships or Vessels sailing under the Flag of Great Britain or France, or owned in whole or in part by any Citizen or Subject of either; Vessels hired, chartered or employed, by the Government of either Country, for the sole purpose of carrying Letters or Despatches, and also Vessels forced in by distress or by the dangers of the Sea, only excepted. And if any Ship or Vessel sailing under the Flag of Great Britain or France, or owned in whole or in part by any Citizen or Subject of either, and not excepted as aforesaid, shall, after the said 20th day of May next, arrive, either with or without a Cargo, within the limits of The United States or of the Territories thereof, such Ship or Vessel, together with the Cargo, if any, which may be found on board, shall be forfeited, and may be seized and condemned in any Court of The United States or the Territories thereof having competent jurisdiction; and all and every Act and Acts heretofore passed, which shall be within the purview of this Act, shall be and the same are hereby repealed.

IV. And be it further enacted, that from and after the 20th day of May next, it shall not be lawful to import into the United States or the Territories thereof, any goods, wares, or merchandize whatever, from any Port or Place situated in Great Britain or Ireland, or in any of the Colonies or Dependencies of Great Britain, nor from any Port or Place situated in France, or in any of her Colonies or Dependencies, nor from any Port or Place in the actual possession of either Great Britain or France. Nor shall it be lawful to import into The United States or the Territories thereof, from any Foreign Port or Place whatever, any goods, wares or merchandize whatever, being of the growth, produce or manufacture of France, or of any of her Colonies or Dependencies, or being of the growth, produce or manufacture of Great Britain or Ireland, or of any of the Colonies or Dependencies of Great Britain, or being of the growth, produce or manufacture of any Place or Country in the actual possession of either France or Great Britain: Provided, that nothing herein contained, shall be construed to affect the Cargoes of Ships or Vessels wholly owned by a Citizen or Citizens of The United States, which had cleared for any Port beyond the Cape of Good Hope, prior to the 22nd day of December, 1807, or which had departed for such Port by permission of the President, under the Acts supplementary to the Act laying an embargo on all Ships and Vessels in the Ports and Harbours of The United States.

V. And be it further enacted, that whenever any article or articles, the importation of which is prohibited by this Act, shall, after the 20th of May, be imported into The United States, or the Territories thereof, contrary to the true intent and meaning of this Act, or shall, after the said 20th of May, be put on board of any Ship or Vessel, Boat, Raft or Carriage, with intention of importing the same into The United States, or the Territories thereof, all such articles, as well as all other articles on board the same Ship or Vessel, Boat, Raft or Carriage, belonging to the Owner of such prohibited articles, shall be forfeited; and the Owner thereof shall moreover forfeit and pay treble the value of such articles.

VI. And be it further enacted, that if any article or articles, the importation of which is prohibited by this Act, shall, after the 20th of May, be put on board of any Ship or Vessel, Boat, Raft or Carriage, with intention to import the same into The United States, or the Territories thereof, contrary to the true intent and meaning of this Act, and with the knowledge of the Owner or Master of such Ship or Vessel, Boat, Raft or Carriage, such Ship or Vessel, Boat, Raft or Carriage, shall be forfeited, and the Owner and Master thereof shall moreover each forfeit and pay treble the value of such articles.

VII. And be it further enacted, that if any article or articles, the importation of which is prohibited by this Act, and which shall never-

theless be on board of any Ship or Vessel, Boat, Raft or Carriage, arriving after the said 20th of May next, in The United States, or the Territories thereof, shall be omitted in the manifest, report or entry of the Master, or the Person having the charge or command of such Ship or Vessel, Boat, Raft or Carriage, or shall be omitted in the entry of the goods owned by the Owner, or consigned to the Consignee of such articles, or shall be imported, or landed, or attempted to be imported or landed, without a permit, the same penalties, fines and forfeitures, shall be incurred, and may be recovered, as in the case of similar omission or omissions, landing, importation, or attempt to land or import, in relation to articles liable to duties on their importation into The United States.

VIII. And be it further enacted, that every Collector, Naval Officer, Surveyor or other Officer of the Customs, shall have the like power and authority to seize goods, wares and merchandize, imported contrary to the intent and meaning of this Act, to keep the same in custody until it shall have been ascertained whether the same have been forfeited or not, and to enter any Ship or Vessel, dwelling house, store, building or other place, for the purpose of searching for and seizing any such goods, wares and merchandize, which he or they now have by Law in relation to goods, wares and merchandize, subject to duty, and if any Person or Persons shall conceal or buy any goods, wares or merchandize, knowing them to be liable to seizure by this Act, such Person or Persons shall on conviction thereof, forfeit and pay a sum double the amount or value of the goods, wares and merchandize, so concealed or purchased.

IX. And be it further enacted, that the following additions shall be made to the oath or affirmation taken by the Masters or Persons having the charge or command of any Ship or Vessel arriving at any Port of The United States, or the Territories thereof, after the 20th of May, viz: "I further swear (or affirm) that there are not, to the best of my knowledge and belief, on board *(insert the denomination and name of the Vessel)* any goods, wares or merchandize, the importation of which into The United States, or the Territories thereof, is prohibited by Law: And I do further swear (or affirm) that if I shall hereafter discover or know of any such goods, wares or merchandize, on board the said Vessel, or which shall have been imported in the same, I will immediately and without delay, make due report thereof to the Collector of the Port of this district."

X. And be it further enacted, that the following addition be made, after the 20th of May, to the oath or affirmation taken by importers, consignees, or agents, at the time of entering goods imported into The United States, or the Territories thereof, viz: "I also swear (or affirm) that there are not, to the best of my knowledge and belief, amongst the said goods, wares, and merchandise, imported or consigned as afore-

said, any goods, wares, or merchandize, the importation of which, into The United States, or the Territories thereof, is prohibited by Law:— And I do further swear (or affirm) that if I shall hereafter discover or know of any such goods, wares, or merchandize, amongst the said goods, wares, and merchandize, imported or consigned as aforesaid, I will, immediately, and without delay, report the same to the Collector of this District."

XI. And be it further enacted, that the President of The United States be and he hereby is authorized, in case either France or Great Britain shall so revoke or modify her Edicts, as that they shall cease to violate the neutral commerce of The United States, to declare the same by Proclamation; after which the trade of The United States suspended by this Act, and by the Act laying an embargo on all Ships and Vessels in the Ports and Harbours of The United States, and the several Acts supplementary thereto, may be renewed with the Nation so doing: Provided, that all penalties and forfeitures which shall have been previously incurred by virtue of this, or of any other Act, the operation of which shall so cease and determine, shall be recovered and distributed, in like manner as if the same had continued in full force and virtue: and Vessels bound thereafter to any Foreign Port or Place, with which commercial intercourse shall, by virtue of this Section, be again permitted, shall give bond to The United States, with approved Security, in double the value of the Vessel and cargo, that they shall not proceed to any Foreign Port, nor trade with any Country, other than those with which commercial intercourse shall have been, or may be permitted by this Act.

XII. And be it further enacted, that so much of the Act laying an embargo on all Ships and Vessels in the Ports and Harbours of The United States, and of the several Acts supplementary thereto, as forbids the departure of Vessels owned by Citizens of The United States, and the exportation of domestic and Foreign merchandise to any Foreign Port or Place, be and the same is hereby repealed, after the 15th of March, 1809, except so far as they relate to Great Britain or France, or their Colonies or Dependencies, or Places in the actual possession of either: Provided, that all penalties and forfeitures which shall have been previously incurred by virtue of so much of the said Acts, as is repealed by this Act, or which have been, or may hereafter be incurred by virtue of the said Acts, on account of any infraction of so much of the said Acts as is not repealed by this Act, shall be recovered and distributed, in like manner as if the said Acts had continued in full force and virtue.

XIII. And be it further enacted, that during the continuance of so much of the Act laying an embargo on all Ships and Vessels in the Ports and Harbours of The United States, and of the several Acts supplementary thereto, as is not repealed by this Act, no Ship

or Vessel bound to a Foreign Port with which commercial intercourse shall, by virtue of this Act, be again permitted, shall be allowed to depart for such Port, unless the Owner or Owners, Consignee or Factor, of such Ship or Vessel, shall, with the Master, have given bond, with one or more Sureties, to The United States, in a sum double the value of the Vessel and cargo, if the Vessel is wholly owned by a Citizen or Citizens of The United States, and in a sum four times the value, if the Vessel is owned in part or in whole by any Foreigner or Foreigners, that the Vessel shall not leave the Port without a clearance, nor shall, when leaving the Port, proceed to any Port or Place in Great Britain or France, or in the Colonies or Dependencies of either, or in the actual possession of either, nor be directly or indirectly engaged during the voyage in any trade with such Port, nor shall put any article on board of any other Vessel; nor unless every other requisite and provision of the IId. Section of the Act, entitled "An Act to enforce and make more effectual, an Act entitled 'An Act laying an Embargo on all Ships and Vessels in the Ports and Harbours of The United States,' and the several Acts supplementary thereto," shall have been complied with.—And the Party or Parties to the abovementioned Bond shall, within a reasonable time after the date of the same, to be expressed in the said Bond, produce to the Collector of the District from which the Vessel shall have been cleared, a Certificate of the landing of the same, in the same manner as is provided by Law for the landing of goods exported with the privilege of drawback; on failure whereof, the Bond shall be put in suit; and in every such suit, judgment shall be given against the Defendant or Defendants, unless proof shall be produced of such relanding or of loss at sea.

XIV. And be it further enacted, that so much of the Act laying an embargo on all Ships and Vessels in the Ports and Harbours of The United States, and of the several Acts supplementary thereto, as compels Vessels owned by Citizens of The United States, bound to another Port of the said States, or Vessels licensed for the coasting trade, or Boats, either not masted, or not decked, to give bond, and to load under the inspection of a Revenue Officer, or renders them liable to detention, merely on account of the nature of their cargo (such provisions excepted as relate to Collection Districts adjacent to the Territories, Colonies, or Provinces of a Foreign Nation, or to Vessels belonging or bound to such Districts) be, and the same is hereby repealed, from and after the 15th day of March, 1809: Provided however, that all penalties and forfeitures which shall have been previously incurred by any of the said Acts, or which may hereafter be incurred by virtue of the said Acts, on account of any infraction of so much of the said Acts, as is not repealed by this Act, shall be recovered and distributed in like manner as if the same had continued in full force and virtue.

XV. And be it further enacted, that during the continuance of so much of the Act laying an embargo on all Ships and Vessels in the Ports and Harbours of The United States, and of the several Acts supplementary thereto, as is not repealed by this Act, no Vessel, owned by Citizens of The United States, bound to another Port of the said States or licensed for the coasting trade, shall be allowed to depart from any Port of The United States, or shall receive a clearance, nor shall it be lawful to put on board any such Vessel any specie or goods, wares or merchandise, unless a Permit shall have been previously obtained from the proper Collector, or from a Revenue Officer authorized by the Collector to grant such Permits; nor unless the Owner, Consignee, Agent, or Factor, shall, with the Master, give Bond with one or more Sureties, to The United States, in a sum double the value of the Vessel and cargo, that the Vessel shall not proceed to any Foreign Port or Place, and that the cargo shall be relanded in some Port of The United States: Provided, that it shall be lawful and sufficient in the case of any such Vessel, whose employment has been uniformly confined to rivers, bays, and sounds, within the jurisdiction of The United States, to give bond in an amount equal to 150 dollars, for each ton of said Vessel, with condition that such Vessel shall not, during the time limited in the condition of the Bond, proceed to any Foreign Port or Place, or put any article on board of any other Vessel, or be employed in any Foreign trade.

XVI. And be it further enacted, that if any Ship or Vessel shall, during the continuance of so much of the Act, laying an embargo on all Ships and Vessels in the Ports and Harbours of The United States, and of the several Acts supplementary thereto, as is not repealed by this Act, depart from any Port of The United States without a clearance or permit, or having given bond in the manner provided by Law, such Ship or Vessel, together with her cargo, shall be wholly forfeited; and the Owner or Owners, Agent, Freighter or Factors, Master or Commander of such Ship or Vessel, shall, moreover, severally, forfeit and pay a sum equal to the value of the Ship or Vessel, and of the cargo put on board the same.

XVII. And be it further enacted, that the Act to prohibit the importation of certain goods, wares, and merchandise, passed the 18th April, 1806, and the Act supplementary thereto, be and the same are hereby repealed, from and after the said 20th day of May next: Provided, that all penalties and forfeitures which shall have been previously incurred by virtue of the said Acts, shall be recovered and distributed in like manner as if the said Acts had continued in full force and virtue.

XVIII. And be it further enacted, that all penalties and forfeitures arising under, or incurred by virtue of this Act, may be sued for, prosecuted, and recovered, with costs of suit, by action of debt, in

the name of the United States of America, or by indictment or information, in any Court having competent jurisdiction to try the same —and shall be distributed and accounted for, in the manner prescribed by the Act, entitled "An Act to regulate the Collection of Duties on Imports and Tonnage," passed the 2nd day of March, 1799; and such penalties and forfeitures may be examined, mitigated or remitted, in like manner, and under the like conditions, regulations, and restrictions, as are prescribed, authorized, and directed by the Act, entitled "An Act to provide for mitigating or remitting the Forfeitures, Penalties, and Disabilities, accruing in certain cases therein mentioned," passed the 3rd day of March, 1797, and made perpetual by an Act passed the 11th day of February, 1800.

XIX. And be it further enacted, that this Act shall continue and be in force until the end of the next Session of Congress, and no longer; and that the Act laying an embargo on all Ships and Vessels in the Ports and Harbours of The United States, and the several Acts supplementary thereto, shall be, and the same are hereby repealed from and after the end of the next Session of Congress.

[Approved—March 1, 1809.]

(12.)—*Order in Council, modifying the Blockade of the French Ports.*—*26th April*, 1809.

At the Court at the Queen's Palace, the 26th of April, 1809,

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS His Majesty, by his Order in Council of the 11th November, 1807, was pleased, for the reasons assigned therein, to order, that "all the Ports and Places of France and her Allies, or of any other Country at War with His Majesty, and all other Ports and Places in Europe from which, although not at War with His Majesty, the British Flag is excluded, and all Ports or Places in the Colonies belonging to His Majesty's Enemies, should from thenceforth be subject to the same restrictions, in point of trade and navigation, as if the same were actually blockaded in the most strict and rigorous manner;" and also to prohibit "all trade in articles which are the produce or manufacture of the said Countries or Colonies:" And whereas His Majesty, having been nevertheless desirous not to subject those Countries which were in alliance or in amity with His Majesty, to any greater inconvenience than was absolutely inseparable from carrying into effect His Majesty's just determination to counteract the designs of his Enemies, did make certain exceptions and modifications expressed in the said Order of the 11th November, and in certain subsequent Orders of the 25th of November, declaratory of the aforesaid

Order of the 11th of November, and of the 18th of December, 1807,* and the 30th of March, 1808 :†

And whereas, in consequence of divers events which have taken place since the date of the first mentioned Order, affecting the relation between Great Britain and the Territories of other Powers, it is expedient that sundry parts and provisions of the said Orders should be altered or revoked:—

His Majesty is therefore pleased, by and with the advice of his Privy Council, to revoke and annul the said several Orders, except as herein after expressed; and so much of the said several Orders, except as aforesaid, is hereby revoked accordingly.

And His Majesty is pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, that all the Ports and Places as far north as the River *Ems* inclusively, under the Government styling itself the Kingdom of Holland, and all Ports and Places under the Government of France, together with the Colonies, Plantations, and Settlements, in the possession of those Governments respectively; and all Ports and Places in the northern parts of *Italy*, to be reckoned from the Ports of *Orbitello* and *Pesaro* inclusively, shall continue and be subject to the same restrictions in point of trade and navigation, without any exception, as if the same were actually blockaded by His Majesty's Naval Forces in the most strict and rigorous manner; and that every Vessel trading from and to the said Countries or Colonies, Plantations or Settlements, together with all goods and merchandize on board, shall be condemned as prize to the Captors.

And His Majesty is further pleased to order, and it is hereby ordered, that this Order shall have effect from the day of the date thereof, with respect to any Ship together with its cargo which may be captured subsequent to such day, on any voyage which is and shall be rendered legal by this Order, although such voyage at the time of the commencement of the same was unlawful, and prohibited under the said former Orders; and such Ships upon being brought in shall be released accordingly; and with respect to all Ships, together with their cargoes, which may be captured in any voyage which was permitted under the exceptions of the Orders above mentioned, but which is not permitted according to the provisions of this Order, His Majesty is pleased to order, and it is hereby ordered, that such Ships and their cargoes shall not be liable to condemnation, unless they shall have received actual notice of the present Order before such capture; or, in default of such notice, until after the expiration of the like intervals from the date of this Order, as were allowed for constructive notice in the Orders of the 25th of November, 1807, and the 18th of May, 1808,‡ at the several Places and Latitudes therein specified.

* See London Gazette, 29th Dec. 1807. † See London Gazette, 2d April, 1808.
‡ See London Gazette, 21st May, 1808.

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, His Majesty's Principal Secretaries of State, the Lords Commissioners of the Admiralty, and the Judge of the High Court of Admiralty, and Judges of the Courts of Vice-Admiralty, are to give the necessary directions herein as to them may respectively appertain. STEPH. COTTRELL.

(13.)—*Traité entre la France et la Hollande.—Signé à Paris, le* 16 *Mars,* 1810.

Sa Majesté l'Empereur des Français, Roi d'Italie, Protecteur de la Confédération du Rhin, Médiateur de la Confédération Suisse, et Sa Majesté le Roi de Hollande, dans les nouvelles circonstances où les Ordres du Conseil d'Angleterre, de l'an 1807, ont placé toutes les Puissances Maritimes;

Sont convenus de s'entendre réciproquement à ce sujet, et ont nommé pour leurs Plénipotentiaires, savoir:

Sa Majesté l'Empereur des Français, Roi d'Italie, etc. etc. le Sieur J. B. Nompère, Comte de Champagny, Duc de Cadore, Grand-Aigle de la Légion d'Honneur, etc. etc.; et Sa Majesté le Roi de Hollande, Ch. H. Verheuil, Amiral de Hollande, Grand-Aigle de la Légion d'Honneur, etc. etc.; lesquels, après avoir échangé leurs Pleins-pouvoirs, sont convenus des Articles suivants:

Art. I. Jusqu'à l'époque où le Gouvernement Anglais se sera officiellement désisté des mesures contenues dans les Ordres du Conseil de l'an 1807, tout commerce quelconque entre les Ports de Hollande et d'Angleterre est défendu. S'il pouvait être question d'accorder des Licences, celles qui seraient données au nom de Sa Majesté l'Empereur seront seules valables.

II. Un corps de 18,000 Hommes (parmi lesquels 3,000 de Cavalerie), composé de 6,000 Français, et de 12,000 Hollandais, occupera les embouchures de toutes les Rivières, conjointement avec les Employés des Douanes Françaises, pour surveiller l'exécution de l'Article précédent.

III. Ces Troupes seront entretenues, nourries et habillées par le Gouvernement Hollandais.

IV. Tous les Bâtiments qui, en contrevenant à l'Article I. seraient pris sur les Côtes de Hollande par les Vaisseaux de Guerre ou Corsaires Français, seront déclarés de bonne prise; et en cas de doute, la décision sera réservée à Sa Majesté l'Empereur.

V. Les mesures contenues dans les Articles précédents, seront révoquées aussitôt que l'Angleterre aura officiellement révoqué les Ordres du Conseil, de 1807; et dès ce moment les Troupes Françaises évacueront la Hollande et lui laisseront l'entière jouissance de son indépendance.

VI. Comme c'est un principe constitutionnel en France que le *thalweg* du Rhin forme la limite de l'Empire Français, et comme les

chantiers d'Anvers, par l'état actuel des Frontières des deux Pays, se trouvent à découverts et exposés, Sa Majesté le Roi de Hollande fait à Sa Majesté l'Empereur des Français, Roi d'Italie, etc., la cession du Brabant Hollandais, de la Zélande en totalité, y compris l'Ile de Schouwen; de la partie du Gelderland, située sur la rive gauche du Waal, de manière que désormais la Frontière entre la France et la Hollande sera le *thalweg* du Waal, depuis Schenckenschantz, laissant sur la rive gauche Nimegue, Bommel et Wondrichen; ensuite le principal bras de la Merwede, qui se jette dans le Biesbosch; une ligne passant par le Biesbosch et ensuite par le Hollands-Diep et le Wolperak, et joignant la mer près l'endroit nommé Bielingen de Gravelingen, en laissant à gauche l'Ile de Schouwen.

VII. Chacune des Provinces cédées sera libérée de toutes les dettes qui ne sont point faites pour leurs besoins particuliers, accordées par leurs administrations et hypothéquées sur leur Territoire.

VIII. Sa Majesté le Roi de Hollande, afin de coopérer avec les Forces de l'Empire Français, s'engage à tenir prête une Escadre de 9 Vaisseaux de Ligne, et 6 Frégates armées, et approvisionnées pour 6 mois, et en état de mettre en mer le 1er Juillet; de même, une Flotille de 100 Chaloupes cannonières et d'autres Bâtiments de Guerre. Cette Force sera toujours entretenue en état de service tant que durera la guerre.

IX. Les Revenus des Provinces cédées appartiendront à la Hollande jusqu'au jour de l'échange des Ratifications du présent Traité. De même, les frais de l'administration seront au compte du Roi de Hollande jusqu'à ce jour.

X. Toutes les marchandises apportées par des Vaisseaux Américains entrés dans les Ports de Hollande postérieurement au 1er Janvier, 1810, seront mises sous le séquestre, et à la disposition de la France, pour être statué à leur égard conformément aux circonstances et aux rapports politiques entre la France et les Etats-Unis.

XI. Toutes les marchandises de fabrique Anglais sont défendues en Hollande.

XII. Il sera pris des mesures de police pour surveiller tous les assureurs du commerce de contrebande, tous les contrebandiers et ceux qui les favorisent; en un mot, le Gouvernement Hollandais s'oblige à extirper le commerce de contrebande.

XIII. Il ne pourra être formé aucun magasin des objets défendus en France, et pouvant donner lieu à la contrebande, dans un rayon de 4 lieues de poste de distance de la ligne des Douanes Françaises. En cas de contravention, de semblables magasins pourront être saisis, quoiqu'étant sur le Territoire Hollandais.

XIV. Sauf l'exécution de ces mesures, et tant qu'elles seront observées, Sa Majesté l'Empereur révoquera le Décret par lequel les barrières de la Frontière entre la France et la Hollande étaient fermées.

XV. Plein de confiance dans la fidélité avec laquelle les Articles de ce Traité seront exécutés, Sa Majesté l'Empereur garantit l'intégrité des Possessions Hollandaises, d'après les limites fixées par le présent Traité.

XVI. Le présent Traité sera ratifié, et les Ratifications seront échangées à Paris, dans l'espace de 15 jours, ou plutôt, si faire se peut.

Fait à Paris, le 16 Mars, 1810.

CHAMPAGNY, DUC DE CADORE.

L'AMIRAL VERHEUIL.

(14.)—*Décret Impérial, qui ordonne la saisie et la vente des Bâtimens sous le Pavillon des Etats-Unis, entrés dans les Ports de l'Empire, à compter du* 20 *Mai,* 1809.

Au Palais de Rambouillet, le 23 *Mars,* 1810.

NAPOLEON, Empereur des Français, Roi d'Italie, Protecteur de la Confédération du Rhin, Médiateur de la Confédération Suisse;

Considérant que le Gouvernement des Etats-Unis, par un Acte du 1er Mars, 1809, qui défend l'entrée des Ports, Havres et Rivières desdits Etats, à tous Vaisseaux Français, ordonne,

1. Qu'à compter du 20 Mai suivant, les Bâtimens sous le Pavillon Français qui aborderont aux Etats-Unis, seront saisis et confisqués ainsi que leurs cargaisons;

2. Qu'après la même époque, aucunes marchandises et productions provenant du sol et des manufactures de France ou de ses Colonies, ne pourront être importées dans lesdits Etats-Unis, d'aucun Port ou lieu Etranger quelconque, sous peine de saisie, confiscation et amende de trois fois la valeur des marchandises;

3. Que les Navires Américains ne pourront se rendre dans aucun Port de France, de ses Colonies ou Dépendances,

Nous avons décrété et décretons ce qui suit:

ART. I. Tous les Bâtimens naviguant sous le Pavillon des Etats-Unis, ou possédés en entier ou en partie par quelque Citoyen ou Sujet de cette Puissance, qui, à compter du 20 Mai, 1809, seraient entrés ou entreront dans les Ports de notre Empire, de nos Colonies ou des Pays occupés par nos Armées, seront saisis, et les produits des ventes seront déposés à la Caisse d'Amortissement.

Sont exceptés de cette disposition les Bâtimens qui seraient chargés de Dépêches ou de Commissions du Gouvernement desdits Etats, et qui n'auraient ni chargement ni marchandises à bord.

II. Notre Grand Juge, Ministre de la Justice, et notre Ministre des Finances, sont chargés de l'exécution de notre présent Décret.

NAPOLEON.

Par l'Empereur.

Le Ministre Secrétaire d'E at, HUGUES B. MARET.

(15.)—*Act of Congress of The United States, concerning the Commercial Intercourse between The United States and Great Britain, and France, and their Dependencies, and for other purposes.*—1*st May*, 1810.

SECT. I. BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that, from and after the passage of this Act, no British or French armed Vessel shall be permitted to enter the Harbours or waters under the jurisdiction of The United States; but every British and French armed Vessel is hereby interdicted, except when they shall be forced in by distress, by the dangers of the sea, or when charged with Despatches or business from their Government, or coming as a public Packet for the conveyance of Letters; in which cases, as well as in all others, when they shall be permitted to enter, the Commanding Officer shall immediately report his Vessel to the Collector of the District, stating the object or causes of his entering the Harbours or waters of The United States; and shall take such position therein as shall be assigned him by such Collector, and shall conform himself, his Vessel, and Crew, to such regulations respecting health, repairs, supplies, stay, intercourse and departure, as shall be signified to him by the said Collector, under the authority and directions of the President of The United States; and not conforming thereto, shall be required to depart from The United States.

II. And be it further enacted, that all pacific intercourse with any interdicted Foreign armed Vessel, the Officers, or Crew thereof, is hereby forbidden; and if any Person shall afford any aid to such armed Vessel, either in repairing her, or in furnishing her, her Officers, or Crew, with supplies of any kind, or in any manner whatsoever, or if any Pilot shall assist in navigating the said armed Vessel, contrary to this prohibition, unless for the purpose of carrying her beyond the limits and jurisdiction of The United States, the Person or Persons so offending, shall be liable to be bound to their good behaviour, and shall, moreover, forfeit and pay a sum not exceeding 2,000 dollars, to be recovered upon indictment or information, in any Court of competent jurisdiction; one moiety thereof to the Treasury of The United States; and the other moiety to the Person who shall give information and prosecute the same to effect: Provided, that if the prosecution shall be by a publick Officer, the whole forfeiture shall accrue to the Treasury of The United States.

III. And be it further enacted, that all the penalties and forfeitures which may have been incurred under the Act, entitled "An Act to interdict the Commercial Intercourse between The United States and Great Britain and France, and their Dependencies, and for other purposes," and also all the penalties and forfeitures which may have been incurred under the Act laying an embargo on all Ships and Vessels in the Ports and Harbours of The United States, or under any of the several Acts supplementary thereto, or to enforce the same, or under the

Acts to interdict the commercial intercourse between The United States and Great Britain, and France, and their Dependencies, and for other purposes, shall be recovered and distributed, and may be remitted, in the manner provided by the said Acts, respectively, and in like manner as if the said Acts had continued in full force and effect.

IV. And be it further enacted, that, in case either Great Britain or France shall, before the 3d day of March next, so revoke or modify her Edicts, as that they shall cease to violate the neutral commerce of The United States, which fact the President of The United States shall declare by Proclamation, and if the other Nation shall not, within 3 months thereafter, so revoke or modify her Edicts, in like manner, then the 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, and 18th, sections of the Act, entitled "An Act to interdict the Commercial Intercourse between The United States and Great Britain, and France, and their Dependencies, and for other purposes," shall, from and after the expiration of 3 months from the date of the Proclamation aforesaid, be revived, and have full force and effect, so far as relates to the Dominions, Colonies, and Dependencies, and to the articles the growth, produce, or manufacture, of the Dominions, Colonies, and Dependencies, of the Nation thus refusing or neglecting to revoke or modify her Edicts in the manner aforesaid. And the restrictions imposed by this Act shall, from the date of such Proclamation, cease and be discontinued, in relation to the Nation revoking or modifying her Decrees in the manner aforesaid. [Approved, 1st May, 1810.]

(16.)—*The Duc de Cadore to the American Minister, announcing the Revocation of the Berlin and Milan Decrees.—5th August*, 1810:

MONSIEUR, *Paris, le 5 Août*, 1810.

J'AI mis sous les yeux de Sa Majesté l'Empereur et Roi, l'Acte du Congrès du 1er Mai, extrait de la Gazette des Etats-Unis que vous m'avez fait passer. Sa Majesté aurait désiré que cet Acte et tous les autres Actes du Gouvernement des Etats-Unis qui peuvent intéresser la France, lui eussent toujours été notifiés officiellement. En général, elle n'en a eu connaissance qu'indirectement et après un long intervalle de temps. Il résulte de ce retard des inconvénients graves qui n'auraient pas lieu, si ces Actes étaient promptement et officiellement communiqués.

L'Empereur avait applaudi à l'embargo géuéral, mis par les Etats-Unis sur tous leurs Bâtiments, parce que cette mesure, si elle a été préjudiciable à la France, n'avait au moins rien d'offensant pour son honneur. Elle lui a fait perdre ses Colonies de la Guadeloupe, de la Martinique et de Caïenne. L'Empereur ne s'en est pas plaint. Il a fait ce sacrifice au principe qui avait déterminé les Américains à l'embargo, en leur inspirant la noble résolution de s'interdire les mers, plutôt que de se soumettre aux Lois de ceux qui veulent s'en faire les Dominateurs.

L'Acte du 1er Mars a levé l'embargo, et l'a remplacé par une mesure qui devait nuire surtout aux intérêts de la France. Cet Acte que l'Empereur n'a bien connu que très-tard, interdisait aux Bâtimens Americains le Commerce de la France, dans le temps qu'il l'autorisait pour l'Espagne, Naples, et la Hollande, c'est-à-dire, pour les Pays sous l'influence Française, et prononçait la confiscation contre les Bâtiments Français qui entreraient dans les Ports d'Amérique. La réprésaille était de droit et commandée par la dignité de la France, circonstance sur laquelle il était impossible de transiger. Le séquestre de tous les Batiments Américains en France a été la suite nécessaire de la mesure prise par le Congrès.

Aujourd'hui le Congrès revient sur ses pas. Il révoque l'Acte du 1er Mars. Les Ports de l'Amérique sont ouverts aux commerce Français et la France n'est plus interdite aux Américains. Enfin le Congrès prend l'engagement de s'élever contre celle des Puissances Belligérantes qui refuserait de reconnaitre les droits des Neutres.

Dans ce nouvel état de choses, je suis autorisé à vous déclarer, Monsieur, que les Décrets de Berlin et de Milan sont révoqués, et qu'à dater du 1er Novembre, ils cesseront d'avoir leur effet, bien entendu qu'en conséquence de cette déclaration les Anglais révoqueront leurs Arrêts du Conseil, et renonceront aux nouveaux principes de Blocus qu'ils ont voulu établir, ou bien que les Etats-Unis, conformément à l'Acte que vous venez de communiquer, feront respecter leurs droits par les Anglais.

C'est avec une satisfaction toute particulière, Monsieur, que je vous fais connaître cette résolution de l'Empereur. Sa Majesté aime les Américains. Leur prospérité et leur commerce sont dans les vues de sa politique. L'indépendance de l'Amérique est un des principaux titres de gloire de la France. Depuis cette époque, l'Empereur s'est plu à agrandir les Etats-Unis, et dans toutes les circonstances ce qui pourra contribuer à l'Indépendance, à la prospérité, et à la liberté des Amériques, l'Empereur le regardera comme conforme aux intérêts de son Empire.

CHAMPAGNY, DUC DE CADORE.

S. E. Le Général Armstrong.

(17.)—*Proclamation of The President of The United States, announcing the Revocation of the French Edicts against the Neutral Commerce of The United States.—2nd November,* 1810.

WHEREAS by the 4th Section of the Act of Congress, passed on the 1st day of May, 1810, entitled "An Act concerning the Commercial Intercourse between The United States and Great Britain and France and their Dependencies, and for other purposes," it is provided "that in case either Great Britain or France shall, before the 3d of March next, so revoke or modify her Edicts as that they shall cease

to violate the Neutral Commerce of The United States, which fact the President of the United States shall declare by Proclamation, and if the other Nation shall not within 3 months thereafter so revoke or modify her Edicts, in like manner, then the 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, and 18th Sections of the Act entitled "An Act to interdict the Commercial Intercourse between The United States and Great Britain and France and their Dependencies, and for other purposes," shall, from and after the expiration of 3 months from the date of the Proclamation aforesaid, be revived and have full force and effect, so far as relates to the Dominions, Colonies, and Dependencies, and to the articles the growth, produce or manufacture of the Dominions, Colonies, and Dependencies of the Nation thus refusing or neglecting to revoke or modify her Edicts in the manner aforesaid. And the restrictions imposed by this Act shall, from the date of such Proclamation, cease and be discontinued in relation to the Nation revoking or modifying her Decrees in the manner aforesaid:"

And whereas it has been officially made known to this Government that the Edicts of France violating the Neutral Commerce of The United States have been so revoked as to cease to have effect, on the first of the present month: Now therefore, I, James Madison, President of The United States, do hereby proclaim, that the said Edicts of France have been so revoked as that they ceased on the said 1st day of the present month to violate the Neutral Commerce of The United States; and that, from the date of these presents, all the restrictions imposed by the aforesaid Act shall cease and be discontinued in relation to France and her Dependencies.

In testimony whereof, I have caused the Seal of The United States to be hereunto affixed, and signed the same with my hand at the City of Washington, this 2nd day of November, in the Year of our Lord 1810, and of the Independence of The United States the 35th.

By the President, JAMES MADISON.

R. SMITH *Secretary of State.*

(18.)—*Circular of the Treasury Department to the Collectors of the Customs of The United States, transmitting the above Proclamation.*

2nd November, 1810.

SIR, *Washington, 2nd November,* 1810.

YOU will herewith receive a Copy of the Proclamation of the President of The United States, announcing the revocation of the Edicts of France which violated the Neutral Commerce of The United States, and that the restrictions, imposed by the Act of 1st May last, accordingly cease from this day in relation to France. French armed Vessels may therefore be admitted into the harbours and waters of The United States, any thing in that Law to the contrary notwithstanding.

It also follows that if Great Britain shall not, on the 2nd day of

February next, have revoked or modified in like manner her Edicts violating the Neutral Commerce of The United States, the 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, and 18th Sections of the "Act to interdict the Commercial Intercourse between The United States and Great Britain and France and their Dependencies, and for other purposes," shall, in conformity with the Act first above-mentioned, be revived and have full force and effect, so far as relates to Great Britain and her Dependencies, from and after the said 2d day of February next. Unless therefore you shall before that day be officially notified by this Department of such revocation or modification, you will, from and after the said day, carry into effect the above-mentioned Sections which prohibit both the entrance of British Vessels of every description into the harbours and waters of The United States, and the importation into The United States of any articles the growth, produce or manufacture of the Dominions, Colonies and Dependencies of Great Britain, and of any articles whatever brought from the said Dominions, Colonies, and Dependencies. I am, &c.

ALBERT GALLATIN.

The Collector of the Customs for the District of ———

(19.)—*Le Grand-Juge Ministre de Justice, à M. le Conseiller-d'Etat, Président du Conseil des Prises, 25 Décembre,* 1810.

MONSIEUR LE PRÉSIDENT, *Paris, le 25 Décembre,* 1810.

Le Ministre des Relations Extérieures, d'après les Ordres de Sa Majesté l'Empereur et Roi, a adressé, le 5 Août dernier, au Plénipotentiaire des Etats-Unis d'Amérique, une Note portant ces mots:

"Je suis autorisé à vous déclarer que les Décrets de Berlin et de Milan sont révoqués, et qu'à dater du 1er Novembre, ils cesseront d'avoir leur effet, bien entendu qu'en conséquence de cette déclaration, les Anglais révoqueront leurs Ordres du Conseil et renonceront aux nouveaux principes de Blocus qu'ils ont voulu établir, ou bien que les Etats-Unis, conformément à l'Acte que vous venez de communiquer, feront respecter leurs droits par les Anglais."

D'après la communication de cette Note, le Président des Etats-Unis a publié, le 2 Novembre, une Proclamation pour annoncer la révocation des Décrets de Berlin et de Milan, et déclaré qu'en conséquence, toutes les restrictions imposées par l'Acte du 1er Mai, devaient cesser à l'égard de la France et de ses Dépendances; le Département du Trésor a adressé le même jour à tous les Agens des Douanes d'Amérique, une Circulaire qui leur enjoint d'admettre dans les Ports et dans les Eaux des Etats-Unis les Bâtimens Français armés, et leur prescrit d'appliquer, à compter du 2 Février prochain, aux Bâtimens Anglais de tout genre, et aux marchandises provenant du sol et de l'industrie ou du commerce de l'Angleterre et de ses Dépendances, la

Loi qui prohibe toute relation commerciale, si à cette époque la révocation des Ordres du Conseil d'Angleterre et de tous les Actes attentatoires à la Neutralité des Etats-Unis n'avait pas été annoncée par le Département du Trésor.

En conséquence de cet engagement pris par le Gouvernement des Etats-Unis, de faire respecter ses droits, Sa Majesté ordonne que toutes les Causes qui seraient pendantes au Conseil des Prises pour des prises de Bâtimens Américains, faites à dater du 1er Novembre, et celles qui y seraient portées à l'avenir, ne soient pas jugées d'après les principes des Décrets de Berlin et de Milan, mais qu'elles restent en suspens, les Bâtimens pris ou saisis devant, être seulement sous le séquestre, et les droits des Propriétaires leur étant réservés jusqu'au 2 Février prochain, époque où les Etats-Unis ayant rempli l'engagement de faire respecter leurs droits, lesdites prises devront être déclarées nulles par le Conseil, et les Bâtimens Américains remis avec leurs Cargaisons à leurs Propriétaires.

Agréez, Monsieur le Président, les nouvelles assurances, &c.

LE DUC DE MASSA.

Certifié conforme,

Le Secrétaire-Général du Ministère de la Justice, RIEFF.

(20.)—*Le Ministre des Finances à M. le Sussy, Conseiller-d'Etat, Directeur-Général des Douanes.—25 Décembre,* 1810.

MONSIEUR LE COMTE, *Paris, le 25 Décembre,* 1810.

LE 5 Août dernier, le Ministre des Relations Extérieures a écrit à M. Armstrong, Ministre Plénipotentiaire des Etats-Unis d'Amérique, que les Décrets de Berlin et de Milan étaient révoqués, et qu'à dater du 1er Novembre ils cesseraient d'avoir leur effet; bien entendu qu'en conséquence de cette déclaration, les Anglais révoqueraient leurs Arrêts du Conseil et renonceraient aux nouveaux principes de Blocus qu'ils ont voulu établir; ou bien que les Etats-Unis, conformément à l'Acte communiqué, feraient respecter leurs droits par les Anglais.

Sur la communication de cette Note, le Président des Etats-Unis a rendu, le 2 Novembre, une Proclamation qui annonce la révocation, à compter du 1er Novembre, des Décrets de Berlin et de Milan, et qui déclare qu'en conséquence toutes les restrictions imposées par l'Acte du 1er Mai, doivent cesser à l'égard de la France et de ses Dépendances.

Le même jour, le Département du Trésor a adressé aux Agens des Douanes une Circulaire qui leur prescrit d'admettre dans ses Ports et dans les Eaux des Etats-Unis les Bâtimens Français armés, et leur enjoint d'appliquer, à compter du 2 Février prochain, la Loi

du 1er Mai, 1809, prohibitive de toute relation commerciale, aux Bâtimens Anglais de tout genre, ainsi qu'aux marchandises du sol, ou de l'industrie, ou du commerce, de l'Angleterre et de ses Dépendances.

Sa Majesté, Monsieur, ayant vu dans ces deux pièces l'annonce des mesures que les Américains comptent prendre au 2 Février prochain, pour faire respecter leurs droits, m'a ordonné de vous faire connaître que les Décrets de Berlin et de Milan ne doivent être appliqués à aucun Bâtiment Américain entré dans nos Ports depuis le 1er Novembre, ou qui y entrerait à l'avenir; et que ceux qui ont été séquestrés, comme étant en contravention avec ces Décrets, doivent être l'objet d'un rapport spécial.

Au 2 Février, je vous ferai connaître les intentions de l'Empereur sur le parti définitif à prendre pour distinguer et favoriser la navigation Américaine.

J'ai l'honneur, M. le Comte, de vous saluer.

M. Le Comte de Sussy. LE DUC DE GAETE.

(21.)—*Act of Congress supplementary to the Act, entitled "An Act concerning the Commercial Intercourse between The United States and Great Britain and France, and their Dependencies, and for other purposes."—2nd March*, 1811.

SECT. I. BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that no Vessel owned wholly by a Citizen or Citizens of The United States, which shall have departed from a British Port prior to the 2nd day of February, 1811, and no merchandise owned wholly by a Citizen or Citizens of The United States, imported in such Vessel, shall be liable to seizure or forfeiture, on account of any infraction or presumed infraction of the provisions of the Act to which this Act is a Supplement.

II. And be it further enacted, that in case Great Britain shall so revoke or modify her Edicts, as that they shall cease to violate the neutral commerce of The United States, the President of The United States shall declare the fact by Proclamation; and such Proclamation shall be admitted as evidence, and no other evidence shall be admitted, of such revocation or modification, in any suit or prosecution which may be instituted under the 4th Section of the Act to which this Act is a Supplement. And the restrictions imposed, or which may be imposed by virtue of the said Act, shall, from the date of such Proclamation, cease and be discontinued.

III. And be it further enacted, that, until the Proclamation aforesaid shall have been issued, the several provisions of the 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, and 18th Sections of the Act, entitled "An Act to interdict the Commercial Intercourse between The

United States and Great Britain and France and their Dependencies, and for other purposes," shall have full force, and be immediately carried into effect against Great Britain, her Colonies, and Dependencies: Provided, however, that any Vessel or merchandise which may, in pursuance thereof, be seized, prior to the fact being ascertained, whether Great Britain shall, on or before the 2nd day of February, 1811, have revoked or modified her Edicts in the manner abovementioned, shall, nevertheless, be restored, on application of the Parties, on their giving bond, with approved Sureties, to The United States, in a sum equal to the value thereof, to abide the decision of the proper Court of The United States thereon; and any such bond shall be considered as satisfied, if Great Britain shall, on or before the 2nd day of February, 1811, have revoked or modified her Edicts in the manner abovementioned: Provided also, that nothing herein contained shall be construed to affect any Ships or Vessels, or the cargoes of Ships or Vessels, wholly owned by a Citizen or Citizens of The United States, which had cleared out for the Cape of Good Hope, or for any Port beyond the same, prior to the 10th day of November, 1810. [Approved, 2nd March, 1811.]

(22.)—*Decree of The Emperor Napoleon, for the repeal of the Berlin and Milan Decrees, in favour of American Vessels.—28th April,* 1811. *(Communicated to the Minister of The United States at Paris, 10th May,* 1812.)

Au Palais de St. Cloud, le 28 *Avril,* 1811.

NAPOLÉON, Empereur des Français, Roi d'Italie, Protecteur de la Confédération du Rhin, Médiateur de la Confédération Suisse.

Sur le Rapport de notre Ministre des Relations Extérieures,

Vu la Loi du 2 Mars, 1811, par laquelle le Congrès des Etats-Unis a ordonné l'exécution des dispositions de l'Acte de *non-intercourse,* qui interdisent l'entrée dans les Ports Américains, aux navires et aux marchandises de la Grande Bretagne, ses Colonies et Dépendances.

Considérant que la dite Loi est un acte de résistance aux prétentions arbitraires consacrées par les Arrêts du Conseil Britannique, et un refus formel d'adhérer à un systême attentatoire à l'indépendance des Puissances neutres et de leur Pavillon.

Nous avons décrété et décrétons ce qui suit:

Les Décrets de Berlin et de Milan sont définitivement, et à dater du 1er Novembre dernier, considérés comme non avenus à l'égard des Bâtiments Américains. NAPOLEON.

Le Ministre Secrétaire d'Etat, LE COMTE DARU.

Pour copie conforme,

Le Ministre des Relations Extérieures, LE DUC DE BASSANO.

A true Copy, JOEL BARLOW.

(23.)—*Letter of the Duke of Bassano to the American Minister, relative to the admission of certain American Cargoes.—4th May*, 1811.

(Translation.)

SIR, *Paris, 4th May*, 1811.

I HASTEN to announce to you that His Majesty the Emperor has ordered his Minister of Finance to authorise the admission of the American cargoes which had been provisionally placed in deposit on their arrival in France.

I have the honour to send to you a list of the Vessels to which these cargoes belong; they will have to export the amount of them in national merchandize, of which two-thirds will be silks.

I have not lost a moment in communicating to you a measure perfectly in accord with the sentiments of the union and friendship which exist between the two Powers.

Accept, Sir, the assurance of my high consideration.

Mr. Russell. LE DUC DE BASSANO.

(24.)—*Correspondence of the American Minister with the French Government, respecting the Revocation of the Berlin and Milan Decrees.—February, March*, 1812.

Mr. Barlow to the Duke of Bassano.

MY LORD, *Paris, 6th February*, 1812.

I UNDERSTAND that the Brig *Bellisarius*, of New York, Captain Lockwood, and her cargo, are about to be confiscated, after report made to His Majesty, because this Vessel and her cargo are liable to the Decree of Milan of the 17th December, 1807.

As I know positively that this American Vessel left New York the 17th of June, 1811, seven months after the Revocation of the Decrees of Berlin and Milan, laden with permitted articles, the produce of the soil of The United States, I am unable to account for this decision, without attributing it to an error of date committed in the Report, in which it is possible that the year 1810 has been taken for the year 1811.

I take the liberty, therefore, to submit this remark to your Excellency, well persuaded, if there has been an error in the Report, the justice of His Majesty will order a revision of the affair.

I pray your Excellency, &c.

H. E. The Duke of Bassano. JOEL BARLOW.

Mr. Barlow to the Duke of Bassano.

Paris, 12th March, 1812.

THE Undersigned, Minister Plenipotentiary of The United States, has the honour to transmit here inclosed to his Excellency the Duke of Bassano, Minister of Foreign Relations, Copies of the Protests of

Thomas Holden, Master of the American Brig *Dolly*, of New York, and Stephen Bayard, Master of the American Ship *Telegraph*, of New York, by which his Excellency will learn that these Vessels have been met with at sea, by His Imperial and Royal Majesty's Ships, the *Medusa*, Captain Raoel, and the *Nymph*, Captain Plassaw, who, after having plundered them of a part of their cargoes, destroyed the remainder by burning the Ships.

It is a painful task to the Undersigned, to be obliged so frequently to call the attention of his Excellency to such lawless depredations. It appears to him, that in the whole catalogue of outrages on the part of the Cruizers of the Belligerents, of which The United States have such great and just reasons to complain, there are none more vexatious and reprehensible than this.

Upon what ground can such spoliations be justified? Will it be alleged that the destruction of these Vessels was necessary, in order to prevent their carrying information to the Enemy, and thereby endanger the safety of these Frigates upon a trackless ocean? This would be a poor defence. After boarding these peaceful Traders, they might easily have laid their course south, when they intended to go north. They could even have maintained their assumed character of British Ships, under which it seems they began the commission of these flagrant acts, and thus have prevented all information of their cruising in those latitudes.

But it appears that plunder and not safety was the object for which they have thus disgraced the Imperial Flag. For his Excellency will probably have learnt from Brest, where the Frigates entered, that the 20 boxes of spices, and other articles taken from the *Telegraph*, were smuggled on shore, and, it is said, were sold for the benefit of the equipage of the *Medusa*.

Thus is the property of Citizens of The United States seized, condemned, and sold by Officers in the Imperial Navy, who became at once Captors, Judges, and Venders of the property of unoffending Neutrals. Such disgraceful violations of every principle on which Nations consent to live in peace, ought never to go unpunished, and surely in this case they will not.

The Undersigned, therefore, most earnestly calls on his Excellency, the Minister of Foreign Relations, as the official guardian of public right, to lay a statement of this outrage before His Majesty, in such a point of view as shall produce a speedy compensation to the Captains, Holden and Bayard, and the Owners of the Ships and cargoes, for the losses they have sustained; and His Majesty will doubtless take measures to avenge the dignity and signalize the justice of his Government, by punishing such a crime in a manner to prevent its repetition.

The valuation of the *Dolly* and her cargo, and of the *Telegraph* and her cargo, is herewith inclosed; the delay in obtaining these valuations

has retarded, for some weeks, the presentation of this Letter, and the Undersigned cannot but indulge the hope that his Excellency will now give as early attention to the whole of the case, as its importance manifestly demands.

The Undersigned begs his Excellency, &c.

H. E. The Duke of Bassano. JOEL BARLOW.

The Duke of Bassano to Mr. Barlow.—(Translation.)

SIR, *Paris, 15th March,* 1812.

I HAVE had the honour of informing you that the Case of the Ship *Bellisarius* was terminated, and that I had advised the Minister of Commerce of the intentions of His Majesty.

It having been ascertained, on the first examination of this affair, that the Ownership *(le pour compte)* of a great part of the cargo was not proven; and this irregularity, as well as the insufficiency of the Papers on board, being a formal contravention of the rules of navigation generally adopted and established, at all times, the decision to which this point of the cargo might be liable, had at first extended beyond it. But on a circumstantial report which I had the honour of presenting to the Emperor, His Majesty, who likes to carry into the examination of all the affairs on which you address me, friendly, dispositions, has ordered that the different questions which were submitted to him should be separated, to the end that a decision may be had in the first place on those which present themselves under the most favourable aspect.

In consequence, Sir, the Vessel and the part of the cargo of which the Ownership *(le pour compte)* is proven, will be given up to the Proprietors; and as to the other articles of the cargo, which are not accompanied with the same kind of proof, the necessary time and facilities will be given to establish the fact of their being American property, conformably to the ancient rules.

Accept, Sir, the assurance, &c.

Mr. Barlow. THE DUKE OF BASSANO.

(25.)—*British Declaration, respecting the conditional revocation of the Orders in Council of* 1807 *and* 1809.—21*st April,* 1812.

DECLARATION.

THE Government of France, having by an Official Report, communicated by its Minister for Foreign Affairs to the Conservative Senate, on the 10th day of March last,* removed all doubts as to the perseverance of that Government in the assertion of principles, and in the maintenance of a system, not more hostile to the maritime rights and commercial interests of the British Empire, than inconsistent with the rights and independence of Neutral Nations; and having thereby

* See Moniteur, 16th March, 1812.

plainly developed the inordinate pretensions, which that system, as promulgated in the Decrees of Berlin and Milan, was from the first designed to enforce; His Royal Highness the Prince Regent, acting in the name, and on the behalf of His Majesty, deems it proper, upon this formal and authentic republication of the principles of those Decrees, thus publicly to declare His Royal Highness's determination still firmly to resist the introduction and establishment of this arbitrary Code, which the Government of France, openly avows its purpose to impose by force upon the World, as the Law of Nations.

From the time that the progressive injustice and violence of the French Government, made it impossible for His Majesty any longer to restrain the exercise of the rights of war within their ordinary limits, without submitting to consequences not less ruinous to the commerce of his Dominions, than derogatory to the rights of his Crown, His Majesty has endeavoured by a restricted and moderate use of those rights of retaliation, which the Berlin and Milan Decrees, necessarily called into action, to reconcile Neutral States to those measures, which the conduct of the Enemy had rendered unavoidable: and which, His Majesty has, at all times, professed his readiness to revoke, so soon as the Decrees of the Enemy, which gave occasion to them, should be formally and unconditionally repealed, and the Commerce of Neutral Nations be restored to its accustomed course.

At a subsequent period of the war, His Majesty, availing himself of the then situation of Europe, without abandoning the principle and object of the Orders in Council of November, 1807, was induced so to limit their operation, as materially to alleviate the restrictions thereby imposed upon neutral commerce. The Order in Council of April, 1809, was substituted in the room of those of November, 1807, and the retaliatory system of Great Britain acted no longer on every Country in which the aggressive measures of the Enemy were in force, but was confined in its operation to France, and to the Countries upon which the French yoke was most strictly imposed; and which had become virtually a part of the Dominions of France.

The United States of America remained nevertheless dissatisfied; and their dissatisfaction has been greatly increased by an artifice too successfully employed on the part of the Enemy, who has pretended, that the Decrees of Berlin and Milan were repealed, although the Decree effecting such repeal has never been promulgated; although the notification of such pretended repeal distinctly described it to be dependent on conditions, in which the Enemy knew Great Britain could never acquiesce; and although abundant evidence has since appeared of their subsequent execution.

But the Enemy has at length laid aside all dissimulation; he now publicly and solemnly declares, not only that those Decrees still continue in force, but that they shall be rigidly executed until Great

Britain shall comply with additional conditions, equally extravagant; and he further announces the penalties of those Decrees to be in full force against all Nations which shall suffer their Flag to be, as it is termed in this new Code, "denationalized."

In addition to the disavowal of the Blockade of May, 1806, and of the principles on which that Blockade was established, and in addition to the repeal of the British Orders in Council—he demands an admission of the principles, that the goods of an Enemy, carried under a Neutral Flag, shall be treated as Neutral;—that Neutral property under the Flag of an Enemy shall be treated as hostile;—that arms and warlike stores alone (to the exclusion of Ship-timber and other articles of naval equipment) shall be regarded as contraband of War;—and that no Ports shall be considered as lawfully blockaded, except such as are invested and besieged, in the presumption of their being taken, [*en prevention d'être pris*], and into which a Merchant-ship cannot enter without danger.

By these and other demands, the Enemy, in fact, requires, that Great Britain, and all civilized Nations, shall renounce, at his arbitrary pleasure, the ordinary and indisputable rights of maritime War; that Great Britain, in particular, shall forego the advantages of her naval superiority, and allow the commercial property, as well as the produce and manufactures of France, and her Confederates, to pass the ocean in security, whilst the Subjects of Great Britain are to be in effect proscribed from all commercial intercourse with other Nations; and the produce and manufactures of these Realms are to be excluded from every Country in the World, to which the arms or the influence of the Enemy can extend.

Such are the demands to which the British Government is summoned to submit—to the abandonment of its most ancient, essential, and undoubted maritime rights. Such is the Code by which France hopes, under the cover of a Neutral Flag, to render her commerce unassailable by sea; whilst she proceeds to invade or to incorporate with her own Dominions all States that hesitate to sacrifice their national interests at her command, and, in abdication of their just rights, to adopt a Code, by which they are required to exclude, under the mask of municipal regulation, whatever is British, from their Dominions.

The pretext for these extravagant demands is, that some of these principles were adopted by voluntary compact in the Treaty of Utrecht; as if a Treaty once existing between two particular Countries, founded on special and reciprocal considerations, binding only on the Contracting Parties, and which in the last Treaty of Peace between the same Powers, had not been revived, were to be regarded as declaratory of the Publick Law of Nations.

It is needless for His Royal Highness to demonstrate the in-

justice of such pretensions. He might otherwise appeal to the practice of France herself, in this and in former Wars; and to her own established Codes of Maritime Law: it is sufficient that these new demands of the Enemy form a wide departure from those conditions on which the alleged repeal of the French Decrees was accepted by America; and upon which alone, erroneously assuming that repeal to be complete, America has claimed a revocation of the British Orders in Council.

His Royal Highness, upon a review of all these circumstances, feels persuaded, that so soon as this formal declaration, by the Government of France, of its unabated adherence to the principles and provisions of the Berlin and Milan Decrees, shall be made known in America, the Government of The United States, actuated not less by a sense of justice to Great Britain, than by what is due to its own dignity, will be disposed to recall those measures of hostile exclusion, which, under a misconception of the real views and conduct of the French Government, America has exclusively applied to the commerce and Ships of War of Great Britain.

To accelerate a result so advantageous to the true interests of both Countries, and so conducive to the re-establishment of perfect friendship between them; and to give a decisive proof of His Royal Highness's disposition to perform the engagements of His Majesty's Government, by revoking the Orders in Council, whenever the French Decrees shall be actually and unconditionally repealed; His Royal Highness the Prince Regent has been this day pleased, in the name and on the behalf of His Majesty, and by and with the advice of His Majesty's Privy Council, to order and declare;

That if at any time hereafter the Berlin and Milan Decrees, shall, by some authentic Act of the French Government, publicly promulgated, be absolutely and unconditionally repealed; then and from thenceforth, the Order in Council of the 7th day of January, 1807, and the Order in Council of the 26th day of April, 1809, shall, without any further Order be, and the same are hereby declared from thenceforth to be, wholly and absolutely revoked: and further, that the full benefit of this Order shall be extended to any Ship or Cargo, captured subsequent to such authentic Act of repeal of the French Decrees, although, antecedent to such repeal, such Ship or Vessel shall have commenced, and shall be in the prosecution of a voyage, which, under the said Orders in Council, or one of them, would have subjected her to capture and condemnation; and the Claimant of any Ship or Cargo which shall be captured or brought to adjudication, on account of any alleged breach of either of the said Orders in Council, at any time subsequent to such authentic Act of repeal by the French Government, shall, without any further Order or Declaration on the part of His Majesty's Government on this subject, be at

liberty to give in evidence in the High Court of Admiralty, or any Court of Vice-Admiralty, before which such Ship or Cargo shall be brought for adjudication, that such repeal by the French Government had been by such authentic Act promulgated prior to such capture; and upon proof thereof, the voyage shall be deemed and taken to have been as lawful, as if the said Orders in Council had never been made; Saving nevertheless to the Captors, such protection and indemnity as they may be equitably entitled to, in the judgment of the said Court, by reason of their ignorance or uncertainty as to the repeal of the French Decrees, or of the recognition of such repeal by His Majesty's Government, at the time of such capture.

His Royal Highness, however, deems it proper to declare, that, should the repeal of the French Decrees, thus anticipated and provided for, prove afterwards to have been illusory on the part of the Enemy; and should the restrictions thereof be still practically enforced, or revived by the Enemy, Great Britain will be compelled, however reluctantly, after reasonable notice, to have recourse to such measures of retaliation as may then appear to be just and necessary.

Westminster, April 21, 1812.

(26.)—Order in Council, for the conditional Repeal of the Orders in Council of 1807 *and* 1809.

At the Court at Carlton-House, the 21*st of April,* 1812.

PRESENT,

HIS ROYAL HIGHNESS THE PRINCE REGENT IN COUNCIL.

WHEREAS the Government of France has, by an Official Report, communicated by its Minister for Foreign Affairs to the Conservative Senate, on the 10th of March last, removed all doubts as to the perseverance of that Government in the assertion of principles, and in the maintenance of a system, not more hostile to the Maritime Rights and Commercial Interests of the British Empire, than inconsistent with the Rights and Independence of Neutral Nations, and has thereby plainly developed the inordinate pretensions which that system, as promulgated in the Decrees of Berlin and Milan, was from the first designed to enforce:

And whereas His Majesty has invariably professed his readiness to revoke the Orders in Council adopted thereupon, as soon as the said Decrees of the Enemy should be formally and unconditionally repealed, and the Commerce of Neutral Nations restored to its accustomed course:

His Royal Highness the Prince Regent (anxious to give the most decisive proof of His Royal Highness's disposition to perform the engagements of His Majesty's Government) is pleased, in the name and on the behalf of His Majesty, and by and with the advice of His Ma-

jesty's Privy Council, to order and declare, and it is hereby ordered and declared, that if, at any time hereafter, the Berlin and Milan Decrees shall, by some authentic Act of the French Government, publicly promulgated, be absolutely and unconditionally repealed, then, and from thenceforth, the Order in Council of the 7th day of January 1807, and the Order in Council of the 26th day of April, 1809, shall, without any further Order, be, and the same are hereby, declared from thenceforth to be wholly and absolutely revoked: And further, that the full benefit of this Order shall be extended to any Ship or Cargo captured subsequent to such authentic Act of Repeal of the French Decrees, although, antecedent to such Repeal, such Ship or Vessel shall have commenced and shall be in the prosecution of a voyage which, under the said Orders in Council, or one of them, would have subjected her to capture and condemnation; and the Claimant of any Ship or Cargo which shall be captured or brought to adjudication, on account of any alleged breach of either of the said Orders in Council, at any time subsequent to such authentic Act of Repeal by the French Government, shall, without any further Order or Declaration on the part of His Majesty's Government on this subject, be at liberty to give in evidence in the High Court of Admiralty, or any Court of Vice-Admiralty before which such Ship or Cargo shall be brought for adjudication, that such Repeal by the French Government had been, by such authentic Act, promulgated prior to such capture; and upon proof thereof, the voyage shall be deemed and taken to have been as lawful as if the said Orders in Council had never been made; Saving nevertheless to the Captors such protection and indemnity as they may be equitably entitled to in the judgment of the said Court, by reason of their ignorance, or uncertainty, as to the Repeal of the French Decrees, or of the recognition of such Repeal by His Majesty's Government at the time of such capture.

His Royal Highness, however, deems it proper to declare, that, should the Repeal of the French Decrees, thus anticipated and provided for, prove afterwards to have been illusory on the part of the Enemy; and should the restrictions thereof be still practically enforced, or revived by the Enemy;—Great Britain will be compelled, however reluctantly, after reasonable notice, to have recourse to such measures of retaliation as may then appear to be just and necessary.

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, His Majesty's Principal Secretaries of State, the Lords Commissioners of the Admiralty, and the Judge of the High Court of Admiralty, and the Judges of the Courts of Vice-Admiralty, are to take the necessary measures herein as to them shall respectively appertain.

CHETWYND.

(27.)—*Order in Council, repealing the Orders in Council of* 1807 *and* 1809, *so far as relates to American Vessels and Property.*—*23d June* 1812.

WHEREAS His Royal Highness the Prince Regent was pleased to declare, in the name and on the behalf of His Majesty, on the 21st day of April 1812, "that if at any time hereafter, the Berlin and Milan Decrees, shall, by some authentic Act of the French Government publicly promulgated, be absolutely and unconditionally repealed, then and from thenceforth the Order in Council of the 7th January 1807, and the Order in Council of the 26th of April 1809, shall without any further Order be, and the same are hereby, declared from thenceforth to be wholly and absolutely revoked."

And whereas the Chargé des Affaires of the United States of America resident at this Court, did, on the 20th day of May last, transmit to Lord Viscount Castlereagh, one of His Majesty's Principal Secretaries of State, a Copy of a certain Instrument, then for the first time communicated to this Court, purporting to be a Decree passed by the Government of France on the 28th day of April 1811, by which the Decrees of Berlin and Milan are declared to be definitively no longer in force in regard to American Vessels.

And whereas His Royal Highness the Prince Regent, although he cannot consider the tenor of the said Instrument as satisfying the conditions set forth in the said Order of the 21st of April last, upon which the said Orders were to cease and determine, is nevertheless disposed, on his part, to take such measures as may tend to re-establish the intercourse between Neutral and Belligerent Nations upon its accustomed principles.

His Royal Highness the Prince Regent, in the name and on the behalf of His Majesty, is therefore pleased, by and with the advice of His Majesty's Privy Council, to order and declare, and it is hereby ordered and declared, that the Order in Council, bearing date the 7th day of January 1807, and the Order in Council, bearing date the 26th day of April 1809, be revoked, so far as may regard American Vessels and their Cargoes, being American Property, from the 1st day of August next.

But, whereas, by certain Acts of the Government of the United States of America, all British armed Vessels are excluded from the harbours and waters of the said United States, the armed Vessels of France being permitted to enter therein, and the commercial intercourse between Great Britain and the said United States is interdicted, the commercial intercourse between France and the said United States having been restored; His Royal Highness the Prince Regent is pleased hereby further to declare, in the name and on the behalf of His Majesty, that if the Government of the said United States, shall not, as soon as may be, after this Order shall have been duly notified by His

Majesty's Minister in America to the said Government, revoke or cause to be revoked the said Acts, this present Order shall, in that case, after due notice signified by His Majesty's Minister in America, to the said Government, be thenceforth null and of no effect.

It is further ordered and declared, that all American Vessels and their Cargoes, being American Property, that shall have been captured subsequently to the 20th day of May last, for a breach of the aforesaid Orders in Council alone, and which shall not have been actually condemned before the date of this Order, and that all Ships and Cargoes as aforesaid, that shall henceforth be captured, under the said Orders, prior to the 1st day of August next, shall not be proceeded against to condemnation till further orders, but shall in the event of this Order not becoming null and of no effect, in the case aforesaid, be forthwith liberated and restored, subject to such reasonable expences on the part of the Captors as shall have been justly incurred.

Provided, that nothing in this Order contained, respecting the revocation of the Orders herein mentioned, shall be taken to revive wholly or in part the Orders in Council of the 11th of November 1807, or any other Order not herein mentioned, or to deprive Parties of any legal remedy to which they may be entitled under the Order in Council of the 21st of April 1812.

His Royal Highness the Prince Regent is hereby pleased further to declare, in the name and on the behalf of His Majesty, that nothing in this present Order contained, shall be understood to preclude His Royal Highness the Prince Regent, if circumstances shall so require, from restoring, after reasonable notice, the Orders of the 7th January 1807, and 26th of April, 1809, or any part thereof to their full effect, or from taking such other measures of retaliation against the Enemy as may appear to His Royal Highness to be just and necessary.

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, His Majesty's Principal Secretaries of State, the Lords Commissioners of the Admiralty, and the Judge of the High Court of Admiralty, and the Judges of the Courts of Vice-Admiralty, are to take the necessary measures herein as to them may respectively appertain.

JAS. BULLER.

MESSAGE of the President, on the Opening of the Congress of The United States.—14th November, 1820.

Fellow-Citizens of the Senate, and of the House of Representatives:

In communicating to you a just view of public affairs, at the commencement of your present labours, I do it with great satisfac-

tion; because, taking all circumstances into consideration which claim attention, I see much cause to rejoice in the felicity of our situation. In making this remark, I do not wish to be understood to imply that an unvaried prosperity is to be seen in every interest of this great Community. In the progress of a Nation, inhabiting a Territory of such vast extent and great variety of climate, every portion of which is engaged in Foreign commerce, and liable to be affected, in some degree, by the changes which occur in the condition and regulations of Foreign Countries, it would be strange, if the produce of our soil and the industry and enterprise of our Fellow Citizens, received at all times, and in every quarter, an uniform and equal encouragement. This would be more than we have a right to expect, under circumstances the most favourable. Pressures on certain interests, it is admitted, have been felt; but, allowing to these their greatest extent, they detract but little from the force of the remark already made. In forming a just estimate of our present situation, it is proper to look at the whole,—in the outline, as well as in the detail. A free, virtuous, and enlightened People know well the great principles and causes on which their happiness depends; and even those who suffer most, occasionally, in their transitory concerns, find great relief under their sufferings, from the blessings which they otherwise enjoy, and in the consoling and animating hope which they administer. From whence do these pressures come? Not from a Government which is founded by, administered for, and supported by, the People. We trace them to the peculiar character of the epoch in which we live, and to the extraordinary occurrences which have signalized it. The convulsions with which several of the Powers of Europe have been shaken, and the long and destructive wars in which all were engaged, with a sudden transition to a state of peace, presenting, in the first instance, unusual encouragement to our commerce, and withdrawing it in the second, even within its wonted limit, could not fail to be sensibly felt here. The station too, which we had to support through this long conflict, compelled, as we were, finally, to become a Party to it with a principal Power, and to make great exertions, suffer heavy losses, and to contract considerable debts, disturbing the ordinary course of affairs, by augmenting, to a vast amount, the circulating medium, and thereby elevating, at one time, the price of every article above a just standard, and depressing it at another below it, had likewise its due effect.

It is manifest that the pressures of which we complain have proceeded, in a great measure, from these causes. When, then, we take into view the prosperous and happy condition of our Country, in all the great circumstances which constitute the felicity of a Nation;—every Individual in the full enjoyment of all his rights; the Union blessed with plenty, and rapidly rising to greatness, under a National Government, which operates with complete effect in every part, without

being felt in any, except by the ample protection which it affords, and under State Governments which perform their equal share, according to a wise distribution of power between them, in promoting the public happiness—it is impossible to behold so gratifying, so glorious a spectacle, without being penetrated with the most profound and grateful acknowledgments to the Supreme Author of all good for such manifold and inestimable blessings. Deeply impressed with these sentiments, I cannot regard the pressures to which I have adverted otherwise than in the light of mild and instructive admonitions; warning us of dangers to be shunned in future; teaching us lessons of economy, corresponding with the simplicity and purity of our institutions, and best adapted to their support; evincing the connection and dependence which the various parts of our happy Union have on each other, thereby augmenting daily our social incorporation, and adding, by its strong ties, new strength and vigour to the political; opening a wider range, and with new encouragement to the industry and enterprize of our Fellow Citizens at home and abroad; and more especially by the multiplied proofs which it has accumulated of the great perfection of our most excellent system of Government, the powerful instrument, in the hands of an all-merciful Creator, in securing to us these blessings.

Happy as our situation is, it does not exempt us from solicitude and care for the future. On the contrary, as the blessings which we enjoy are great, proportionably great should be our vigilance, zeal, and activity, to preserve them. Foreign wars may again expose us to new wrongs, which would impose on us new duties, for which we ought to be prepared. The state of Europe is unsettled, and how long peace may be preserved, is altogether uncertain; in addition to which, we have interests of our own to adjust, which will require particular attention. A correct view of our relations with each Power will enable you to form a just idea of existing difficulties, and of the measures of precaution best adapted to them.

Respecting our relations with Spain, nothing explicit can now be communicated. On the adjournment of Congress, in May last, the Minister Plenipotentiary of The United States, at Madrid, was instructed to inform the Government of Spain, that if His Catholick Majesty should then ratify the Treaty, this Government would accept the Ratification, so far as to submit to the decision of the Senate the question whether such Ratification should be received in exchange for that of The United States, heretofore given. By Letters from the Minister of The United States to the Secretary of State, it appears, that a Communication, in conformity with his Instructions, had been made to the Government of Spain, and that the Cortes had the subject under consideration. The result of the deliberations of that Body, which is daily expected, will be made known to Congress as soon as it is received. The friendly sentiment which was expressed on the part

of The United States, in the Message of the 9th of May last, is still entertained for Spain. Among the causes of regret, however, which are inseparable from the delay attending this transaction, it is proper to state, that satisfactory information has been received that measures have been recently adopted by designing Persons, to convert certain parts of the Province of East Florida into Depots for the reception of Foreign goods, from whence to smuggle them into The United States. By opening a Port within the limits of Florida, immediately on our Boundary, where there was no Settlement, the object could not be misunderstood. An early accommodation of differences will, it is hoped, prevent all such fraudulent and pernicious practices, and place the relations of the two Countries on a very amicable and permanent basis.

The commercial relations between The United States and the British Colonies in the West Indies, and on this Continent, have undergone no change; the British Government still preferring to leave that commerce under the restriction heretofore imposed on it, on each side. It is satisfactory to recollect, that the restraints resorted to by The United States were defensive only, intended to prevent a monopoly under British regulations, in favour of Great Britain; as it likewise is, to know that the experiment is advancing in a spirit of amity between the Parties.

The question depending between The United States and Great Britain, respecting the construction of the 1st Article of the Treaty of Ghent, has been referred, by both Governments, to the decision of the Emperor of Russia, who has accepted the umpirage.

An attempt has been made with the Government of France, to regulate, by Treaty, the Commerce between the two Countries, on the principle of reciprocity and equality. By the last Communication from the Minister Plenipotentiary of The United States at Paris, to whom Full Power had been given, we learn that the negotiation had been commenced there; but, serious difficulties having occurred, the French Government had resolved to transfer it to The United States, for which purpose the Minister Plenipotentiary of France had been ordered to repair to this City, and whose arrival might soon be expected. It is hoped that this important interest may be arranged on just conditions, and in a manner equally satisfactory to both Parties. It is submitted to Congress to decide, until such arrangement is made, how far it may be proper, on the principle of the Act of the last Session, which augmented the tonnage duty on French Vessels, to adopt other measures for carrying more completely into effect the policy of that Act.

The Act referred to, which imposed a new tonnage Duty on French Vessels, having been in force from and after the 1st day of July, it has happened that several Vessels of that Nation, which had been

despatched from France before its existence was known, have entered the Ports of The United States, and been subject to its operation, without the previous notice which the general spirit of our Laws gives to Individuals in similar cases. The object of that Law having been merely to countervail the inequalities which existed to the disadvantage of The United States, in their commercial intercourse with France, it is submitted also to the consideration of Congress, whether, in the spirit of amity and conciliation which it is no less the inclination than the policy of The United States to preserve, in their intercourse with other Powers, it may not be proper to extend relief to the Individuals interested in those cases, by exempting from the operation of the Law all those Vessels which have entered our Ports without having had the means of previously knowing the existence of the additional duty.

The Contest between Spain and the Colonies, according to the most authentic information, is maintained by the latter with improved success. The unfortunate divisions which were known to exist some time since at Buenos Ayres, it is understood still prevail. In no part of South America has Spain made any impression on the Colonies, while in many parts, and particularly in Venezuela and New Grenada, the Colonies have gained strength and acquired reputation, both for the management of the War, in which they have been successful, and for the order of the internal Administration. The late change in the Government of Spain, by the re-establishment of the Constitution of 1812, is an event which promises to be favourable to the Revolution. Under the authority of the Cortes, the Congress of Angostura wa invited to open a Negotiation for the settlement of differences between the Parties; to which it was replied, that they would willingly open the Negotiation, provided the acknowledgment of their Independence was made its basis, but not otherwise. Of further proceedings between them we are uninformed. No facts are known to this Government, to warrant the belief that any of the Powers of Europe will take part in the contest; whence it may be inferred, considering all circumstances which must have weight in producing the result, that an adjustment will finally take place, on the basis proposed by the Colonies. To promote that result, by friendly counsels, with other Powers, including Spain herself, has been the uniform policy of this Government.

In looking to the internal concerns of our Country, you will, I am persuaded, derive much satisfaction from a view of the several objects to which, in the discharge of your official duties, your attention will be drawn. Among these, none holds a more important place than the Publick Revenue, from the direct operation of the power by which it is raised, on the People, and by its influence in giving effect to every other power of the Government. The Revenue depends on the resources of the Country, and the facility by which the amount required

is raised, is a strong proof of the extent of the resources, and of the efficiency of the Government. A few prominent facts will place this great interest in a just light before you. On the 30th of September, 1815, the Funded and Floating Debt of The United States was estimated at 119,635,558 dollars. If to this sum be added the amount of 5 per Cent. Stock subscribed to the Bank of The United States, the amount of Mississippi Stock, and of the Stock which was issued subsequently to that date, the balances ascertained to be due to certain States, for military services, and to Individuals, for supplies furnished, and services rendered, during the late War, the Publick Debt may be estimated as amounting, at that date, and as afterwards liquidated, to 158,713,049 dollars. On the 30th of September, 1820, it amounted to 91,993,883 dollars, having been reduced in that interval, by payments, 66,879,165 dollars. During this term, the expenses of the Government of The United States were likewise defrayed, in every branch of the Civil, Military, and Naval Establishments; the publick edifices in this city have been rebuilt, with considerable additions; extensive fortifications have been commenced, and are in a train of execution; permanent arsenals and magazines have been erected in various parts of the Union; our Navy has been considerably augmented, and the ordnance, munitions of war, and stores, of the Army and Navy, which were much exhausted during the War, have been replenished.

By the discharge of so large a proportion of the Publick Debt, and the execution of such extensive and important operations, in so short a time, a just estimate may be formed of the great extent of our national resources. The demonstration is the more complete and gratifying, when it is recollected, that the direct tax and excise were repealed soon after the termination of the late War, and that the revenue applied to these purposes has been derived almost wholly from other sources.

The receipts into the Treasury, from every source, to the 30th of September last, have amounted to 16,794,107 dollars and 66 cents; whilst the publick expenditures, to the same period, amounted to 16,871,534 dollars and 72 cents: leaving in the Treasury, on that day, a sum estimated at 1,950,000 dollars. For the probable receipts of the following year, I refer you to the statement which will be transmitted from the Treasury.

The sum of 3,000,000 dollars, authorized to be raised by loan, by an Act of the last Session of Congress, has been obtained upon terms advantageous to the Government, indicating not only an increased confidence in the faith of the Nation, but the existence of a large amount of capital seeking that mode of investment, at a rate of interest not exceeding 5 per centum per annum.

It is proper to add, that there is now due to the Treasury, for the

sale of publick lands, 22,996,545 dollars. In bringing this subject to view, I consider it my duty to submit to Congress, whether it may not be advisable to extend to the purchasers of these lands, in consideration of the unfavourable change which has occurred since the sales, a reasonable indulgence. It is known that the purchases were made when the price of every article had risen to its greatest height, and that the instalments are becoming due at a period of great depression. It is presumed that some plan may be devised, by the wisdom of Congress, compatible with the publick interest, which would afford great relief to these purchasers.

Considerable progress has been made, during the present season, in examining the coast and its various bays, and other inlets; in the collection of materials, and in the construction of fortifications for the defence of the Union, at several of the positions at which it has been decided to erect such works. At Mobile Point and Dauphin Island, and at the Rigolets, leading to Lake Ponchartrain, materials, to a considerable amount, have been collected, and all the necessary preparations made for the commencement of the works. At Old Point Comfort, at the mouth of James River, and at the Rip-rap, on the opposite shore, in the Chesapeake Bay, materials, to a vast amount, have been collected; and at the Old Point some progress has been made in the construction of the fortification, which is on a very extensive scale. The work at Fort Washington, on this River, will be completed early in the next spring; and that on the Pea Patch, in the Delaware, in the course of the next season. Fort Diamond, at the Narrows, in the Harbour of New York, will be finished this year. The works at Boston, New York, Baltimore, Norfolk, Charleston, and Niagara, have been in part repaired; and the coast of North Carolina, extending south to Cape Fear, has been examined, as have likewise other parts of the coast eastward of Boston. Great exertions have been made to push forward these works with the utmost dispatch possible; but, when their extent is considered, with the important purposes for which they are intended, the defence of the whole coast, and, in consequence, of the whole interior, and that they are to last for ages, it will be manifest that a well-digested plan, founded on military principles, connecting the whole together, combining security with economy, could not be prepared without repeated examinations of the most exposed and difficult parts, and that it would also take considerable time to collect the materials at the several points where they would be required. From all the light that has been shed on this subject, I am satisfied that every favourable anticipation which has been formed of this great undertaking will be verified, and that, when completed, it will afford very great, if not complete, protection to our Atlantic frontier, in the event of another war; a protection sufficient to counter-

balance, in a single campaign, with an Enemy powerful at sea, the expense of all these works, without taking into the estimate the saving of the lives of so many of our Citizens, the protection of cur towns and other property, or the tendency of such works to prevent war.

Our military positions have been maintained at Belle Point, on the Arkansas, at Council Bluff, on the Missouri, at St. Peter's, on the Mississippi, at Green Bay, and on the Upper Lakes. Commodious barracks have already been erected at most of these posts, with such works as were necessary for their defence. Progress has also been made in opening communications between them, and in raising supplies at each for the support of the Troops, by their own labour—particularly those most remote.

With the Indians, peace has been preserved, and a progress made in carrying into effect the Act of Congress, making an appropriation for their civilization, with the prospect of favourable results. As connected equally with both these objects, our trade with those Tribes is thought to merit the attention of Congress. In their original state, game is their sustenance, and war their occupation; and, if they find no employment from Civilized Powers, they destroy each other. Left to themselves, their extirpation is inevitable. By a judicious regulation of our trade with them, we supply their wants, administer to their comforts, and gradually, as the game retires, draw them to us. By maintaining posts far in the interior, we acquire a more thorough and direct controul over them; without which it is confidently believed that a complete change in their manners can never be accomplished. By such posts, aided by a proper regulation of our trade with them, and a judicious civil administration over them, to be provided for by Law, we shall, it is presumed, be enabled, not only to protect our own Settlements from their savage incursions, and preserve peace among the several Tribes, but accomplish also the great purpose of their civilization.

Considerable progress has also been made in the construction of Ships of War, some of which have been launched in the course of the present year.

Our peace with the Powers on the coast of Barbary has been preserved, but we owe it altogether to the presence of our Squadron in the Mediterranean. It has been found equally necessary to employ some of our Vessels, for the protection of our commerce in the Indian Sea, the Pacific, and along the Atlantic coast. The interests which we have depending in those quarters, which have been much improved of late, are of great extent, and of high importance to the Nation, as well as to the Parties concerned, and would undoubtedly suffer, if such protection was not extended to them. In execution of the Law of the last Session, for the suppression of the Slave-trade, some of

our publick Ships have also been employed on the coast of Africa, where several captures have already been made of Vessels engaged in that disgraceful traffick.

Washington, November 14, 1820. JAMES MONROE.

ACT of Congress of The United States "to impose a new Tonnage Duty on French Ships and Vessels."
15*th May*, 1820.

SECT. I. BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that, in lieu of the tonnage duty now paid on French Ships or Vessels, there shall be paid a duty of 18 dollars per ton, on all French Ships or Vessels which shall be entered in The United States, any Act to the contrary notwithstanding: Provided, however, that nothing contained in this Act, shall be so construed as to prevent the extension of the provisions of the Act entitled "An Act to repeal so much of the several Acts imposing duties on the tonnage of Ships and Vessels, and on goods, wares, and merchandize, imported into the United States as imposes a discriminating duty on tonnage between Foreign Vessels and Vessels of The United States, and between the goods imported into The United States in Foreign Vessels, and Vessels of The United States,"* to French Ships and Vessels, and the goods imported therein, whenever the Government of France shall accede to the provisions of the Act above referred to.

II. And be it further enacted, that the tonnage duty laid, and directed to be paid by this Act, shall be collected and paid according to the provisions of the Act entitled "An Act to regulate the collection of duties on imports and tonnage," passed the 2nd day of March, 1799.

III. And be it further enacted, that this Act shall commence, and be in force, from and after the 1st day of July, 1820.

[Approved—15th May, 1820.]

* *Act of Congress of The United States.* [*Approved 3d March*, 1815.]—SECT. I Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that so much of the several Acts imposing Duties on the Tonnage of Ships and Vessels, and on Goods, Wares, and Merchandize, imported into The United States, as imposes 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, be, and the same are hereby repealed, so far as the same respects the produce or manufacture of the Nation to which such Foreign Ships or Vessels may belong; such repeal to take effect in favour of any Foreign Nation, whenever the President of The United States shall 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.

ORDONNANCE du Roi de France, relative aux droits de Tonnage à percevoir sur les Navires Américains.—Paris, le 26 *Juillet*, 1820.

Louis, par la grâce de Dieu, Roi de France et de Navarre ;

Sur le Rapport de notre Ministre Secrétaire d'Etat des Affaires Etrangères ;

Notre Conseil entendu,

Nous avons ordonné et ordonnons ce qui suit:

Art. I. A dater de la publication de la présente Ordonnance, les droits de tonnage qui se perçoivent sur les Navires étrangers, à l'entrée des Ports de notre Royaume situés en Europe, seront remplacés, pour les Navires appartenant aux Etats-Unis d'Amérique, par un droit spécial de 90 francs par tonneau, sans préjudice du décime additionnel.

II. Les Navires Américains qui justifieront être partis des Ports de l'Union et directement pour un Port de France, avant le 15 Juin dernier, époque à laquelle l'Acte du Congrès, en date du 15 Mai, a dû être connu dans toute l'Union, ne seront assujettis qu'aux droits de tonnage ordinaires.

III. Les dispositions de la présente Ordonnance ne seront point applicables aux Navires de l'Union qui viendront *sur lest* dans les Ports de France.

Elles cesseront de droit, si l'Acte du Congrès du 15 Mai vient à être annullé, et du moment où la connaissance officielle de cette annullation sera parvenu en France.

IV. Notre Ministre Secrétaire d'Etat des Affaires Etrangères, et notre Ministre Secrétaire d'Etat de Finance, sont chargés de l'exécution de la présente Ordonnance, qui sera insérée au Bulletin des Lois.

Donné à Paris, en notre Château des Tuileries, le 26 jour de Juillet de l'an de grâce 1820, et de notre Règne le 26e.

Par le Roi : LOUIS.

Le Ministre Secrétaire d'Etat au Département des Affaires Etrangères. Pasquier.

ACT of Congress of The United States, to release French Ships and Vessels, entering the Ports of The United States prior to the 30*th of September*, 1820, *from the operation of the Act entitled "An Act to impose a new Tonnage Duty on French Ships and Vessels, and for other purposes."* 3*rd March*, 1821.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the provisions

of the Act entitled "An Act to impose a new tonnage duty on French Ships and Vessels," passed May 15, 1820, shall not extend to, or operate upon, any French Ship or Vessel that shall have entered into any Port within the jurisdiction of The United States prior to the 30th day of September, 1820.

SECT. II. And be it further enacted, that the Secretary of the Treasury, after deducting a tonnage duty equal to that paid by every French Ship or Vessel which entered the Ports within the jurisdiction of The United States prior to the passage and operation of the Act entitled "An Act to impose a new tonnage duty on French Ships and Vessels," passed May 15, 1820, from the tonnage duty collected from French Ships and Vessels by virtue of the above recited Act, between the 1st day of July, 1820, and the 30th day of September following, be, and he is hereby authorized and directed to pay and refund the remainder of such tonnage duty, free from costs and charges, to any Person or Persons who shall have authority to receive the same.

III. And be it further enacted, that, in the event of the signature of any Treaty or Convention concerning the Navigation or Commerce between the Dominions of The United States and France, the President of The United States be, and is hereby authorized, should he deem the same expedient, by Proclamation, to suspend, until the end of the next Session of Congress, the operation of the aforesaid Act, entitled "An Act to impose a new tonnage duty on French Ships and Vessels, and for other purposes;" and, also to suspend, as aforesaid, all other duties on French Vessels, or the goods imported in the same, which may exceed the duties on American Vessels and on similar goods imported in the same.

JOHN W. TAYLOR,
Speaker of the House of Representatives.
JOHN GAILLARD,
President of the Senate pro tempore.

Washington, 3d March, 1821. Approved.

JAMES MONROE.

ORDONNANCE du Roi de France, qui détermine l'époque de la Perception d'un Droit de tonnage sur les Navires Américains.—Paris, le 23 *Avril,* 1821.

LOUIS, par la grâce de Dieu, Roi de France et de Navarre;

Sur le Rapport de notre Ministre Secrétaire d'Etat au Département des Affaires Etrangères.

Avons ordonné et ordonnons ce qui suit:

ART. I. L'Article Ier de notre Ordonnance du 26 Juillet dernier, par lequel il est établi un droit spécial de 90 francs par tonneau, sans préjudice du décime additionnel, sur les Batimens appartenant aux Etats-Unis d'Amérique, ne sera applicable qu'à ceux desdits Bâtimens entrés dans les Ports de France postérieurement au 12 Décembre dernier.

II. Le montant des perceptions qui, à raison du droit spécial établi par notre Ordonnance du 26 Juillet, auraient été faites sur des Bâtimens des Etats-Unis entrés dans les ports de France avant le 13 Décembre dernier, sera remboursé à qui il appartient, sauf la déduction d'une somme égale au droit de tonnage ordinaire.

III. L'Article II. de notre dite Ordonnance du 26 Juillet dernier est annullé.

IV. Notre Ministre Secrétaire d'Etat des Affaires Etrangères, et notre Ministre Secrétaire d'Etat des Finances, sont chargés de l'exécution de la présente Ordonnance, qui sera insérée au Bulletin des Lois.

Donné a Paris, en notre Château des Tuileries, le 23 Avril, 1821.

Par le Roi : LOUIS.

Le Ministre Secrétaire d'Etat des Affaires Etrangères, PASQUIER.

PROCLAMATION of the President of The United States, promulgating the Treaty of Amity, Settlement, and Limits, between The United States and Spain of the 22d February, 1819.—*Washington, 22d February,* 1821.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

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 22d day of February, in the year of our Lord 1819, which Treaty, word for word, is as follows:

Treaty of Amity, Settlement and Limits, between The United States of America and His Catholic Majesty.

THE United States of America and His Catholic Majesty, desiring to consolidate, on a permanent basis, the friendship and good correspondence which happily prevails between the two

Tratado de Amistad, Arreglo de Diferencias y Limites, entre Su Magestad Católica y los Estados Unidos de America.

Deseando Su Magestad Católica y los Estados Unidos de America consolidar de un modo permanente la buena correspondencia y amistad que felizmente reyna entre ambas Partes, han re-

Parties, have determined 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 United States; and His Catholic Majesty has appointed the Most Excellent Lord Don Luis De Onis, Gonsalez, Lopez 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 LaVendée, 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.

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

suelto transigîr y términar todas sus diferencias y pretênsiones por medio de un Tratado, que fixe con precision, los limites de sus respectivos y confinantes Territorios en la America Septentrional.

Con esta mira han nombrado, Su Magestad Católica al Excéllentissimo Señor Don Luis de Onis, Gonsalez, Lopez y Vara, Señor de la Villa de Rayaces, Regidor Perpetuo del Ayuntamiento de la Ciudad de Salamanca, Caballero Gran Cruz de la Real Orden Americana de Isabel la Católica, y de la decoracion del Lis de la Vendéa, Caballero Pensionista de la Real y destinguida Orden Española de Carlos III, Ministro Vocal de la Suprema Asamblea de dicha Real Orden, de su Consejo, su Secretario con Exercicio de Decretos, y su Enviado Extraordinario y Ministro Plenipotenciario cerca de los Estados Unidos de America: Y el Presidente de los Estados Unidos, à Don Juan Quincy Adams, Secretario de Estado de los mismos Estados Unidos.

Y ambos Plenipotenciarios, despues de haver cangeado sus Poderes, han ajustado y firmado los Articulos siguientes:

ART. I. Habrá una paz solida inviolable, y una amistad sincera entre Su Magestad Católica, sus Sucesores y Subditos, y los Estados Unidos y sus Ciudadanos, sin excepcion de Personas ni lugares.

II. Su Magestad Católica cede á los Estados Unidos, en toda pro-

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 publick lots and squares, vacant lands, publick 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 Officer of The United States, duly authorized to receive them.

III. The Boundary Line between the two 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; then, following the course of the Rio Roxo westward, to the degree of longitude 100 West from London, and 23 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 bank of the Arkansas, to its source, in latitude 42 North; and thence, by that parallel of Latitude, to the South Sea. The whole being as laid down in Melish's Map of The United States,

piedad y Soberania, todos los Territorios que le pertenecen, situados al Este del Misisipi, conocidos bajo el nombre de Florida Occidental y Florida Oriental. Son comprehendidos en este Articulo las Yslas adyacentes dependientes de dichas dos Provincias, los sitios, plazas publicas, terrenos valdios, edificios publicos, fortificaciones, casernas y otros edificios que no sean propiedad de algun individuo particular, los Archivos y Documentos directamente relativos á la propiedad y soberania de las mismas dos Provincias. Dichos Archivos y Documentos se entregarán à los Comisarios ó Oficiales de los Estados Unidos debidamente autorizados para recibirlos.

III. La Linea divisoria entre los dos Paises al Occidente del Misisipi arrancarà del Seno Mexicano en la embocadúra del Rio Sabina en el Mar, seguirà al Norte por la Orilla Occidental de este Rio hasta el grado 32 de latitud; desde alli por una linea recta al Norte hasta el grado de latitud en que entra en el Rio Roxo de Natchitochez (Red River), y continuará por el curso del Rio Roxo al Oeste hasta el grado 100 de longitud Occidental de Londres, y 23 de Washington, en que cortará este Rio, y seguirà por una linea recta al Norte por el mismo grado hasta el Rio Arkansas, cuya Orilla Meridional seguirâ hasta su nacimiento en el grado 42 de latitud Septentrional; y desde dicho punto se terrará una linea recta por el mismo paralelo de latitud hasta el Mar del Sur. Todo segun el

published at Philadelphia, improved to the 1st of January, 1818. But, if the source of the Arkansas River shall be found to fall north or south of latitude 42, 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 42, and thence, along the said parallel, to the South Sea: All the Islands in the Sabine, and the said Red and Arkansas Rivers, throughout the course thus described, to belong to The United States; but the use of the waters and the navigation of the Sabine to the sea, and of the said Rivers Roxo and Arkansas, throughout the extent of the said Boundary, on their respective banks, shall be common to the respective Inhabitants of both Nations.

The two High Contracting Parties agree to cede and renounce all their rights, claims, and pretensions, to the Territories described by the said line, that is to say: "The United States hereby cede to His Catholic Majesty, and renounce for ever, all their rights, claims, and pretensions, to the Territories lying West and South of the above described line; and, in like manner, 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-

Mapa de los Estados Unidos de Melish, publicado en Philadelphia y perfecionado en 1818. Pero si el nacimiento del Rio Arkansas se hallase al Norte ó Sur de dicho grado 42 de latitud, seguirá la linea desde el origen de dicho Rio recta al Sur ó Norte, segun fuese necesario hasta que encuentre el expresado grado 42 de latitud, y desde alli por el mismo paralelo hasta el Mar del Sur. Pertenecerán á los Estados Unidos todas las Yslas de los Rios Sabina, Roxo de Natchitochez, y Arkansas, en la extension de todo el curso descrito; pero el uso de las aguas y la navegacion del Sabina hasta el Mar, y de los expresados Rios Roxo y Arkansas en toda la extension de sus mencionados limites en sus respectivas Orillas, sera comun á los Habitantes de las dos Naciones.

Las dos Altas Partes Contratantes convienen èn ceder y renunciar todos sus derechos, reclamaciones, y pretensiones sobre los Territorios que se describen en esta linea; á saber, Su Magestad Católica renuncia y cede para siempre por si, y a nombre de sus Herederos y Sucesores, todos los derechos que tiene sobre los Territorios al Este y al Norte de dicha linea; y los Estados Unidos en egual forma ceden á Su Magestad Católica y renuncian para siempre, todos sus derechos, reclamaciones y pretensiones á qualesquiera Territorios situados al Oeste y al Sur de la misma linea arriba descrita.

IV. Para fixar está linea con mas precision y establecer los mo-

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, and the line of latitude 42 deg. to the South Sea. 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 two 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 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.

VI. The Inhabitants of the Territories which His Catholic Majesty cedes to The United States, by this Treaty, shall be

jones que señalen con exactitud los limites de ambas Naciones, nombrará cada una de ellas un Comisario y un geómetra que se junteràn antés del termino de un año, contado desde la fecha de la ratificacion de este Tratado, en Natchitochez, en las Orillas del Rio Roxo, y procedarán á señalar y demarcar dicha linea, desde la embocadura del Sabina hasta el Rio Roxo, y de este hasta el Rio Arkansas, y á averiguar con certidumbre, el origen del expresado Rio Arkansas, y fixar segun queda estipulado y convenido en este Tratado, la linea que debe seguir, desde el grado 42 de latitud hasta el Mar Pacifico. Llevaran diàrios y levantarán planos de sus operaciones, y el resultado convenido por ellos se tendrà por parte de este Tratado, y tendrá la misma fuerza que si estuviese inserto en el; deviendo convenir amistosamente los dos Gobiernos en el arreglo de quanto necesiten estos individuos, y en la escolta respectiva que deban llevar, siempre que se crea necesario.

V. A los Habitantes de todos los Territorios cedidos, se les conservarà el exercicio libre de su religion, sin restriccion alguna; y á todos los que quisieren trasladarse á los Dominios Españoles se les permitirá la venta ó extraccion de sus efectos en qualquiera tiempo, sin que pueda exigirseles en uno ni otro casa derecho alguno.

VI. Los Habitantes de los Territorios que Su Magestad Católica cede por este Tratado à los Estados Unidos seran incorporados en

incorporated in the Union of The United States, as soon as may be consistent with the principles of the Federal Consitution, 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 of the places occupied by them shall be given within 6 months after the exchange of the Ratifications 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; and The United States shall furnish the transports and escort necessary to convey the Spanish Officers and Troops, and their baggage, to The Havannah.

VIII. All the grants of land made before the 24th of January 1818, by His Catholic Majesty, or by his lawful Authorities in the said Territories, ceded by His Majesty to The United States, shall be ratified and confirmed to the Persons in possession of the lands, to the same extent that the same grants would be valid, if the Territories had remained under the dominion of His Catholic Majesty. But the Owners in possession of such lands who, by reason of the recent circumstances of the Spanish Nation, and the Revolutions in Europe, have been prevented from fulfiling all the conditions of their

la Union de los mismos Estados, lo mas presto posible, segun los principios de la Constitucion Federal, y admitidos al goce de todos los privilegios, derechos e inmunidades de que disfrutan los Ciudadanos de los demas Estados.

VII. Los Oficiales y Tropas de Su Magestad Católica, evacuarán los Territorios cedidos á los Estados Unidos, 6 meses despues del cange de la ratificacion de este Tratado, ó antes si fuese posible, y daràn posesion de ellos á los Oficiales, ó Comisarios de los Estados Unidos debidamente autorizados para recibirlos; y los Estados Unidos proveerán los transportes y escolta necesarios para llevar á la Habana los Oficiales y Tropas Españolas, y sus equipages.

VIII. Todas las concesiones de terrenos hechas por Su Magestad Católica ó por sus Legitimas Autoridades antes del 24 de Enero, de 1818, en los expresados Territorios que Su Magestad cede à los Estados Unidos, quedaran ratificadas y reconocidas á las Personas que esten en posesion de ellas, del mismo modo que lo serian si Su Magestad hubiese continuado en el Dominio de estos Territorios; pero los propietarios que por un efecto de las circunstancias en que se ha hallado la Nacion Española y por las Revoluciones de Europa, no hubiesen podido llenar todas las obligaciones de las concesiones, seran

grants, shall complete them within the terms limited in the same, respectively, from the date of this Treaty; in default of which, the said grants shall be null and void. All grants made since the said 24th of January, 1818, when the first proposal, on the part of His Catholic Majesty, for the cession of the Floridas, was made, are hereby declared, and agreed to be, null and void.

IX. The two High Contracting Parties, animated with the most earnest desire of conciliation, and with the object of putting an end to all the differences which have existed between them, and of confirming the good understanding which they wish to be for ever maintained between them, 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.

The renunciation of The United States will extend: to all the injuries mentioned in the Convention of the 11th of 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

obligados á cumplirlas segun las condiciones de sus respectivas concesiones desde la fecha de este Tratado, en defecto de lo qual seran nulas y de ningun valor. Todas las concesiones posteriores al 24 de Enero de 1818, en que fueron hechas las primeras proposiciones de parte de Su Magestad Católica, para la cesion de las dos Floridas, convienen y declaren las dos Altas Partes Contratantes que quedan anuladas y de ningun valor.

IX. Las dos altas Partes Contratantes animadas de los mas vivos deseos de conciliacion, y con el objeto de cortar de raiz todas las discusiones que han existido entre ellas, y afianzar la buena armonia que desean mantener perpetuamente, renuncian una y otra reciprocamente á todas las reclamaciones de daños y perjuicios que asi ellas como sus respectivos Subditos y Ciudadanos hayan experimentado hasta el dia en que se firme este Tratado.

La renuncia de los Estados Unidos se extiende: á todos los perjuicios mencionados en el Convenio de 11 de Agosto de 1802.

2. A todas las reclamaciones de presas hechas por los Corsarios Franceses, y condenadas por los Consules Franceses dentro del Territorio y jurisdiccion de España.

3. A todas las reclamaciones de indemnizaciones por la suspension

* A Convention between His Catholic Majesty and the United States of America, for the indemnification of those who have sustained losses, damages, or injuries, in consequence of the excesses of Individuals of either Nation during the late War, contrary to the existing Treaty or the Laws of Nations.

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 in the Ports and Territories of Spain, or the Spanish Colonies.

5. To all Claims of Citizens of The United States upon the Spanish Government, statements of which, soliciting the interposition of the Government of The United States, have been presented to the Department of State, or to the Minister of The United States in Spain, since the date of the Convention of 1802, and until the signature of this Treaty.

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.

4. To all Claims of Spanish Subjects upon the Government of The United States, arising from unlawful seizures at Sea, or within the Ports and Territorial jurisdiction of The United States.

Finally, to all the Claims of Subjects of His Catholic Majesty upon the Government of The Uni-

del derecho de Deposito en Nueva Orleans en 1802.

4. A todas las reclamaciones de los Ciudadanos de los Estados Unidos contra el Gobierno Español, procedentes de presas y confiscaciones injustas, asi en la Mar como en los puertos y Territorios de Su Magestad en España y sus Colonias.

5. A todas las reclamaciones de los Ciudadanos de los Estados Unidos contra el Gobierno de España, en que se haya reclamado la interposicion del Gobierno de los Estados Unidos antes de la fecha de este Tratado, y desde la fecha del Convenio de 1802, ó presentadas al Departamento de Estado de esta Republica ó Ministro de los Estados Unidos en España.

La renuncia de Su Magestad Católica se extiende:

1. A todos los perjuicios mencionados en el Convenio de 11 de Agosto, de 1802.

2. A las cantidades que suplió, para la vuelta del Capitan Pike, de las Provincias Internas.

3. A los perjuicios causados por la expedicion de Miranda, armada y equipada en Nueva York.

4. A todas las reclamaciones de los Subditos de Su Magestad Católica contra el Gobierno de los Estados Unidos, procedentes de presas y confiscaciones injustas asi en la mar como en los Puertos y Territorios de los Estados Unidos.

5. A todas las reclamaciones de los Subditos de Su Magestad Católica contra el Gobierno de

ted 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.

The United States will cause satisfaction to be made for the injuries, if any, which, by process of Law, shall be established to have been suffered by the Spanish Officers, and Individual Spanish Inhabitants, by the late operations of the American Army in Florida.

X. The Convention entered into between the two Governments, on the 11th of August, 1802, the Ratifications of which were exchanged the 21st of 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 renunciations herein contained extend, and considering them entirely cancelled, undertake to make satisfaction for the same, to an amount not exceeding 5,000,000 of dollars. To ascertain the full amount and validity of those Claims, a Commission, to consist of 3 Commissioners, Citizens of The United States, shall be appointed by the

los Estados Unidos, en que se haya reclamado la interposicion del Gobierno de España antes de la fecha de este Tratado, y desde la fecha del Convenio de 1802, ó que hayan sido presentadas al Departamento de Estado de Su Magestad ó á su Ministro en los Estados Unidos.

Las altas Partes Contratantes renuncian reciprocamente todos sus derechos á indemnizaciones por qualquiera de los ultimos; a contecimientos y transacciones de sus respectivos Comandantes y Oficiales en las Floridas.

Y los Estados Unidos satisfaran los perjuicios, si los hubiese habido, que los habitantes y oficiales Españoles justifiquen legalmente haber sufrido por las operaciones del Exercito Americano en ellas.

X. Queda anulado el Convenio hecho entre los dos Gobiernos en 11 de Agosto, de 1802, cuyas Ratificaciones fueron cangeadas en 21 de Diciembre, de 1818.

XI. Los Estados Unidos descargando á la España para lo sucesivo de todas las reclamaciones de sus Ciudadanos á que se extienden las renuncias hechas en este Tratado, y dandolas por enteramente canceladas, toman sobre si la satisfacion ó pago de todas ellas hasta la cantidad de 5,000,000 de pesos fuertes. El Señor Presidente nombrará, con consentimiento y aprobacion del Senado, una Comision compuesta de 3 Comisionados, Ciudadanos de los Estados Unidos, para averiguar

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 authorized 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 the said Claims, according to the principles of justice, the Laws of Nations, and the stipulations of the Treaty between the two 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

con certidumbre el importe total y justificacion de estas reclamaciones; la qual se reunirá en la Ciudad de Washington, y en el espacio de 3 años, desde su reunion primera, recibirá, examinará, y decidirá sobre el importe y justificacion de todas las reclamaciones arriba expresadas y descritas. Los dichos Comisionados prestarán juramento, que se onatará en los quadernos de sus operaciones, para el desempeño fiel y eficaz de sus deberes, y en caso de muerte, enfermedad ó ausencia precisa de alguno de ellos, será reemplazado del mismo modo, ó por el Señor Presidente de los Estados Unidos, en ausencia del Senado.

Los dichos Comisionados se hallaran autorizados para oir y examinar bajo juramento qualquiera demanda relativa á dichas reclamaciones, y para recibir los testimonios autenticos y convenientes relativos á ellas. El Gobierno Español subministrará á todos aquellos Documentos y aclaraciones que esten en su poder para el ajuste de las expresadas reclamaciones, segun los principios de justicia, el derecho de gentes, y las estipulaciones del Tratado entre las dos Partes de 27 de Octobre de 1795, cuyos Documentos se especificarán quando se pidan á instancia de dichos Comisionados.

Los Estados Unidos pagarán aquellas reclamaciones que sean admitidas y ajustadas por los dichos Comisionados, ó por la mayor

not exceeding 5,000,000 of 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 publick 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 the 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 IId, IIId, IVth, XXIst, and the 2d Clause of the XXIId 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 two High Contracting Parties agree that this shall be so understood with respect to those

Parte de ellos, hasta la cantidad de 5,000,000 de pesos fuertes, sea inmediatamente en su Tesoreria, ó por medio de uno creacion de fondos con el interés de un 6 por ciento al anõ, pagaderos de los productos de las ventas de los terrenos valdios en los Territorios aqui cedidos à los Estados Unidos, ó de qualquiera otra manera que el Congreso de los Estados Unidos ordene por ley.

Se depositarán, despues de concluidas sus transacciones, en el Departamento de Estado de los Estados Unidos, los quadernos de las operaciones de los dichos Comisionados, juntamente con los Documentos que se les presenten relativos á las reclamaciones que deben ajustar y decidir; y se entregarán Copias de ellos ó de parte de ellos al Gobierno Español, y á peticion de su Ministro en los Estados Unidos, si lo solicitase.

XII. El Tratado de Limites y Navegacion de 1795, queda confirmado en todos y cada uno de sus Articulos, excepto los Articulos II, III, IV, XXI, y la segunda Clausula del XXII, que habiendo sido alterados por este Tratado, ó cumplidos enteramente no pueden tener valor alguno.

Con respecto al Articulo XV del mismo Tratado de Amistad, Limites y Navegacion de 1795, en que se estipula, que la Bandera cubre la propiedad, han convenido las dos Altas Partes Contratantes en que esto se entienda asi con respecto á aquellas Potencias que

* See Page 540.

Powers who recognize this principle; but, if either of the two 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 belonged 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 American Ports, 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 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

reconozcan este principio; pero que, si una de las dos Partes Contratantes estuviere en guerra con una tercera, y la otra Neutral, la Bandera de esta Neutral cubrirá la propiedad de los Enemigos, cuyo gobierno reconozca este principio, y no de otros.

XIII. Deseando ambas Potencias Contratantes favorecer el comercio reciproco prestando cada una en sus Puertos todos los auxilios convenientes á sus respectivos buques Mercantes, han acordado en hacer prender y entregar los Marineros que desierten de sus buques en los puertos de la otra, á instancia del Consul; quien sin embargo deberá probar que los desertores pertenecen á los buques que los reclaman, manifestando el Documento de costumbre en su Nacion; esto es, que el Consul Español en puerto Americano exhibirá el Rol del Buque, y el Consul Americano en Puerto Español, el Documento conocido bajo el nombre de Articles; y constando en uno ú otre el nombre ó nombres del Desertor ó Desertores que se reclaman, se procederá al arresto, custodia y entrega al Buque à que correspondan.

XIV. Los Estados Unidos certifican por el presente que no han recibido compensacion alguna de la Francia por los perjuicios que sufrieron de sus Corsarios, Consules y Tribunales, en las costas y puertos de España para cuya satisfaccion se provée en este Tratado,

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 United States, to give to His Catholic Majesty a proof of their desire to cement the relations of amity subsisting between the two Nations, and to favour the commerce of the Subjects of His Catholic Majesty, agree that Spanish Vessels, coming laden only with productions of Spanish growth or manufactures, directly from the Ports of Spain, or of her Colonies, shall be admitted, for the term of 12 years, to the Ports of Pensacola and St. Augustine, in the Floridas; without paying other or higher duties on their Cargoes, or of tonnage, than will be paid by the Vessels of The United States. During the said term, no other Nation shall enjoy the same privileges within the ceded Territories. The 12 years shall commence 3 months after the exchange of the Ratifications of this Treaty.

XVI. 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, we, 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, Set-

y presentarán una relacion justificada de las presas hechas, y de su verdadero valor, para que la España pueda servirse de ella en la manera que mas juzgue justo y conveniente.

XV. Los Estados Unidos para dar á Su Magestad Católica una prueba de sus deseos de cimentar las reclamaciones de Amistad que existen entre las dos Naciones, y de favorecer el Comercio de los Subditos de Su Magestad Catolica, convienen en que, los Buques Españoles que vengan solo cargados de productos de sus frutos ó manufacturas directamente de los Puertos de España ó de sus Colonias, sean admitidos por el espacio de 12 años en los puertos de Panzacola y San Augustin de las Floridas, sin pagar mas derechos por sus cargamentos, ni major derecho de tonelage, que el que paguen los Buques de los Estados Unidos. Durante este tiempo ninguna Nacion tendrá derecho á los mismos privilegios en los Territorios cedidos. Los 12 años empezaran á contarse 3 meses despues de haberse cambiado las Ratificaciones de este Tratado.

XVI. El presente Tratado será ratificado en debida forma por las Partes Contratantes, y las Ratificaciones se cangearán en el espacio de 6 meses desde esta fecha; ó mas pronto si es posible.

En fé de lo qual, nosotros los Infrascritos Plenipotenciarios de Su Magestad Católica, y de los Estados Unidos de America, hemos firmado en virtud de nuestros poderes, el presente Tratado de

tlement, and Limits, and have thereunto affixed our Seals, respectively.

Done at Washington, this 22nd day of February, 1819.

(L.S.) JOHN QUINCY ADAMS.

(L.S.) LUIS DE ONIS.

Amistad, Arreglo de diferencias y Limites, y le hemos puesto nuestros Sellos respectivos.

Hecho en Washington, á 22 de Febrero, de 1819.

(L.S.) LUIS DE ONIS.

(L.S.) JOHN QUINCY ADAMS.

And whereas His said Catholic Majesty did, on the 24th day of October, in the year of our Lord 1820, ratify and confirm the said Treaty, which Ratification is in the words and of the tenor following:

(Translation.)

Ferdinand the Seventh, by the Grace of God, and by the Constitution of the Spanish Monarchy, King of the Spains.

Whereas, on the 22nd day of February, of the year 1819 last past, a Treaty was concluded and signed in the City of Washington, between Don Luis de Onis, my Envoy Extraordinary and Minister Plenipotentiary, and John Quincy Adams, Esquire, Secretary of State of The United States of America, competently authorized by both Parties, consisting of 16 Articles, which had for their object the arrangement of differences, and of limits between both Governments and their respective Territories; which are of the following form and literal tenor:

[Here follows the above Treaty, word for word.]

Therefore, having seen and examined the 16 Articles aforesaid, and having first obtained the consent and authority of the General Cortes of the Nation with respect to the Cession mentioned and stipulated in the IInd and IIIrd Articles, I approve and ratify all and every one of the Articles referred to, and the clauses which are contained in them; and, in virtue of these presents, I approve

Don Fernando Septimo por la Gracia de Dios, y por la Constitucion de la Monarquia Española, Rey de las Españas.

Por cuanto en el dia 22 de Febrero del año proximo pasado de 1819, se concluyo y firmo en la Ciudad de Washington, entre Don Luis de Onis, mi Enviado Extraordinario y Ministro Plenipotenciario, y Don Juan Quincy Adams, Secretario de Estado de los Estados Unidos de America, autorizados competentemente por ambas Partes, un Tratado compuesto de 16 Articulos, qui tiene por objeto el arreglo de diferencias y de limites entre ambos Gobiernos y sus respectivos Territorios; cuya forma y tenor literal es el siguiente.

Por tanto, haviendo visto y examinado los referidos 16 Articulos, y habiendo precedido la anuencia y autorizacion de las Cortes Generales de la Nacion por lo respectivo á la Cesion que en los Articulos 2° y 3° se menciona y estipula, he venido en aprobar y ratificar todos y cada uno de los referidos Articulos y clausulas que en ellos se contiene; y en virtud de la presente los

and ratify them; promising, on the faith and word of a King, to execute and observe them, and cause them to be executed and observed entirely as if I myself had signed them: and that the circumstance of having exceeded the term of 6 months, fixed for the exchange of the Ratifications in the XVIth Article may afford no obstacle in any manner, it is my deliberate will that the present Ratification be as valid and firm, and produce the same effects, as if it had been done within the determined period. Desirous at the same time of avoiding any doubt or ambiguity concerning the meaning of the VIIIth Article of the said Treaty, in respect to the date which is pointed out in it as the period for the confirmation of the grants of lands in the Floridas, made by me, or by the competent Authorities in my Royal Name, which point of date was fixed in the positive understanding of the 3 grants of land made in favour of the Duke of Alagon, the Count of Punonrostro, and Don Pedro de Vargas, being annulled by its tenor, I think proper to declare that the said 3 grants have remained and do remain entirely annulled and invalid; and that neither the 3 Individuals mentioned, nor those who may have title or interest through them, can avail themselves of the said grants at any time, or in any manner: under which explicit declaration the said VIIIth Article is to be understood as ratified. In the faith of all which I have commanded to despatch these presents. Signed by my hand, sealed with

apruebo y ratifico; prometiendo en fé y palabra de Rey cumplirlos y observarlos, y hacer que se cumplan y observen enteramente como si Yo mismo los hubiese firmado: sin que sirva de obstaculo en manera alguna la circunstancia de haber transcurrido el termino de los 6 meses prefijados para el cange de las Ratificaciones en el Articulo 16; pues mi deliberada voluntad es que la presente Ratificacion sea tan valida y subsistente y produzca los mismos efectos que si huviese sido hecha dentro del termino prefijado. Yo deseando al mismo tiempo evitar qualquiera duda ó ambiguedad que pueda ofrecer el contenido del Articulo 8°. del referido Tratado, con motivo de la fecha que en el se señala como termino para la validacion de las concesiones de tierras en las Floridas, hechas por mi ó por las Autoridades competentes en mi Real Nombre, a cuyo señalamiento de fecha se procedió en la positiva inteligencia de dejar anuladas por su tenor las 3 concesiones de tierras hechas a favor del Duque de Alagon, Conde de Puñonrostro, y Don Pedro de Vargas; tengo a bien declarar que las referidas 3 concesiones han quedado y quedan enteramente anuladas é invalidadas; sin que los 3 Individuos referidos, ni los que de estos tengan titulo ó causa, puedan aprovecharse de dichas concesiones en tiempo ni manera alguna: bajo cuya explicita declaracion se ha de entender ratificado el referido Articulo 8°. En fé de todo lo cual mandé despachar la presente, firmado de mi

my secret Seal, and countersigned by the underwritten my Secretary of Despatch of State.

Given at Madrid, the 24th of October, 1820.

FERNANDO.

(Countersigned)

EVARISTO PEREZ DE CASTRO.

mano, sellada con mi Sello secreto, y refrendada por el infrascripto mi Secretario del Despacho de Estado. Dada en Madrid, a 24 de Octubre de 1820.

FERNANDO.

(Refren.)

EVARISTO PEREZ DE CASTRO.

And whereas the Senate of The United States did, on the 19th day of the present month, advise and consent to the Ratification, on the part of these United States, of the said Treaty, in the following words:

In Senate of The United States.—19*th February*, 1821.

Resolved, two-thirds of the Senators present concurring therein, that the Senate, having examined the Treaty of Amity, Settlement, and Limits, between the United States of America and His Catholic Majesty, made and concluded on the 22nd of February, 1819, and seen and considered the Ratification thereof, made by his said Catholic Majesty, on the 24th day of October, 1820, do consent to, and advise the President of The United States to ratify the same.

And whereas, in pursuance of the said advice and consent of the Senate of The United States, I have ratified and confirmed the said Treaty, in the words following, viz:

Now, therefore, I, James Monroe, President of the United States of America, having seen and considered the Treaty above recited, together with the Ratification of His Catholic Majesty thereof, 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 22nd day of February, in the year of our Lord 1821, and of the Independence of the United States the 45th.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS, *Secretary of State.*

And whereas the said Ratifications, on the part of The United States, and of His Catholic Majesty, have been this day duly exchanged, at Washington, by John Quincy Adams, Secretary of State of The United States, and by General Don Francisco Dionisio Vives, Envoy Extraordinary and Minister Plenipotentiary of His Catholic Majesty: Now, therefore, to the end that the said Treaty may be observed and performed with good faith, on the part of The United States, I have caused the premises to be made public; and I do hereby en-

join and require all Persons bearing office, civil or military, within The United States, and all others, Citizens or Inhabitants thereof, or being within the same, faithfully to observe and fulfil the said Treaty, and every Clause and Article thereof.

In testimony whereof, I have caused the Seal of The United States to be affixed to these presents, and signed the same with my hand.

Done, at the City of Washington, the 22nd day of February, in the year of our Lord 1821, and of the Sovereignty and Independence of The United States the 45th.

By the President: JAMES MONROE.

JOHN QUINCY ADAMS, *Secretary of State.*

ARTICLES of the Treaty of Friendship, Limits, and Navigation, between The United States and Spain, of the 27th October, 1795, confirmed by Art. XII. of the preceding Treaty.

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.

V. The two High Contracting Parties shall, by all the means in their power, maintain peace and harmony among the several Indian Nations who inhabit the Country adjacent to the lines and rivers, which by the preceding Articles form the Boundaries of the two Floridas. And the better to obtain this effect, both Parties oblige themselves expressly to restrain, by force, all hostilities on the part of the Indian Nations living within their Boundary: so that Spain will not suffer her Indians to attack the Citizens of The United States, nor the Indians inhabiting their Territory; nor will The United States permit

ART. I. Habrá una Paz solida é inviolable, y una Amistad sincera entre Su Magestad Católica, sus Succesores y Subditos, y los Estados Unidos y sus Ciudadanos, sin excepcion de Personas ó Lugares.

V. Las dos Altas Partes Contratantes procurarán por todos los medios possibles mantener la paz, y buena armonia entre las diversas Naciones de Indios que habitan los Terrenos adyacentes à las lineas y rios, que en los Articulos anteriores forman los limites de las dos Floridas; y para conseguir mejor este fin se obligan expresamente ambas Potencias á reprimir con la fuerza todo género de hostilidades de parte de las Naciones Indias que habitasen dentro de la linea de sus respectivos limites: de modo que ni la España permitirá que sus Indios ataquen á los que vivan en el Territorio de los Estados Unidos ó á sus

these last mentioned Indians to commence hostilities against the Subjects of His Catholic Majesty, or His Indians, in any manner whatever.

And whereas several Treaties of Friendship exist between the two Contracting Parties and the said Nations of Indians, it is hereby agreed, that in future no Treaty of Alliance or other whatever, (except Treaties of Peace,) shall be made by either Party with the Indians living within the Boundary of the other, but both Parties will endeavour to make the advantages to the Indian trade common and mutually beneficial to their respective Subjects and Citizens, observing in all things the most complete reciprocity, so that both Parties may obtain the advantages arising from a good understanding with the said Nations, without being subject to the expense which they have hitherto occasioned.

VI. Each Party shall endeaver, by all means in their power, to protect and defend all Vessels and other effects belonging to the Citizens or Subjects of the other, which shall be within the extent of their jurisdiction by sea or by land, and shall use all their efforts to recover and cause to be restored to the right Owners, their Vessels and effects, which may have been taken from them within the extent of their said jurisdiction, whether they are at war or not with the Power whose Subjects have taken possession of the said effects.

VII. And it is agreed, that the Subjects or Citizens of each of the Contracting Parties, their Vessels

Ciudadanos, ni los Estados que los suyos hostilizen á los Subditos de Su Magestad Católica ó á sus Indios de manera alguna.

Existiendo varios Tratados de amistad entrelas expresadas Naciones y las dos Potencias, se han convenido en no hacer en lo venidero alianza alguna ó Tratado, (excepto los de Paz,) con las Naciones de Indios que habitan dentro de los limites de la otra Parte, aunque procurarán hacer comun su comercio en beneficio amplio de los Subditos y Ciudadanos respectivos, guardándose en todo la reciprocidad mas completa, de suerte que sin los dispendios que han causado hasta ahora dichas Naciones á las dos Partes Contratantes, consigan ambas todas las ventajas que debe producir la armonia con ellas.

VI. Cada una de las dos Partes Contratantes procurará, por todos los medios posibles, proteger y defender todos los Buques y qualesquiera otros efectos pertenecientes á los Subditos y Ciudadanos de la otra que se hallen en la extension de su jurisdiccion por mar ô por tierra, y empleará todos sus esfuerzos para recobrar y hacer restituir à los propietarios legitimos los Buques y efectos que se les hayan quitado en la extension de dicha jurisdiccion esten ó no en guerra con la Potencia cuyos Subditos hayan interceptado dichos efectos.

VII. Se ha convenido que los Subditos y Ciudadanos de una de las Partes Contratantes, sus

or effects, shall not be liable to any embargo or detention on the part of the other, for any military expedition or other public or private purpose whatever. And in all cases of seizure, detention, or arrest, for debts contracted or offences committed, by any Citizen or Subject of the one Party, within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of Law only, and according to the regular course of proceedings usual in such cases. The Citizens and Subjects of both Parties shall be allowed to employ such Advocates, Solicitors, Notaries, Agents, and Factors, as they may judge proper, in all their affairs, and in all their trials at Law, in which they may be concerned, before the Tribunals of the other Party; and such Agents shall have free access to be present at the proceedings in such Causes, and at the taking of all examinations and evidence which may be exhibited in the said trials.

VIII. In case the Subjects and Inhabitants of either Party, with their Shipping, whether public and of War, or private and of Merchants, be forced, through stress of weather, pursuit of Pirates or Enemies, or any other urgent necessity for seeking of shelter and harbour, to retreat and enter into any of the rivers, bays roads or ports, belonging to the other Party, they shall be received and treated with all humanity, and enjoy all favour, protection and help, and they shall be permitted to refresh and provide them-

Buques, ó efectos, no podrán sugetarse á ningun embargo ó detencion de parte de la otra á causa de alguna expedicion militar, uso publico ó particular de qualquiera que sea. Y en los casos de aprehension, detencion ó arresto, bien sea por deudas contrahidas ú ofensas cometidas por algun Ciudadano subdito de una de las Partes Contratantes, en la jurisdiccion de la otra, se procederá únicamente por órden y autoridad de la justicia, y segun los trámites ordinarios seguidos en semejantes casos. Permitirá á los Ciudadanos y Subditos de ambas Partes emplear los Abogados, Procuradores, Notarios, Agentes ó Factores, que juzguen mas á propósito en todos sus asuntos y en todos los pleytos que podràn tener en los Tribunales de la otra Parte, á los quales se permitirá igualmente el tener libre acceso en las causas, y estar presentes á todo exâmen y testimonios que podran ocurrir en los pleytos.

VIII. Quando los Subditos y Habitantes de la una de las dos Partes Contratantes con sus Buques, bien sean públicos ó de Guerra, bien particulares ó Mercantiles, se viesen obligados por una tempestad, por escapar de Piratas ó de Enemigos, ó por qualquiera otra necesidad urgente á buscar refugio ó abrigo en alguno de los rios, bahias, radas ó puertos de una de las dos Partes, seran recibidos y tratados con humanidad, gozaran de todo fabor, proteccion, y socorro, y les será licito proveerse de refrescos, vi-

selves, at reasonable rates, with victuals and all things needful for the subsistence of their Persons, or reparation of their Ships, and prosecution of their voyage; and they shall no ways be hindered from returning out of the said Ports or Roads, but may remove and depart when and whither they please, without any let or hindrance.

IX. All Ships and merchandise of what nature soever, which shall be rescued out of the hands of any Pirates or Robbers, on the High Seas, shall be brought into some Port of either State, and shall be delivered to the custody of the Officers of that Port, in order to be taken care of, and restored entire to the true Proprietor, as soon as due and sufficient proof shall be made concerning the property thereof.

X. When any Vessel of either Party shall be wrecked, foundered, or otherwise damaged, on the Coasts or within the Dominion of the other, their respective Subjects or Citizens shall receive, as well for themselves as for their Vessels and effects, the same assistance which would be due to the Inhabitants of the Country where the damage happens, and shall pay the same charges and dues only as the said Inhabitants would be subject to pay in a like case: and if the operations of repair should require that the whole or any part of the cargo be unladen, they shall pay no duties, charges, or fees, on the part which they shall relade and carry away.

XI. The Citizens and Subjects of each Party shall have power

veres y demás cosas necesarias para su sustento, para componer sus Buques y continuar su viage, todo mediante un precio equitativo; y no se les detendrá ó impedira de modo alguno el salir de dichos Puertos ó Radas, antes bien podrán retirarse y partir como y quando les pareciere sin ningun obstáculo ó impedimento.

IX. Todos los Buques y mercaderias de qualquiera naturaleza que sean, que se he hubiesen quitado á algunos Piratas en alta mar, y se traxesen á algun Puerto de una de las dos Potencias, se entregarán alli à los Oficiales ó empleados en dicho Puerto, á fin de que los guarden y restituyan integramente á su verdadero propietario luego que hiciere constar debida y plenamente que era su legitima propiedad.

X. En el caso de que un Buque perteneciente á una de las dos Partes Contratantes naufragase, varase, ó su friese alguna otra averia en las costas ó en los Dominios de la otra, se socorrerá á los Subditos y Ciudadanos respectivos, asi á sus Personas como á sus Buques y efectos, del mismo modo que se haria con los Habitantes del Pais donde suceda la desgracia, y pagarán solo las mismas cargas y derechos que se hubieran exigido de dichos Habitantes en semejante caso. Y si fuese necesario para componer el Buque que se descargue el cargamento en todo ó en parte, no pagarán impuesto alguno, carga, ó derecho de lo que se vuelva á embarcar para ser exportado.

XI. Los Ciudadanos ó Subditos de una de las dos Partes Contra-

to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise, and their Representatives, being Subjects or Citizens of the other Party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and they may take possession thereof either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the Inhabitants of the Country, wherein the said goods are, shall be subject to pay in like cases.

And in case of the absence of the Representatives, such care shall be taken of the said goods as would be taken of the goods of a Native in like case, until the lawful Owner may take measures for receiving them. And if questions shall arise among several Claimants to which of them the said goods belong, the same shall be decided finally by the Laws and Judges of the land wherein the said goods are. And where, on the death of any Person holding real estates within the Territories of the one Party, such real estate would, by the Laws of the Land, descend on a Citizen or Subject of the other, were he not disqualified by being an Alien, such Subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all rights of *detraction* on the part of the Government of the respective States.

tantes tendrán en los Estados de la otra la libertad de disponer de sus bienes personales, bien sea por testamento, donacion, ú otra manera, y si sus herederos fuesen Subditos ó Ciudadanos de la otra Parte Contratante, sucederán en sus bienes ya sea en virtud de testamento ó *ab intestato*, y podrán tomar posesion, bien en persona, ó por medio de otros que hagan sus veces, y disponer como les pareciere, sin pagar mas derechos que aquellos que deben pagar en caso semejante los Habitantes del pais donde se verificase la herencia.

Y si estubiesen ausentes los herederos se cuidará de los bienes que les hubiesen tocado, del mismo modo que se hubiera hecho en semejante ocasion con los bienes de los naturales del Pais, hasta que el legitimo propietario haya aprobado las disposiciones para recoger la herencia. Si se suscitasen disputas entre diferentes competidores que tengan derecho á la herencia, serán determinadas en última instancia segun las Leyes, y por los Jueces del pais donde vacase la herencia. Y si por la muerte de alguna Persona que poseyese bienes raices sobre el Territorio de una de las Partes Contratantes, estos bienes raices llegasen á pasar segun las Leyes del pais á un Subdito ó Ciudadano de la otra parte, y éste por su calidad de extrangero fuese inhábil para poseerlos, obtendrá un término conveniente para venderlos y recoger su producto sin obstáculo, exênto de todo derecho de retencion de parte del gobierno de los Estados respectivos.

XII. The Merchant Ships of either of the Parties, which shall be making into a Port belonging to the Enemy of the other Party, and concerning whose voyage, and the species of goods on board her, there shall be just grounds of suspicion, shall be obliged to exhibit, as well upon the High Seas as in the Ports and Havens, not only her Passports, but likewise Certificates, expressly showing that her goods are not of the number of those which have been prohibited as contraband.

XIII. For the better promoting of Commerce on both sides, it is agreed, that if a War shall break out between the said two Nations; one year, after the Proclamation of War, shall be allowed to the Merchants, in the Cities and Towns where they shall live, for collecting and transporting their goods and merchandises; and if any thing be taken from them, or any injury be done them within that term, by either Party, or the People or Subjects of either, full satisfaction shall be made for the same by the Government.

XIV. No Subject of His Catholic Majesty shall apply for, or take any Commission or Letters of Marque, for arming any Ship or Ships to act as Privateers against the said United States, or against the Citizens, People, or Inhabitants of the said United States, or against the property of any of the Inhabitants of any of them, from any Prince or State with which the said United States shall be at War.

Nor shall any Citizen, Subject, or Inhabitant, of the said United

XII. A los Buques Mercantes de las dos Partes que fuesen destinados á Puertos pertenecientes à una Potencia Enemiga de una de las dos, cuyo viage y naturaleza del cargamento diese justas sospechas, se les obligará á presentar bien sea en alta mar, bien en los puertos y cabos, no solo sus Pasaportes sino tambien los Certificados que probarán expresamente que su cargamento no es de la especie de los que están prohibidos como de contrabando.

XIII. A fin de faborecer el Comercio de ambas Partes, se ha convenido que en el caso de romperse la Guerra entre las dos Naciones, se concederá el término de un año despues de su declaracion, á los Comerciantes en las Villas y Ciudades que habitan, para juntar y transportar sus mercaderias y si se les quitase alguna Parte de ellas, ó hiciese algun daño durante el tiempo prescrito arriba por una de las dos Potencias, sus Pueblos ó Subditos, se les dará en este punto entera satisfaccion por el Gobierno.

XIV. Ningun Subdito de Su Magestad Católica tomará encargo ó Patente para armar Buque ó Buques que obren como Corsarios contra dichos Estados Unidos, ó contra los Ciudadanos, Peublos y Habitantes de los mismos, ó contra su propiedad ó la de los Habitantes de alguno de ellos de qualquiera Principe ó Estado que sea con quien estubieren en guerra los Estados Unidos.

Ygualmente ningun Ciudadano ó Habitante de dichos Estados

States, apply for, or take, any Commission, or Letters of Marque, for arming any Ship or Ships to act as Privateers against the Subjects of His Catholic Majesty, or the property of any of them, from any Prince or State with which the said King shall be at war. And if any Person of either Nation shall take such Commissions or Letters of Marque, he shall be punished as a Pirate.

XV. It shall be lawful for all and singular the Subjects of His Catholic Majesty, and the Citizens, People and Inhabitants, of the said United States, to sail with their Ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandises laden thereon, from any Port to the places of those who now are, or hereafter shall be, at enmity with His Catholic Majesty or The United States.

It shall be likewise lawful for the Subjects and Inhabitants aforesaid, to sail with the Ships and merchandises aforementioned, and to trade with the same liberty and security from the Places, Ports, and Havens, of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the Enemy aforementioned, to Neutral places, but also from one place belonging to an Enemy, to another place belonging to an Enemy, whether they be under the jurisdiction of the same Prince or under several; and it is hereby stipulated, that free Ships shall also give freedom to goods, and

Unidos pedirá ó aceptará encargo ó Patente para armar algun Buque ó Buques con el fin de perseguir los Subditos de Su Magestad Católica, ó apoderarse de su propiedad, de qualquier Principe ó Estado que sea con quien estuviere en guerra Su Magestad Católica. Y si algun Individuo de una ó de otra Nacion tomase semejantes encargos ó Patentes será castigado como Pirata.

XV. Se permitirá á todos y à cada uno de los Subditos de Su Magestad Católica, y á los Ciudadanos, Pueblos y Habitantes de dichos Estados, que puedan navegar con sus Embarcaciones con toda libertad, y seguridad, sin que haya la menor excepcion por este respeto, aunque los propietarios de las mercaderias cargadas en las referidas embarcaciones vengan del Puerto que quieran, y las traygan destinadas á qualquiera plaza de una Potencia actualmente enemiga ó que lo sea despues, asi de Su Magestad Católica como de los Estados Unidos. Se permitirá igualmente á los Subditos y Habitantes mencionados navegar con sus Buques y mercaderias, y frequentar con igual libertad y seguridad las Plazas y Puertos de las Potencias enemigas de las Partes Contratantes, ó de una de ellas sin oposicion á obstaculo, y comerciar no solo desde los Puertos del dicho enemigo á un puerto neutro directamente, si no tambien desde uno enemigo á otro tal, bien se encuentre baxo su jurisdiccion, ó baxo la de muchos; y se estipula tambien por el presente Tratado que los Buques libres asegurarán

that every thing shall be deemed free and exempt which shall be found on board the Ships belonging to the Subjects of either of the Contracting Parties, although the whole lading, or any part thereof, should appertain to the Enemies of either, contraband goods being always excepted.

It is also agreed, that the same liberty be extended to persons who are on board a free Ship, so that although they be Enemies to either party, they shall not be made prisoners or taken out of that free Ship, unless they are Soldiers and in actual service of the Enemies.

XVI. This liberty of navigation and commerce shall extend to all kinds of merchandises, excepting those only which are distinguished by the name of contraband; and under this name of contraband, or prohibited goods, shall be comprehended, arms, great guns, bombs with the fusees, and the other things belonging to them, cannon balls, gunpowder, match, pikes, swords, lances, spears, halberds, mortars, petards, grenades, saltpetre, musquets, musquet balls, bucklers, helmets, breast-plates, coats of mail, and the like kinds of arms, proper for arming Soldiers; musquet rests, belts, horses with their furniture, and all other warlike instruments whatever. These merchandises which follow, shall not be reckoned among con-

igualmente la libertad de las mercaderias, y que se juzgarán libres todos los efectos que se hallasen á bordo de los Buques que perteneciesen á los Subditos de una de las Partes Contratantes, aun quando el cargamento por entero ó parte de él fuese de los Enemigos de una de las dos, bien entendido sin embargo que el contrabando se exceptua siempre. Se ha convenido asi mismo que la propia libertad gozarán los sujetos que pudiesen encontrarse á bordo del Buque libre, aun quando fuesen enemigos de una de las dos Partes Contratantes; y por lo tanto no se podrá hacerlos prisioneros ni separarlos de dichos Buques á menos que no tengan la qualidad de militares, y esto hallándose en aquella sazon empleados en el servicio del Enemigo.

XVI. Esta libertad de navegacion y de comercio debe extenderse á toda especie de mercaderias, exceptuando solo las que se comprehenden baxo el nombre de contrabando, ó de mercaderias prohibidas, quales son las armes, cañones, bombas con sus mechas, y demás cosas pertenecientes á lo mismo, balas, polvora, mechas, picas, espadas, lanzas, dardos, alabardas, morteros, petardos, granadas, salitre, fusiles, balas, escudos, casquetes, corazas, cotas de malla, y otras armas de esta especie propias para arma á los Soldados, portamosquetes, bandoleras, caballos con sus armas, y otros instrumenteros de guerra sean los que fueren. Pero los géneros y mercaderias que se nombrarán ahora, no se comprehenderán entre los

traband or prohibited goods; that is to say; all sorts of cloths, and all other manufactures woven of any wool, flax, silk, cotton, or any other materials whatever; all kinds of wearing apparel, together with all species whereof they are used to be made; gold and silver, as well coined as uncoined; tin, iron, latten, copper, brass, coals; as also wheat, barley, and oats, and any other kind of corn and pulse; tobacco, and likewise all manner of spices, salted and smoked flesh, salted fish, cheese and butter, beer, oils, wines, sugars, and all sorts of salts; and, in general, all provisions which serve for the sustenance of life; furthermore, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail cloths, anchors, and any parts of anchors, also ships' masts, planks, and wood of all kind, and all other things proper either for building or repairing ships, and all other goods whatever, which have not been worked into the form of any instrument prepared for war, by land or by sea, shall not be reputed contraband; much less, such as have been already wrought and made up for any other use; all which shall be wholly reckoned among free goods, as likewise, all other merchandises and things which are not comprehended and particularly mentioned in the foregoing enumeration of contraband goods: so that they may be transported and carried in the freest manner by the Subjects of both parties, even to places belonging to an enemy, such towns or places being only excepted, as are

de contrabando ó cosas prohibidas, á saber; toda especie de paños y qualesquiera otras telas de lana, lino, seda, algodon, ú otras qualesquiera materias, toda especie de vestidos con las telas de que se acostumbran hacer, el oro y la plata labrada en moneda ó no, el estaño, hierro, laton, cobre, bronce, carbon, del mismo modo que la cevada, el trigo, la avena, y qualquiera otro género de legumbres. El tabaco y toda la especeria, carne salarda y ahumada, pescado salado, queso y manteca, cerbeza, aceytes, vinos, azucar, y toda especie de sal, y en general todo género de provisiones que sirven para el sustento de la vida. Además toda especie de algodon, cáñamo, lino, alquitran, brea, pes, cuerdas, cables, velas, telas para velas, áncoras, y partes de que se componen. Mástiles, tablas, maderas de todas especies, y qualesquiera otras cosas que sirvan para la construccion y reparacion de los Buques, y otras qualesquiera materias que no tienen la forma de un instrumento preparado para la guerra por tierra ó por mar, no serán reputadas de contrabando; y menos las que estén ya preparadas para otros usos. Todas las cosas que se acaban de nombrar deben ser comprehendidas entre las mercaderias libres, lo mismo que todas las demás mercaderias y efectos que no estan comprehendidos y nombrados expresamente en la enumeracion de los géneros de contrabando: de manera que podràn sera transportados y conducidos con la mayor libertad por los Subditos de las dos Partes Contratan-

at that time besieged, blocked up, or invested. And, except the cases in which any Ship of war, or squadron, shall, in consequence of storms or other accidents at sea, be under the necessity of taking the cargo of any trading Vessel or Vessels, in which case they may stop the said Vessel or Vessels, and furnish themselves with necessaries, giving a receipt, in order that the Power to whom the Ship of war belongs, may pay for the articles so taken, according to the price thereof, at the port to which they may appear to have been destined by the Ship's Papers: and the two Contracting Parties engage, that the Vessels shall not be detained longer than may be absolutely necessary for their said Ships to supply themselves with necessaries. That they will immediately pay the value of the receipts, and indemnify the proprietor for all losses which he may have sustained in consequence of such transaction.

XVII. To the end, that all manner of dissentions and quarrels may be avoided and prevented on one side and the other, it is agreed, that in case either of the Parties hereto, should be engaged in a War, the Ships and Vessels belonging to the Subjects or People of the other Party, must be furnished with Sea Letters or Passports, expressing the name, property and bulk of the Ship, as also the name and place of habitation of the Master or Commander of the said Ship, that it may appear thereby, that the Ship really and truly belongs to the Subjects of

tes á las plazas enemigas; exceptuando sin embargo las que se hallasen en la actualidad sitiadas, bloqueadas, ó embestidas, y los casos en que algun Buque de guerra ó esquadra que por efecto de averia, ú otras causas se halle en necesidad de tomar los efectos que conduzca el Buque ó Buques de comercio, pues en tal caso podrá detenerlos para aprovisionarse, y dar un recibo para que la Potencia cuyo sea el Buque que tome los efectos los pague segun el valor que tendrian en el puerto adonde se dirigiese el propietario, segun lo expresen sus cartas de navegacion: obligandose las dos Partes Contratantes á no detener los Buques mas de lo que sea absolutamente necesario para aprovisionarse, pagar inmediatemente los recibos, é indemnizar todos los daños que sufra el propietario á consequencia de semejante suceso.

XVII. A fin de evitar entre ambas Partes toda especie de disputas y quejas, se ha convenido que en el caso de que una de las dos Potencias se hallase empeñada en una guerra, los Buques y bastimentos pertenecientes á los Subditos ó Pueblos de la otra, deberán llevar consigo patentes de mar ó Pasaportes que expresen el nombre, la propiedad, y el Porte del buque, como tambien el nombre y morada de su dueño y Comandante de dicho buque, para que de este modo conste que pertenece real y verdaderamente á los subditos de una de las dos Partes Contra-

one of the Parties; which Passport shall be made out and granted according to the form annexed to this Treaty. They shall likewise be recalled every year, that is, if the Ship happens to return home within the space of a year.

It is likewise agreed, that such Ships being laden, are to be provided not only with Passports as above-mentioned, but also with Certificates, containing the several particulars of the Cargo, the Place whence the Ship sailed, that so it may be known whether any forbidden or contraband goods be on board the same; which Certificates shall be made out by the Officers of the place whence the Ship sailed, in the accustomed form; and if any one shall think it fit or adviseable to express in the said Certificates, the Person to whom the goods on board belong, he may freely do so; without which requisites they may be sent to one of the Ports of the other Contracting Party, and adjudged by the competent Tribunal, according to what is above set forth, that all the circumstances of this omission having been well examined, they shall be adjudged to be legal prizes, unless they shall give legal sàtisfaction of their property by testimony entirely equivalent.

XVIII. If the Ships of the said Subjects, People, or Inhabitants, of either of the Parties, shall be met with, either sailing along the coasts or on the High Seas, by any Ship of War of the other, or by any Privateer, the said Ship of War or Privateer, for the avoiding of any disorder, shall remain out

tantes; y que dichos Pasaportes deberán expedirse segun el modelo adjunto al presente Tratado. Todos los años deberán renovarse estos Pasaportes en el caso de que el Buque vuelva á su pais en el espacio de un año.

Igualmente se ha convenido en que los Buques mencionados arriba, si estuviesen cargados, deberán llevar no solo los Pasaportes sino tambien Certificados que contengan el pormenor del cargamento, el lugar de donde ha salido el Buque, y la declaracion de las mercaderias de contrabando que pudiesen hallarse á bordo; cuyos Certificados deberán expedirse en la forma acostumbrada por los oficiales empleados en el lugar de donde el navio se hiciese á la vela, y si se juzgase útil y prudente expresar en dichos Pasaportes la Persona propietaria de las mercaderias, se podra hacer libremente; sin cuyos requisitos será conducido á uno de los puertos de la Potencia respectiva, y juzgado por el Tribunal competente, con arreglo á lo arriba dicho, para que exáminadas bien las circunstancias de su falta, sea condenado por de buena presa, si no satisfaciese legalmente con los testimonios equivalentes en un todo.

XVIII. Quando un Buque perteneciente á los dichos Subditos, Pueblos y Habitantes, de una de las dos Partes, fuese encontrado navegando á lo largo de la costa ó en plena mar por un Buque de Guerra de la otra ó por un Corsario, dicho Buque de Guerra ó Corsario, á fin de evitar todo desorden,

of cannon shot, and may send their Boats aboard the Merchant Ship, which they shall so meet with, and may enter her to number of 2 or 3 Men only, to whom the Master or Commander of such Ship or Vessel shall exhibit his Passports, concerning the property of the Ship, made out according to the form inserted in this present Treaty, and the Ship, when she shall have showed such Passport, shall be free and at liberty to pursue her voyage, so as it shall not be lawful to molest or give her chase in any manner, or force her to quit her intended course.

XIX. Consuls shall be reciprocally established, with the privileges and powers which those of the most favoured Nations enjoy, in the Ports where their Consuls reside, or are permitted to be.

XX. It is also agreed, that the Inhabitants of the Territories of each Party shall respectively have free access to the Courts of Justice of the other, and they shall be permitted to prosecute suits for the recovery of their properties, the payment of their debts, and for obtaining satisfaction for the damages which they may have sustained, whether the Persons whom they may sue be Subjects or Citizens of the Country in which they may be found, or any other Persons whatsoever who may have taken refuge therein; and the proceedings and sentences of the said Courts shall be the same as if the Contending Parties had been Subjects or Citizens of the said Country.

se mantendrá fuera del tiro de cañon, y podrá enviar su chalupa á bordo del Buque Mercante, hacer entrar en él 2 ó 3 hombres, á los quales enseñara el Patron ó Comandante del Buque, su Pasaporte y demás Documentos que deberán ser conformes á lo prevenido en el presente Tratado, y probará la propiedad del Buque; y despues de haber exhibido semejante Pasaporte y Documentos, se les dejará seguir libremente su viage, sin que les sea licito el molestarle, ni procurar de modo alguno darle caza, ú obligarle á dexar el rumbo que seguia.

XIX. Se establecerán Consules reciprocamente con los privilegios y facultades que gozaren los de las Naciones mas faborecidas en los Puertos donde los tubieren estas, ó les sea licito el tenerlos.

XX. Se ha convenido igualmente que los habitantes de los Territorios de una y otra Parte respectivamente, serán admitidos en los Tribunales de justicia de la otra Parte, y les será permitido el entablar sus pleytos para el recobro de sus propiedades, pago de sus deudas, y satisfaccion de los daños que hubieren recibido bien sean las personas contra las quales se quejasen Subditos ó Ciudadanos del Pais en que se hallen: ó bien sean qualesquiera otros sugetos que se hayan refugiado alli; y los pleytos y sentencias de dichos Tribunales serán las mismas que hubieran sido en el caso de que las Partes litigantes fuesen Subditos ó Ciudadanos del mismo Pais.

XXII. The two High Contracting Parties, hoping that the good correspondence and friendship which happily reigns between them, will be further increased by this Treaty, and that it will contribute to augment their prosperity and opulence, will, in future, give to their mutual commerce all the extension and favour which the advantages of both Countries may require.

XXIII. The present Treaty shall not be in force until ratified by the Contracting Parties, and the Ratifications shall be exchanged in 6 months from this time; or sooner, if possible.

Done at San Lorenzo el Real, the 27th day of October, 1795.

(L.S.) THOMAS PINCKNEY.
(L.S.) EL PRINCIPE DE LA PAZ.

XXII. Esperando las dos Altas Partes Contratantes que la buena correspondencia y amistad que reyna actualmente entre si se estrechará mas y mas con el presente Tratado, y que contribuirá á aumentar su prosperidad y opulencia, concederán reciprocamente en lo succesivo al comercio todas las ampliaciones ó fabores que exigiese la utilidad de los dos paises.

XXIII. El presente Tratado no tendrá efecto hasta que las Partes Contratantes le hayan ratificado; y las Ratificaciones se cambiarán en el término de 6 meses: ó antes, si fuese posible, contando desde este dia.

Hecho en San Lorenz el Real á 27 de Octubre de 1795.

(L.S.) EL PRINCIPE DE LA PAZ.
(L.S.) THOMAS PINCKNEY.

PASSPORTS referred to in Article XVII. *of the preceding Treaty.*

(Translation.)

Passport, or Sea Letter, granted to Vessels to navigate the Seas of Europe.

Don Carlos, by the Grace of God, King of Castile, Leon, Arragon, the Two Sicilies, Jerusalem, Navarre, Grenada, Toledo, Valencia, Galicia, Majorca, Seville, Sardinia, Cordova, Corsica, Murcia, Jaen, the Algarves, Algeciras, Gibraltar, the Canary Islands, the East and West Indies, Isles and Continent of the Ocean; Archduke of Austria; Duke of Burgundy, Brabant, and Milan; Count of Hapsburg, Flanders, the Tyrol,

Pasaporte, ó Patente de Mar, que se concede á los Buques para navegar en Europa.

Don Carlos, por la Gracia de Dios, Rey de Castilla, de Leon, de Aragon, de las dos Sicilias, de Jerusalén, de Navarra, de Granada, de Toledo, de Valencia, de Galicia, de Mallorca, de Sevilla, de Cerdeña, de Córdoba, de Córcega, de Murcia, de Jaén, de los Algarbes, de Algecíra, de Gibraltar, de las Islas de Canária, de las Indias Orientales y Occidentales, Islas y Tierra-Firme del Mar Océano; Archiduque de Austria; Duque

and Barcelona; Lord of Biscay and Molina, &c.

Whereas I have granted permission to ——, Inhabitant of ——, that with his —— called —— of —— tons, he may navigate, and traffic in, the Seas and Ports of Europe, as well in my Dominions, as in those of Foreigners, and particularly in the ——, with absolute prohibition from passing to those of the Isles, or Continent of America: Wherefore I require that, the right of embarkation being proved to belong to the said —— or to any other of my Subjects from whom he has received authority, he be permitted to equip the Vessel with a Crew of —— Men, from his own Province, or from any other part of my Dominions, intended for that purpose, according to what has been provided in the Naval Ordinances; and that he sail and traffic in the said Vessel, under the established regulations. And I command the Admirals, Commanders, and Captains of my Squadrons and Vessels; the Commandants and Intendants of the Marine Departments; the Authorities in the Provinces; their Deputies, the Captains of Ports, and all other Officers of my Navy; the Captains General, or Commandants of Provinces; the Governors, Corregidors, Judges, and Justices in the Ports of my Dominions; and all my other Subjects, to whom it belongs or may belong; not to embarrass, molest, or detain her, but rather to assist and aid her in whatever may be necessary for her regular navigation

de Borgoña, de Brabante, y Milán; Conde de Abspurg, de Flandes, Tiról, y Barcelona; Señor de Vizcaya y de Molina, &c.

Por quanto he concedido permiso á —— Vecino de —— paraque con su —— nombrado —— de porte de —— toneladas, pueda navegar, y comerciar en los Mares y Puertos de Europa, tanto de mis Dominios, como de Extrangeros; y singularmente en los —— con absoluta prohibicion de pasar á los de Islas, ó Tierrafirme de América: Por tanto quiero, que constando la pertenencia de la embarcacion al referido —— ó á otro Vasallo mio de quien tenga poder, se le permita equiparla con gente —— de su misma Provincia, ó de otra de mis Dominios, hábil á este efecto, segun lo prevenido en las Ordenanzas de Marina, para salir á navegar, y comerciar en ella, baxo las reglas establecidas. Y mando á los Oficiales Generales, ó particulares Comandantes de mis Esquadras y Vaxeles, á los Comandantes, é Intendentes de los Departamentos de Marina, á los Ministros de sus Provincias, Subdelegados, Capitanes de Puerto, y otros qualesquier Oficiales y Ministros de mi Armada, á los Capitanes, ó Comandantes Generales de Provincia, á los Gobernadores, Corregidores, Jueces y Justicias de los Puertos de mis Dominios, y á todos los demás Vasallos mios, á quienes pertenece, ó pertenecer pudiere, no le pongan embarazo, causen molestia, ó detencion alguna; ántes le auxilien y faciliten lo que hubiere menester para su regular navegacion y le-

and lawful commerce: and I require from the Vassals and Subjects of the Kings, Princes, and Republics, my Friends and Allies; and from the Commandants, Governors, or Heads of their Provinces, Forts, Squadrons, and Vessels; that they do not obstruct her in her free navigation, entrance into, departure from, or continuance in the Ports, at which she may arrive, whether by accident or design; but permit her freely to carry on lawful commerce with them, and to victual, and supply herself with necessaries for the prosecution of her voyage: Wherefore I have commanded this Passport to be issued, countersigned by my Secretary of State for the Naval Department; which shall serve, and continue in force, for the space of ——, reckoning from the time at which he shall make use of it, according to the Note subjoined to authorize the continuation of her voyage. Given in ——— this ——— of ——— 1795. I THE KING.

PEDRO VARELA.

gítimo comercio: y á los Vasallos y Súbditos de Reyes, Príncipes, y Repúblicas Amigas y Aliadas mias, y á los Comandantes, Gobernadores, ó Cabos de sus Provincias, Plazas, Esquadras y Vaxeles, requiero, que asimismo no le pongan embarazo en su libre navegacion, entrada, salida, ó detencion en los Puertos, á los quales deliberadamente, ó por accidente se conduxere, y le permitan exercer en ellos su legítimo comercio, bastimentarse, y proveerse de lo necesario para continuarle; á cuyo fin he mandado despachar este Pasaporte, refrendado de mi Secretario de Estado, y de la Negociacion de Marina, el quel valdrá, y tendrá fuerza por término de —— contado desde el dia en que usáre de él, segun conste por la Nota que á su continuacion se pusiere. Dado en ——— á ——— de ——— de 1795.

YO EL REY.

PEDRO VARELA.

Passport, or Sea Letter, granted to Vessels to sail to America.

DON CARLOS, by the Grace of God, King of Castile, Leon, Arragon, the Two Sicilies, Jerusalem, Navarre, Grenada, Toledo, Valencia, Galicia, Majorca, Seville, Sardinia, Cordova, Corsica, Murcia, Jaen, the Algarves, Algeciras, Gibraltar, the Canary Islands, the East and West Indies, Isles and Continent of the Ocean; Archduke

Pasaporte, ó Patente de Mar que se concede á los Buques para navegar en América.

DON CARLOS, por la Gracia de Dios, Rey de Castilla, de Leon, de Aragon, de las dos Sicilias, de Jerusalén, de Navarra, de Granada, de Toledo, de Valencia, de Galicia, de Mallorca, de Sevilla, de Cerdeña, de Córdoba, de Córcega, de Murcia, de Jaén, de los Algarbes, de Algecíra, de Gibraltar, de las Islas de Canária, de las Indias

of Austria; Duke of Burgundy, Brabant, and Milan; Count of Hapsburg, Flanders, the Tyrol, and Barcelona; Lord of Biscay and Molina, &c.

Whereas I have granted permission to ——, that with his —— called —— of —— tons, he may sail from the Port of ——— with cargo, and register of merchandize, and go to —— and return to Spain to the Port of ———, on the express condition of performing her course of departure and of returning direct to the appointed Places of her destination, without deviating from her route, or touching at either National or Foreign Ports, in the Isles or Continent of Europe or America, unless compelled by accident, or unavoidable circumstances: Wherefore I require that the President of the Commerce of the Indies, or the Minister charged with the despatch of Vessels to those Dominions, and the Intendant, or Naval Officer of the Port in which she may be equipped, shall assist her as much as possible to that end, each according to his office, —the former with regard to her qualification and cargo, and the latter with respect to the Crew, which Crew must be composed of registered Men, and the fact must be stated in a certified List, to be delivered to the Captain, who shall watch over their safety and answer for their conduct according to the Marine Ordinances. And I command all Admirals, and Commanders, of my Squadrons and Vessels; the President and Ministers

Orientales y Occidentales, Islas y Tierra-Firme del Mar Océano; Archiduque de Austria; Duque de Borgoña, de Brabante, y Milan; Conde de Abspurg, de Flandes, Tiról, y Barcelona; Señor de Vizcaya y de Molina, &c.

Por quanto he concedido permiso á —— paraque con su —— nombrado —— de porte de —— toneladas, pueda salir del Puerto de —— con carga, y registro de efectos de comercio, y transferirse al —— y restituirse á España al Puerto de —— con expresa condicion de hacer su derrota de ida y vuelta directamente á los señalados parages de su destino, sin extraviarse, ni hacer arribada á Puertos Nacionales ó Extrangeros, en Islas ó Tierrafirme de Europa, ó América, á menos de verse obligado de accidentes de otra suerte no remediables: Por tanto quiero que el Presidente de la Contratacion de Indias, ó el Ministro encargado del despacho de Navíos á aquellos Dominios, y el Intendente, ó Ministro de Marina del Puerto en que se equipáre, concurran á facilitarle quanto fuere regular á este fin, cada uno en la parte que le tocáre: el primero en lo respectivo á su habilitacion y carga; y el de Marina en lo que mira á tripulacion, que deberá componerse de gente matriculada, y constar que lo sea por Lista certificada, que ha de entregarle, obligándose á cuidar de su conservacion, y responder de sus faltas, segun previenen las Ordenanzas de Marina. Y mando á los Oficiales Generales, ó particulares Comandantes de mis

of the Commerce of the Indies; the Commandants and Intendants of the Marine Departments; the Authorities in the Provinces; their Deputies, the Captains of Ports, and all other Officers, Ministers, and Dependents belonging to the Navy; the Viceroys, Captains General, or Commandants of Kingdoms and Provinces; the Governors, Corregidors, and Public Functionaries of the Towns, on the sea coast of my Dominions in Europe and America; the Royal Officers, and Commissioners of Customs, established in them; and all my other Subjects to whom it does or may belong, not to embarrass, molest, or detain her, but rather to assist and aid her in what is necessary for her regular navigation and lawful commerce. And I require from the Subjects and Vassals of the Kings, Princes, and Republics, my Friends and Allies; the Commandants, Governors, and Heads of their Provinces, Forts, Squadrons, and Vessels, that, in the same manner, they do not obstruct her in her free navigation, her entering into, departing from, or continuance in the Ports, to which by any accident she may be conducted, but permit her to victual, and supply herself with necessaries: for which purpose, I have commanded this Passport to be despatched, countersigned by my Secretary of State for the Marine Department, which shall continue in force as long as her voyage outward and homeward shall last; and, her voyage being concluded, this Passport shall be returned to the Minister, who may authorize

Esquadras y Vaxeles, al Presidente, y Ministros de la Contratacion de Indias, á los Comandantes, é Intendentes de los Departamentos de Marina, Ministros de sus Provincias, Subdelegados, Capitanes de Puerto, y otros qualesquiera Oficiales, Ministros, y Dependientes de la Armada, á los Vireyes, Capitanes, ó Comandantes Generales de Reynos y Provincias, á los Gobernadores, Corregidores, y Justicias de los Pueblos de la costa de mar de mis Dominios de Europa y América, á los Oficiales Reales, ó Jueces de Arribadas en ellos establecidos, y á todos los demás Vasallos mios, á quienes pertenece, ó pertenecer pudiere, no le pongan embarazo, causen molestia, ó detencion; ántes le auxîlien, y faciliten lo que hubiere menester para su regular navegacion, y legítimo comercio: y á los Vasallos y Súbditos de Reyes, Principes, y Repúblicas Amigas y Aliadas mias, á los Comandantes, Gobernadores, ó Cabos de sus Provincias, Plazas, Esquadras y Vaxeles, requiero, que asimismo no le impidan su libre navegacion, entrada, salida ó detencion en los Puertos, á los quales por algun accidente se conduxere; permitiendole que en ellos se bastimente, y provea de todo lo que necesitáre; á cuyo fin he mandado despachar este Pasaporte, refrendado de mi Secretario de Estado, y de la Negociacion de Marina, el qual valdrá por el tiempo que duráre su viage de ida y vuelta; y concluido que sea, le recogerá el Ministro que entendiere en su descarga: y para

her unloading. For its validity and use, he who shall issue it will subjoin the corresponding Note. Given in ——— this ——— of ——— 1795.

I THE KING.

PEDRO VARELA.

su validacion y uso pondrá á continuacion la Nota que corresponde, el que concurriere á su despacho. Dado en ——— á ——— de ——— de 1795.

YO EL REY.

PEDRO VARELA.

CONSTITUTIVE ACT of the Provisional Government of the Independent State of the Spanish Part of Hayti.— Santo Domingo, 1st December, 1821. (Translation.)

THE Citizens, Manuel Caravajal, Colonel of the Liberating Army and Captain-General; José Nunez de Caceres, Political Governor and President of the Independent State of the Spanish Part of Hayti; Juan Vicente Moscoso, Deputy for the Capital; Antonio Martinez Valdez, for the First Department of the North; the Licentiate Juan Mepomuceno de Arredondo, for the Second Department of the North; Juan Ruiz, Colonel of the Liberating Army, for the Department of the East; and Vicente Mancebo, for that of the South; having met in the Hall of the Municipal Council, for the purpose of establishing the form of Government, which, under existing circumstances, may appear best calculated to maintain public tranquillity and the good order of society; to provide for the general security and defence of the State, for the due administration of justice, and for the enjoyment and exercise of the most sacred rights of their Fellow Citizens, have agreed to decree, and they do accordingly decree, the following Provisional Regulation for the good order and administration of the State.

ART. I. The Spanish Part of Hayti being, as it now is, a free and independent State, it is hereby declared that its form of Government is, and shall be, Republican; but until an exact system of National Representation be founded, on the most suitable basis, there shall be a Junta of Provisional Government, composed of the Captain-General, the Political Governor of the State, and the Deputies, or Substitutes, of the five Departments into which the Territory of the Spanish part of the Island is divided. The Secretary of this Junta is likewise that of the Captaincy General.

II. From this Junta shall emanate all general Ordinances, all measures of public safety, all Regulations for the Departments of Administration in the State, and whatever else may appear most useful and conducive,—to the consolidation of our independence,—to the protecting it against all assaults of Enemies, whether external or internal,—to the raising of Troops,—to the originating and imposing of contri-

butions,—to the abolition or modification of those already existing,—to the defining the functions of the Judges, and of the Tribunals for the due administration of justice,—to the organizing of the Public Offices,—to the fixing of the scale of custom duties, and the powers necessary for the collection of them,—to the encouragement of public education, agriculture, commerce, and the arts,—and, generally, to the execution of whatever may be required, for the prosperity, union, and security of the State, and also for the removal of the obstacles which may oppose or retard these important objects.

III. The Ordinances promulgated by this Junta shall possess, throughout the whole State, the force and vigour of Laws; and the execution of them shall devolve upon the Political Governor and President of the State, who, in furtherance thereof, shall communicate them to all the Corporate Bodies, Chiefs, and Authorities, as well of the Capital as of the other Districts.

IV. The Spanish part of this Island will immediately form an alliance with the Colombian Republic; it will form one of the States of the Union; and, when the Treaty for that purpose shall have been adjusted and concluded, it will make common cause with the rest, and promote every thing which concerns the general interests of the Confederation.

V. To attain this object, a Deputy will, as soon as possible, be dispatched to his Excellency the President of the Colombian Republic, to acquaint him with the political change which has taken place in Santo Domingo, and with its desire to accede to the Union of the States which already compose, or may hereafter compose, the Republic of Colombia. The Junta will select this Deputy, and provide him with the Instructions, Documents, and Powers, necessary for the discharge of his Mission: he will transmit accurate information respecting the general Constitution of that Republic, in order that this Spanish part of the Union may examine and approve it, previous to giving in its Act of Accession.

VI. A similar Mission will be immediately sent to his Excellency the President of the neighbouring French portion of the Republic of Hayti, to propose a Treaty of Friendship, Commerce, and Alliance with it, for the common defence and security of the two Territories, in the event of a hostile invasion, or of any internal plots against their liberty and independence.

VII. As true civil liberty cannot possibly exist without a division of the powers of Government, the Junta declares that the Legislative Power shall centre in itself, until more tranquil circumstances shall favour the adoption and establishment of the proper basis on which a system of National Representation can be founded. The power of executing the Laws throughout the State belongs to the Political Governor and President, and that of administering justice, both in civil and criminal matters, to the Judges and Tribunals recognized

by the same Laws; due regard being had to the proceedings and formalities prescribed by the latter.

VIII. The rights of Man in society consist in his liberty, equality, security, and property. *Liberty* is the power to do whatever is not prohibited by the Laws, nor injurious to the rights of a third party. *Equality* recognizes no distinction of birth, or hereditary power: the Law is the same for all, and it may equally reward or punish every one. *Security* results from the confidence which every Member of the Community should feel, that the efforts of the social body have no other end than to secure him in the enjoyment of his rights. *Property* is the right, possessed by every one, of enjoying and disposing of his income, his substance, and the proceeds of his labour or industry. All property is inviolable: the State cannot touch it without some acknowledged necessity, or evident common utility; nor even then, without indemnifying the Possessors according to the award of a certain number of upright Citizens.

IX. The Citizens of the Independent State of the Spanish part of Hayti, are; 1st, Free Men, whatever be their colour or religion, who have been born in this Territory; 2dly, Those born Abroad, provided they have resided in this Territory 3 years, or have married a Native Woman. In both cases, the Parties will state the requisite particulars to the Government, by means of the depositions laid before the Municipal Alcaldes; and they will prove that they have lived obedient to the Laws of the Country, and have been occupied in some honest craft, business, or branch of industry; they will then receive Letters of Citizenship, sealed with the Seal of the State, and under the authority of the Secretary of the Government.

X. Letters of Naturalization will be granted by the Legislative Power—those of Citizenship having been previously obtained—in conformity with the established usages and formalities; but these Instruments will not confer the privilege of obtaining any Employment under Government, either in the Judicial, Financial, or Municipal Departments, nor in any other Civil or Political branch of the public service, with the exception of Military Employments, to which all may aspire, even to the highest grades.

XI. Both Natives and Foreigners shall begin to exercise the rights of Citizenship at 18 years of age, so far as relates to voting at Elections; but no one shall himself be eligible to be elected under 25; and in certain cases the Law may require a more mature age for the filling of particular Posts.

XII. The rights of Citizenship are lost;—1. By judicial condemnation to any grievous or ignominious punishment; but the Tribunal by which these rights are abrogated can also restore them. 2. By holding employments or honours under any other Government. 3. By obtaining Letters of Naturalization in any Foreign Country.

XIII. The exercise of the same rights is suspended;—1. By judicial interdiction on account of madness, insanity, or imbecility. 2. By insolvency, or non-payment of the public Taxes. 3. By a criminal conviction legally established. 4. By inability to read and write, so far as respects Candidates for Election, but not as respects the power of voting. 5. By possessing no employment, office, or other means of honest subsistence.

XIV. The duties of a Citizen are: To maintain the independence and liberty of his Country, devoting his life and property to the furtherance of this sacred object; to contribute, in proportion to his ability, towards the expences of the State; to be faithful to the Constitution; to obey the Laws, and to respect the Constituted Authorities. Whoever does not fulfil these duties is a bad Citizen, and is responsible to the Laws for his misconduct.

XV. The house of every Citizen is a secure asylum for his person and for whatever he possesses within it: it cannot be forcibly entered, except in the cases prescribed by the Law, unless by the written authority of the Judge, or by the Judge in person when a crime is committed in it, or when a Delinquent, either caught in the fact, or prosecuted by competent Authority, takes refuge therein. Places of public resort, such as inns, coffee-houses, hotels, taverns, and all such as require a license from Government for their establishment, may be visited by day or night, according as good order, and the regulations of the Police may require.

XVI: No Citizen can be prosecuted, arrested, or detained in prison, or in any other public place, except in such cases or with such formalities of procedure as the Laws prescribe.

XVII. If the crime which gives rise to the arrest merits corporeal punishment, the Prisoner cannot be liberated on bail; but bail may be received when it merits only some pecuniary fine, or correctional punishment not exceeding one months' imprisonment.

XVIII. The liberty of the Press shall subsist in its present state, subject to the formalities and punishments prescribed by the existing Laws, until others of a more suitable nature are promulgated.

XIX. For the present, and until otherwise ordered, the existing Ayuntamientos, denominated Municipal, shall continue, both as to the form of their election, and to their renewal at the times and places already appointed; but their functions and powers shall be regulated by those which they did and do possess by the Laws of the Indies, and the local administration of the respective Towns.

XX. In civil matters, the Alcaldes shall have no power of deciding summarily, except where the amount of the demand is less than 100 dollars, and then under the following conditions: If the amount do not exceed 25 dollars, the Alcalde may decide without the aid of Coadjutors; but when the amount is from 25 to 100, he shall be assisted by 2 upright

Men, chosen by the Parties, and the agreement of one or the other of the Coadjutors shall be necessary, before his decision can have the force of Law. In Criminal Cases, be the offence verbal or of a more tangible nature, provided it be not liable to any corporeal punishment, but to one purely correctional, (not exceeding for example an imprisonment of 20 days,) the aid of 2 Coadjutors shall be equally necessary. In both cases the Judgment shall be written in a book kept for the purpose, by the Clerk of the Court, and signed both by the Alcalde and the 2 Coadjutors; and if a Certificate of it be demanded by either of the Parties, it shall be given by the Clerk. This book shall be transmitted from one Alcalde to another, and remain in their custody.

XXI. The Alcaldes may also receive information from witnesses, relating to the cases mentioned in Article IX of this Regulation and to any other in which individual interests are concerned; such as those concerning the legitimacy of births, shipwrecks, deaths, or absence, provided always that the Law does not require any special medium of justification.

XXII. In all Cities, Towns, and Villages of the State, Justice shall be administered in the First Instance, in such Civil and Criminal Cases as are not mentioned in Article XX of this provisional Regulation, by an Alcalde Mayor, a Law Judge, who shall be appointed by the Government, and one of whom shall reside in the principal place of each of the 5 Departments.

XXIII. The salary of these Judges, shall, for the present, be 1,500 dollars, paid by the State; they shall also receive the fees arising from Certificates and other duties, according to the existing rates: they shall not issue processes, either in Civil or Criminal Cases, to any other than the Municipal Alcaldes of the Villages, or the Alcaldes Mayores of the Departments, when they may offer their advice, with the requisite instructions: that advice and those instructions, shall in no case be neglected;—all shall mutually assist each other to ensure the due administration of Justice.

XXIV. These Judges shall be replaced, *pro tempore*, in cases of vacancy, death, absence, or legal impediment, by the municipal Alcaldes of the Villages in which the vacancy occurs, until (the fact having been communicated to the Government) a Successor be appointed; and they may be cited before the Alcaldes themselves, in such Civil and Criminal Suits as occur among them, in which case the municipal Alcalde shall consult with the legal Assessor.

XXV. A Tribunal of Appeal shall be established in this Capital, to which Parties can refer, in Civil Cases, and the Judges submit the grounds of their decisions in Criminal ones: this Tribunal shall, in future, be denominated The Superior Court of Justice; and the number of Judges of which it shall be composed, their attributes, salaries,

and order of procedure, shall be determined, as soon as possible, by a special Regulation.

XXVI. In the decisions upon Civil Suits, and the infliction of punishment in Criminal Cases, the Judges of the First Instance, and those of the Superior Court of Justice, shall govern themselves by the provisions of the Laws existing at the time of the publication of the Political Constitution of the Spanish Nation, until others be formed more analogous to the disposition, education, and habits, of the Citizens of the State.

XXVII. The Office of Intendant shall henceforth be separate from that of Governor. To the former belongs the entire economy, policy, and control of the Department of Finance, and the collection, management, and distribution of the Revenue; but Civil and Criminal matters, relating to smuggling, the payment of contributions, and public demands, to incorporated or reversionary rights, the Customs, the Post Offices, the offences of public Servants, committed in the exercise of their functions, and to other Causes and Suits of which the Intendants have hitherto had cognizance, shall, in the first instance, be determined in the Court of the Alcalde Mayor; and all Appeals shall be carried to the Superior Court of Justice, for its revision and decision.

XXVIII. There shall be no alteration at present in the imposts, duties, taxes, or established contributions; and their collection and recovery, under whatever title or denomination, shall be continued as heretofore; the produce, however, of those which were destined for the expenses of the Provincial Administrations, shall be paid into the general Treasury of the State.

XXIX. Such Debts as may be contracted henceforth, for maintaining the liberty and Independence of the Country, or for meeting the other unavoidable expenses of the public Administration, shall be recognized as legitimate by the Government, and all the revenues of the State shall be applicable to the payment of them. The measures to be taken with respect to the old Debt contracted by the late Spanish Government, shall be decided upon by the general Congress of the Union; but the Pensions assigned to the Widows, Fathers, and Children, of those who fell in the War of the re-conquest, shall continue to be paid, as also such as have been granted to those who have been disabled in the same Cause.

XXX. With respect to the remaining branches of the public Administration, the Junta will apply itself to the organization of such a system of Revenue as may appear best adapted to the state of the Country, and its territorial resources; one of its principal duties being, to reduce the expenses to the smallest possible amount, and to circumscribe the number of Persons to be employed, so that no more be retained than are necessary for the dispatch of business.

XXXI. When the Junta deliberates upon the tarif of the customs, the imposition of any new duty, or the modification of the duties which appear exorbitant, or upon the reduction or augmentation of the number of Offices of the Revenue, and the amount of the salaries to be granted, the Intendant shall be present, to give his opinion, but shall not be able to vote.

XXXII. The Political Constitution and Laws of the Spanish Monarchy, and the Corporations, and other Establishments connected therewith, are henceforth abolished, with the exception of what is retained in these Provisional Regulations, or of those which it may be necessary to form hereafter.

XXXIII. No European Spaniard in this State can obtain any employment under the Government, whether in the Courts of Law, or in the Financial, Municipal, Civil, and Political Departments, whatever be its denomination; and the Military referred to in Article X of this Regulation, must, previously to their being employed, obtain letters of naturalization, by the means, and with the formalities, already prescribed.

XXXIV. For the present, and until some new Regulation of the Military Bodies of the State shall be formed, abolishing the odious distinction which has hitherto existed between the Soldier and the simple Citizen, and which has been, at all times, the origin of dissensions and parties in the State, those Bodies shall continue unaltered, each being governed by the General Ordinance or by its own particular Regulations: but the peculiar immunities assumed by the said privileged Bodies shall entirely cease; the Individuals composing them being, every where, subject to the jurisdiction of the Captain General.

XXXV. All machinations, plots, projects, plans of sedition and tumults, insurrections, disturbances, and riotous assemblages, calculated, or in any way tending, to overturn the new Republican System, to destroy the liberty and independence of the Country, to impede the course of the measures adopted, to disturb public tranquillity, or to encourage adherence to Spain, shall be considered as Treason against the State, shall be subject to Martial Law, and tried by a Council of War; and the punishment awarded to the Delinquents shall be carried into effect within 24 hours after the passing of the Sentence. Criminals of this class shall not be allowed the plea of any privilege to exempt them from the authority of a Council of War.

XXXVI. All who may be nominated to any appointment whatever in the State shall, previously to their employment, take an oath,—if Soldiers, before the Captain General or Commandant of the Armies; —if Civilians, before the Governor President; in the following Form: "Do you swear before God, and by the holy Evangelists, to acknowledge and defend, with your life, property, and means, the Independence and liberty of the State of the Spanish Part of Hayti; to be faithful to its Government, to uphold its Constitution, (if

he be a Judge or other Chief invested with authority, he shall say, he will cause to be upheld) and to obey the Laws and the Constituted Authorities?" The Individual shall reply, "I swear so to do." He who administers the oath shall add this denunciation, "If you act thus, may God be your aid; if not, may he exact a rigid account of you! You shall answer to the State for every abuse and contravention of the Laws!"

XXXVII. No Public Officer can be removed from his employment, without the cause being assigned for the same, such as the excesses and abuses specified in the Laws; but all shall be responsible in their persons, employments, and property, whenever judicially convicted of violating their duties.

XXXVIII. If, in the exercise of the duties of their employment, Public Functionaries should entertain doubts as to the meaning, either of any of the Articles of this Provisional Regulation, or of the Laws which may hereafter exist in the State, they shall submit the same to, and ask the opinion of, the Junta, through the Political Governor, and the answer shall be communicated to them through the same channel.

XXXIX. This Act shall be printed, published, and circulated, as soon as possible, throughout the State, in order that its provisions may be punctually observed and fulfilled; the Original being deposited in the Archives of the Municipal Hall, as a perpetual memorial in the annals of the Spanish part of the Island of Hayti, and signed by the Citizens composing this Provisional Junta of Government.

Given in the Municipal Hall of the City of Santo Domingo, Capital of the Independent State of Spanish Hayti, the 1st day of December, 1821; 1st year of Independence.

MANUEL CARAVAJAL.
JOSE NUNEZ DE CACERES.
JUAN VICENTE MOSCOSO.
ANTONIO MARTINEZ VALDEZ.
L. JUAN NEPOMUCENO DE ARREDONDO.
JUAN RUIZ.
VICENTE MANCEBO.

MANUEL LOPEZ DE UMERES, *Secretary.*

DECLARATION of Independence, of the Dominican Republic.—Santo Domingo, 1st December, 1821.

(Translation.)

No more dependence, no more humiliation, no more subjection to the caprice and imbecility of the Cabinet of Madrid! These brief and compendious sentences express the firm resolution which the Dominican People this day swear and proclaim. From this moment they have

broken the slavish bonds which chained them to the heavy and oppressive machine of the ancient Mother-Country; and, reassuming the dignity and energy of a free Nation, they protest before the Supreme Being, that, being resolved to form an Independent Republic, there is no sacrifice they will not make on the Altar of their Country, in order to effect the heroic purpose of holding, and of being recognized as holding, their rank and station among the other free Republics of the Political World.

An ignominious subjection of 328 years is certainly a sufficiently long and dearly bought lesson, and is alone sufficient to undeceive all, and to show how little benefit has been derived from a blind allegiance to the Kings of Spain. With this false Idol, raised by ignorance, and sustained by political superstition, it succeeded in enslaving the mind, and in mocking the credulity of a People naturally good and simple. To be faithful to Spain, to endure with stupid patience the contempt of Spain; not to live, nor to move, nor to exist for ourselves, but for Spain, was the only thing which constituted our happiness, the reputation of our virtues, and the recompence of our most distinguished services.

If there be still amongst us souls so base, and so enamoured of servitude, as to venture to deny these truths of experience, let them turn their deluded eyes for a moment to the dreadful state of ruin and desolation, in which the Spanish part of this Settlement—the earliest in the New World—exists. We will not ask them to go back to that unhappy period when a mere Mandate of the Spanish Divan was sufficient to destroy—because the Catholic King was unable to keep—the maritime places of Bayaha, the Yaguana, Monte-Christi, and Puerto de Plata, whither the Dutch and other Foreigners came to supply themselves with merchandizes which they could not procure in the Mother-Country. Let them turn at once to the recent events of our own Age, beginning their examination with the furious hurricane of the Cession. Let them enumerate, if they possess such insensibility, the deluge of plagues which sprung from that tempest; which, spreading over the happy and fertile soil of Hayti, has changed its fields into deserts, and its richest and most beautiful Cities into heaps of ashes. Let them, if they will, cast a dark veil over the melancholy history of murders, famines, and other horrors, of the last Siege, which the Natives laid to this Capital, in order to rescue it from the power of the French. Let them fix their attention only on the 11th of July, 1809—a day for ever memorable; when the abandoned Island—that Island which served as a bulwark to the Peninsular Provinces, when occupied by the victorious arms of the French Republic—that Island, in short, which, at that distressing crisis, preserved the tottering Throne of Charles the Fourth, did, of its free and spontaneous will, again submit to the Bonds dissolved by the Treaty of Basle; and sincerely and most cordially rejoiced in the close Alliance it renewed with its ancient and disdainful Mother-Country.

If, since its first discovery, Santo Domingo had even committed some great crime, or contracted some heavy load of guilt, so as to have merited the indignation and contempt of Spain; yet, considering the intrepidity it exhibited, and the fortunate event of the Re-conquest, it had a right to expect a complete oblivion of its fault, and the most sincere demonstrations of gratitude. Although the heroes of this loyal devotion,—unequalled in the annals of a faithful People,—were thus driven to the deadly field like sheep to the slaughter; the Widows, Sons, and Fathers, of those who fell fighting to be the Subjects of a Nation which disowned and rejected them, either died from want, or were compelled to receive the pitiful award of 2 or 3 reals vellon per day; they who, during the Campaign, occupied the first posts on account of their valour and skill, are scarcely returned, when they descend to the inferior grades, or remain without any rank at all. Don Manuel Caravajal, the brave defender of Manganaguay, second in command of Don Juan Sanchez, who doubts, and not without reason, which laboured the most, or exposed himself most frequently to the dangers of the War, has not hitherto received even thanks for his services. Similar ingratitude killed Don Pedro Vasquez, another of those Champions who most struggled and fought in support of the Re-conquest. At the end of 12 years, the Editor of the Miscelania, on the 11th of November last, notifies, " For the satisfaction of those whom it may concern, that he is authorized by the Political Chief, to publish that, in a Despatch of the 7th of July of this year, addressed to him by the Minister of the Government of Spain, His Excellency states, amongst other things, that the King has commanded him to communicate to the Minister of War the necessary instructions for despatching the Titles and Decorations granted to Natives of this Country for their share in the Re-conquest."

This is not the time to delude us, like Children, with vain hopes: the same offers have been made and repeated on different occasions, but we have yet to see their accomplishment. Assuredly we must be considered as very imbecile Beings, wholly deficient in intellect, (as believed at the first discovery of America) if the Minister of Spain, the Political Chief, and the Editor of the Miscelania, can imagine that, with this drop of cold water, they can quench the furious flame of indignation which rages in the breasts of the Natives.

To transmit for Europeans the patents of promotion; to confer on them the first Military Commands; to destine for such posts idle Officers without regiments or companies; to organize the expensive branches of the Artillery, and Engineers; to raise their pay from the exhausted Revenues of this Province;—for these and other purposes, which daily accelerate the destruction of the Country, the Ministers have been zealous enough; nor has it been necessary to repeat the Orders of the King. But 12 long years have not been sufficient to procure the sending of the military auxiliaries, who have themselves so earnestly

petitioned to come here, and of whom we stood in great need. Still less have they sufficed to recompense the sacrifices of the valiant and liberal, who shed their blood, and gave their substance, to ransom the soil of their Country from the dominion of France, and present it as a new victim to Spain, in testimony of their most firm and resolute adherence. But why cloud with these bitter reflections, the happy and glorious day of the political regeneration of Santo Domingo? If a series of injuries, insults, abuses, vexations, and, to crown all, if our abandonment, justify this salutary change, perhaps no other People of America, could exhibit a picture more full of dark shades, and horrid spectres, than this degraded Island. This Island was the first in the order of Colonization, and it is the last in the career of improvement—in whatever constitutes the happiness of a People. To justify our Cause, however, we need not recur to the hateful enumeration of the storms and vicissitudes we have undergone: — sentiments of honour, principles of justice, reasons of public utility and convenience, are the noble incentives which stimulate us to pronounce our eternal separation, and emancipation from Spain.

From Cape Horn to the Californias the contest rages ardently and fiercely, for the incomparable blessing of Independence: every where does the decrepit Lion of Spain fly terrified, leaving the land unoccupied, to the vigorous prowess of the youthful Lion of America. The political horizon now exhibits the dawn of a great day for the Sons of Colombus; which will shine forth by degrees, as the smiling aurora of Independence, to all America. The Flatterers of Spain cannot behold such a blaze of light: they either shut, or turn away their eyes, unable to regard the majestic spectacle, of extensive and powerful States advancing with looks erect, to take their station amongst Nations. When the most remote and obscure People unite with one accord, to secure the incalculable advantages of this new life, would it become the first Colony of the New World to stand aloof in this heroic struggle? St. Domingo has received into its bosom the studious youth of Caracas, of Porto Rico, Cuba, and Havana, and admitted within the Cloister of its University, natives of all the contiguous civilized Countries; it has dignified them with the titles and rewards of all the sciences: many of those heroes who have figured on the honourable theatre of its revolution, have here imbibed the elements of knowledge: is it fitting that, having been one of the principal sources of American civilization, this Country should be the last to recognize the eternal principles of social order? The Country of the Morfas, of the Minieles, of Don Juan Sanchez, and Marcos Torres,—that which has so often shaken off the yoke of the European Powers, in Sabana Real, in the mountains of Najayo, in Palo-Hincado,—can it be insensible to the immortal glory of destroying, and extinguishing for ever, the tyrannical Government of its Conquerors? Spain has despoiled us of every thing; but let us retain the honour and fortitude of our Ancestors.

When Men renounced their natural state of Independence, they did so, as is well known, in order to establish the relations of civil Society, and to secure, in a stable and permanent manner, life, prosperity, and liberty, the three principal blessings in which the happiness of Nations consists. For the enjoyment of these blessings, therefore, Governments are instituted and formed, their just powers being derived from the consent of the associated Members; whence it follows, that if the Government do not answer these essential purposes—if, so far from ensuring the preservation of Society, it becomes oppressive,—the People have an undoubted right to alter or abolish its form, and adopt any other that may appear most conducive to their general security and welfare. Fortunately Governments are not changed for slight motives, or temporary causes. Prudence dictates patience under suffering, so long as it can be endured; but when it has reached a certain extreme, when experience itself shows that there is a design to reduce every thing to an absolute despotism;—then it would be degrading to rational and free Men, if they did not immediately subvert a Government diametrically opposed to the great ends of its original institution.

Who, enlightened by these principles, will not applaud as just the course now adopted in the Spanish part of Hayti? Whatever plagues, misfortunes, and disasters, the hydra of despotism can produce, have been endured by Santo Domingo, during its disgraceful submission to Spain; and it has now become our immediate duty, and it is one of the most sacred obligations, emanating from our love of Country, to procure with efficacy, and by all the means in our power, that felicity which the Mother-Country has either been too ignorant, or too feeble, to secure to us, anxious only as she has been to further amongst us her own views of degradation and tyranny.

We are fully convinced, that, for the attainment and increase of this happiness, we have no other path remaining than that of Independence: with it we shall have Laws of our own enacting, adapted to the genius, education, and customs of the People, and accommodated to the climate and our local situation; and our national Representation, founded on a numerical basis, will establish a perfect equality amongst all the Population of these Provinces, and obviate that discord between the various classes, which is consequent upon the Constitution of Cadiz. We will regulate the Judicial Authority in such manner, that, avoiding waste of time and money, nothing will be wanting to the good administration of Justice in civil and criminal cases, nor will it be necessary to carry Appeals out of the Territory. We will attend with special care to the education of Youth, which has hitherto been so much neglected, and without which, all our efforts for the public happiness must be ineffectual. We will apply ourselves to the improvement of agriculture, the arts, and commerce, as the only true sources of the wealth of Nations. We will regulate our revenues on the fundamental principle of not expending more than we receive, or more than is compa-

tible with our Territorial resources. All Nations that can supply our necessities, and bring into repute, and open a vent for, the productions of our soil, will resort to our Ports; whilst Spain, although unable to supply us with the principal articles of our consumption, has carried on an intercourse with us only to benefit itself exclusively, and to maintain the sordid monopoly which naturally proceeds from such an absurd principle. Finally, we shall obtain all our necessary wants at home, instead of having to seek them at a distance of 1300 leagues, where our occasional necessities are not known, and where there are no means of supplying them as the urgency of the case requires.

Spain, entangled in the intricate labyrinth of its new Institutions, is struggling with its internal Enemies, who openly and ardently plot its destruction. An Army of 50,000 Veteran Troops, and from 80,000 to 100,000 National Militia, constitute the means by which the slow and tardy Constitutional System is impelled along. The Great European Powers inspire it with fear and dread; and, notwithstanding their protestations of friendship and harmony, exhibit symptoms of the dissatisfaction with which they view the depression of absolute Thrones, —Thrones which they all desire firmly and inviolably to sustain. The Legislatures of 1820, and 1821, have each voted the loan of 200,000,000 of Reals, to meet the ordinary expences even of a time of Peace, notwithstanding the reductions and retrenchments, which have been effected, as it is boasted, in all the branches of the Public Administration. The gold and silver of America now no longer supply the Treasury of Madrid. The Cruizers of the Independents on every part of the maritime shores of the Peninsula, and even in sight of Cadiz, capture the ill conducted and straggling Vessels, of the languid and contemptible marine of Spain, which has no naval force to protect it. This being the deplorable state of the Spanish Nation, it would be consummate folly on our part to expect support or assistance, from a Power which stands in need of them itself, and which cannot surmount its own domestic difficulties.

Santo Domingo, on the contrary, notwithstanding its weakened condition, subsists on its own resources, and would experience much greater relief, if its administrative system were founded on such principles of economy as its diminished population, agriculture, and commerce require; but it must have been insensible to its best interests, had it continued to bear the burdens which its ungrateful and unnatural Mother-Country has heaped upon it, in recompence for, and in alleviation of, the evils that have overwhelmed us, since the ruinous measure of the cession. If the Law of the Customs and the Regulations of the Tarif of Duties, had not been suspended and moderated by local circumstances, all the Ports of the Island would have been closed for ever; for when Spanish liberty is most vaunted, it is then that it rivets, with the greatest rigour, the chains of monopoly and of exclusive commerce. The Vessels bearing the odious Regulations, do not even condescend to

touch at the Maritime Points of the Island which they formerly frequented; and we are forced to pay the expences of any one who may bring to us death warrants, purely that we may have the barbarous pleasure of executing them with our own hands. For this alone have we to look to Spain;—not that she will assist, supply, and succour us in our necessities. Hitherto we have lived Slaves and Dependants from habit, but our present Acts, which persuade much more efficaciously than habits, demonstrate, and convince us, that we are free and independent.

With this solemn persuasion, and led by the dictates of experience, we as solemnly declare and publish, that the Spanish part of the Island of Hayti, from this day forward, is a Free and Independent State; that the Dominican People neither do, nor will hereafter, submit, to the Laws and Government of Spain, to which it no longer acknowledges fidelity or obedience; that, invested with the dignity and character of a Sovereign Power, it possesses both the right and the means to establish whatever form of Government may best suit it,—to contract Alliances, declare War, make Peace, conclude Treaties of Commerce, and to execute such other Acts, Negociations, and Conventions, as rightfully belong to all Free and Independent Nations; that if Spain shall recognize and sanction this Declaration, she shall be held and treated as a friend; but that, if she oppose, or in any way attempt to impede, the progress of our Institutions, and that of the new Government on which we are about to enter; we will defend them with our lives, property, and honour. *Success to our Country! Success to Independence! Success to the Union of Colombia!*

Given in the City of Santo Domingo, in the Spanish part of Hayti, this 1st day of December, 1821; 1st year of Independence.

JOSE NUNEZ DE CACERES, *President.*
MANUEL CARAVAJAL.
JUAN VICENTE MOSCOSO.
ANTONIO MARTINEZ VALDEZ.
L. JUAN NEPOMUCENO DE ARREDONDO.
JUAN RUIZ.
VICENTE MANCEBO.
MANUEL LOPEZ DE UMERES, *Secretary.*

***CONVENTION** conclue entre le Royaume des Pays Bas et l'Electorat de Hesse, relativement à l'abolition réciproque du droit de Détraction et de l'impot d'Emigration.—Signée à Bruxelles, le* 8 *Mars*, 1821.

ART. I. Les droits, connus sous le nom de *Jus Detractus, Gabella hereditaria* et *Census emigrationis*, ne seront plus exigés ou perçus à l'avenir, lorsqu'en cas de succession, legs, donation, vente, émigration,

ou autre, il y a lieu à une translation de bien du Royaume des Pays-Bas, dans l'Electorat de Hesse ou de celui-ci dans les Etats des Pays-Bas ; toutes les impositions de cette nature étant abolies entre les deux Pays.

II. Cette disposition s'étend non-seulement aux droits et autres impositions de ce genre, qui font partie des Revenus publics, mais encore à ceux, qui jusqu'ici pourraient avoir été levés par quelques Provinces, Villes, Juridictions, Corporations ou Communes, de manière que les personnes intéressées à ces exportations de bien ne seront assujetties à d'autres impositions ou taxes, qu'à celles qui, soit à raison de droits de succession de vente ou de mutation de propriété, quelconque, sont acquittées par les Habitans des Pays-Bas ou de l'Electorat de Hesse eux-mêmes, d'après les Lois, Réglemens et Ordonnances existans ou à émaner dans la suite.

III. La Convention susdite est applicable non-seulement à toutes les successions à écheoir à l'avenir, mais encore à celles déjà dévolues, mais dont la translation n'a point encore été effectuée.

IV. Comme cette Convention ne regarde que les propriétés et leur libre exportation, toutes les Lois relative au service militaire restent en pleine vigueur dans les deux Pays, et les Gouvernemens Contractans ne sont nullement restreints par la présente Déclaration dans leur future législation sur cet objet.

V. Cette Convention sera délivrée en double, de la même teneur, et aura force et valeur dans les Etats respectifs.

Bruxelles, ce 8 *Mars,* 1821.

Le Ministre des Affaires Etrangères déclare que la présente Convention a été ratifiée par le Gouvernement des Pays-Bas, le 16 Mars 1821, et par celui de l'Electorat de Hesse, le 17 du même mois.

A. W. C. DE NAGELL.

LOI des Pays-Bas, qui règle la Seconde Partie du Budjet des Dépenses du Royaume pour l'Année 1822.

28 *Décembre,* 1821.

Nous, Guillaume, par la grace 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 Dépenses qui appartiennent à la seconde partie du Budjet, ne seront arrêtées que pour un An, et que, par conséquent, il convient de les régler pour 1822 ;

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 Budjet des Dépenses du Royaume pour l'Année 1822, 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	249,700 00
III.	Département des Affaires Etrangères...	71,500 00
IV.	Département de la Justice	3,278,502 85
V.	Département de l'Intérieur et du Waterstaat.....	1,068,188 00
VI.	Département du Culte Réformé et autres, excepté le Culte Catholique	91,150 00
VII.	Département du Culte Catholique	90,233 05
VIII.	Département pour l'Instruction Publique, l'Industrie Nationale et les Colonies	116,365 00
IX.	Département des Finances 10,744,446 09	
X.	Département de la Marine	378,772 00
XI.	Département de la Guerre	2,600,000 00
	Total f.	18,688,856 99

II. Afin de pourvoir aux besoins imprévus, qui pourraient se présenter dans le cours de l'Année 1822, il est mis à la disposition du Roi, un maximum *d'un million de 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 28 Décembre de l'An 1821, de Notre Règne le 9e. 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 Seconde Partie du Budjet des Dépenses du Royaume pour l'Année 1822.—28 *Décembre,* 1821.

NOUS, GUILLAUME, par la grace 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'Art. CXXVI de la Loi fondamentale, les Moyens de faire face aux Dépenses qui appartiennent à la seconde partie du Budjet, ne sont arrêtés que pour un An, et que par conséquent il convient d'arrêter ces Moyens pour 1822;

Considérant en outre que par la Loi du 12 Juillet dernier, les bases du système d'Impôts pour le Royaume, à partir de l'Année 1822, ont été fixées;

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 comprises dans la seconde partie du Budjet pour l'Année 1822, seront employés les moyens ci-après indiqués:

a. Les droits d'entrée, de sortie et de transit, le droit de tonnage à l'extérieur, les produits de péages d'eau, les droits de balises et de fanaux, sauf déduction des sommes qui d'après la Loi du 12 Juillet dernier, seront reconnues nécessaires, tant pour couvrir les Dépenses ordinaires que pour d'autres fins.

b. Les Revenus des Domaines, Plantations, et des Eaux et Forêts.

c. Les Loteries.

d. Les produits des objets à vendre, les Revenus Extraordinaires et toutes autres Recettes éventuelles.

e. Un 6ème des Droits d'enregistrement, de timbre, de greffe, d'hypothèque et du droit sur les successions.

f. 18 centièmes additionnels sur tous les Impôts directs et accises, dont la perception est arrêtée par la Loi du 12 Juillet dernier.

Pour ce qui concerne le droit de Patente, lesdits 18 centièmes seront remplacés par un 6ème du droit de Patente et du droit de tonnage à l'Intérieur, perçu sur le pied actuel, aussi long-temps que la Loi actuelle sur les Patentes ne sera pas revue et modifiée.

II. Pour autant que les Lois spéciales, concernant les Droits établis par la Loi du 12 Juillet dernier, ne seraient arrêtées assez tôt, pour assurer le recouvrement de tous les Revenus désignés à l'Article précédent, à partir du 1er Janvier, 1822; les Moyens établis pour 1821, seront employés pour faire face aux Dépenses comprises dans la 2ème partie du Budjet de 1822, et continueront d'être perçus jusqu'à l'époque de l'introduction des nouveaux droits sur le même pied qu'en 1821, et conformément à la Loi du 24 Décembre, 1820.

III. Si par suite de retard prévu à l'Article qui précède, le produit des Moyens et Revenus destinés à faire face aux Dépenses comprises dans la 2ème partie du Budjet de 1822, restait au-dessous de ces Dépenses, il sera pourvu à la différence par des dispositions législatives ultérieures.

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 28 Décembre de l'An 1821, de Notre Règne le 9ème. GUILLAUME.

Par le Roi :

J. G. DE MEY VAN STREEFKERK.

SPEECH of the Lords Commissioners, on the closing of the British Parliament.—11*th July*, 1821.

My Lords, and Gentlemen,

WE have it in command from His Majesty to inform you, that the state of public business having enabled him to dispense with your attendance in Parliament, he has determined to put an end to this Session.

His Majesty, however, cannot close it without expressing his satisfaction at the zeal and assiduity with which you have prosecuted the laborious and important enquiries in which you have been engaged.

He has observed, with particular pleasure, the facility with which the restoration of a metallic Currency, has been effected, by the authority given to the Bank of England to commence its payments in cash, at an earlier period than had been determined by the last Parliament.

His Majesty has commanded us to acquaint you, that he continues to receive from Foreign Powers the strongest assurances of their friendly disposition towards this Country.

Gentlemen of the House of Commons,

We are commanded by His Majesty to return you his thanks for the provision which you have made for the Public Service.

Although the Public Expenditure has already undergone considerable reduction within the present year, His Majesty trusts he shall be enabled by the continuance of peace, and of internal tranquillity, to make such further reductions, as may satisfy the just expectations expressed by Parliament.

His Majesty has commanded us to assure you of the gratification which he has derived from the provision which you have made for His Royal Highness the Duke of Clarence.

My Lords, and Gentlemen,

It is with the greatest satisfaction that His Majesty has observed the quiet and good order which continue to prevail in those parts of the Country which were not long since in a state of agitation.

His Majesty deeply laments the distress to which the agricultural interests, in many parts of the Kingdom, are still subject.

It will be His Majesty's most anxious desire, by a strict attention to public economy, to do all that depends upon him for the relief of the Country from its present difficulties; but you cannot fail to be sensible that the success of all efforts for this purpose will mainly depend upon the continuance of domestic tranquillity; and His Majesty confidently relies on your utmost exertions, in your several Counties, in enforcing obedience to the Laws, and in promoting harmony and concord amongst all descriptions of His Majesty's Subjects.

BRITISH ORDER in COUNCIL, prohibiting the exportation of Gun-Powder, Arms, Ammunition, &c. to Spain, to certain Parts of Africa, and America, or to the West Indies.—*5th May*, 1821.

At the Court at Carlton House, the 5th of May, 1821,

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS the time limited by His Majesty's Order in Council of the 22d of November 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 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 gun-powder or salt-petre, 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 (except to any Ports or Places within the Streights of Gibraltar,) 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 salt-petre, 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 (except as above excepted,) 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 salt-petre, 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 salt-petre, 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.

BRITISH ORDER in COUNCIL, prohibiting the exportation of Gun-Powder, Arms, Ammunition, &c. to Spain, to certain Parts of Africa and America, or to the West Indies.—14*th November*, 1821.

At the Court at Carlton House, the 14*th of November*, 1821,

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS the time limited by His Majesty's Order in Council of the 5th 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 salt petre, 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 (except to any Ports or Places within the Streights of Gibraltar,) 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 salt-petre, 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 (except as above excepted,) 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 salt-petre, gun-powder, 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 salt-petre, 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.

LOI de France, relative au Réglement définitif du Budget de l'Exercice de 1819.—*A Paris, le* 23 *Avril*, 1821.

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 Annullations de Crédits.*

Art. I. Les crédits ouverts par les Lois des 27 Juin 1819, et 28 Mai 1820 aux Ministères ci-après, pour leur service des Exercices 1818 et antérieurs, sont réduits d'une somme totale de 495,297 fr., restée sans emploi sur ces crédits, savoir:

1817 et Antérieurs.		Francs.	
Justice		9,280	
Marine		62,932	
Intérieur		288	
Finances.			
Service ordinaire	419		
Fonds de secours	1,846		
Intérêts de capitaux de créances étrangères	23,690		
		25,955	
			98,455
1818.			
Intérieur.—Primes à l'importation des grains		768	
Guerre.—Service général	15,131		
Armée d'Occupation	11,983		
		27,114	
Finances—Service ordinaire	511		
Frais de négociations	1		
Enregistrement et domaines	305,576		
Postes	5,895		
Loteries	2,293		
Douanes	12,814		
Boissons et tabac	6,339		
Exploitations des poudres à feu	35,531		
		368,960	
			396,842
Somme égale....Francs..			495,297

Cette somme est affectée et transportée au Budget des recettes de l'Exercice, 1819.

II. Les crédits ouverts par la Loi du 14 Juillet 1819 aux Ministères ci-après, pour leur service de l'exercice 1819, sont réduits d'une somme totale de 16,663,388 fr. restée sans emploi sur ces crédits ; savoir:

Justice.—Service ordinaire et fixe			213,741
Guerre.— Service actif		5,929,254	
Dépenses temporaires		98,643	
			6,027,897
Marine et Colonies.—Service général			650,830
finances.			
Pensions.—Civiles	300,000		
Militaires	1,000,000		
Ecclésiastiques	400,000		
		1,700,000	
Intérêts de la dette flottante		1,923,254	
Service administratif du ministère		57,536	
Frais de service du trésor		589,475	
Administrations Financieres.			
Enregistrement et domaines		451,669	
Forets		42,832	
Douanes *(personnel et matériel)*		23,155	
Contributions indirectes *(frais d'exploitation des tabacs.)*		2,439,307	
Postes		12,145	
Loteries *(personnel et matériel)*		48,057	
Contributions directes *(frais de perception et non-valeurs)*		2,483,490	
			9,770,920
Somme égale....Francs..			16,663,388

§ 11.—*Fixation du Budget de l'Exercice* 1819.

III. Au moyen des dispositions précédentes, applicables à l'Exercice 1819, et des supplémens de crédits accordés pour cet Exercice et les Exercices antérieurs, par les Lois de ce jour, les crédits du Budget de 1819 sont fixés à la somme de 863,853,109 fr. et répartis entre les divers ministères et services, conformément à l'état A ci-annexé.

IV. Les recettes de toute nature de ce même Exercice, distraction faite de la somme de 34,599,325 fr. affectée et transportée au Budget de l'Exercice 1818 par la Loi du 28 Mai 1820, sont arrêtées, au 1er Octobre 1820, à la somme totale de 868,312,572 fr., conformément à l'état B aussi annexé à la présente Loi.

V. La somme de 4,459,463 fr., formant la différence entre les recettes de 1819 arrêtées par l'Article précédent à ..... fr. 868,312,572

Et les crédits du même Exercice, définitivement réglés par l'Article IV à 863,853,109

Différence.....Francs. 4,459,463

est affectée et transportée au Budget des recettes de l'Exercice 1821.

§ III.—*Dispositions Générales.*

VI. L'état des paiemens qui seront faits par le Trésor, jusqu'à la concurrence de la somme de 40,068,646 fr., restant à payer au 1 Octobre 1820 sur les crédits des Exercices 1819 et antérieurs, savoir:

Sur 1818 et antérieurs *(état No. 4 annexé à la proposition de Loi)*. ci..... 21,560,534

Sur 1819 *(état No. 5 annexé à la proposition de Loi)* ci 18,508,112

Somme égale.....Francs 40,068,646

sera produits au compte annuel des Finances, jusqu'à ce que les paiemens soient entièrement consommés.

VII. Les sommes qui pourraient provenir encore des ressources affectées à l'Exercice 1819, seront portées en recette 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 cejourd'hui, sera exécuté 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, en notre Château des Tuileries, le 23 jour du mois d'Avril de l'an de grâce 1821, et de notre Règne le 26me.

Par le Roi : LOUIS.

Le Ministre Secrétaire d'Etat au Département des Finances. ROY.

Vu et scellé du Grand Sceau :

Le Garde des Sceaux de France, Ministre Secrétaire d'Etat au Département de la Justice, H. DE SERRE.

Etat A. **DEPENSES.** *Budget définitif*

MINISTERES ET SERVICES.	Crédits accordés par la Loi du 14 Juillet, 1819.	Supplem. néces-saires pour solder les dépenses de l'Exer-cice 1819.	Crédits sans emploi à annuller.	Montant définitif des dépenses et des crédits accordés.
	Francs.	Francs.	Francs.	Francs.
Intérêts des 5 pour 100 Consol. et des reconnaissances de liquidation	187,997,123	–	–	187,997,123
Dotation de la caisse d'amortissement	40,000,000	–	–	40,000,000
Liste Civile et Famille Royale	34,000,000	–	–	34,000,000
Justice – Service ordinaire	15,460,000	–	213,741	15,246,259
Justice – Frais de justice	2,000,000	547,017	–	2,547,017
Affaires Etrangères	7,850,000	76,700	–	7,926,700
Intérieur – Service ordinaire	10,700,000	–	–	10,700,000
Intérieur – Cultes	22,800,000	–	–	22,800,000
Intérieur – Travaux publics	33,200,000	–	–	33,200,000
Intérieur – Dépenses départementales et secours	36,000,000	133,678	–	36,133,678
Guerre – Service actif	168,494,000	–	5,929,254	162,564,746
Guerre – Dépenses temporaires (demi-soldes, secours et frais de liquidation de l'arriéré)	16,256,000	–	98,643	16,157,357
Marine et Colonies.—Service général	45,200,000	–	650,830	44,549,170
Finances. Dette viagère	11,800,000	–	–	11,800,000
Finances. Pensions – Civiles	2,477,425	–	300,000	2,177,425
Finances. Pensions – Militaires	51,100,000	–	1,000,000	50,100,000
Finances. Pensions – Ecclésiastiques	11,500,000	–	400,000	11,100,000
Finances. Pensions – Fonds supplétif pour pensions	1,860,575	–	–	1,860,575
Finances. Intérêts de cautionnemens	8,000,000	–	–	8,000,000
Finances. Intérêts de la dette flottante	7,500,000	–	1,923,254	5,576,746
Finances. Chambre des Pairs	2,000,000	–	–	2,000,000
Finances. Chambre des Députés	680,000	–	–	680,000
Finances. Legion d'honneur (rente payable sur les produits de l'enregistrement)	240,000	–	–	240,000
Finances. Cour des comptes	1,243,000	–	–	1,243,000
Finances. Commission de liquidation Française et Etrangère	151,000	–	–	151,000
Finances. Cadastre	3,000,000	–	–	3,000,000
Finances. Constructions, Rue de Rivoli	1,200,000	280,000	–	1,480,000
Finances. Service ordinaire du Ministère	7,341,000	–	57,536	7,283,464
Finances. Frais de service du Trésor	5,796,000	–	589,475	5,206,525
Finances. Frais de perception et de régies, non-valeurs, &c. Enregistrement et domaines	13,113,200	–	451,669	12,661,531
Finances. Frais de perception et de régies, non-valeurs, &c. Forêts	3,153,000	–	42,832	3,110,168
Finances. Frais de perception et de régies, non-valeurs, &c. Douanes et sels – Personnel et matériel	22,153,000	–	23,155	22,129,845
Finances. Frais de perception et de régies, non-valeurs, &c. Douanes et sels – Remise de 2 pour 100 sur l'impôt du sel	860,000	38,769	–	898,769
Finances. Frais de perception et de régies, non-valeurs, &c. Contributions indirectes – Frais d'administration et de perception	19,750,000	914,577	–	20,664,577
Finances. Frais de perception et de régies, non-valeurs, &c. Contributions indirectes – Frais de la garantie des matières d'or et d'argent	350,000	108,680	–	458,680
Finances. Frais de perception et de régies, non-valeurs, &c. Contributions indirectes – Frais d'exploitation des tabacs	25,820,000	–	2,439,307	23,380,693
Finances. Frais de perception et de régies, non-valeurs, &c. Contributions indirectes – Exploitation des poudres à feu	1,684,500	498,445	–	2,182,945
Finances. Frais de perception et de régies, non-valeurs, &c. Postes	10,160,000	–	12,145	10,147,855
Finances. Frais de perception et de régies, non-valeurs, &c. Loteries – Personnel et matériel	1,800,000	–	48,657	1,751,943
Finances. Frais de perception et de régies, non-valeurs, &c. Loteries – Remise de 6 pour 100 aux receveurs-buralistes	2,700,000	516,596	–	3,216,596
Finances. Frais de perception et de régies, non-valeurs, &c. Contributions directes (frais de perception et non-valeurs)	30,933,940	–	2,483,490	28,450,450
Finances. Frais de perception et de régies, non-valeurs, &c. Taxations et remises des receveurs généraux et particuliers sur les impôts indirects et les recettes diverses	1,192,360	319,091	–	1,511,451
	869,516,123	3,433,553	16,663,388	856,286,288
Guerre – Fonds spécial pour l'acquittement de dépenses des Exercices 1819 et antérieurs, non connues aux époques auxquelles les comptes en ont été arrêtés	– – –	800,000	– – –	800,000
Finances – Subsistances de la Ville de Paris en 1816 et en 1817 (indemnités payées aux boulangers à sa décharge)	– – –	6,000,000	– – –	6,000,000
Crédits supplémentaires accordés sur l'Exercice 1818. Affaires Etrangères 108,170 / Intérieur 646,690 / Marine 11,961	– – –	766,821	– – –	766,821
		11,000,374	16,663,388	
Totaux – Francs	869,516,123	Diminution	5,663,014	863,853,109
Dépenses pour ordre. Revenus de l'instruction publique			1,760,500	6,644,536
Dépenses pour ordre. Direction générale des poudres et salpêtres (y compris 189,180 francs ajoutés au capital de la direction)			4,884,036	

Certifié conforme : *Le Ministre Secrétaire d'Etat*

de l'Exercice 1819. **RECETTES.** *Etat* B.

DESIGNATION DES PRODUITS.			Evaluations des Recettes. — Loi du 17 Juil. 1820.	Excédant des Recettes.	Diminution et non-valeurs.	Fixation définitive des produits de l'Année 1819.
			Francs.	Francs.	Francs.	Francs.
Enregistrement, timbre et domaines			165,384,000	–	6,090,571	159,293,429
Bois			18,310,000	–	79,483	18,230,517
Douanes et Sels			113,013,000	–	2,861,941	110,151,059
Contributions indirectes			190,000,000	–	3,702,674	186,297,326
Postes			22,460,000	–	391,811	22,068,189
Loteries			15,000,000	–	4,357,017	10,642,983
Retenues sur les traitemens			8,400,000	–	214,907	8,185,093
Produits divers	Salines de l'Est		2,500,000	–	10,700	2,489,300
	Intérêts des Fonds Publics appartenant au Trésor		5,180,000	217,239	–	5,397,239
	Produits de l'Inde		1,309,000	345,212	–	1,654,212
	Recettes sur débets et produits de diverses origines		2,799,150	557,681	–	3,356,831
Contributions directes	Principal et centimes additionnels		325,035,158	354,125	–	325,389,283
	Centimes pour frais de perception		16,964,842	–	625,021	16,339,821
Fonds disponibles sur les crédits ouverts aux Ministres pour les Exercices antérieurs à 1819	Sur les Exercices 1817 et antérieurs	98,455	–	495,297	–	495,297
	Sur l'Exercice 1818	396,842				
Affectation et transport au Budget de 1819, de 1,674,500f. de Rentes retirées du Budget de 1818. (Loi du 28 Mai 1820.)			32,921,318	–	–	32,921,318
Totaux - Francs			919,276,468	1,969,554	18,334,125	902,911,897
Prélèvement affecté et transporté au Budget de l'Exercice 1818. (Loi du 28 Mai, 1820.)			34,599,325	–	–	34,599,325
				1,969,554	18,334,125	
Reste en Recettes propres à l'Exercice 1819.			884,677,143	Diminution	16,364,571	868,312,572
Prélèvement affecté et transporté au Budget des Recettes de l'Exercice 1821						4,459,463
Reste, somme égale aux Dépenses - - Francs						863,853,109
Recettes pour Ordre.	Revenus de l'Instruction Publique		1,760,500			6,644,536
	Direction générale des poudres et salpêtres		4,884,036			

au Département des Finances, ROY.

Extrait de l'Etat No. 4 annexé à la proposition de Loi portant réglement définitif du Budget de l'Exercice 1819.

Relevé des Paiemens restant à faire au 1er Octobre 1820, sur les Exercices 1818 et antérieurs.

MINISTERES ET SERVICES.	Restant à payer au 1er Oct. 1820. Sur les Exercices 1817 et antérieurs	Sur l'Exercice 1818.	TOTAL.
	Francs.	Francs	Francs.
Dette Publique et intérêts de reconnaissances de liquidation	1,168,103	2,408,968	3,577,071
Dette viagère	265,176	793,409	1,058,585
Pensions	2,142,362	2,060,637	4,202,999
Ministère de la Justice	12,934	28,273	41,207
Ministère des Affaires Etrangères	140,272	108,173	248,445
Intérieur. Clergé	220,659	187,590	408,249
Intérieur. Service généraux	147,434	117,491	264,925
Intérieur. Dépenses départementales.	325,016	1,150,703	1,475,719
Intérieur. Primes à l'Importation des grains	–	7,872	7,872
Guerre. Service général	2,170,900	61,479	2,232,379
Guerre. Frais de l'Armée d'Occupation	4,157,600	63,655	4,221,255
Marine	455,992	372,720	828,712
Finances. Service ordinaire	7,138	823	7,961
Finances. Cadastre	3,303	6,975	10,278
Ancien Ministère de la police générale	177	181	358
Secours accordés par le Roi et les Princes	5,660	–	5,660
Remboursement aux Départemens des 20,000,000 avancés par eux en 1815 pour les troupes Etrangères	759,725	–	759,725
Paiement en espèces d'intérêts de capitaux de créances Etrangères	1,000	–	1,000
Intérêts d'obligations Royales	–	2,022	2,022
Remboursement de cautionnemens à des titulaires non replacés	–	2,205,682	2,205,682
Francs.	11,983,451	9,576,653	21,560,104*

Certifié conforme ;

Le Ministre Secrétaire d'Etat au Département des Finances, ROY.

Extrait de l'Etat No. 5 annexé à la Proposition de Loi portant Réglement définitif du Budget de l'Exercice 1819.

Relevé des Paiemens restant à faire au 1 Octobre 1820, sur l'Exercice 1819.

MINISTERES ET SERVICES.	Restant à payer au 1er Octobre, 1820.
	Francs.
Intérêts des 5 p. cent. consolidés et des reconnaissances de liquidation	4,525,452
Ministère de la Justice.—(Service ordinaire.)	9,739
——— des Affaires Etrangères	98,578
——— de l'Intérieur—Service Ordinaire	116,867
Cultes	797,877
Travaux Publics	1,811,584
Dépenses Départementales et secours	3,897,880
——— de la Guerre.—Service actif	44,828
Dépenses temporaires	34,310
——— de la Marine et des Colonies	1,955,463
FINANCES.	
Dette viagère	333,721
Pensions.—Civiles	67,592
Militaires	1,350,229
Ecclésiastiques	121,022
Cadastre	148,596
Constructions, Rue de Rivoli	322,702
Service Ordinaire du Ministère	15,655
Frais de Service du Trésor	977
Frais de Perception et de Régie :	
Enregistrement et Domaines.	85,198
Forêts	146,380
Frais de Perception et non-valeurs des Contributions indirectes	2,298,783
Ministère de la Guerre.—(Crédit spécial de 800,000 fr.)	324,679
TOTAL Francs	18,508,112

Certifié conforme :

Le Ministre Secrétaire d'Etat au Département des Finances. ROY.

* L'Article 6 de la Loi porte le restant à payer au 1er Octobre 1820, sur les Exercices 1818 et antérieurs, à 21,560,534f

parce qu'il n'a pas été fait état des 430 fr. retranchés par les Chambres sur le crédit supplémentaire de 108,600 fr. demandé pour le Ministère des Affaires Etrangères, et qui a été réduit à 108, 170 fr., ci 430

Il ne reste effectivement à payer que 21,560,104

LOI de France, relative à la Fixation du Budget des Dépenses et des Recettes de 1821.

Au Château de St. Cloud, le 31 *Juillet,* 1821.

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 PREMIER.

Fixation des Charges et Dépenses de l'Exercice 1821.

§. I.—*Budget de la Dette Consolidée.*

ART. I. Il est ouvert au Ministre des Finances un crédit de 242,654 f. de rente 5 pour cent consolidés ; savoir :

1. Pour l'Inscription au Grand-Livre de la Dette Publique, avec jouissance du 22 Mars 1821, de la rente annuelle de 240,000 fr., précédemment payée à la Légion d'Honneur sur les fonds généraux du Budget de l'Etat, en remplacement des Bois dont elle a fait la cession au Domaine, ci.... ..... fr. 240,000

2. Pour couvrir le Trésor d'une avance faite sur les Rentes 5 pour cent consolidés dont il est propriétaire, pour rembcursement à des Français, anciens Comptables en Westphalie, de cautionnemens par eux versés à la caisse du Trésor Westphalien..... 2,654

TOTAL ÉGAL.....Francs 242,654

II. Les Dépenses de la Dette consolidée et de l'Amortissement sont fixées, pour l'Exercice 1821, à la somme de fr. 229,052,764, conformément à l'Etat A ci annexé.

§. II.—*Fixation des Dépenses Générales du Service.*

III. Des Crédits sont ouverts jusqu'à concurrence de 653,182,510 francs, pour les Dépenses Générales du Service 1821, conformément à l'Etat B, applicables, savoir :

Aux Dépenses Générales, ci ..... fr. 516,311,225

Aux frais de Régie, d'Exploitation, de Perception, et non-valeurs des Contributions directes et indirectes, ci... 131,601,285

Aux remboursement et restitution à faire aux Contribuables sur les produits bruts desdites Contributions, ci 5,270,000

TOTAL ÉGAL .....Francs 653,182,510

Titre II.

Fixation des Recettes de l'Exercice 1821.

§. I.—*Divers Droits et Perceptions.*

IV. 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-ports 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 dixième 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.

V. La déduction accordée aux Marchands en gros de Boissons, pour Ouillage et Coulage, par l'Article LXXXVII de la Loi du 25 Mars, 1817, sera réglée pour les vins, à dater du trimestre courant, ainsi qu'il suit :

Sur les vins nouveaux, pour chacun des trimestres d'Octobre et de Janvier, qui suivent la récolte, 3 pour cent ;

Sur les mêmes vins, pour chacun des trimestres d'Avril et de Juillet de la première année, et sur les vins vieux, pour tous les trimestres suivans, 1½ pour cent.

Le décompte de cette déduction continuera d'être fait en raison du séjour.

La faculté accordée à la régie par l'Article CIII de la Loi du 28 Avril, 1816, d'allouer une plus forte déduction pour les vins qui éprouvent un déchet supérieur à la remise ci-dessus fixée, est maintenue.

VI. 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 centime par feuille sur ceux qui sont imprimés à Paris, et ½centime sur ceux qui sont imprimés dans les Départemens.

VII. Le Gouvernement continuera, pendant une année, d'être autorisé, conformément à la Loi du 4 Mai, 1802 [14 floréal an 10], à établir des Droits de Péage, dans le cas où ils seront reconnus nécessaires pour concourir à la construction ou à la réparation des ponts, écluses ou ouvrages d'art à la charge de l'Etat, des Départemens et 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.

VIII. Les retenues proportionnelles sur les traitemens, remises et salaires, prescrites par les Lois des 28 Avril, 1816, et 25 Mars, 1817, continueront d'avoir lieu jusqu'au 1 Juillet, 1821.

IX. Continueront d'être exemptés de ladite retenue, les traitemens des Agens du Ministère des Affaires Etrangères pendant leur résidence hors du Royaume.

X. Les redevances sur les Mines continueront à être perçues, conformément aux Lois existantes.

XI. Continueront d'être perçues, suivant le mode réglé par le Titre I. de la Loi du 23 Juillet, 1820, 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. Continueront également d'être perçus,

1. Les Droits établis par l'Art. XVI. des lettres patentes du 10 Février, 1780, et par l'Art. XLII de l'Arrêté du Gouvernement du 25 thermidor An. XI. [13 Août, 1803], pour les frais de visite chez les Pharmaciens, Droguistes et Epiciers:

Ne seront pas néanmoins soumis au paiement du droit de visite, les Epiciers 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 desséchement autorisés par la Loi du 16 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.

XIII. Les contributions, taxes et droits maintenus par le présent paragraphe, continueront d'être perçus jusqu'au 1 Avril 1822, 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 1 Avril, 1822, aux prix fixés par la Loi du 16 Mars, 1819.

§ II. *Contributions Directes.*

XIV. Le montant de la contribution foncière mise par des rôles particuliers, en 1820, sur les bois et autres propriétés devenues, à

quelque titre que ce soit, imposables, sera, pour 1821, ajouté au contingent de chaque Département, de chaque Arrondissement, de chaque Commune.

XV. Les bois et autres propriétés qui n'auraient pas été compris dans les rôles particuliers de 1820, 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 accroitront le contingent de chaque Département, de chaque Arrondissement, de chaque Commune.

XVI. 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 non 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 dégrèvés de la contribution foncière, jusqu'à concurrence de la part qu'elles prenaient dans leur matière imposable.

XVII. Il est accordé sur la contribution foncière un dégrèvement de 19,617,229 francs 80 centimes, dont 13,529,123 francs 80 centimes, sur le principal, et 6,088,106 francs sur les centimes additionnels.

Ce dégrèvement sera réparti entre les 52 Départemens désignés dans le Tableau C. ci-annexé, conformément aux proportions indiquées par le Tableau.

Il est en outre accordé, sur les mêmes centimes additionnels de la contribution foncière, une réduction de 5 centimes, montant à 7,733,906 francs 58 centimes, laquelle dernière réduction est applicable à tous les Départemens.

XVIII. Toutefois, les dégrèvemens et réductions ci-dessus n'auront lieu qu'à compter du 1 Juillet 1821, et la moitié seule du montant de ces dégrèvemens sera comprise dans les rôles de la même année 1821.

XIX. Les bases prescrites par l'Article 38 de la Loi du 15 Mai 1818, pour parvenir à l'évaluation des revenus imposables des Départemens, seront appliquées aux Communes et aux Arrondissemens par une Commission spéciale qui sera formée dans chaque Département. Ce travail servira de renseignement aux Conseils Généraux de Département et aux Conseils d'Arrondissement, pour fixer les contingens en principal des Arrondissemens et des Communes.

XX. A partir du 1 Janvier 1822, les opérations cadastrales destinées à rectifier la répartition individuelle seront circonscrites dans chaque Département.

En conséquence, les Conseils Généraux pourront voter annuellement pour cet objet, des impositions dont le montant ne pourra excéder 3 centimes du principal de la contribution foncière.

XXI. Indépendamment des centimes votés par les Conseils Géné-

raux, il sera fait annuellement un Fonds commun destiné à être distribué aux Départemens, en proportion des fonds que les Conseils Généraux auront votés, et à venir au secours de ceux qui ne trouveraient pas dans leurs ressources particulières les moyens de subvenir à toutes les dépenses que ces travaux exigent.

XXII. Le compte des Recettes et Dépenses relatives aux opérations du cadastre sera, chaque année, soumis au Conseil Général par le Préfet.

XXIII. La contribution personnelle et mobilière, celle des portes et fenêtres, et les patentes, seront perçues en 1821, en principal et centimes additionnels, sur le même pied qu'en 1820.

XXIV. Le tableau d'une nouvelle fixation entre les Départemens de la contribution personnelle et mobilière, sera présenté aux Chambres, après que les résultats du travail exécuté en vertu de la Loi du 23 Juillet, 1820, auront été complétés et soumis à une vérification qui en garantisse l'entière exactitude.

XXV. La cotisation des Officiers sans troupe à la contribution personnelle et mobilière, continuera d'être établie conformément à l'Article XXX. de la Loi du 23 Juillet, 1820, et d'être recouvrée au moyen de la retenue que le payeur est autorisé à en faire sur leur traitement.

XXVI. Par suite des dégrèvemens et réductions accordés par l'Article XVII, la contribution foncière, la contribution personnelle et mobilière, la contribution des portes et fenêtres, et les patentes, seront perçues pour 1821, tant en principal qu'en centimes additionnels, conformément à l'Etat D. ci-annexé.

Le contingent de chaque Département dans les contributions foncière, personnelle et mobilière, et des portes et fenêtres, est fixé, pour le même Exercice, aux sommes portées dans l'Etat E. de répartition générale, annexé à la présente Loi.

XXVII. Jusqu'à ce que les rôles de l'Exercice 1821 aient pu être terminés, la perception continuera d'avoir lieu sur ceux de 1820, ainsi qu'il a déjà été prescrit pour les 6 premiers mois par la Loi du 13 Janvier, 1821.

§. III. *Fonds destinés aux Dépenses Départementales.*

XXVIII. Sur les centimes additionnels aux contributions foncière, personnelle et mobilière, il sera prélevé 18 centimes un dixième, pour les dépenses Départementales fixes, communes et variables.

Ces centimes seront divisés de la manière suivante:

1. Six centimes 5 dixièmes seront centralisés au Trésor Royal, pour être tenus 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-Prefets, Secrétaires Généraux et Conseillers de Préfecture;

Abonnemens de Préfectures et des Sous-Préfectures ;

Dépenses ordinaires des maisons centrales de détention, et indemnités aux Départemens, à raison des dépenses des condamnés à un an et plus d'emprisonnement, qui restent dans les Prisons Départementales faute de place dans les maisons de détention ;

Entretien des bâtimens et du mobilier de ces maisons centrales ;

Bâtimens des Cours Royales ;

Dépenses ordinaires 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 6 dixièmes 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 et contributions des hôtels de préfecture, entretien et renouvellement du mobilier ;

Dépenses ordinaires des Prisons Départementales;

Maisons de dépôt, 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 Edifices 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 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 précedens ;

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 dépenses variables excéderont le produit des 6 centimes 6 dixièmes ci-dessus.

XXIX. Un centime prélevé sur le fonds de non-valeurs des contributions foncière, personnelle et mobilière, continuera, pour 1821, d'être affecté aux secours généraux, et réparti entre les Départe-

mens dans les cas de grêle, d'incendie, d'inondation, ou autres cas fortuits.

XXX. 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 1821, et dont l'allocation sera toujours conforme au vote du Conseil Général.

XXXI. Après l'acquittement des charges de Guerre de 1813 et de 1814, ce qui restera disponible sur les 30,000,000 de valeurs d'arriéré affectés à ces dépenses par les Lois des 25 Mars 1817 et 15 Mai 1818, servira, concurremment avec les moyens indiqués par la Loi du 28 Avril, 1816, à libérer les Départemens de leur dette relative à l'occupation militaire de 1815.

§. IV. *Fonds affectés au service de la Dette Consolidée et de l'Amortissement.*

XXXII. 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.

XXXIII. 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 général de l'Etat.

§. V. *Fixation des Recettes de l'Exercice* 1821.

XXXIV. Le Budget des recettes est fixé, pour l'Exercice 1821, à la somme totale de 889,021,745 francs, conformément à l'Etat F. ci-annexé.

§. VI. *Disposition générale.*

XXXV. 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 4 et 6 de la Loi du 28 Avril 1816, relatifs aux contributions extraordinaires pour remboursement des dépenses de l'occupation militaire de 1815, et des Articles 39, 40, 41, 42, et 43 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 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 au Château de Saint-Cloud, le 31 jour du mois de Juillet de l'an de Grâce 1821, et de notre Règne le 27me.

Par le Roi; LOUIS.

Le Ministre Secrétaire d'Etat au Département des Finances, ROY.

Vu et Scellé du Grand Sceau;

Le Pair de France, Sous-Secrétaire d'Etat au Département de la Justice, chargé du Portefeuille du Ministère. COMTE PORTALIS.

BUDGET Général des Dépenses et Services pour l'Exercice, 1821.

Etat A. *Budget de la Dette Consolidée et de l'Amortissement.*

			Francs.
Reconnaissances de liquidation.			
Délivrées au 1 Janvier 1821 (en Capital) -	f. 270,442,825		
A délivrer ultérieurement (en Capital) -	- 29,557,175		
		300,000,000	
Dont à déduire 1-5e. à rembourser le 22 Mars, 1821 - - -		60,000,000	
Reste en capital dont les intérêts sont à servir à partir du 22 Mars, 1821 - - - - - -		240,000,000	
Ci.—Pour les intérêts du semestre échéant le 22 Mars, 1821 - -		7,500,000	
Pour les intérêts du semestre échéant le 22 Septembre, 1821 - -		6,000,000	
			13,500,000
Intérêts des 5 pour ct. consolidés.			
Inscrits au 1 Janvier, 1821 - - - - - -		173,052,947	
A inscrire ultérieurement, par aperçu - - - -		4,776,982	
Total des rentes inscrites et à inscrire		177,829,929	
Ci.—Pour le semestre échéant le 22 Mars, 1821 - - - -		86,637,800	
Pour le semestre échéant le 22 Septembre, 1821 - - -		88,914,964	
			175,552,764
Dotation de la Caisse d'Amortissement - - - - - - -			40,000,000
Total Francs - - -			229,052,764

Etat B. 1. *Budget Général des Dépenses et Services.*

	MONTANT des dépenses présumées.
Liste Civile - - - - - - - - - -	25,000,000
Famille Royale - - - - - - - - -	9,000,000
	34,000,000
MINISTERES.	
Présidence du conseil des Ministres (Traitement et frais de Bureau) - - -	180,000
Justice, y compris un crédit provisoire de 2,520,000 f. pour frais de Justice - -	17,879,500
Affaires étrangères - - - - - - - - - - -	7,855,000
A reporter - -	59,914,500

Etat B. 1. *(Suite.)*

			MONTANT des dépenses présumées.
	Report - -		59,914,500
INTERIEUR.		Francs.	
Service ordinaire - - - - - - - -		10,426,800	
Cultes.—Clergé * - - - - - - -	22,900,000		
Cultes non catholiques † - - - - -	550,000		
Travaux publics.—Ponts et chaussées et mines, y compris les fonds spéciaux - - - -	23,300,000		
Travaux d'intéret général { à Paris - - - -	10,000,000		
{ dans les départemens - -	1,400,000		
	2,206,691		
	33,606,691		
Dépenses départment :—Fixes (6 c. 5-10 centralisés au Trésor) -	12,259,242		
Variables (11 c. 6-10, dont 5 en fonds com.)	21,878,030		
Secours pour grèle, incendies et autres cas fortuits (1 c. sur le fonds de non-valeurs) - - - - -	1,886,037		
	36,023,309		
Dépenses secrètes et autres sur le produit de la ferme des jeux - -	5,500,000		
			109,006,800
Guerre.—Service actif - - - - - - - -		164,356,600	
Dèpenses temporaires.—Solde, de non-activité, traitemens de réforme et secours - - -		9,788,000	
Frais de liquidation de l'arriéré -		592,000	
			174,736,600
Marine.—Service général - - - - - - - -		47,022,000	
Colonies - - - - - - - -		5,958,000	
			52,980,000
FINANCES.			
Dette viagère - - - - - - - -	10,800,000		
Pensions.—Civiles - - - - - -	2,150,000		
Militaires - - - - -	50,000,000		
Ecclésiastiques - - - -	10,150,000		
Supplément au fonds de retenues des divers Ministères - - - - -	1,664,725		
	63,964,725		
Intérêts de Cautionnemens - - - - -	10,000,000		
Frais de Service et de Negociations.			
Frais de Service de Trésorerie - 4,200,000			
Frais de Négociation, escompte, intérêts et dette flottante - - - - - 6,400,000			
10,600,000			
Intérêts aux receveurs génér. et partic. sur leurs versem. par anticipation sur contributions directes - -	3,400,000		
	14,000,000		
Crédit spécial pour les intérêts sur les 100 mill. payées aux Etrangers - - - - - - - -	4,500,000		
		103,264,725	
Chambre des Pairs - - - - - - -	2,000,000		
Chambre des Députés - - - - - -	800,000		
Legion d'Honneur.			
Rente payable sur les produits de l'enreg. et des domaines (240,000 f.) dont on propose l'inscription avec jouissance du 22 Mars 1821 ; ci, pour 2 mois 21 jours -	54,000		
Supplément à sa dotation pour 1821 - - -	3,400,000		
	3,454,000		
		6,254,000	
Cour des Comptes - - - - - - -	1,242,600		
Administration des Monnaies - - - - -	606,000		
Commission de Liquidation Française - - - -	66,000		
Cadastre - - - - - - - -	2,000,000		
		3,914,600	
Service administratif du Ministère - - - - - -		6,240,000	
			119,673,325
Total Francs - -			516,311,225

* Y compris 100,000 fr. de secours aux Communes pour contribuer à la réparation de leurs Eglises.
† Y compris 50,000 fr. de secours pour la réparation des temples Protestans.

Etat B. (Suite.)—2. *Frais de Régie, de Perception, d'Exploitation, Non-valeurs, &c. et Remboursemens et Restitutions aux Contribuables.* (A Ordonnancer par le Ministre des Finances.)

FRAIS DE REGIE, DE PERCEPTION, D'EXPLOITATION, NON-VALEURS, &c.		Montant des Dépenses présumées.
Administration Financière.		
Enregistrement et Domaines	11,634,700	
Forêts	3,384,200	
Douanes.—Frais d'Administration et de perception	22,816,300	
Remise de 2 pour 0/0 sur l'impôt du sel	900,000	
Produit des amendes et Confiscations attribuées	2,000,000	
	25,716,300	
Contributions indirectes.		
Frais d'Administration et de perception	20,517,700	
Exploitation des Tabacs	23,345,600	
Exploitation et vente des poudres à feu	2,165,000	
Prélèvement et repartition sur le produit des amendes	1,350,000	
Avances à charge de remboursement	670,000	
	48,048,300	
Postes	11,944,130	
Loterie.—Frais d'Administration	1,659,750	
Remise de 6 p. 0 0 aux Receveurs buralistes	3,480,000	
	5,139,750	
Contributions directes.		
Non-valeurs des quatre Contributions directes	5.291,930	
Frais d'assiette et de recouvrement des Contributions directes	18,941,975	
	24,233,905	
Remises et Taxations aux Receveurs généraux et particuliers sur l'impôt indirect et les recettes diverses	1,500,000	
		131,601,285
Remboursemens et Restitutions pour trop perçu.		
Ministère des Finances	400,000	
Administration Financière		
Enregistrement et Domaines	1,300,000	
Forêts	50,000	
Douanes	3,000,000	
Contributions indirectes	174,000	
Postes	346,000	
		5,270,000
Total Francs		136,871,285

Récapitulation des Dépenses.

Etat A.	Dette Consolidée et Amortissement		229,052,764
Etat B.	1° Service général	516,311,225	
	2° Frais de Régie, de Perception, d'Exploitation, Non-valeurs, &c.	136,871,285	
			653,182,510
	Montant des Dépenses propre à l'Exercice 1821		882,235,274

Dépenses pour Ordre.

Dépenses de l'Instruction Publique	2,170,400	
Direction générale des poudres et salpêtres	3,289,489	
		5,459,889
Total général Francs		887,695,163

Etat D. *Tableau des Contributions directes à imposer en principal et Centimes Additionnels, pour l'Exercice* 1821.

DESTINATION DISTINCTE DES PRODUITS.	MONTANT DE CHAQUE CONTRIBUTION. FONCIERE.									
	Montant des Rôles de 1820.		Nouvelle proportion pour l'année, à partir du 1er Juillet, 1821.		Moitié pour les 6 premiers mois 1821, calculée d'après les Rôles de 1820.		Moitié pour les 6 derniers mois 1821. calculée d'après la nouvelle proportion.		Total à imposer pour l'année 1821.	
Produits Généraux.	Nombre de centimes addition.	Francs.	Nombre de centimes addition.	Francs.	Nombre de centimes addition.	Francs.	Nombre de centimes addition.	Francs.	Nombre de centimes addition.	Francs.
Principal des quatre contributions	-	168,207,255	-	154,678,130	-	84,103,627	-	77,339,065	- 101/200	161,442,692
Centimes Additionnels.										
Sans affectation spéciale	25 ½	42,892,850	19 31/125	29,771,705	12 ¾	21,446,425	9 78/125	14,885,852	22 1/10	36,332,277
Pour dépenses Départementales fixes, communes à plusieurs Départemens	17 ½	29,436,270	18 94/125	29,005,984	8 ¾	14,718,135	9 47/125	14,502,992	18	29,221,127
Pour dépenses variables des Départemens										
Pour fonds communs des mêmes Départemens										
Pour secours, grêle, incendies	1	1,682,073	1	1,546,781	0 ½	841,037	0 ½	773,390	1	1,614,427
Centimes Additionnels facultatifs à voter par les Conseils Généraux (maximum, 5 centimes)	-	Mémoire.	-	Mémoire.	-	Mémoire.	-	Mémoire.	-	Mémoire.
Produits effectés aux Non-valeurs, Dépenses des Communes, Réimpositions et Frais de perception.										
Centimes Additionnels.										
Pour Non-valeurs et dégrèvemens	1	1,682,072	1	1,546,782	0 ½	841,036	0 ½	773,391	1	1,614,427
Pour Non-valeurs et attributions aux Communes sur les Patentes	-	-	-	-	-	-	-	-	-	-
Pour dépenses ordinaires des Communes (5 centimes)	-	Mémoire.	-	Mémoire.	-	Mémoire.	-	Mémoire.	-	Mémoire.
Pour Dépenses extraordinaires des Communes	-	-	-	-	-	-	-	-	-	-
Pour réimpositions	-	-	-	-	-	-	-	-	-	-
Totaux - Francs	45 cent.	243,900,520	40 cent.	216,549,382	22c. ½	121,950,260	20 cent	108,274,690	42 121/200	(d)230,224,950
Centimes Additionnels sur principal et centimes réunis.										
Traitemens et taxations des Receveurs Généraux et particuliers (par évaluation)	-	1,944,000	-	1,732,000	-	972,000	-	866,000	-	1,838,000
Remises des Percepteurs	de 2 à 5.	10,836,000	de 2 à 5.	9,636,000	de 2 à 5	5,418,000	de 2 à 5	4,818,000	de 2 à 5	10,236,000
Totaux généraux - Francs.	—	256,680,520	—	227,917,382	—	128,340,260	—	113,958,690	—	242,298,950

Etat D. *(Suite.)*

MONTANT DE CHAQUE CONTRIBUTION (Suite).						Total des Contributions à imposer pour l'Exercice 1821.	OBSERVATIONS.
PERSONNELLE ET MOBILIERE.		PORTES ET FENETRES.		PATENTES.			
Nombre de centimes additionnels.	Francs.	Nombre de centimes additionnels.	Francs.	Nombre de centimes additionnels.	Francs.	Francs.	
—	27,161,020	—	12,812,466	—	(a) 17,512,950	218,929,128	(a) Le produit annuel des patentes est présumé de - - 19,035,810 dont à déduire pour non-valeurs et attributions aux Communes (8 pour 100) - - - - - - - - 1,522,860 Reste - 17,512,950
29 9/10	8,121,145	50	6,406,238	—	—	50,859,655	
18 1/10	4,916,145	—	—	—	—	34,137,272	
1	271,610	—	—	—	—	1,886,037	
—	Mémoire.	—	—	—	—	Mémoire.	
1	271,610	10	(b) 1,281,246	—	—	3,167,283	(b) Y compris environ 350,000 francs pour frais de confection de rôles.
—	—	—	—	5	951,790 (c) 1,522,860	2,474,650	(c) Cette somme de 1,522,860 francs fait partie du principal des patentes, et en a été déduite plus haut.
—	—	—	—	—	—	Mémoire.	
—	—	—	—	—	—	Mémoire.	
—	—	—	—	—	—	Mémoire.	
50 cent.	40,741,530	60 cent.	20,499,945	5 cent.	19,987,600	311,454,025	(d) La différence de 2 francs entre ce total et celui porté dans le tableau de répartement provient de centimes négligés dans l'un, et du fort denier pris dans l'autre.
—	295,000	—	149,000	—	82,000	2,364,000	
de 2 à 5	1,520,000	de 2 à 5	770,000	de 2 à 5	655,975	13,181,975	
- - -	42,556,530	- - -	21,418,945	- - -	20,725,575	327,000,000	

Etat F. *Budget Général des Revenus de l'Etat pour l'Exercice* 1821.

DESIGNATION ET REVENUS DES IMPOTS.		Produits bruts préaumés.
1°. *Produits affectés à la Dette consolidée.*		Francs.
Enregistrement, timbre et domaine. (Produits bruts, comprenant, pour ordre, 1,300,000 francs de restitution)		157,800,000
Coups de bois de l'ordinaire de 1821. (Produits bruts, comprenant, pour ordre, 50,000 francs de restitution)		18,500,000
Douanes et Sels.		
Produits bruts comprenant pour ordre 3,000,000 de restitution.		
Droits de douanes	73,000,000	
Droits sur les sels	49,000,000	
	122,000,000	
Produits présumés des amendes et confiscations attribuées en entier aux frais de procédure et à la caisse des retraites et aux saisissans	2,000,000	
		124,000,000
Total - Francs.		300,300,000
2°. *Produits affectés aux Dépenses générales de l'Etat.*		
Excédant éventuel des produits ci-dessus sur le service de la dette consolidée		Mémoire.
Contributions indirectes.		
Droits généraux. (Produits bruts comprenant, pour ordre, 174,000 francs de restitution)	123,500,000	
Vente des Tabacs	64,000,000	
Vente des poudres à feu	3,500,000	
Recouvremens d'avances	675,000	
Produits des amendes et confiscations. (Portion attribuée)	1,350,000	
		193,025,000
Postes. (Produits bruts comprenant, pour ordre, 346,000 francs de restitution)		24,310,000
Loteries		15,000,000
Retenues sur les traitemens		2,800,000
Versement au Trésor par la Ville de Paris, en vertu de la Loi du 19 Juillet, 1820		5,500,000
Produits divers.		
Salines de l'Est	2,400,000	
Produits de l'Inde	1,000,000	
Recettes de diverses origines	1,390,745	
Arrérages de rentes et intérêts de Fonds Publics appartenant au Trésor	11,837,255	
		16,628,000
Contributions directes.		
Principal et centimes additionnels	311,454,025	
Centimes de perception	15,545,975	
		327,000,000
		584,263,000
Transport au Budget de l'Exercice 1821, de l'excédant de recette sur l'Exercice 1819		4,458,745
Total - Francs.		588,721,745

Récapitulation des Recettes.

1°. Produits affectés à la dette consolidée	300,300,000
2°. Produits affectés aux dépenses générales de l'Etat	588,721,745
Montant présumé des produits propres au budget de l'Exercice 1821	889,021,745

Recettes pour Ordre.

Revenu de l'instruction publique	2,170,400	
Direction générale des poudres et salpêtres	3,289,489	
		5,459,889
Total général		894,481,634

Résultat.

Les recettes présumées sont de	889,021,745
Les dépenses (Etats A. et B.) de	882,235,274
Excedant de Recettes - Francs	6,786,471

Certifié conforme : *Le Ministre Secrétaire d'Etat au Département des Finances,* ROY.

ORDONNANCE du Roi de France, portant Publication de la Convention conclue, le 2 Octobre, 1821, entre Sa Majesté Très-Chrétienne et Sa Majesté le Roi des Pays-Bas, pour l'Extradition réciproque des Déserteurs.

Au Château des Tuileries, le 20 Octobre, 1821.

Louis, par la grâce de Dieu, Roi de France et de Navarre, à tous ceux qui ces présentes Lettres verront, salut.

Nous avons ordonné et ordonnons que la Convention suivante, conclue entre Nous et Sa Majesté le Roi des Pays-Bas, le 2 Octobre, 1821, et ratifiée à Paris le 15 Octobre suivant, sera insérée au Bulletin des Lois, pour être exécutée suivant sa forme et teneur.

Convention entre Sa Majesté Très-Chrétienne et Sa Majesté le Roi des Pays-Bas, pour l'Extradition réciproque des Déserteurs.

Sa Majesté le Roi de France et de Navarre, et Sa Majesté le Roi des Pays-Bas, étant convenus de conclure une Convention de cartel, ont, à cet effet, muni de leurs Pleins Pouvoirs, savoir:

Sa Majesté le Roi de France et de Navarre,

Le Sieur Etienne-Denis Baron Pasquier, Ministre Secrétaire d'Etat des Affaires Etrangères, Chevalier des Ordres du Roi, Grand Croix de l'Ordre Royal de la Légion d'honneur, &c.;

Et Sa Majesté le Roi des Pays-Bas,

Le Sieur Robert Baron Fagel, Lieutenant Général, Premier Aide-de-Camp du Roi, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Très-Chrétienne, Commandeur de Son Ordre Militaire, Membre du Corps Equestre de la Province de Hollande;

Lesquels, après s'être communiqué leurs Pleins Pouvoirs respectifs, sont convenus des Articles suivans:

Art. I. A dater de l'échange des Ratifications de la présente Convention* tous les Individus qui déserteront le Service Militaire des deux Hautes Parties Contractantes, seront restitués de part et d'autre.

II. Seront réputés Déserteurs, non-seulement les Militaires de toute arme et de tout grade qui quitteront leurs Drapeaux, mais encore les Individus appartenant à la Marine, et ceux qui, appelés au service actif de la Milice Nationale ou de toute autre branche militaire quelconque des deux Pays, ne se rendraient pas à l'appel et chercheraient à se réfugier sur le Territoire de l'une des Hautes Parties Contractantes.

III. Sont exceptés de la restitution ou de l'extradition qui pourra être demandée en vertu de la présente Convention:

1. Les Individus nés sur le Territoire de l'Etat dans lequel ils auraient cherché un asile, et qui, moyennant la désertion, ne feraient que rentrer dans leur Pays natal;

* L'échange des Ratifications de la présente Convention a eu lieu le 26 Octobre, 1821.

2. Les Individus qui, soit avant soit après leur désertion, se seraient rendus coupables d'un crime ou délit quelconque, à raison duquel il y aurait lieu de les traduire en justice devant les Tribunaux du Pays où ils se seront retirés.

Néanmoins, en ce dernier cas, l'extradition aura lieu après que le Déserteur aura été acquitté ou aura subi sa peine.

IV. Lorsqu'un Déserteur aura atteint le Territoire de celle des deux Puissances à laquelle il n'appartiendra pas, il ne pourra, sous aucun prétexte, y être poursuivi par les Officiers de son Gouvernement: les Officiers se borneront à prévenir de son passage les Autorités Locales, afin qu'elles aient à le faire arrêter. Toutefois, pour accélérer l'arrestation de ce Déserteur, une ou deux Personnes chargées de la poursuite pourront, au moyen d'un Passeport, ou d'une autorisation en règle qu'elles devront obtenir de leur Chef immédiat, se rendre au plus prochain village, situé en dehors de la frontière, à l'effet de réclamer des Autorités Locales l'exécution de la présente Convention.

V. Les Autorités qui voudront réclamer un Déserteur adresseront leurs réclamations à l'Administration, soit Civile, soit Militaire, qui, dans les deux Pays, se trouvera le mieux à portée d'y satisfaire.

Lesdites Autorités réclamantes accompagneront leur réquisitoire du signalement du Déserteur; et, dans le cas où l'on serait parvenu à l'arrêter, l'Autorité requérante en sera prévenue par un avis accompagné d'un extrait du Registre du Géolier ou Concierge de la Prison où le Déserteur aura été écroué.

VI. Dans le cas où les Déserteurs seraient encore porteurs de leurs armes ou revêtus de leur équipement, habillement ou marques distinctives, sans être munis d'un Passeport, et de même dans tous les cas où il serait constant, soit par l'aveu du Déserteur, soit d'une manière quelconque, qu'un Déserteur de l'une des Hautes Parties Contractantes se trouve sur le Territoire de l'autre, il sera arrêté sur-le-champ, sans réquisition préalable, pour être immédiatement livré entre les mains des Autorités compétentes établies sur les Frontières de l'autre Souverain.

VII. Si, par suite de la dénégation de l'Individu arrêté ou autrement, il s'élevait quelques doutes sur l'identité d'un Déserteur, la Partie réclamante ou intéressée devra constater, au préalable, les faits non suffisamment éclairés, pour que l'Individu arrêté puisse être mis en liberté ou restitué à l'autre Partie.

VIII. Dans tous les cas, les Déserteurs arrêtés seront remis aux Autorités compétentes, qui feront effectuer l'extradition selon les règles déterminées par la présente Convention. L'extradition se fera avec les armes, chevaux, selles, habillemens et tous autres objets quelconques dont les Déserteurs étaient nantis ou qui auraient été trouvés sur eux lors de l'arrestation. Elle sera accompagnée du procès-verbal de

l'arrestation de l'Individu, des interrogatoires qu'il aurait subis, et de toutes autres pièces nécessaires pour constater la désertion. Pareille restitution aura lieu des chevaux, effets d'armement, d'habillement et d'équipement, emportés par les Individus désignés dans l'Article III de la présente Convention comme exceptés de l'extradition.

Les Hautes Parties Contractantes se concerteront ultérieurement sur la désignation des places frontières où la remise des Déserteurs devra être opérée.

IX. Les frais auxquels aura donné lieu l'arrestation des Déserteurs, seront remboursés de part et d'autre, à compter du jour de l'arrestation, qui sera constaté par l'extrait dont il est fait mention à l'Article V, jusqu'au jour de l'extradition inclusivement.

Ces frais comprendront la nourriture et l'entretien des Déserteurs et de leurs chevaux, et sont fixés à 74 centimes, argent de France, ou 35 cents, argent des Pays-Bas, par jour, chaque homme; et à 1 franc 6 centimes, argent de France, ou 50 cents, argent des Pays-Bas, par jour, pour chaque cheval. Il sera payé en outre, par la Partie requérante ou intéressée, une gratification de 25 francs, argent de France, ou 11 florins 81,25 centièmes de cent, argent des Pays-Bas, pour chaque homme, et de 158 francs 63 centimes, ou 75 florins, pour chaque cheval et son équipage, au profit de quiconque sera parvenu à découvrir et faire arrêter un Déserteur, ou qui aura contribué à la restitution d'un cheval et de son équipage.

X. Les frais et gratifications dont il est fait mention dans l'Article précédent, seront acquittés immédiatement après l'extradition.

Les réclamations qui pourraient être faites à cet égard, ne seront examinées qu'après que le paiement aura été provisoirement effectué.

XI. Les Hautes Parties Contractantes s'engagent mutuellement à prendre les mesures les plus convenables pour la répression de la désertion et pour la recherche des Déserteurs. Elles feront usage, à cet effet, de tous les moyens que leur offrent les Lois du Pays, et elles sont convenues particulièrement;

1°. De faire porter une attention scrupuleuse sur les Individus inconnus qui franchiraient les Frontières des deux Pays, sans être munis de Passeports en règle.

2°. De défendre sévèrement à toute Autorité quelconque, d'enrôler ou de recevoir dans le Service Militaire, soit pour les armées de terre, soit pour la marine, un Sujet de l'autre des Hautes Parties Contractantes qui n'aura pas justifié, par des Certificats ou attestations en due forme, qu'il est dispensé du Service Militaire dans son Pays.

La même mesure sera applicable dans le cas où l'une des Hautes Parties Contractantes aura permis à une Puissance Etrangère de faire des enrôlemens dans ses Etats.

XII. La présente Convention est conclue pour 2 ans, à l'expiration desquels elle continuera à être en vigueur pour 2 autres années, et ainsi de suite, sauf déclaration contraire de la part de l'un des deux Gouvernemens.

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

Fait à Paris le 2 Octobre, 1821.

(L. S.) PASQUIER. (L. S.) R. FAGEL.

Mandons et ordonnons que les présentes, revêtues du Sceau de l'Etat, insérées au Bulletin des Lois, soient adressées aux Cours et Tribunaux, et aux Autorités Administratives, pour qu'ils les inscrivent dans leurs Registres; et notre Garde des Sceaux, Ministre et Secrétaire d'Etat de la Justice, est chargé d'en surveiller la publication.

Donné au Château des Tuileries, le 20 jour du mois d'Octobre, l'an de grâce 1821, et de notre Règne le 27. LOUIS.

Par le Roi:

Le Ministre et Secrétaire d'Etat au Département des Affaires Etrangères.

PASQUIER.

Vu et Scellé du Grand Sceau:

Le Garde des Sceaux de France, Ministre et Secrétaire d'Etat au Département de la Justice. H. DE SERRE.

MESSAGE du Roi des Pays Bas aux Etats Généraux; accompagné d'un Projet de Loi, et d'un Mémoire Explicatif; concernant le Nouveau Système d'Impositions.—30 *Avril,* 1821.

MESSAGE DU ROI.

NOBLES ET PUISSANS SEIGNEURS,

L'EXTREME divergence d'opinions qui, à différentes occasions s'est manifestée, même jusques dans le sein de votre Assemblée, à l'égard du système actuel des droits d'entrée et de sortie et des accises, ainsi que des moyens les plus propres à l'améliorer; les plaintes multipliées auxquelles son exécution a donné lieu, et la nécessité de suppléer la différence existante entre son produit présumé et effectif, nous ont déterminé à charger vers la fin de l'Année 1819, une Commission nommée expressément à l'effet d'examiner ce qu'il convenait de faire.

Nous avons prévenu Vos Nobles Puissances, de notre intention à cet égard, par notre Message du 13 Décembre, 1819; et le 23 Janvier suivant, cette Commission fut nommée. Nous avons choisi ses Membres dans toutes les parties du Royaume, et parmi les Personnes qui, par leurs diverses relations présentes ou passées, possédaient des con-

naissances de l'Etat Financier du Royaume, ou qui, ayant une connaissance plus particulière des différens intérêts de ses habitans, étaient par là même le plus en état de nous donner des informations exactes sur la véritable situation des choses, et les améliorations ou les changemens à y apporter pour le bonheur et la prospérité de nos Sujets.

Nous laissâmes à la Commission, une liberté entière, par rapport aux propositions qu'elle jugerait à propos de nous faire; elle pouvait conserver le système actuel, en entier ou en partie, l'étendre, le modifier ou en présenter un tout nouveau; il lui était seulement recommandé de ne pas perdre de vue, que déduction faite des frais de perception, de recherche et d'administration, il fallait assurer au Trésor un produit annuel de 23,000,000 au moins, lequel pût être au besoin porté à 26,000,000. La Commission devait au reste chercher à concilier les intérêts de tous nos Sujets, et à assurer la prospérité de toutes les branches d'industrie par des moyens, qui ne favorisassent aucune d'elles aux dépens de l'autre.

Nous fîmes, en outre, connaître à la Commission notre désir, qu'elle ne se bornât pas à indiquer les traits principaux du système pour lequel elle se prononcerait, mais que son rapport devrait être accompagné d'un projet contenant les dispositions législatives nécessaires à son introduction; nous désirâmes de plus obtenir le plutôt possible un exposé préliminaire du système qu'elle aurait adopté, et connaître le temps vers lequel son travail détaillé nous pourrait être présenté.

La Commission commença immédiatement ses travaux; nous en donnâmes connaissance à Vos Nobles Puissances, par notre Message du 11 Février, 1820; et au mois de Juin suivant, la Commission nous adressa son Rapport préliminaire.

Ce Rapport fut accompagné d'un grand nombre de mémoires et de pièces, renfermant les opinions et avis individuels de chaque Membre sur les diverses branches du système actuel, et il nous fournit une marque satisfaisante de l'empressement que mettaient les Membres de la Commission; à répondre à notre confiance, et à s'acquitter de leur importante mission; nous y trouvâmes cependant une nouvelle preuve de la différence d'opinions existante à l'égard des moyens qui pourraient conduire au but désiré.

La Commission en général fut d'avis que les objets, maintenant passibles de droits d'accises, devraient continuer à y être soumis, mais qu'il conviendrait d'apporter dans les Lois actuelles des modifications et des changemens propres à remédier aux plaintes existantes et à réprimer la fraude, en même temps, avec plus de succès.

La Commission se borna dans son Rapport préliminaire à indiquer les principes fondamentaux d'un système, et elle énonça le désir de connaître nos intentions sur ceux-ci, avant de procéder à leur développement et d'en faire l'application dans les Ordonnances spéciales

qu'elle était chargée de *rédiger*. Elle démontra l'impossibilité où elle se trouvait de déterminer l'époque à laquelle sa tâche pourrait être achevée, aussi longtemps qu'elle n'aurait pas connaissance de notre décision au sujet de la première partie de ses travaux. La majorité de ses Membres fut d'avis de ne pas s'expliquer sur les nouvelles espèces d'impositions à proposer, dans le cas où le produit présumé de celles existantes serait trouvé insuffisant, après l'entière révision des Lois, mais que la Commission devait se borner à nous communiquer les opinions individuelles de ses Membres.

Nous informâmes Vos Nobles Puissances, à l'ouverture de votre Session actuelle, que l'examen du Rapport de la Commission offrait tant de points de vue divers et d'une importance si majeure, qu'il était indispensable de le prendre en mûre considération, et d'éviter toute précipitation dans les délibérations avant de pouvoir déterminer s'il convenait d'apporter, dans le système actuel, des changemens ou des modifications plus ou moins importans, et en quoi ceux-ci devraient consister; que cependant s'il y avait lieu à proposer pendant le cours de cette Session, quelques dispositions législatives, elles ne pourraient avoir aucune influence sur l'Exercice de 1821.

L'examen scrupuleux de l'avis de la Commission et de celui de chacun de ses Membres, en particulier, nous a donné la conviction, qu'aussi longtemps qu'on se bornerait à la révision des droits d'entrée et de sortie et des accises, il était impossible d'obtenir un résultat satisfaisant, mais qu'il était nécessaire de l'étendre à toutes les impositions qui existent maintenant pour pouvoir réunir tous les avantages désirés dans un bon système financier.

La Commission a proposé elle-même de classer le droit de tonnage à l'Intérieur parmi les impôts directs; et le Rapport existant entre les diverses sortes d'impositions, a été tellement démontré dans plusieurs mémoires, qu'il est devenu évident que des changemens apportés une partie, quelque utiles qu'ils pourraient être d'ailleurs, n'amènerait jamais les résultats, que promettait une révision générale, opérée d'après un seul et unique point de vue.

La révision des droits d'entrée et de sortie et des accises, ayant été reconnue nécessaire, et les besoins annuels du Trésor, devant être couverts, le moment actuel était le plus favorable pour opérer un changement dans les diverses branches de la législation des Finances, qui également était indispensable à l'égard de plusieurs. Il était infiniment avantageux de profiter en même temps de ces changemens, pour faire disparaître autant que possible, l'inégalité existante dans la répartition des impôts directs, entre les contribuables, et l'arbitraire dont ces impôts sont entachés tant par rapport à la cotisation qu'à l'égard de leur perception.

Par le même Rapport préalable, nous avons de plus acquis la persuasion, qu'aussi bien que la Commission a jugé nécessaire de

connaître nos intentions sur les principes fondamentaux du système à adopter, avant de procéder à son développement, et était également convenable de nous concerter avec l'Assemblée des Etats-Généraux, sur les bases de la nouvelle législation financière, avant de soumettre les Ordonnances à ses délibérations. Par-là seul il est possible de conserver la liaison de l'ensemble, qui se perd si facilement dans les délibérations partielles; et cependant il n'est pas préjugé sur les opinions à émettre lorsqu'il s'agira ensuite d'examiner les Lois spéciales; le consentement donné à l'espèce et à la quotité de l'impôt n'emportant pas implicitement l'assentiment à donner aux mesures que son recouvrement exige.

Tous ces motifs nous ont fait juger que la meilleure manière de remplir notre but, serait d'ordonner la rédaction d'un Projet de Loi, qui contiendrait d'après le vœu énoncé par la Commission, notre opinion à l'égard des principes constitutifs d'un nouveau système de Finances.

Pareil Projet de Loi fut transmis, au mois de Janvier dernier, à la Commission, avec un mémoire explicatif des dispositions y contenues; nous l'invitâmes d'examiner ces pièces et de nous en faire connaître son avis.

La Commission a répondu de nouveau à notre désir avec un zèle digne d'éloges. Tous ses Membres ont concouru au but, si nécessaire d'assurer au Trésor les ressources dont il a besoin, et de concilier les intérêts de l'Administration avec le moins de charges possible pour les contribuables.

Leurs délibérations ont répandu beaucoup de lumière sur toute cette matière; par elles nous sommes en état d'offrir à Vos Nobles Puissances, le Projet de Loi ci-joint.

Il nous a été agréable de voir, que non-seulement la majorité de la Commission avait adopté la plus grande partie des dispositions du Projet soumis à son examen, mais que souvent elle avait été unanime à cet égard; plusieurs modifications désirées par la majorité, ont pu être agréées, et si ses observations n'ont pu être pleinement suivies à l'égard de quelques autres, il y a cependant été fait attention autant que possible.

En faisant rédiger un nouveau système de finances, pour ce Royaume, nous n'avons pas perdu de vue, que la révision du système actuel était moins la suite d'un aveu des défauts qui lui sont reprochés, que de l'expérience faite de l'insuffisance de son produit, et des représentations réitérées et multipliées au sujet des entraves qu'il apporte à beaucoup de branches d'industrie.

Nous avons eu moins en vue d'établir un nouveau système entièrement basé sur une théorie accomplie que de reunir, autant que possible, tous les intérêts, tous les vœux, et d'obtenir en partant du principe de concession réciproque, un ensemble où chaque classe de la société

trouverait des dispositions en sa faveur, qui lui feraient consentir à supporter les charges qui résultent d'autres dispositions arrêtées dans l'intérêt des autres classes.

Indépendamment de ce but principal de réunion et de conciliation, nous avons tâché de parvenir également aux autres buts, auxquels il fallait faire une attention particulière à l'occasion de dispositions législatives si intimement liées avec le salut de l'Etat et la prospérité de ses Habitans, savoir: la limitation des impôts au strict nécessaire pour faire face aux besoins dans les temps ordinaires, tout en s'assurant des moyens, qui pourraient alimenter le Trésor dans des circonstances extraordinaires ;—la répartition la plus équitable des charges entre les différentes classes de la société, de manière que les moins aisées en soient libérées autant que possible et que celles qui jouissent de plus d'aisance, ainsi que le riche, y participent par gradation et en raison de leurs moyens sans que la cotisation s'élève à un taux qui leur deviendrait onéreux et puisse par là même devenir nuisible dans ses conséquences, à l'industrie des autres ;—le recouvrement des impôts délivré de l'arbitraire, et exigeant le moins de frais sans nuire à leur sûreté ;—protection et encouragement à toutes les branches d'industrie, sans préjudicier à l'une pour favoriser l'autre ;—et enfin la liberté la plus illimitée dans les opérations de l'habitant probe et industrieux.

Delà, que le montant des impôts se trouve réglé dans le Projet, d'après celui des dépenses décennales, tel qu'il a été fixé par la Loi du 27 Avril, 1820 (Journal Officiel, N°. 7), nonobstant l'augmentation nécessaire des dépenses, d'abord par celles auxquelles la Chambre Générale des Comptes donne lieu par sa translation à la première division du Budjet, et plus tard en conséquence de l'organisation de l'Ordre judiciaire ; nous n'avons pas eu égard à cette augmentation de dépenses, dans l'espoir qu'elle pourra être couverte en partie par les économies que nous ne cessons d'apporter dans les dépenses, pour autant qu'elles sont compatibles avec le bien-être du service de l'Etat, et vu la certitude qu'en tout cas il pourra y être pourvu aux termes de l'Article CXXIV de la Loi fondamentale (§ 2) en y affectant quelques parties des revenus destinés dans ce moment aux dépenses extraordinaires.

Delà un système de centièmes additionnels, qui offre une manière simple et peu coûteuse de régler annuellement, avec exactitude les moyens sur les besoins ; ce système met l'Assemblée des Etats-Généraux à même de juger exactement par la comparaison du produit annuel du principal des impôts, de ce qu'il peut etre nécessaire d'accorder ; tout comme il facilite la diminution des charges, du moment où celle-ci devient possible ; enfin il tend par toutes ses dispositions à favoriser tous les ans, le commun accord du Roi et des Etats-Généraux, par rapport aux intérêts Financiers du Royaume.

Delà, la suppression des taxes personnelle et mobiliaire et de celle sur les Portes et Fenêtres pour ceux qui habitent des maisons au dessus d'une certaine valeur locative ; ces impôts étaient onéreux pour la classe moins aisée ; désormais elle en sera tout-à-fait exempte ; elle ne sera plus assujettie aux droits sur les combustibles, ni à ceux sur les alcali nécessaires à la fabrication du savon ; en opposition à toutes ces exemptions elle aura seulement à contribuer à un impôt modéré sur la mouture de quelques espèces de grains.

Delà, que les impôts augmentent en proportion, en raison de l'état d'aisance ; le moins aisé, s'il se nourrit d'espèces de pain passibles de l'impôt ne paye que pour le seigle ; s'il jouit de plus d'aisance, il paye pour le seigle et pour le froment ou pour le froment seul ; si ses revenus lui permettent de consommer de la viande, sa contribution augmente un peu ; si la valeur locative de son habitation excède une certaine somme, alors il commence à contribuer pour la taxe personnelle ; mais cet impôt est principalement payé par l'habitant qui jouit d'une certaine aisance, et à mesure que la condition et l'état de la maison approche plus de la richesse ; celui-ci consentira aisément à pareil sacrifice, en faveur du bien public ; car l'impôt ne s'élevera jamais à une hauteur qui pourrait lui devenir onéreuse.

Delà, que le mode actuel de répartition de la taxe personnelle et mobiliaire et de celle sur les Portes et Fenêtres, sujet à tant d'inégalités et d'arbitraire et qui force le contribuable d'acquitter la quote-part trop élevée qui lui est assignée, avant de pouvoir faire sa réclamation, sera remplacé par une déclaration où chaque contribuable indiquera lui-même les objets dont il est passible. A l'avenir personne ne sera dans le cas de payer pour l'impôt personnel, au delà de ce dont il est passible.

Delà, la mesure d'assurer le produit des impositions, que l'expérience a démontré être souvent si difficile à évaluer, surtout pour les premières années, par un système de centièmes additionnels, qui peut être diminué ou augmenté en raison du produit des impôts, et d'être par là même dans le cas de suffire à tous les besoins, sans pouvoir cependant excéder jamais un certain maximum au delà duquel un pareil système pourrait devenir nuisible.

Delà, aussi l'encouragement accordé à l'agriculture au moyen d'un commencement de dégrèvement des centièmes additionnels sur l'impôt foncier, ce qui l'augmentera dans une proportion égale à mesure que les besoins extraordinaires de l'Etat diminueront.

Delà encore, ces principes fondamentaux, avantageux au commerce sans nuire aux fabriques et manufactures, proposés pour faire la base d'un système de droits d'entrée et de sortie, digne d'être introduit dans le Royaume des Pays-Bas, auquel il était réservé d'en donner l'exemple à d'autres Nations ; delà un système de primes pour protéger

et encourager les fabriques et manufactures, la suppression des impôts sur le café, sur les combustibles indigènes, sur la potasse et les autres alcali, et la réunion des droits de pesage et de mesure ronde avec ceux d'entrée et de sortie.

Delà enfin, des dispositions plus sévères, pour assurer les droits d'accises et qui offriront à l'habitant probe et industrieux des garanties contre les dommages auxquels la fraude l'expose.

Vos Nobles Puissances sont appelées maintenant à juger jusqu'à quel point le Projet ci annexé répond à tous ces divers buts et mérite la coopération de votre Assemblée.

Ce Projet est accompagné d'un mémoire explicatif détaillé, et d'un état approximatif de revenus; ces Documens mettront Vos Nobles Puissances à même de faire un examen approfondi de l'objet en question.

Les impôts directs proposés ont obtenu l'assentiment de la Commission créée par notre Arrêté du 23 Janvier, 1820, en partie à l'unanimité, et en partie à une grande majorité; elle a jugé que la liaison entre elles des différentes bases du personnel, y fera participer les contribuables en raison de leurs moyens; la base des foyers a été jugée convenable, du moment que la suppression des accises des combustibles fut déterminée.

Il sera satisfait à son vœu, qu'il fut obvié pour l'avenir aux réclamations qui se sont élevées contre la Loi sur les patentes.

Les impositions indirectes ont également obtenu son agrément; les modifications nécessaires à apporter dans les dispositions législatives qui se rattachent à ces impositions, sont réservées pour les Lois spéciales.

Les droits d'accises sur le sel, l'abattage, les vins, les eaux de-vie indigènes et étrangères, les bières indigènes et les vinaigres, le sucre et le timbre collectif, ont été adoptés par la Commission; à l'égard du mode de perception de l'impôt sur le sel, la majorité de la Commission a seulement fait des observations.

La Commission s'est prononcée conformément au Projet, quant à la perception d'un droit sur les matières d'or et d'argent, ainsi que des droits d'entrée et de sortie.

Les dispositions relatives aux entrepôts pour les accises; les restitutions à accorder au commerce à l'Extérieur; le partage des moyens affectés pour couvrir les dépenses ordinaires et ceux destinés aux dépenses extraordinaires; la détermination d'un nombre égal de centièmes additionnels pour couvrir ces dernières; presque tous les principes qui doivent servir de bases dans la rédaction des Lois sur les droits d'entrée et de sortie et du transit; le système de primes à accorder à l'industrie nationale; les dispositions relatives aux revenus du syndicat, ainsi que celles à l'égard des centièmes additionnels au profit

des Provinces et des Communes; tous ces objets en général ont été approuvés par la Commission et le plus souvent à l'unanimité.

Il est donc très-peu d'Articles du Projet auxquels la majorité de la Commission n'ait pas accordé son suffrage.

Elle a fait des observations sur le mode de perception ainsi que sur les moyens de sûreté à l'égard de l'accise sur le sel (Art. II. § F.); cependant elle avait reconnu précédemment l'insuffisance des dispositions actuelles, et par conséquent la nécessité de mesures plus efficaces. S'il existe un impôt qui exige une stricte surveillance à l'égard de l'objet imposé c'est certainement le sel, sa valeur étant si exiguë comparée au montant de l'impôt, qu'il offre le plus grand appât à la fraude. Il n'est cependant pas possible de réduire la quotité tellement que cet appât cesserait, attendu que la réduction devrait être si considérable, que par-là cet important objet de revenu serait presque perdu pour le Trésor; nous avons un motif de plus à nous refuser aux observations de la majorité de la Commission sur cet objet, que des dispositions semblables proposées pour les vins et eaux-de-vie étrangers, avaient été agréées par elle. Néanmoins les formalités à remplir, à l'égard du droit sur le sel ne s'étendront pas au-delà de ce qui sera absolument nécessaire. Par ces mesures il deviendra seulement possible d'obtenir deux grands avantages, qui ne se concilient pas avec le mode de recouvrement actuel, savoir:

Celui d'assurer l'exemption du droit aux fabriques, usines et pécheries pour lesquelles elle est jugée nécessaire, et celui de rendre de nouveau l'avantage d'être lieux d'allége, aux villes qui en jouissaient autrefois, et qui y attachent un grand prix.

Si nous eussions pu faire disparaître de la série des accises, l'impôt sur la mouture (Art. II. § G.) sans sacrifier d'autres avantages plus réels, nous aurions volontiers rempli le vœu manifesté à cet égard par la majorité de la Commission. Nous avons lieu cependant de nous flatter que le Projet actuel, où la quotité de l'impôt se trouve réduite à-peu-près à deux tiers de ce qu'on avait cru pouvoir proposer dans le principe, aurait été agréé par la majeure partie de ses Membres. Les observations de la Commission se sont moins portées sur l'objet et la nature de l'impôt, que sur le mode de recouvrement et les formalités qui y devront être attachées; ce droit ne rencontre pas de difficultés insurmontables, dans les endroits où on a l'habitude d'acheter le pain chez le boulanger; le maintien ou l'introduction de l'impôt sur la mouture dans plusieurs Villes et Communes des deux parties du Royaume, parmi lesquelles se trouvent même deux Villes fabricantes des Provinces méridionales, savoir: *Gand* et *Tournai*, le prouvent suffisamment; la Province de Frise fournit la preuve que l'avantage et le bien-être des Communes et des habitans peuvent faire préférer cet impôt à maint autre, tant pour les campagnes que pour les villes.

Dans les Communes où les habitans font moudre leur grain pour en cuire du pain, la perception de l'impôt est sujette, il est vrai, à plus d'inconvéniens; mais lorsqu'elle se fait autant que possible près du moulin, et que le paiement de l'impôt pourra être ainsi confondu en quelque sorte avec celui pour la mouture, il est permis de se flatter, que toutes formalités extraordinaires seront évitées aux contribuables; d'ailleurs, dans le cas où les circonstances locales exigeraient d'autres facilités (Art. V.), il y pourra être statué ultérieurement.

Le droit fixé à un taux modéré, sera donc peu senti; l'Etranger y contribue également; il est productif pour le Trésor et a l'avantage de servir de contrôle pour les accises, sur les eaux-de-vie indigènes et sur les bières.

Tous ces motifs nous font espérer que Vos Nobles Puissances considéreront cet impôt comme propre à être adopté, et nous nous en flattons d'autant plus que l'opinion qui sera admise à son égard, comme impôt de l'Etat, aura nécessairement une grande influence sur nos délibérations rélativement à son existence prolongée, comme imposition communale.

L'on ne saurait disconvenir que sa suppression pourrait occasionner de grands embarras financiers, pour l'Exercice prochain, à beaucoup de Communes parmi lesquelles on peut ranger les plus considérables du Royaume; mais il n'en est pas moins vrai, que les motifs qui feraient regarder comme inadmissible l'impôt sur la mouture comme impôt de l'Etat, existeraient également contre son maintien comme imposition communale.

La suppression des accises sur la tourbe, les houilles et le café, (Art. IV.) n'a pas emporté l'assentiment de la majorité de la Commission; nous avons néanmoins jugé nécessaire, après mûre délibération devoir en faire la proposition à votre assemblée; des motifs puissans nous y ont engagé.

Il est incontestable que les plaintes plus ou moins fondées élevées dans l'intérêt du commerce, contre les impôts sur le café et le sucre, ont donné lieu à beaucoup de déplaisir; ces plaintes n'ont point encore cessé; elles ont en partie fait reconnaître la nécessité d'une révision du système des accises.

A l'occasion d'une Loi faite dans un esprit de conciliation et de concessions réciproques, il a fallu chercher un terme moyen, pour écarter pareilles plaintes, soit qu'elles se trouvent être conformes à l'état des choses, ou bien que la prévention les exagère; l'impression qu'elles laissent est également préjudiciable dans ces conséquences, à la prospérité de l'Etat.

L'impôt sur le sucre a donc été conservé, comme donnant lieu à moins de plaintes et étant plus productif pour le Trésor que celui sur le café; nous nous flattons, que le commerce sera satisfait de ce terme moyen, et nous insistons avec d'autant plus de fondement sur la sup-

pression du droit d'accise sur le café *que, dans des temps antécédens, une conformité d'idées a existé,* dans toutes nos Provinces, à l'égard de son influence sur le haut commerce : par l'Ordonnance de l'Empereur Charles d'Autriche, du 10 Juillet, 1736, qui établit un droit de consommation sur le thé et le café, dans le Brabant Autrichien, il était expressément stipulé, que les Habitans feraient de bonne foi, la déclaration des quantités qu'ils consommaient; *"à l'effet de prévenir par-là, autant que possible, que le commerce ne soit lésé par ces nouveaux droits."*

Un droit sur le café, à établir d'après la déclaration des Habitans ou des marchands en détail, n'a pas été jugé admissible vu qu'il n'aurait aucune des qualités requises pour une accise; il ne peut non plus être regardé comme propre à servir de base d'un impôt direct, et il a donc paru préférable de supprimer cet article du haut commerce dans la série des accises, et d'avoir égard à cette suppression, lorsque l'élévation du droit d'entrée sera fixée au tarif.

Pour ce qui concerne les combustibles, il n'existe aucune proportion entre le droit dont les deux espèces sont passibles. Les plaintes qui se sont élevées à cet égard ont été trouvées fondées ; et la majorité de la Commission a opiné pour la réduction de l'impôt sur la tourbe, comme conforme à l'équité; il est cependant peu probable, vû les intérêts opposés, de pouvoir établir une proportion convenable entre les deux combustibles; d'ailleurs l'avantage des fabriques et l'intérêt des classes moins aisées, font désirer l'élimination de ces impôts; enfin la diminution du droit sur la tourbe aurait eu une influence assez grande sur le rapport de ces accises, pour que le moindre produit du droit du personnel (en autant qu'il a pour base *les foyers*) pût être un motif suffisant de les conserver.

Les combustibles pourront sans que l'industrie en souffre, être soumis à des impositions par les Communes, et leur être abandonnés pour servir de dédommagement de la diminution de revenus que l'impôt de l'état sur la mouture et sur l'abatage pourrait faire éprouver plusieurs d'entre elles.

L'intention d'accorder des modifications et des facilités à l'égard des accises (Art. V.), a donné lieu à plusieurs observations de la part de la Commission, motivées sur la difficulté de leur application et l'inégalité qui en pourrait résulter; nous nous flattons que la rédaction de cet Article changée en conséquence les aura faite disparaître.

Il a été également satisfait aux observations de la Commission sur différens points concernant les droits d'entrée et de sortie et des accises, (Art. X, § c. d. e.) Elle craignait que les passeports à l'intérieur ne fussent introduits de nouveau sur le même pied qui précédemment avait déplu; que la gêne à laquelle maintenant on n'est assujetti qu'aux frontières, ne s'étendît sur tout le Pays, bien que le Territoire compris entre les deux lignes des Douanes cessât d'être réservé. Ces appréhen-

sions n'étaient à la vérité pas fondées, mais quelques changemens faits dans le Projet, les font entièrement évanouir.

Il est nécessaire que la recherche soit plus étendue qu'elle ne l'est maintenant, mais le plus souvent elle ne s'étendra pas au delà de quatre lieues des frontières. Cette extension remplacera une 3me ligne, qui avait été réclamée plusieurs fois, mais qui serais très-onéreuse pour les habitans, et fort dispendieuse pour l'Etat, et c'est encore dans l'esprit de conciliation que ce parti a été adopté.

Chaque article du tarif devant faire l'objet d'un examen particulier, il a été impossible de fixer la quotité des droits d'entrée et de sortie. Il a cependant été jugé nécessaire d'adopter quelques principes pour servir de guide à cet égard. Après avoir examiné avec soin les intérêts des diverses branches d'industrie nationale, en rapport avec ceux de tous les Habitans du Royaume en général, nous avons cru devoir fixer le maximum des droits, tel qu'il est énoncé dans le Projet (Art. XI.), sauf neanmoins les exceptions à l'égard d'objets qui peuvent exiger des droits plus élevés et sont moins sujets à la fraude; rien ne pourra par exemple empêcher que les fers Etrangers, soient soumis à des droits aussi élevés, qu'il sera nécessaire pour favoriser les fers indigènes; mais de telles exceptions ne deviennent applicables que dans le cas où une branche d'industrie exigerait une préférence positive. Plusieurs objets seront prohibés à l'entrée, si leur concurrence peut être dangereuse à l'industrie nationale; la prohibition doit être préférée à des droits exorbitans; ceux-ci étant plus faciles à éluder.

Le maximum établi s'applique aussi bien à l'entrée qu'à la sortie, chacune prise séparément; cette détermination ne parait pas trop onéreuse au commerce, vu la suppression d'autres droits, et parce qu'il résulte, en général, de la nature des choses, que les objets passibles d'un droit élevé à l'entrée, ne seront soumis qu'à des droits modiques à la sortie, et de même dans le cas opposé.

Un maximum plus élevé que celui que nous proposons à Vos Nobles Puissances, ne serait pas en rapport avec le véritable état des choses. En effet les objets d'industrie nationale passibles, maintenant de droits plus considérable, ne jouissent pas de l'encouragement qu'on veut leur accorder; l'expérience a évidemment démontré, que des droits plus élevés offraient une amorce à la fraude, qui va toujours en augmentant, au grande détrimente du fabricant et du négociant honnête; une prime à peine équivalente au maximum proposé, suffit pour faire éluder les droits les plus élevés. Les intérêts du consommateur ne doivent non plus être entièrement négligés; il est juste que tout Habitant qui jouit des avantages de la société contribue à ses besoins, et fasse quelque léger sacrifice au bien-être de ses Concitoyens; on peut donc imposer des droits modérés, tant en faveur du Trésor que

pour l'encouragement de l'industrie nationale; mais si à cet égard les intérêts de la masse des Habitans étaient sacrifiés à des intérêts particuliers, ce serait rétablir en faveur d'Individus le système odieux des monopoles, suivi autrefois par plusieurs Gouvernemens, mais qui de nos jours est regardé à juste titre comme trop onéreux pour toute industrie nationale.

Un droit de 6 pour cent, joint aux frais de transporte d'assurance et de commission, qui doit être acquitté sur des marchandises étrangères, doit en général, être considéré comme suffisant pour permettre aux fabrics indigènes de rivaliser avec avantage, sur nos marchés avec les fabriques étrangères, pourvu que la qualité des objets soit également bonne. Si quelques fabriques exigent davantage, il serait préférable que les capitaux qui y sont employés avec perte, fussent utilisés dans l'intérêt d'autres branches d'industrie, auxquelles il est possible d'assurer toute la protection qui leur est nécessaire.

Du reste, notre proposition de prélever une certaine somme sur le produit des droits d'entrée, de sortie, de transit, de péages et de tonnage à l'extérieur (Article XII.), tend spécialement à accorder des secours là où il sera requis et possible avec espoir de succès.

De cette manière le haut commerce concurra immédiatement à favoriser les fabriques et manufactures, en tant qu'il sera possible de le faire, sans nuire à d'autres parties de l'industrie nationale, et sans imposer de trop grands sacrifices au consommateur.

C'est avec confiance que nous presentons à Vos Nobles Puissances, un Projet de Loi contenant les bases principales d'une Législation positive en matière de finances.

Tout Belge, ami de sa Patrie désire, et déjà ce vœu a souvent été émis dans l'enceinte de votre Assemblée, de voir disparaître le déficit annuel dans les Revenus de l'Etat, et que toute inquiétude sur l'avenir, occasionnée par un pareil déficit, vienne à cesser.

Nous avons tout lieu de nous flatter que le Projet de Loi ci-joint répondra entièrement à notre attente. En l'agréant votre Assemblée assurera au Royaume des Pays-Bays un système de Finances approprié à sa situation et basé sur les divers intérêts nationaux. Il pourra suffire à tous les besoins sans dévenir trop onéreux pour aucun individu: il servira à consolider la réunion et la fusion des deux grandes parties du Royaume, et affermira ainsi, de plus en plus, l'édifice de l'Etat sur des fondemens inébranlables.

Sur ce, Nobles et Puissans Seigneurs, nous prions Dieu qu'il vous ait en sa sainte et digne garde.

Bruxelles, le 30 Avril, 1821.

GUILLAUME.

PROJET DE LOI.

NOUS GUILLAUME, par la Grâce de Dieu, Roi des Pays-Bas, Prince d'Orange-Nassau, Grand Duc de Luxembourg, etc. etc. etc.

Ayant pris en considération le résultat des délibérations de la Commission nommée par notre Arrêté du 23 Janvier, 1820, No. 17, pour revoir le système actuel des droits d'entrée et de sortie et des accises, et ayant reconnu par-là, la nécessité d'apporter à ce système des modifications importantes et de le compléter en tant qu'il est insuffisant pour le Trésor, par les moyens qui paraîtront le plus convenable;

Voulant de plus faire usage des diverses opinions développées dans les pièces que la Commission susdite nous a soumises, et jugeant nécessaire d'introduire en même-temps des améliorations, ainsi qu'une grande régularité dans quelques autres branches du revenu public;

Et après avoir entendu de nouveau, les considérations de la Commission susnommée;

Vu l'Article CXXIV. de la Loi fondamentale;

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. A partir de l'année 1822, le système des impositions du Royaume sera établi de la manière développée dans les Articles suivans:

L'introduction simultanée des Lois spéciales sera ultérieurement fixée par nous, pour autant que ces Lois ne pourraient être arrêtées pour l'époque qui vient d'être indiquée; sauf la réserve stipulée ci-après, Article VII. § *A.* dans le cas où la nouvelle Loi sur les Patentes ne pourrait être introduite en même-temps que les autres impositions.

II. Ce système se composera des impôts suivans:

I. *Impôts directs.*

a. Sur les propriétés bâties et non-bâties, de la manière dont cet impôt est perçu d'après les Lois et dispositions existantes, s'élevant en principal, à une somme de f. 16,028,160.00, laquelle sera répartie entre les Provinces, sauf telles dispositions qui pourraient être établies à cet égard par des Lois subséquentes.

En sus de cette somme principale, il sera perçu 2 centièmes additionnels par florin, pour le fonds des non-valeurs.

b. Sur le personnel, calculé d'après les six bases suivantes:

1. La valeur locative.

Quatre florins pour chaque cent florins de la valeur locative annuelle, brute, de toutes habitations et bâtimens.

Sont exceptés; les habitations d'un valeur locative annuelle au-dessous de 20 florins; celles louées à la semaine au-dessous 60 centièmes par semaine.

Tout bâtimens destinés à des fabriques ou usines, en tant qu'ils ne servent pas de magasin ou de dépôt pour les objets fabriqués; pareillemente toute espèce de granges, étables et écuries pour l'agriculture, les églises, écoles, établissemens d'instruction publique ou de bienfaisance, enfin les bâtimens affectés au service de l'Etat, des Provinces, des Villes ou Communes. Cependant les parties de ces bâtimens qui seraient habitées, ou affectées à un autre usage qu'à ceux qui viennent d'être indiqués, seront passibles de l'impôt.

2. Les portes et fenêtres.

Il sera payé, par celui qui habite une maison, pour chaque porte ou fenêtre extérieure, un droit réglé d'après le tarif suivant:

Portes et fenêtres du rez-de-chaussée et fenêtres des deux étages suivans:

Dans les Communes au-dessous de 5,000 habitans....	f.	00.	40
Dans les Communes de 5,000 à 10,000	-	00	50
de 10,000 à 25,000	-	00	60
de 25,000 à 50,000	-	00	80
Dans celles ayant au-dessus de 50,000	-	1	10

Fenêtres des étages plus élevés:

Dans les Communes au dessous de 5,000	f.	00	40
Dans celles ayant plus de..... 5,000	f.	00	50

Quant à la classification des Communes rurales, d'après leur population, on prendra seulement pour base le nombre d'Habitans qui se trouvent dans des maisons agglomérées de la Commune, sans y ajouter ceux qui habitent les maisons éparses sur le rest de son Territoire, et qui seront rangées dans la classe à laquelle la Commune appartiendra, d'après sa population agglomérée.

Sont exemptées du droit, les portes et fenêtres servant à donner du jour ou de l'air dans des greniers, caves ou autres endroits non destinés à l'habitation de l'homme, ainsi que celles qui se trouvent dans les toitures de maisons habitées, dans les bâtimens destinés à des fabriques ou usines, dans les granges, étables et écuries pour l'agriculture, dans les églises, écoles, établissemens d'instruction publique ou de bienfaisance, ainsi que dans les bâtimens affectés au service de l'Etat, des Provinces, des Villes ou Communes. Cependant les portes et fenêtres qui se trouvent dans les parties habitées de ces bâtimens ou qui sont affectées à d'autres usages qu'à ceux qui viennent d'être indiqués, seront passibles de l'impôt.

Sont en outre exemptées de ce droit; les portes et fenêtres des habitations d'une valeur locative annuelle au-dessous de 20 florins, ou de celles louées à la semaine, au-dessous de 60 centimes par semaine.

3. Les foyers.

Il sera payée pour chaque foyer existant dans les maisons ou bâtimens, par ceux qui font usage de ces maisons ou bâtimens, un droit proportionné au nombre de ces foyers, et réglé ainsi qu'il suit:

Lorsqu'il n'existe qu'un foyer le droit sera de.....f. 0.40
Lorsqu'il y a 2 foyers, le droit sera pour chaque de.....– 0.75
Lorsqu'il y a 3 foyers ou plus, jusqu'à 12 inclusivement, le droit sera pour chaque de.....– 1.75

Sont exemptés: Les foyers des maisons d'une valeur locative annuelle moindre que 20 florins, et de celles louées à la semaine au-dessous de 60 centièmes par semaine.

Les foyers au-dessus du nombre 12, dans chaque habitation ou bâtiment.

Les foyers existant dans les églises, écoles, établissemens d'instruction publique ou de bienfaisance, et dans tous bâtimens destinés au service de l'Etat, des Provinces, Villes ou Communes.

Cependant les foyers qui se trouvent dans les parties habitées de ces bâtimens, ou qui seraient affectés à d'autres usages qu'à ceux qui viennent d'être indiqués, sont passibles de l'impôt.

4. Le mobilier.

Il sera payé, par les Personnes occupant une maison ou bâtiment, 1 florin pour chaque 100 florins de la valeur du mobilier qui se trouve dans l'habitation ou le bâtiment.

Afin de déterminer la valeur du mobilier, il sera libre à chacun de les faire taxer par des experts à ce nommés; à défaut de cette estimation, la valeur du mobilier sera calculée et fixée au quintuple de la valeur locative annuelle brute de la maison, où ce mobilier se trouve.

Sont exemptés de ce droit:

Le mobilier existant dans des maisons d'une valeur locative annuelle moindre que 20 florins, ou louées à la semaine au dessous de 60 centièmes par semaine.

Le mobilier qui se trouve dans les églises, écoles, établissemens d'instruction publique ou de bienfaisance, et dans les bâtimens affectes au service exclusif de l'Etat, des Provinces, Villes, ou Communes; cependant le mobilier qui existe dans les parties habitées de ces batimens, ou qui sont affectées à d'autres usages qu'à ceux indiqués ci-dessus, sera passible de l'impôt.

5. Les domestiques.

Les Personnes ou Familles, tenant des domestiques payeront:

Pour chaque domestique f. 7.00.

Ceux qui tiennent un seul domestique, femelle, ne seront tenus de payer que f. 4.00.

Les ouvriers sont exemptés, à moins qu'ils ne soient en même-temps employés comme domestiques; dans ce cas il sera payé pour chacun d'eux, f. 3.00.

Les ouvriers employés au service de l'agriculture, sont dans tous les cas exemptés de ce droit.

6. Les chevaux.

Les personnes ou familles tenant des chevaux de luxe, devront payer,

Pour chaque cheval f. 20.00.

Les voituriers, Maîtres de Poste, et autres propriétaires de chevaux de louage, servant au transport des personnes, payeront pour chaque cheval f. 5.00.

Sont exemptés:

Les chevaux exclusivement employés à l'usage de l'agriculture, des fabriques, manufactures ou usines, et ne servant jamais aux usages indiqués pour ceux soumis à la taxe.—Cependant lorsque ces chevaux seront en même temps employés aux attelages de voitures suspendues sur ressorts ou courroyes, il sera payé pour chaque cheval f. 7.00.

Les chevaux des Ecclésiastiques du plat pays, pour autant qu'ils en ont besoin dans leurs relations.

Les chevaux des Militaires et Fonctionnaires, jusqu'au nombre prescrit par les règlemens de service. Les chevaux au-dessus de ce nombre seront frappés du droit entièr.

Lorsque les chevaux tenus en exécution des réglemens de service seront employés à d'autres usages qu'à ceux déterminés par ces réglemens, il sera payé pour chacun d'eux f. 7.00.

c. Sur les patentes.

Le droit de patente sera perçu sur l'exercice de tout commerce, négoce, industrie, métier ou débit, parmi lesquels la navigation intérieure sera comprise en remplacement du droit de tonnage à l'intérieur, le tout sauf telles exemptions que la Loi déterminera ultérieurement, lesquelles ne seront assujetties à aucunes formalités ni à aucuns frais.

Le droit de patente aura pour base un montant proportionné du bénéfice que chaque iudustrie peut offrir, mis en rapport avec son utilité plus ou moins grande.

Le maximum du droit n'excédera pas ce qui a été fixé à cet égard par la Loi du 21 Mai, 1819, *(Journal Officiel,* No. 34.)

Afin d'établir et de fixer les impositions susdites sur le personnel et les patentes, il sera fait, chaque année, une inscription à domicile chez les contribuables, lesquels feront, à cette occasion, les déclarations prescrites, et se cotiseront eux-mêmes, sous telles peines et sous l'observation de telles dispositions de prévoyance que les Lois spéciales détermineront par la suite.

II. *Impôts Indirects.*

d. Les droits existans, d'enregistrement, timbre, greffe et hypothéque, sauf examen ultérieur si, et jusqu'à quel point, ces droits seront conservés sur le pied actuel ou remplacés par d'autres, et sauf

les modifications qui en attendant y seront apportées par une Loi spéciale.

e. Le droit sur les successions, conformément à la Loi du 27 Décembre, 1817, (*Journal Officiel*, No. 37) avec tels changemens qu'une Loi ultérieure déterminera.

III. *Accise.*

f. Sur le sel.

L'impot sur le sel sera de 6 florins par 100 livres pesant des Pays-Bas, et de 5 florins par baril de saumure.

La prise en charge de l'impôt aura lieu à l'entrée du sel, mais l'acquittement n'en sera exigé que lors de la livraison.

Il sera accordé un crédit permanent moyennant caution aux sauniers et aux négocians en gros.

L'exemption de l'impôt pourra être accordée aux fabriques usines, pêcheries et établissemens où l'on sale le poisson, auxquels une semblable exemption serait nécessaire sauf les précautions convenables.

g. Sur la mouture.

L'impôt sur le froment, l'épeautre et le seigle, destinés à être réduits en farine, sera de f. 1.40 pour chaque rasière (hectolitre) de froment; de f. 1.00. pour chaque rasière (hectolitre) d'épeautre; et de f. 0,50 pour chaque rasière (hectolire) de seigle.

Le froment, l'épeautre et le seigle, réduits en farine pour l'usage des distilleries, des brasseries, de la fabrication d'amidon, ou pour la nourriture et l'engrais des bestiaux, sont exemptés de l'impôt, sous telles dispositions qui seront jugées nécessaires.

L'impôt devra être acquitté avant que le grain soit porté au moulin.

Les meuniers ne pourront faire moudre aucun froment, épeautre ou seigle, au-delà des quantités que la Loi spéciale déterminera, qu'autant qu'il leur constatera par un Certificat du Receveur de l'impôt que le droit a été acquitté ou qu'il n'est pas dû.

h. Sur l'abattage du bétail.

L'impôt sera de 10 centièmes par florin de la valeur de tous taureaux, bœufs, vaches, génîsses, bouvillons, veaux, cochons, cochons de lait, moutons et agneaux qu'on abattra.

La valeur du bétail sera déterminée avant qu'il soit abattu, par des estimateurs nommés à cet effet.

Le droit, réglé d'après cette valeur, sera acquitté avant l'abattage.

i. Sur le vin.

L'impôt sera pour le vin étranger, de f. 9.00. par baril (hectolitre) et pour le vin indigène de f. 1.40. par baril (hectolitre).

Les vins étrangers seront pris en charge à l'entrée, ceux indigènes le seront à la rêcolte.

Des crédits permanens pourront être accordés sous caution convenable, aux négocians en gros et aux marchands de vins; de semblables crédits pourront être accordés aux vignerons; le tout, sous les dispositions que la Loi spéciale déterminera à cet égard.

L'acquittement de l'impôt aura lieu lors de la livraison.

k. Sur les boissons distillées à l'Intérieur.

L'impôt sera de 12 florins par baril (hectolitre) pour les boissons distillées, dont la force n'excédera pas 10 degrés; un tarif, que la Loi spéciale arrêtera, réglera l'impot pour les boissons distillées à un degré plus élevé.

La prise en charge pour le minimum de l'impôt aura lieu d'après les bacs ou cuves de macération, mis en rapport avec la quantité de mouture employée, mais l'acquittement ne sera exigé que lors de la livraison.

Des crédits permanens seront accordés aux distillateurs et négocians en gros, moyennant caution.

l. Sur les boissons distillées à l'étranger.

L'impôt sera de 16 florins par baril (hectolitre) pour les boissons distillées, dont la force n'excédera pas 10 degrés. Les boissons distillées à un degré plus élevé payeront d'après le tarif à arrêter par la Loi spéciale.

La prise en charge de l'impot aura lieu à l'entrée, mais son acquittement ne sera exigé que lors de la livraison.

Des crédits permanens seront accordés aux négocians en gros, sous caution convenable.

m. Sur les bières indigènes et le vinaigre.

L'impot sera de 70 centièmes pour chaque baril (hectolitre) de contenance, des cuves matières ou autres vaisseaux servant à préparer les matières premières dans les brasseries de bière et de vinaigre, ainsi que des cuves jumelles dans les cuves d'acidification des fabriques indigènes de vinaigre artificiel; la perception en aura lieu conformément à la Loi du 12 Mai, 1819 *(Journal Officiel,* No. 23*)* sauf tels changemens qui pourraient être jugés nécessaires, principalement sous le rapport de la quantité de mouture employée.

n. Sur le sucre.

L'impot sera de f. 9.00. par 100 livres pesant des Pays-Bas, de sucre brut, et continuera à être perçu conformément aux dispositions de la Loi du 21 Mai, 1819 *(Journal Officiel,* No. 33.) sauf tels changemens ou modifications qu'il pourrait être jugé nécessaire d'y apporter.

o. Sur le timbre collectif.

L'impôt consistera en un droit de timbre dont les quittances et autres documens des accises seront frappées; il sera établi d'après un tarif à règler par les Lois spéciales, et atteindra, en ce qui concerne les quittances, environ 5 pour cent de la somme pour laquelle elles seront délivrées.

IV. *Sur les ouvrages d'or et d'argent.*

p. L'impot actuel sur les ouvrages d'or et d'argent, conformément à la Loi existante.

V. *Les droits d'entrée et de sortie.*

q. Les droits sur l'entrée, et la sortie, et le transit, de tous effets, denrées et marchandises, ainsi que le droit de tonnage à l'extérieur.

III. Les entrepôts publics et particuliers seront conservés, en tant qu'ils sont nécessaires pour les accises; mais sans aucuns frais de surveillance, et seulement moyennant un loyer raisonnable à fixer pour les entrepôts publics.

A l'égard des frais d'ouverture et de fermeture il sera pris telles mesures qu'on jugera convenable pour obvier à tout inconvénient qu'ils pourraient avoir pour les intéressés.

IV. A l'introduction des Lois spéciales, les droits d'accises perçus actuellement sur la tourbe, le charbon de terre, le café, les savons étrangers, la potasse, la perlasse, la vedasse, la soude, la balance, la mesure ronde, les bières, et vinaigres étrangers, le sel et le sucre raffinés à l'étranger, seront supprimés. Cette suppression sera prise en considération lors de la confection du tarif des droits d'entrée et de sortie.

V. En ce qui concerne les accises, et particulièrement la mouture, l'abattage et les boissons distillées à l'intérieur, les Lois spéciales détermineront telles modifications ou accorderont telles facilités qu'il sera jugé nécessaire, en rapport avec la quotité et la nature de l'impôt, lorsque les circonstances locales ou autres l'exigeront.

VI. Il sera accordé décharge ou restitution de l'impôt, sur le sel raffiné à l'intérieur, la mouture, l'abattage, le vin, les boissons distilleés à l'intérieur et à l'extérieur, la bière, le vinaigre, et le sucre, lorsque ces objets seront expédiés à l'extérieur pour le commerce, et ce, de la manière et d'après les dispositions que les Lois spéciales détermineront ultérieurement.

VII. Les impôts et revenus suivans seront affectés aux dépenses comprises dans la Ire Division du Budget arrêté par la Loi du 27 Avril, 1820, (Journal Officiel, No. 7), savoir:

A. *Impôts directs.*

Sur les propriétés bâties et non-bâties.

Le personnel.

Les patentes.

Dans le cas où la Loi actuelle sur les patentes ne pourrait être revue et modifiée assez à temps, et qu'elle dût en conséquence continuer à exister dans son entier pendant l'année 1822, 5 sixièmes de son produit seulement seront employés à couvrir la Ire division du Budget des dépenses.

Dans ce cas aussi, le droit actuel de tonnage à l'intérieur continuera à être perçu sur le pied actuel jusqu'à la révision de la Loi sur les patentes, et 5 sixièmes de son produit seront également affectés aux dépenses de la 1re division du Budget.

B. *Impôts indirects.*

Cinq sixièmes des droits d'enregistrement, timbre, greffe, et hypothèque.

Cinq sixièmes du droit sur les successions.

En cas de changement éventuel de ces impôts, le montant de ces 5 sixièmes sera pris pour bâse du calcul du principal des droits qui les remplaceraient.

C. *Accises.*

Sur le sel.
la mouture.
l'abattage.
le vin.
les boissons distillées à l'intérieur.
Sur les boissons distillées à l'extérieur.
la bière.
le vinaigre.
le sucre.
le timbre collectif.

D. Le droit sur les ouvrages d'or et d'argent.

E. Les revenus des postes.

F. Une somme de 1,000,000 de florins, qui sera réservée sur le produit des droits d'entrée et de sortie, pour servir à couvrir des dépenses ordinaires.

VIII. Les impôts et revenus ci-après détaillés serviront à couvrir les dépenses extraordinaires comprises dans la deuxième partie du Budjet, ainsi qu'elles seront fixées pour chaque année, à dater de 1822.

A. Les droits d'entrée, de sortie et de transit, le droit de tonnage à l'extérieur, les produits des péages d'eau, les droits de balises et de fanaux, sauf déduction des sommes mentionnées ci-dessus à l'Article VII. litt. F. et ci-après à l'Article XII.

B. Les revenus des domaines, des plantations, et des eaux et forêts.

C. Les loteries.

D. Le produit des objets à vendre, les revenus extraordinaires, et toutes autres recettes éventuelles.

E. Le sixième restant des droits d'enregistrement, timbre et hypothèque, et du droit sur les successions.

Dans le cas où ces droits seraient éventuellement changés par une Loi nouvelle, on suivra, pour le remplacement de ce sixième, le principe énoncé dans le paragraphe suivant.

F. Autant de centièmes additionnels en nombre égal sur tous les impôts directs et accises, affectés à la 1re division, que la Loi déterminera comme étant nécessaires pour couvrir les dépenses annuelles de la 2e division, à moins que des raisons particulières n'engageassent à faire des exceptions à l'égard de l'une ou de l'autre de ces impositions.

Dans le cas prévu par l'Article VII, litt. A, on emploiera, au lieu de centièmes additionnels sur les patentes et le tonnage à l'intérieur, le sixième resté disponible de ces droits.

IX. A l'égard des centièmes additionnels mentionnés au § F de l'Article précédent, et qui seront fixés annuellement pour la deuxième division du Budget, en proportion des besoins, il est statué que, dans le cas où lesdits centièmes excéderaient un cinquième du principal de l'impôt, et s'éleveraient par conséquent au-delà de vingt, d'autres moyens pourront être pris en considération pour subvenir à ces besoins; et que s'il arrivait, qu'un quart du principal de l'impôt ne fût pas suffisant pour faire face aux dépenses comprises dans ladite deuxième division, d'autres moyens devront être proposés à cet effet.

X. Dans la confection des Lois concernant les droits d'entrée et de sortie et des accises, les principes suivans serviront de règles :

a. Les dispositions également applicables à l'entrée, à la sortie et au transit, tant à l'égard des marchandises soumises aux droits d'entrée et de sortie qu'à l'égard de celles sujettes aux accises, seront réunies et détaillées, soit dans une seule Loi générale, soit dans deux Lois particulières à chaque partie, suivant que cela sera jugé présenter plus de clarté et de régularité.

Les dispositions relatives au tonnage à l'extérieur appartiendront dans tous les cas, à la Loi sur les droits d'entrée et de sortie.

b. A l'égard de toutes marchandises dont il doit être fait déclaration, le déchargement s'opérera d'après la déclaration de celui qui les importe; bien entendu cependant qu'il sera libre, en tout temps, à l'administration de faire ouvrir les colis, peser, mesurer, compter ou jauger les marchandises déclarées, et ce sans frais pour le déclarant, à moins qu'il ne conste que la déclaration soit inexacte. Néanmoins il sera toujours libre au négociant de demander que ses marchandises soient pesées, mesurées, comptées ou jaugées exactement, s'il le préfère à une déclaration globale ; mais, dans ce cas, cela aura lieu à ses frais.

En ce qui concerne les marchandises assujetties aux droits d'accises, elles devront, dans tous les cas possibles, être exactement constatées, toutefois sans frais pour le négociant qui les importe.

c. La double ligne des douanes sera maintenue partout où elle sera jugée nécessaire, mais le Territoire compris entre les deux lignes cessera d'être réservé, sauf toutefois la prohibition existante, concernant le dépôt de marchandises, qui restera maintenue. Aucun

objet soumis à l'impôt, ni marchandises manufacturées, ne pourront être dirigés vers l'intérieur, sans documens constatant l'acquittement des droits.

d. Le transport de marchandises importées pourra néanmoins s'effectuer au moyen de passavans, de l'endroit de leur importation jusqu'à celui de leur destination effective, ou jusqu'au bureau qui en sera le plus rapproché.

e. Les marchandises sujettes aux droits, transportées par terre ou par eau, et dont le transport aurait lieu vers une direction ou de manière qu'elles pussent être soustraites aux droits, pourront également être soumises à l'obligation des passavans ; bien entendu cependant, qu'à l'égard d'objets uniquement passibles de droits d'entrée et de sortie, cette obligation ne s'étendra qu'au transport dans une distance des Frontières, dont le rayon ne pourra excéder 4 lieues. Toute liberté de circulation et toute facilité conciliables avec la conservation des droits de l'Etat, seront accordées au transport des produits de l'agriculture indigène, des effets mobiliers et tels autres que la Loi déterminera, y compris tous les objets soumis à un très-modique droit d'entrée et de sortie.

f. Les marchandises dont l'entrée est prohibée ne pourront jouir du privilège du transit.

g. Le transit par la frontière de terre ne pourra avoir lieu que par des Bureaux déterminés ; il sera libre, comme par le passé, de faire usage de l'entrepôt pour toutes marchandises en transit, de même que pour toutes les autres marchandises ; mais dans l'un comme dans l'autre cas, sans aucun changement de colis ou de marques et sans manipulation quelconque ; quant aux frais de surveillance, ainsi qu'aux droits d'ouverture et de fermeture de cet entrepôt, on se réglera sur ce qui est établi à l'Article III.

h. La préemption est permise moyennant une augmentation de 10 pour cent.

Si la valeur des marchandises déclarées vient à hausser subitement entre le moment de la déclaration et celui de la préemption, cela pourra offrir un motif de refuser la préemption, pourvu qu'il conste que la déclaration était exacte dans le moment qu'elle a été faite.

i. La confiscation des marchandises fraudées, ainsi que dans les cas à déterminer par la Loi, celle des vaisseaux ou chariots ayant servi à la fraude, resteront maintenues.

k. Il pourra être transigé sur toutes contraventions donnant simplement lieu à une amende ou à la confiscation des marchandises, aussi souvent que la contravention sera accompagnée de circonstances atténuantes, ou qu'on pourra admettre qu'elle doit être attribuée plutôt à une négligence, qu'à une intention positive de frauder.

l. Lorsque la contravention peut être considérée comme pouvant être suffisamment prouvée en droit, et qu'il n'y a pas lieu à douter de l'intention manifeste de frauder, toute transaction est défendue.

m. Les formalités seront aussi simples, et les frais, pour autant qu'ils ne pourront être supprimés en entier, seront aussi modiques, que l'intérêt du Trésor, mis en rapport avec celui des contribuables, le permettra.

XI. L'élévation du droit sera fixée de manière que d'une part elle ne puisse avoir des conséquences fâcheuses pour la prospérité du commerce, ou présenter le danger de devenir un trop grand appât à la fraude, et que de l'autre part elle puisse offrir la protection nécessaire à l'industrie Nationale, contre la concurrence Etrangère. Le maximum des droits, tant sur l'entrée que sur la sortie, pourra être porté, pour des objets qui se rattachent d'une manière immédiate aux produits de l'industrie indigène, à 6 pour cent, et pour tous autres objets à 3 pour cent, sauf, pour les uns ou les autres les exceptions à l'égard desquelles une prohibition d'entrée ou de sortie, ou un droit plus élevé, seraient jugés indispensables.

Lors de la fixation des droits sur l'entrée des matières premières pour les besoins de l'industrie nationale, ainsi que des droits sur la sortie de ses produits, on aura un juste égard aux intérêts de cette industrie, et généralement on observera que les marchandises passibles à l'entrée, d'un droit de 3 ou de 6 pour cent et au-delà, ne soient assujetties qu'à des droits modiques de sortie, et de même, dans le cas opposé.

Pour autant que la nature des objets le permet, on préférera le calcul des droits d'après le poids, le nombre ou la mesure, à celui d'après la valeur ; néanmoins, la disposition qui précède, relativement au maximum, devra servir de base à ce calcul.

Les marchandises destinées à traverser le Royaume, ainsi que celles importées et re-exportées, seront soumises à un tarif progressif; lors de la fixation de ce tarif progressif, lequel ne pourra dépasser 3 pour cent. sauf les exceptions pour lesquelles un droit plus élevé serait éventuellement jugé indispensable, on veillera particulièrement à ce que les droits à payer cumulés avec les autres frais de transport, ne puissent détourner l'étranger d'expédier les marchandises par le Royaume, mais l'engagent au contraire à lui donner la préférence.

En ce qui concerne le droit de tonnage à l'extérieur, on veillera à ce que le maximum ne dépasse pas les trois quarts du droit actuel; toutefois à l'égard des Vaisseaux étrangers, on prendra en considération la manière dont sont traités les Vaisseaux nationaux relativement à des droits analogues, chez d'autres Nations, afin de pouvoir les traiter à l'égal des Vaisseaux des Pays-Bas, ou leur appliquer les principes de réciprocité ou de représailles, suivant les circonstances.

En ce qui concerne l'importation et l'exportation de marchandises par des Vaisseaux nationaux, on pourra accorder les restitutions

des droits d'entrée ou de sortie, qui seront jugées utiles, pour soutenir et donner un encouragement convenable à la construction des Navires nationaux.

XII. Une somme, qui n'excédera pas 1,300,000 florins, sera prélevée annuellement sur le produit des droits d'entrée, de sortie, de transit et de tonnage à l'extérieur. Elle sera exclusivement destinée non-seulement à soutenir, au moyen de primes, les branches d'industrie nationale qui ne pourraient l'être suffisamment, sans élever certains droits à une hauteur qui aurait des suites défavorables pour le commerce, ou servirait d'appât à la fraude, mais aussi à encourager en général les fabriques, les manufactures, la pêche et l'agriculture.

XIII. Toutes les dispositions actuellement existantes à l'égard des droits du Syndicat, restent en vigueur, et seront rendues applicables aux impôts nouveaux, comme aux impôts modifiés.

XIV. Pour couvrir les dépenses d'un intérêt provincial, ou de tels autres objets d'intérêt général qui, en raison d'économie et de simplification dans l'administration, sont confiés à la direction des Etats provinciaux, ou leur pourrait être confiés par la suite, il sera perçu 6 centièmes additionnels sur le principal des impôts sur les propriétés bâties et non-bâties, et le personnel; lesdites centièmes additionnels, seront exclusivement affectés, dans chaque Province, à ses dépenses particulières, sans qu'ils puissent jamais servir à former un fonds général. Les propositions concernant l'emploi desdits centièmes additionnels, qui nous seront faites par les Etats Provinciaux, devront être accompagnées d'un état indiquant les objets auxquels ces sommes sont destinées, et il sera rendu compte de cet emploi, suivant le mode qui sera déterminé par nous.

Ces centièmes additionnels seront perçus par les employés de l'Etat, en même temps que le principal.

XV. Jusqu'à ce que d'autres dispositions aient été approuvées par nous, relativement aux impositions Communales, il sera perçu, pour faire face aux dépenses des Communes, 5 centièmes additionnels sur le principal des impôts, sur les propriétés bâties, et non-bâties, et sur le personnel.

Indépendamment de ces centièmes additionnels, il pourra également être perçu, sur le même pied et sur les mêmes impôts, 2 centièmes au profit des Communes, sous la condition expresse, qu'ils devront être employés à la suppression, ou à la diminution des impositions communales, soit personnelles ou autres. Dans les Communes qui n'ont pas besoin de ces 2 centièmes additionnels pour couvrir leurs dépenses, ils pourront être ou entièrement supprimés, ou perçus en moindre proportion, de manière qu'en tout cas, il en résultera un avantage pour les contribuables.

Ces centièmes additionnels seront perçus par les employés de l'Etat, en même temps que le principal.

XVI. En tant que nous accorderons à quelques Communes des centièmes additionnels sur des accises qui en seront jugées susceptibles, ils seront perçus simultanément par les employés de l'Etat. En indemnité des divers frais occasionnés par cette perception, il sera remboursé au Trésor, par lesdites Communes, 3 pour cent du montant de ces centièmes additionnels.

Mandons et Ordonnons, &c.

MEMOIRE EXPLICATIF DU PROJET DE LOI.

Lorsqu'à la suite des derniers événemens politiques, les Pays-Bas, séparés depuis plus de deux siècles, eurent été de nouveau réunis pour ne former ensemble qu'un seul Royaume, un des premiers points pour l'affermissement de l'Etat, après l'adoption de la Loi Fondamentale, commune a toutes les parties de cette ré-union, dut être d'établir un système général d'impositions, propre à pourvoir aux besoins du Royaume d'une manière uniforme, et la moins onéreuse pour les Habitans.

Il existait à cette époque, dans les Provinces septentrionales, un système emprunté en partie de celui de 1806, en partie des droits et impositions qui y avaient été établis durant la re-union de ces Provinces à la France.

Dans les Provinces méridionales, les mêmes droits et impositions d'origine étrangère existaient aussi, indépendamment d'autres droits et impositions qui avaient été établis depuis la séparation de ces Provinces d'avec la France.

Une ligne de Douanes séparait les deux grandes parties du Royaume. Il importait que cette ligne fût supprimée, que le commerce réciproque à l'intérieur fût affranchi de toute espèce d'entraves, et que des Lois uniformes rendissent les charges complètement égales pour tous les Habitans.

Il était difficile d'établir à cet égard un système convenable et qui pût à la fois satisfaire tous les besoins et tous les intérêts.

Protéger, animer et encourager l'agriculture, le commerce, les fabriques, la navigation, la pêche, et diverses autres branches de l'industrie nationale, sans en léser aucune ou sans la sacrifier aux autres, concilier des intérêts opposés en réalité ou en apparence, et acquérir en même-temps les moyens de remplir avec fidélité les engagemens contractés: tel était le grand but qu'il fallait tâcher d'atteindre.

Pour y parvenir, la Loi du 11 Fevrier, 1816, désigna les taxes qui seraient maintenues, et il fut en même-temps réglé qu'à l'égard des impositions indirectes et des droits des barrières et des convois, il serait adopté un système général.

Les Lois particulières du 15 Septembre et du 3 Octobre, 1816, con-

tenaient l'ensemble de notre nouveau régime; elles furent rendues exécutoires à compter du 1 Décembre de la même année.

L'expérience des deux années suivantes 1817, et 1818, fit voir l'insuffisance de ce système pour ce qu'exigeaient les besoins de l'Etat; des circonstances sur lesquelles on n'avait pu compter, et surtout l'intempérie des saisons, furent en grande partie cause que le produit resta beaucoup au-dessous des évaluations qui avaient été faites.

Une plus grande concentration fut établie, au moyen de la réunion de l'administration des droits d'entrée et de sortie et des accises: l'administration acquit par-là plus d'énergie, et les frais furent diminuées.

Les Lois de 1819 vinrent compléter cette concentration: deux impôts furent ajoutés aux accises, un autre impôt subit des modifications importantes, et dès milieu de l'année 1819 le nouveau système des droits d'entrée et de sortie et des accises était en vigueur.

Les résultats de 1819 ne pouvaient constater la suffisance ou l'insuffisance de ce système pour le service public; trop peu de temps s'était écoulé pour cela; il fallait l'expérience d'une seconde année pour être à portée d'en juger avec certitude.

On peut maintenant considérer que l'essai en a été fait; il ne répond pas entièrement à l'attente.

Un tel état de choses exige qu'il y soit définitivement porté remède; il y va non-seulement de l'intérêt de l'Etat en général, mais aussi de l'intérêt de tout particulier qui exerce une branche d'industrie quelconque.

La possibilité d'un pareil résultat, et le désir d'écouter les reclamations adressées de plusieurs parties du Royaume, par le commerce et les fabriques, au sujet du système des droits d'entrée et de sortie et des accises, donnèrent lieu à l'Arrêté du 23 Janvier 1820, portant création d'une Commission à l'effet d'examiner ces réclamations, et de proposer telles améliorations dans le système qu'il serait jugé nécessaire.

Cette Commission a mis le plus grand zèle à s'acquitter de la tâche qui lui était confiée, en recherchant les moyens qui pouvaient conduire à ce but; et le développement des différentes vues qui ont fait l'objet de ses délibérations, a répandu sur tous les intérêts financiers de l'Etat, relativement aux droits d'entrée et de sortie et aux accises, tout le jour nécessaire pour faire un choix définitif entre les diverses opinions communiqueés dans son rapport.

Le Roi, ayant fait recueillir toutes ces idées éparses dans les pièces annexées à ce Rapport, s'est convaincu de la possibilité d'en former un tout. Le résultat d'une mûre délibération à ce sujet ne se bornait cependant pas uniquement aux droits d'entrée et de sortie et aux accises, il embrassait toutes les branches financières de l'Etat. Le Projet de Loi qui a été rédigé en conséquence, et qui, sur le Rapport de la Commission, consultée de nouveau à ce sujet, et ensuite de mûres

délibérations ultérieures, a subi quelques modifications importantes, renferme, tel qu'il est ici annexé, un système complet de tous les impôts qui devraient être établis et perçus, à partir de l'année 1822.

Ce Projet de Loi contient surtout les principes fondamentaux sur lesquels reposeront, et le système entier en général, et les diverses impositions en particulier. On y énonce la quotité de chaque impôt, et on y trace les principales règles qui doivent servir de base à la répartition, à l'acquittement des droits, et à la sûreté de leur recouvrement. On a cru devoir commencer par soumettre préalablement cette Loi, qui établit des principes fixes, à l'approbation des Etats-Généraux, afin de pouvoir ensuite confectionner les Lois particulières avec d'autant plus de sûreté, d'après des bases adoptées.

Le Royaume des Pays-Bas, formant un Etat indépendant, doit, comme tel, avoir ses taxes propres, réunies en un seul système.

Diverses circonstances graves ont, jusqu'à présent, empêché l'établissement d'un pareil système. La révision des droits d'entrée et de sortie et des accises offre naturellement pour cela une occasion favorable; l'insuffisance permanente des revenus de l'Etat l'exige impérieusement.

Parmi les impositions actuelles, il en est plusieurs qui sont d'origine Etrangère, qui donnent lieu à un mode de perception arbitraire: il est temps de leur en substituer d'autres, autant que faire se peut.

On s'est attaché autant qu'il était possible à cette considération, en rédigeant ce Projet de systéme. Les impositions directes, dont l'assiette se faisait par répartition et qui présentent une source d'incertitude de doute et d'arbitraire, seront, dans le nouveau système, perçues par quotité; chaque particulier calculera lui-même de quelle somme il est redevable aux termes de la Loi, et aucune cotisation n'aura lieu dorénavant, que par suite de sa propre déclaration. Ceci ne saurait cependant s'étendre à l'impôt foncier; mais à cet égard aussi, l'on n'aura pas à appréhender l'arbitraire: la disparité qui existe maintenant entre les Provinces et les Communes, cessera enfin à l'aide du cadastre: quant à l'inégalité qui existe entre les possesseurs de propriétés, il y est annuellement remédié sur leurs réclamations.

Les droits d'enregistrement, de timbre, de greffe, et d'hypothèque, sont étroitement liés à la Législation Civile; ils seront remplacés ou modifiés par des impositions nationales, après l'établissement du Code Civil National, ou même à une époque plus rapprochée si la nature de la chose le permet.

Les accises ne porteront que sur des objets maintenant imposés, ou qui l'ont été précédemment; et s'il est indispensable d'en percevoir sur des objets de première nécessité, on se bornera à ceux que l'expérience du passé a appris à regarder comme les plus convenables à pouvoir être imposés sans nuire à l'industrie et au commerce, et d'une manière assez productive pour suffire aux dépenses publiques.

Les droits d'entrée et de sortie reposeront sur les fondemens les plus équitables; le bien être et la prospérité en général seront le principal but de ces taxes; elles seront protectrices de l'industrie, sans neanmoins excéder le taux que comporte une économie politique bien entendue; mais elles ne frapperont jamais ni ne feront languir aucune branche de la prospérité nationale; évitant les prohibitions trop étendues et les prétentions trop exagérées, elles ne préjudicieront nulle part, frapperont en tous lieux, écarteront ce qui nuit, en favorisant ce qui est avantageux, et là où leur protection ne pourra atteindre, elle mettront encore des bornes à la concurrence étrangère, en encourageant d'une partie de leur produit l'industrie nationale.

Les effets salutaires qui résulteront de tout cela, seront, que dans les Pays Bas il n'existera plus d'arbitraire d'origine étrangère en matière de finances; que les impôts seront plus productifs, parce qu'il sera moins facile de les frauder. et qu'ainsi l'honnête contribuable, et particulièrement le fabricant et le négociant, travailleront avec plus de profits, et n'auront plus à craindre la concurrence de ceux qui, à leur détriment, comme à celui de la société entière, ne cherchent à subsister qu'au moyen de la contrebande; que les droits seront diminués pour les classes moins aisées, et augmentés pour celles qui jouissent d'une plus grande aisance, et qu'ils seront répartis entre les unes et les autres d'une manière mieux proportionnée, sans néanmoins imposer les classes les plus aisées au point qu'il en résulte quelque perte pour les classes inférieures de la societé; que les impôts sur les combustibles indigènes, impôts qui ont donné lieu à des plaintes continuelles et réitérées, cesseront d'exister, de manière que les fabriques et usines ne seront plus passibles de droits pour l'usage de la tourbe et de la houille du Pays, ce qui diminuera les frais de fabrication; que l'extraction de la tourbe à sec contribuera davantage à l'avancement de l'agriculture, tandis que l'exploitation de nos houillières, combinée avec le maintien d'un impôt sur la houille Etrangère, pourra augmenter, et fournir plus d'aliment à l'industrie nationale; que les plaintes au sujet des entraves mises au commerce dans une de ses branches les plus importantes, cesseront par la suppression de l'impôt sur le café; qu'il sera mis fin, par l'anéantissement des accises sur la potasse et autres alcalis, aux plaintes portées, et par le commerce et par les fabriques, au sujet des entraves et du préjudice résultans de ces accises; que les peines et l'embarras que causait la perception séparée des droits de pesage et de mesure ronde, cesseront d'avoir lieu, par le réunion de ces impôts avec les droits d'entrée et de sortie; que les droits d'entrée, de sortie et de transit, seront modifiés de manière à favoriser l'industrie nationale et la liberté du commerce; enfin, qu'au moyen de la plus grande simplicité dans les dispositions Législatives et en réduisant le nombre des formalités, la perception des droits et des impôts sera rendue aussi facile et aussi peu dispendieuse que peuvent

le comporter le maintien d'une bonne administration et la conservation indispensable des intérêts généraux et particuliers. Tels sont les principes fondamentaux de ce système; ils réunissent en eux les intérêts de tous, et l'on se flatte que les résultats en seront satisfaisans.

Passant maintenant à l'examen et au développement du Projet de Loi, et des impositions qu'on y propose, on observera en premier lieu:

ART. I. L'époque de la mise en activité du système proposé est fixée à 1822. Il serait même à désirer que tout pût être promulgué dès le commencement de la même année, et l'on fera aussi tout ce qui sera possible pour y réussir; mais il faudra rédiger un grand nombre de nouvelles Lois, dont l'acceptation plus ou moins prompte dépend d'une infinité de circonstances qu'il est impossible de prévoir: c'est ce qui a rendu indispensable la réserve insérée à la fin de cet Article. Le Roi fixe en conséquence l'époque de la promulgation simultanée de ces Lois, ce qui garantit la régularité de leur mise en activité; on peut espérer que l'opération sera entièrement achevée dans le courant de l'année 1822.

II. Dans cet Article on désigne le système d'impositions, tel qu'il se trouvera composé à l'époque de son introduction en 1822, en commençant par les

IMPOSITIONS DIRECTES.

§ A. *Sur les propriétés bâties et non bâties.*

On ne propose aucun changement quelconque à cet impôt; la somme en principal reste exactement la même. La répartition sur les Provinces pourra varier à mesure que les opérations du cadastre s'achèveront mais jusqu'à cette époque, on ne doit faire aucun changement dans les contingens des Provinces, qu'avec la plus grande circonspection.

L'impôt est basé sur le revenu net des immeubles; ainsi, pour pouvoir le répartir avec une parfaite égalité entre les Provinces, on doit connaître quel est ce revenu net, non-seulement de chaque immeuble en particulier, mais de tous les immeubles situés dans chaque Province. Or, cette connaissance ne peut être acquise que par l'achèvement du cadastre, et la répartition parfaite de l'impôt sur les propriétés doit être différée jusqu'à cette époque. Le travail pour le complément du cadastre séra poursuivi avec toute la célérité que comporte la nature d'une opération si importante.

La Commission pour l'établissement d'un meilleur mode de répartition de l'impôt foncier travaille avec ardeur à atteindre ce but; elle a déjà proposé d'importantes mesures tendantes à mettre plus d'égalité dans cette répartition et l'on peut établir, d'après les opérations cadastrales qui ont déjà eu lieu, des calculs pour trouver le revenu net présumé de quelques Provinces; malgré que ces calculs ne seraient pas applicables à toutes, et ne pourraient par conséquent pas

s'étendre généralement à toute la masse intégrale, il n'y aurait cependant pas d'impossibilité, quant aux Provinces entre lesquelles la disproportion est telle qu'au moyen de ce calcul elle devienne suffisamment palpable, d'établir entre elles un plus juste équilibre en modifiant la répartition d'une manière équitable; mais de pareilles mesures ne peuvent être adoptées qu'après un examen réfléchi. On continuera à s'en occuper sérieusement: et c'est après que tous les doutes auront disparu, que le Gouvernement pourra proposer des dispositions Législatives à ce sujet. C'est aussi principalement sur ce motif, qu'est fondée la reserve insérée à la fin de la première partie du § A. de cet Article.

On propose de maintenir sur pied actuel les 2 centièmes additionnels destinés à couvrir les non-valeurs; l'expérience en a démontré l'utilité et la nécessité.

II. § B. *Personnel.*

La taxe personnelle et mobiliaire, et celle sur les portes et fenêtres, telles qu'elles existent actuellement, sont, d'après leur nature, inégales et donnent lieu à une répartition arbitraire.

La taxe personnelle n'est autre chose qu'une capitation équivalente à 3 journées de travail, et que le simple artisan doit payer au même taux que l'habitant le plus riche; le montant de l'impôt personnel est, pour l'artisan, une charge d'environ un pour cent de son revenu, ou, pour mieux dire, du fruit de ses rudes travaux; pour l'habitant riche ou qui jouit de quelque aisance, la charge est presque insignifiante et n'équivaut pas à 1/10 par mille de ses revenus. Il est donc constant que la taxe personnelle, telle qu'elle se perçoit actuellement est répartie d'une manière très-inégale, et qu'elle est surtout onéreuse pour la classe peu aisée, sur laquelle des taxes de cette nature devraient moins peser que sur toute autre.

L'impôt mobiliaire, quoique fondé des bases beaucoup plus équitables, n'en est cependant pas moins arbitraire par sa nature. Le contribuable se trouve cotisé sans avoir été préalablement entendu ou consulté; et pour faire rectifier les surtaxes, il en coûte des peines, des frais et des réclamations.

En conséquence, il sera nécessaire de supprimer ces deux impôts, et de les remplacer par une autre taxe personnelle, dans laquelle il ne se trouve absolument rien d'arbitraire, et où chaque contribuable puisse lui-même former son contingent.

La taxe personnelle sera un impôt combiné, frappant directement et indirectement les revenus, la dépense, le luxe, les objets d'agrément et de commodité, et pour cet effet il reposera sur 6 bases différentes qui seront traitées séparément.

Cet impôt est appelé Personnel, parce qu'il est dû et doit être acquitté non par le propriétaire en cette qualité, mais par l'usager, propriétaire ou autre, des habitations et bâtimens, portes et fenêtres,

foyers, meubles et chevaux, passibles de cette imposition, ainsi que par ceux qui tiennent des domestiques.

La première base de l'impôt Personnel est la valeur locative.

Une cotisation fondée sur la valeur locative est, en général, et jusqu'à certain point, celle qui frappe le mieux sur les revenus et qui opère le moins inégalement; lors par conséquent qu'une base de cette espèce n'est pas exorbitante ou fixée à un taux trop élevé, elle ne saurait exercer aucune influence préjudiciable, ni sur la baisse des loyers, ni sur la diminution des dépenses. Elle atteint généralement toutes les conditions sans être trop onéreuse pour aucune. Néanmoins il semble que l'habitant très-peu aisé, qui supporte aussi sa part des impôts établis sur la consommation, ne peut raisonnablement être compris dans cette cotisation.

Par ce motif, on exempte les habitations dont la valeur locative annuelle est au-dessous de f. 20., ainsi que celles qui se louent au-dessous de 60 centièmes par semaine.

On a établi une distinction entre les baux annuels et les baux hebdomadaires, pour mettre par-là plus de rapport entre les exemptions dans les Villes et dans les Communes rurales.

Ordinairement les loyers de maison sont beaucoup plus chers dans les Villes qu'à la campagne. Dans les Villes on trouve plus d'occasions d'exercer son industrie, d'acquérir du gain, d'augmenter son revenu; mais en revanche, l'artisan et le journalier y sont ordinairement de pire condition par rapport à leur habitation, que ceux qui habitent le plat Pays. C'est pour rétablir en cela une espèce d'équilibre, qu'on a étendu l'exemption pour les baux hebdomadaires à un prix de location plus élevé que pour les baux annuels, attendu que les premiers ont fréquemment lieu dans les Villes, et rarement ou presque jamais dans les campagnes.

Au moyen de cette exemption un très-grand nombre de familles de journaliers, d'ouvriers et d'artisans, portées sur les rôles de l'impôt personnel tel qu'il existe actuellement, seront dispensées du paiement de cette base de l'impôt, ce qui procurera à cette classe un soulagement considérable.

Parmi les bâtimens qui jouissent de l'exemption, ne sont pas compris les Bâtimens destinés à l'exercice de quelque commerce, les boutiques, caves, greniers, magasins, et autres semblables; mais les bâtimens servant de fabrique ou de manufacture, pourvu qu'ils ne servent pas en même-temps de dépôts ou magasins pour les objets fabriqués, les moulins, usines, et autres de ce genre, sont exemptés de l'impôt, dans la vue de contribuer aussi par ce moyen à l'encouragement de l'industrie nationale. Quant aux exemptions de tous autres bâtimens, et principalement des édifices destinés au service public, elles se justifient d'elles-mêmes.

On a pris des précautions dans la dernière période pour prévenir l'abus que pourraient faire de ces exemptions des Employés ou Agens qui habitent partie de ces bâtimens, et qui dans ce cas, ne sont pas exemptés.

Suivant la dernière période, les bâtimens ci-dessus désignés deviennent passibles de l'impôt, lorsqu'on les fait servir à d'autres usages que ceux à raison desquels l'exemption est accordée.

Deuxième Base.—*Portes et Fenêtres.*

La taxe actuelle sur les portes et fenêtres a paru très-propre, après en avoir élagué tout ce qu'elle contient d'arbitraire, à être prise pour une des bases de l'impôt personnel. Elle porte maintenant d'une manière très-inégale sur les deux grandes portions du Royaume relativement aux portes cochères. On trouve beaucoup de ces portes dans les Provinces méridionales: dans les Provinces septentrionales au contraire, il n'en existe presque pas.

Elles sont actuellement imposées à un taux très-élevé. Dans le nouveau tarif on les assimile aux portes et fenêtres ordinaires, et ainsi disparaîtra une injuste inégalité.

Le tarif est modifié et changé de manière que le total de l'impôt, même déduction faite des 40 pour cent dont il est maintenant surchargé, ne s'élevera pas au-dessus du total actuel, et nul ne sera cotisé que d'après ce tarif et suivant le nombre et l'espèce de portes et de fenêtres qui auront été déclarées par chaque contribuable lui-même.

Il y a des Communes rurales dont la population est nombreuse, mais très-dispersée; il s'y fait ordinairement moins de débit que dans les Villes et autres Communes d'une population égale, mais plus concentrée: c'est par cette raison qu'on a pris pour base de la classification le nombre des habitans qui se trouvent dans les maisons aglomérées des Communes rurales; ce qui procurera à ces Communes et à quelques Villes un juste soulagement.

Les exemptions actuelles sont non-seulement maintenues sur le même pied, moyennant les mesures de précaution pour en prévenir l'abus; on leur a même donné plus d'étendue pour le soulagement de la classe peu aisée; ainsi les portes et les fenêtres des maisons qui se louent à moins de 20 florins par an, ou de 60 centièmes par semaine, ne seront pas comprises dans la base de l'impôt personnel.

Ce qui a été dit à ce sujet en parlant de la valeur locative, s'applique de même ici.

Troisième Base.—*Les foyers (cheminées.)*

Les cheminées ont aussi paru très-propres à être prises pour base de l'impôt personnel.

On les a divisées en trois classes, suivant le nombre, afin que la taxe ne pesât pas trop sur l'habitant peu aisé. La classe la plus élevée ne va que jusqu'à 12 cheminées, parce qu'en allant au-delà, les bâtimens qui en ont un plus grand nombre se seraient trouvés imposés d'une manière excessive.

Les exemptions en général et pour les cheminées des habitations d'une valeur locative au-dessous de f. 20-00 par an, ou qui se louent à raison de 60 centièmes par semaine, sont fondées sur les mêmes motifs que ceux qu'on a allégués en parlant de la cotisation d'après la valeur locative. De cette manière l'impôt n'atteindra point la majeure partie de la classe peu aisée.

Quatrième Base.—*La Taxe mobiliaire.*

La taxe mobiliaire actuelle est dans le principe très-bien établie; mais la perception en est sujette à l'arbitraire. On a conservé dans ce système-ci le mobilier, comme très-propre à servir de base à l'impôt personnel. La quotité en est fixée à un taux si modéré, qu'il ne sera nulle part onéreux.

Il sera loisible à chaque habitant de faire faire l'estimation de son mobilier par des appréciateurs à ce nommés de la part de l'Administration, sauf pour lui le droit de faire procéder à une nouvelle estimation, aux clauses et conditions qui seront à cet effet prescrites par la Loi particulière.

Pour la commodité des contribuables et pour leur éviter l'embarras des estimations, il leur sera loisible de fixer la valeur de leur mobilier à 5 fois le montant de la valeur locative brute de leur habitation.

Cette disposition est toute à l'avantage des contribuables; car en général, le quintuple de la valeur locative brute n'équivaudra pas à la valeur du mobilier. Que chacun, à cet égard, se consulte; de cette manière le contribuable pourra s'épargner la peine de faire faire l'estimation de son mobilier. Du reste, la Loi spéciale énoncera exactement quels sont les objets compris dans le mobilier sujet à l'impôt.

Les exemptions reposent sur les mêmes fondemens que par rapport à la valeur locative et aux cheminées.

Cinquième Base.—*Les Domestiques.*

Le nombre des domestiques paraît être une base convenable de l'impôt personnel.

C'est une taxe sur le luxe; mais c'est précisément par cette raison qu'on doit ne pas l'outrer, si on veut l'empêcher de devenir nuisible sous un autre rapport. L'expérience a prouvé que les taxes trop élevées sur les domestiques en font diminuer le nombre, et que, comme ils sont choisis communément dans les classes les moins aisées, on tarit en partie par là une des sources qui alimentent celles-ci; c'est à

quoi l'on a eu égard en fixant la quotité de cette base de l'impôt. Il ne sera payé que 7 florins pour chaque domestique; et même pour les personnes qui ne tiennent qu'un seul domestique femelle, et point de domestiques mâles, la quotité est réduite à 4 florins. Cette disposition a paru équitable.

Tous les domestiques ouvriers, c'est-à-dire ceux qu'on employe spécialement pour l'agriculture et exclusivement pour le travail des fabriques, manufactures et autres genres d'industrie, sont exemptés. Il en sera fait une désignation exacte dans la Loi particulière.

Mais lorsque ces ouvriers sont en même temps employés à des services domestiques, c'est-à-dire lorsque, outre le travail de leur profession, ils remplissent aussi habituellement les fonctions de domestiques, ils seront évalués à-peu-près à la moitié de la cotisation ordinaire, savoir, 3 florins pour chacun.

Quant aux Individus qui sont au service des cultivateurs proprement dits, nommément ceux qui font de l'agriculture leur profession principale, ils seront exemptés dans tous les cas, quand même ils seraient employés, outre les travaux de l'agriculture, à des fonctions domestiques.

Sixième Base.—*Chevaux.*

De même que les domestiques, les chevaux, considérés comme objets de commodité et d'agrément, peuvent très-convenablement être pris pour base de la taxe personnelle payable par celui qui les employe.

Cet élément de l'impôt personnel est fixé à un taux modéré; il n'est pas à craindre que, pour s'y soustraire, personne retranche ses chevaux ou s'abtienne d'en prendre.

Il était juste que les chevaux qui servent uniquement au luxe et à la commodité fussent les plus imposés.

On ne saurait certainement regarder comme exorbitante une taxe de f. 20,00 par cheval. Pour tout l'avantage que procure l'emploi journalier d'un cheval, le contribuable paye à-peu-près $5\frac{1}{2}$ centièmes par jour; c'est sans doute un sacrifice très-modique pour quinconque est en état de tenir des chevaux par luxe, ou pour son agrément.

Les chevaux des voituriers, des maîtres de poste, des loueurs de voitures et remises et de chevaux, sont censés ne pouvoir être entièrement exemptés de la cotisation. Cependant il n'en sera payé qu'un quart du taux fixé pour les chevaux de luxe et d'agrément particulier; de cette manière on pare à plusieurs objections. On ne pouvait exempter les chevaux employés pour les coches et les diligences, parce que cette exemption nuirait aux voituriers, maîtres de poste, loueurs de voitures, de remises, et de chevaux. Tous ces chevaux servant à la commodité de personnes qui se font ainsi transporter (et il est facile, au besoin, de recouvrer sur elles l'impôt, moyennant une très-légère augmentation dans le prix du transport,) la cotisation, fixée à f. 5-00

par cheval; peut être considérée comme très-modique, puisque, répartie sur 360 jours de l'année, elle ne revient pas encore à 1 2-5 centièmes par jour.

Les chevaux servant à l'exercice de quelque profession, ne sont pas compris dans la cotisation, à moins qu'on ne les fasse aussi servir à l'agrément ou au luxe, auquel cas il est juste qu'il en soit payé une rétribution.

Ces chevaux sont censés employés pour la commodité ou le luxe, lorsqu'on les attèle à des voitures suspendues par des ressorts ou des courroies. Il ne serait pas raisonnable d'exiger, pour cet emploi mixte, la même taxe que pour les chevaux qu'on tient uniquement pour l'agrément; aussi le taux est seulement de f. 7-00 par cheval.

Les Militaires et les Fonctionnaires obligés de tenir des chevaux, sont exemptés de la cotisation; mais lorsqu'ils en tiennent au-delà du nombre auquel ils sont obligés, ou lorsqu'ils les font servir à un usage autre que celui auquel ils sont expressément destinés, il est juste qu'ils y participent aussi. Dans ces cas elle est fixée, comme pour l'emploi mixte des chevaux, à f. 7-00 par cheval.

Parmi les chevaux exempts de toute taxe sont ceux qui servent à l'agriculture, aux fabriques, trafics, manufactures et usines, pourvu qu'ils soient exclusivement employés à ces usages; de cette manière cette base de l'impôt personnel ne pesera pas sur les branches d'industrie qu'on vient de nommer.

Les Ecclésiastiques dans les campagnes, pour qui il est indispensable de tenir un ou plusieurs chevaux, afin de pouvoir vaquer aux fonctions de leur ministère, sont exemptés.

Art. II. § C.—*Patentes.*

La Loi actuelle sur les patentes à donné lieu à divers genres de plaintes. Un des premiers reproches qu'on lui fait, est de laisser trop de latitude par rapport à la classification de certaines professions, ce qui occasionne souvent des cotisations inégales, abus contre lequel l'administration veille de tout son pouvoir, mais qu'il est impossible de prévenir, à cause de la multitude des objets.

Une seconde espèce de plainte contre la même Loi consiste en ce qu'il n'est pas libre au contribuable de se placer lui-même dans le rang et la classe auxquels il croit appartenir, mais que cela a lieu par l'administration et les répartiteurs conjointement ou séparément, tandis que le contribuable est obligé de commencer par payer la somme à laquelle il est imposé.

Quelques-uns croient trouver un troisième sujet de plainte dans le taux exorbitant du droit auquel sont imposées certaines professions, et en ce que la Loi ne désigne pas avec assez de précision les professions qui ont de l'affinité entre elles, ce qui rend l'impôt trop onéreux pour les professions les moins productives.

Enfin, d'autres sont d'avis que les droits devraient être partagés en droits fixes et en droits proportionnels, afin d'obtenir par là plus d'égalité et de proportion dans l'application de l'impôt.

Ces réclamations et d'autres encore ont paru assez importantes pour soumettre à une révision l'impôt sur les patentes, qui fait partie du système, et afin de le modifier de manière à pouvoir faire cesser la plupart des plaintes, sans priver pour cela le Trésor d'une branche considérable des revenus publics. Egalement sera compris dans le droit des patentes, l'impôt sur la navigation intérieure ou le droit de tonnage, ci-devant nommé *lastgeld;* cette réunion semble parfaitement convenir pour le droit de tonnage.

L'équité veut que le droit de patente soit en quelque rapport avec les profits que des professions patentées assurent.

Il y a des professions qui sont d'une grande utilité pour la société, qui répandent au loin l'activité et le bien-être, et qui contribuent directement à la prospérité de l'Etat; telles sont les fabriques, les manufactures, le commerce. D'autres sont, à la vérité, lucratives pour ceux qui les exercent, mais sans être d'une utilité générale, ou dont l'existence ne peut être considérée comme tendant à augmenter la prospérité publique; tels sont les établissemens où l'on débite des boissons spiritueuses ou autres, les jeux de crosse, les salles de billard et autres semblables. Par cette raison, l'on a adopté pour principe de fixer le taux des patentes de manière qu'il fût proportionné aux gains, et en même-temps au plus ou moins d'utilité des professions.

Au reste, le maximum de l'impôt ne pourra excéder le taux établi par la Loi actuellement en vigueur, c'est-à-dire, uniquement pour ce qui regarde les regnicoles; car peut-être y aurait-il lieu à augmenter le droit par rapport aux Etrangers qui colportent leurs marchandises, ou qui étalent hors de leur demeure.

Au moyen de cette taxe plus élevée, imposée sur les Etrangers qui colportent ou étalent, les Marchands établis, qui, outre les charges publiques et locales auxquelles ils sont assujettis, ne peuvent pas toujours vendre argent comptant, jouiront d'une protection spéciale contre le tort que la concurrence étrangère cause à leur débit, ce qui fera cesser les plaintes qu'on élève généralement à ce sujet.

Le montant du droit de tonnage sur la navigation intérieure, qui sera compris dans le droit sur les patentes, sera en général moindre qu'il n'est à présent. Les bateaux destinés à porter du secours en cas d'inondation, et un très-grand nombre de bateaux, nacelles et autres petites embarcations non pontées, qui maintenant sont assujettis à cet impôt, seront ou entièrement exemptés, ou passibles seulement d'un droit très-modique, d'où résultera une diminution considérable de charges, tant en faveur des classes inférieures de bateliers, que des cultivateurs exposés aux inondations.

Les possesseurs des embarcations exemptées seront dispensés d'adresser aucune demande pour jouir de cette exemption; ils ne seront plus obligés de faire marquer leurs Bâtimens à leurs frais: toutes les formalités qui ne sont pas indispensables et tous les frais à ce sujet seront supprimés.

ART. 2. § C.—*Conclusion.*

Ce paragraphe se termine par désigner la manière dont devront être faites les déclarations relatives à l'impôt personnel et au droit sur les patentes.

Chaque année il devra être fait un relevé aux domiciles des Habitans. Ce relevé sera plus amplement décrit dans les Lois spéciales, et s'exécutera sommairement de la manière suivante: le receveur, ou son délégué, fera remettre aux Habitans, à leur domicile, des billets rédigés avec simplicité et clarté, de manière que chaque contribuable pourra le remplir en y insérant ce qui est nécessaire pour former ce dont il est passible, comme: 1. le montant de la valeur locative de son habitation; 2. le nombre et l'espèce de portes et de fenêtres; 3. le nombre de cheminées; 4. la valeur de son mobilier, calculée à raison du quintuple de la valeur locative, ou bien la demande de faire procéder à l'estimation des meubles; 5. le nombre de domestiques; 6. le nombre de chevaux passibles de la taxe, et 7. relativement aux patentes, la profession, ou l'espèce d'industrie qu'il exerce, en y joignant les éclaircissemens nécessaires.

Les déclarations insérées dans ces billets formeront la base du contingent, auquel chaque contribuable se cotise, et c'est sur elles que seront formés les registres ou rôles.

Ces déclarations seront examinées et vérifiées, ainsi qu'il sera ultérieurement déterminé par la Loi spéciale; néanmoins la cotisation ne devra, en aucun cas, être dressé par les employés autrement que sur le fondement et en conformité de la déclaration qui aura été faite. Si cependant, il est reconnu qu'il a été fait des déclarations erronées et non conformes à la vérité, il devra en être dressé procès-verbal, à l'effet de pouvoir instituer les poursuites nécessaires et décerner les peines en cas de fraude.

Tout ce qui est arbitraire disparaîtra au moyen de ces relevés à domicile; l'administration se règle sur la déclaration que fait chaque contribuable, et celui-ci se cotise, pour ainsi dire, lui-même.

Il n'en peut résulter aucun désagrément pour quiconque fait sa déclaration de bonne foi et conformément à la vérité; tandis que celui qui fait une déclaration erronée ou fausse, ne peut s'en prendre qu'à lui-même, s'il s'expose à encourir les peines qui seront établies contre ceux qui fraudent sciemment les droits.

La différence entre ce mode de perception, et celui qui existe actuellement, est toute dans l'intérêt des honnêtes habitans. Il n'y

aura plus lieu aussi à ces plaintes et à ces réclamations nombreuses qui ne peuvent être formées sans frais et sans formalités, et auxquelles il ne peut être fait droit qu'après les délais nécessaires pour un mûr examen, tandis qui le contribuable, quelque erronée que soit sa cotisation, doit toujours commencer par payer.

Art. II.—Impositions Indirectes.

§ D. *Enregistrement.*

Les droits d'enregistrement, de timbre, de greffe et d'hypothèque, seront, de tous les impôts d'origine Etrangère, les seuls qui ne pourront pas être supprimés ou remplacés au moment de l'introduction du système général, quelque désirable qu'il fût d'ailleurs qu'on pût y substituer des taxes plus convenables. Vu le produit considérable de ces droits, ce serait exposer les intérêts du Trésor Public que de faire dès à présent un changement complet, peut-être hazardé. D'ailleurs, ils se rattachent à la Législation Civile qui est encore en vigueur; rien n'empêchera cependant que, sans porter atteinte à cette connexité, on n'élague de ces droits tout ce qui ne s'accorde pas avec l'intérêt bien entendu des habitans et du Trésor, ni qu'en attendant on ne fasse disparaître, autant qu'il sera possible, au moyen de Lois spéciales, les difficultés qui ont été successivement élevées contre quelques parties de ces droits et qui ont été trouvées fondées.

Quelques parties de ces droits pourront être diminuées sans préjudice pour le Trésor, parce que la diminution même de l'impôt fera qu'on sera moins tenté de s'y soustraire qu'on ne l'est à présent, comme il arrive entre autres dans les cas de mutation de propriété et de vente publique. Le droit de timbre, en même temps qu'il subira diverses modifications par rapport aux quittances et au commerce, pourra s'étendre à d'autres objets qui, maintenant, n'y sont pas assujettis, parmi lesquels on peut compter, en premier lieu, les coupons d'intérêts provenant d'obligations étrangères.

Art. II. § E.—*Successions.*

Le droit sur les successions peut continuer d'exister tel qu'il est actuellement; cependant, il est susceptible de quelques améliorations; l'intention est de s'en occuper sérieusement et spécialement d'une mesure qui augmenterait un peu le droit relativement aux fonds étrangèrs.

Ce droit est conservé, comme impôt national, dans la série du système général.

Art. II.—*Accises.*

Les Accises, ci-devant plus généralement connues dans les Provinces septentrionales sous le nom de *onbeschrevene middelen*, et précédemment sous celui d'impôts sur la consommation, sont très-anciennes et leur origine se confond dans l'histoire des Pays-Bas.

Il serait superflu d'entrer ici dans quelques détails à ce sujet pour ce qui concerne les Provinces Septentrionales, attendu que ces droits y ont existé sans interruption. Ils étaient également perçus dans les Contrées nommées Pays de la généralité, actuellement compris dans la Province de Limbourg.

A entendre parler actuellement de quelques-un de ces impôts sur la consommation, il semblerait qu'ils n'ont jamais existé en Belgique, et que, comme étant d'une origine absolument étrangère, on ne pourra jamais les percevoir dans cette partie du Royaume.

Il ne sera pas inutile, pour réfuter cette opinion erronée, de consulter les fastes de l'histoire générale des Pays-Bas, qui contiennent à ce sujet les Documens les plus authentiques, et qui ne laissent pas le moindre doute sur l'existence de pareilles impositions.

Les droits sur la consommation, anciennement connus dans les Provinces Belgiques sous la dénomination de 4 grands impôts, savoir: sur le vin et l'eau-de-vie, la bière, l'abattage et la mouture, ont continué à y être perçus à peu près sur le même pied après leur séparation d'avec les Sept Provinces Unies. Ordinairement la perception en était affermée, comme cela s'est aussi pratiqué postérieurement dans les Provinces Septentrionales : et l'on n'a qu'à consulter la Législation consignée dans les Recueils des Placards de Brabant et de la Flandre pour s'apercevoir que la Législation Financière sortait originairement d'une souche commune.

Divers Placards, Edits et Ordonnances ont successivement établi ou maintenu dans les Provinces Méridionales ces impôts et d'autres semblables, pour plus ou moins de durée, à un taux tantôt plus, tantôt moins élevé, et avec tels ou tels changemens ou modifications; on en citera quelques-uns ci-après.

Les moyens d'assurer les impôts consistaient en général, de même que dans les Provinces Septentrionales, en déclarations, billets de cotisation, précautions à l'égard du transport, recherches ou visites et jaugeage chez les meuniers, boulangers, cabaretiers et débitans, droit général de visite, déclaration sous serment, amendes et pénalités, routes réglées pour l'importation et l'exportation, restitutions et exemptions des droits.

LesOrdonnances ci-après citées fixaient ainsi les droits y mentionnés.

Ordonnance pour le Brabant en date du 14 Décembre 1570;

Vin du Rhin et de France, par aime, 3 florins(de 20 sols de Brabant.)

Vin d'Espagne ou vin doux, par aime, 4 florins du Rhin, 12 sols.

Vins du Pays, 12 sols.

Bière étrangère, par aime, 2 florins du Rhin.

Cidre de pommes ou de poires, par aime, 12 sols.

Bière indigène brassée dans les Villes, par aime, 3 sols.

Idem, brassée dans les campagnes, par aime, 5 sols.

Droit d'Abattage.

Un bœuf ou taureau de 3 ans et au-dessus, 20 sols.

Une vache, genisse ou brehaine, 8 sols.

Un veau, 2 sols.

Un porc, 4 sols.

Autre menu bétail, gibier et volaille, à proportion.

Mouture de froment, ou de froment mêlé de seigle, à l'usage des boulangers;

Par halster de Louvain, 1 sol.

—— sister de Bruxelles, 2 blancs, 12 mytes.

—— veertel d'Anvers, 1 stoter, 6 mytes.

—— sister, mesure de Bois-le-Duc, 1 braspenning; les mesures d'une plus grande ou d'une moindre capacité, à proportion.

Les Ordonnances pour le Brabant en date du 18 Décembre 1576, 20 Septembre 1577, et 8 Novembre 1596, maintiennent, en général, les même impôts, mais avec une augmentation de quotité.

L'Ordonnance du 3 Janvier 1601, impose:

Le vin indigène ou étranger, par aime, à 8 florins.

Les-eaux-de-vie de toute espèce, par aime, à 16 florins.

Le vinaigre de vin, par aime, à 8 florins.

La bière et l'hydromel, tant indigène qu'étranger, par aime, valant 30 sols, à 12 sols.

Vinaigre de bière, par aime, 12 sols.

Droit d'Abattage.

Un bœuf ou taureau de 2 ans et au-dessus, 30 sols.

Une vache ou genisse, 20 sols.

Un veau ou mouton, 5 sols.

Un porc, 8 sols.

Menu bétail à proportion.

Droit de Mouture.

Froment, ou mélange de froment et de seigle, le muid de Louvain, 20 sols.

Seigle ou méteil, par muid *idem*, 12 ½ sols.

Les autres mesures à proportion.

Les fermiers de l'impôt, collecteurs ou commis pouvaient aussi faire usage, à leur choix, des Ordonnances des Villes relatives à ces impôts.

Le placard sur les aydes pour la Province de Brabant, en date du 21 Février 1643, maintint ces impôts sur le même pied, avec des pouvoirs assez arbitraires.

L'instruction pour le Duché de Brabant du 30 Juin 1702, maintint les impôts comme dessus, en réglant que dans le Villes closes le droit

de mouture serait perçu par collecte sur le pied accoutumé, et dans les campagnes, soit par mesure, soit par voie de capitation sur tous les individus âgés de 7 ans et au-dessus, à régler annuellement par les Etats.

Pour la Province de Flandre, on trouve dans le recueil des placards, une Ordonnance du 9 Avril 1688, sur le droit de mouture du grain, lequel droit se donnait à ferme.

Froment, seigle, ou méteil, 6 sols par sac de farine, mesure de Gand.

Les autres mesures à proportion.

L'Ordonnance contient une défense de passer des abonnemens au-dessous de 6 sols, par saison ou semestre, sans distinction d'âge.

Les conditions sanctionnées relativement à l'adjudication de l'impôt pour la Province de Flandre, en date du 18 Février, 1702, renferment les impôts, sur :

Le vin, à 24 florins par 6 aimes.

L'eau-de-vie, à 25 florins par $1\frac{1}{2}$ aime.

Le vinaigre, à 3 florins par $1\frac{1}{2}$ aime.

L'ancien impôt sur les vins, par stoop 2 sols, et pour les cabaretiers à 1 sol en sus ; en outre, sur l'eau-de-vie 5 sols par stoop.

Droit d'Abattage.

Un bœuf ou taureau de 3 ans et au-dessus, 20 sols

Une vache ou un bœuf de 2 ans et au-dessus, 10 sols.

Un veau ou porc, 5 sols.

Bière, de 50 sols la tonne, 1 florin.

Petite bière, au-dessous de 50 sols la tonne, 6 sols.

Vinaigre de bière, 10 sols.

En outre, on y trouve mentionné et on percevait :

L'ancien double impôt de Flandre sur les bières, savoir :

Bière forte, dans les Villes closes, 5 sols par tonne.

Petite bière, 5 sols.

Dans les Villes ouvertes et dans les campagnes, bière forte, 15 sols la tonne.

Petite bière, 10 sols.

Bière Etrangère, 2 florins par tonne.

En outre, l'ancien impôt, comme dessus, sur l'abattage, savoir :

Pour un bœuf ou taureau au-dessus de 2 ans, 12 sols.

Au-dessus d'un an, 8 sols.

Les autres bestiaux, à proportion.

Enfin, la moûture du froment, seigle ou méteil, 6 sols par sac, mesure de Gand.

Sur la mouture des grains pour les distilleries, 6 sols ; et en outre, un droit de 5 sols par stoop d'eau-de-vie de grains, à la charge des distillateurs.

Il résulte de cet exposée que postérieurement à l'union d'Utrecht, où l'on trouve aussi mentionnés parmi les impôts qui frappaient la consommation, ceux sur les bières, les vins, la mouture, l'abattage, le sel et le savon ; les mêmes impôts sur la consommation ont été maintenus dans les Provinces méridionales après la séparation d'avec les Sept Provinces septentrionales, et qu'ils y existaient même encore un siècle et demi plus tard, d'où l'on peut et doit conclure que de pareils impôts sont convenables pour ces Provinces, et qu'ils peuvent y être maintenus, ou rétablis, à un taux modéré.

Les opinions sont partagées au sujet de la perception des accises. Les uns prétendent que ces droits ne peuvent être levés que sur le consommateur, et que c'est là seulement que doivent commencer toutes les mesures de sûreté ; d'autres soutiennent, au contraire, que les accises doivent être perçu à la source, et que cela rend tout autre mesure superflue.

On peut alléguer beaucoup d'argumens pour et contre ces deux opinions ; mais l'état de la question dépend de tant de diverses circonstances, qu'il est impossible d'établir là-dessus un système fixe.

Il y a des impôts qu'on peut en toute sûreté percevoir à la source, sans aucunes mesures ultérieures, comme par exemple celui sur la tourbe ; d'autres au contraire, tel que l'impôt sur le savon indigène, ne sauraient être perçus de cette manière. Il est par conséquent impossible de décider lequel de ces deux systèmes est préférable à l'autre, à moins de déterminer d'avance quel est l'objet imposable qu'on a en vue.

Mais il est positif que toutes les accises quelconques peuvent être passibles du droit à la source, moyennant que le paiement de celui-ci soit mis en rapport avec l'entrée dans la consommation.

Ce principe est d'une application générale, et il n'expose le Trésor à aucun risque ; il laisse une latitude suffisante pour pouvoir procurer aux contribuables toutes les facilités que la nature de chaque accise en particulier peut admettre.

On verra que ce principe a été appliqué à la plupart des accises ci-après désignées.

ART. II. § F.— *Sel.*

Le principal de l'impôt sur le sel est diminué d'environ 1-20 ; mais en y joignant les centièmes additionnels, dont il est parlé à l'Article VIII. du Projet de Loi, il excédera un peu le taux actuel ; on a cru cet objet susceptible de cette légère augmentation. L'établissement du montant de l'impôt, et la prise en charge auront, par continuation, lieu à la source, c'est-à-dire au moment de l'importation ; mais l'impôt ne sera recouvrable que lorsque le sel sera livré à la consommation.

A l'égard des crédits à accorder, le système actuel change en grande partie de forme, et ce changement est tout au profit du commerce et des fabriques.

Les termes de crédit sont supprimés, et par conséquent le négociant ni le saunier ne sont jamais tenus de faire le paiement ou l'avance de l'impôt, pour le sel qui se trouve dans leurs magasins ou dépôts.

Il leur est accordé un crédit courant *(doorloopend)* de l'impôt, et le paiement n'en est requis qu'au moment où la matière entre dans la consommation, par quoi l'on entend la remise à un particulier, à un débitant, ou à un marchand en détail, qui ne jouit pas d'un crédit courant: de cette manière le paiement du droit ne devient jamais onéreux, puisqu'il n'a lieu qu'au moment où le sel est censé être livré à la consommation.

Les crédits courans ne pourront être accordés que sous bonne et suffisante caution; cette précaution est indispensable pour garantir le Trésor; néanmoins on admettra aussi des cautionnemens courans, et ce qui y a rapport sera réglé de manière qu'il n'en résulte aucun inconvénient pour les commerçans ou les fabricans.

Plusieurs espèces de fabriques et de trafics, ainsi que la pêche, et la salaison du poisson ont besoin de sel brut, aussi bien que de sel raffiné; ceux qui doivent en faire usage, pourront l'obtenir exempt d'impôt. Cette exemption est établie dans le présent §; la Loi spéciale réglera la manière dont elle pourra être obtenue.

Les fraudes considérables qui, depuis 1816, ont été commises relativement à cet impôt, et le préjudice qui en est résulté, tant pour le Trésor que pour les sauniers et les négocians honnêtes, sont généralement avérés. L'administration, pour empêcher ces fraudes, a fait tous les efforts que permettait la Loi, et elle y a réussi au point que le produit s'est successivement amélioré. Il a été moins désavantageux dans la dernière année qui s'est écoulée. Néanmoins ce droit est encore demeuré au-dessous de l'évaluation, et il est à présumer qu'à moins d'en assurer la perception par des mesures plus efficaces, il laissera toujours aux fraudeurs le moyen d'en retirer un profit illicite; des mesures efficaces seront proposées en détail dans le Projet de Loi spéciale sur le sel.

L'établissement du droit à la source ne présente pas une sûreté suffisante pour l'impôt; puisque la quantité de sel qu'on importe clandestinement, et celle qu'on soustrait à la vérification, y échappent: les mesures de sûreté doivent par conséquent s'étendre plus loin.

Les magasins à sel des négocians et des sauniers, ainsi que ceux des marchands en gros et des débitans, seront soumis au recensement *(peiling)*, et à la visite; mais ceci sera compensé, pour les marchands en gros, par l'avantage de jouir d'un crédit courant de l'impôt, à l'instar des négocians et des sauniers.

Les marchands en gros, c'est-à-dire, l'intermédiaire entre le saunier et le débitant, ne pourront s'approvisionner de sel, ni en vendre, au-delà d'une certaine quantité déterminée. Les débitans à qui il ne sera permis d'avoir chez eux que du sel dont l'impôt a été acquitté, pourront en faire des approvisionnemens, et le vendre en telles quantités que bon leur semblera; mais ils seront tenus de pouvoir toujours fournir la preuve que le sel, dont ils sont en possession, a payé l'impôt.

Enfin, les débitans, c'est-à-dire, ceux auxquels il ne sera jamais permis d'avoir en leur possession au-delà d'une certaine quantité de sel, qu'ils auront la liberté de vendre en détail, ne seront assujettis ni au recensement, ni à la justification du paiement de l'impôt, mais à la visite de leurs magasins. Ils seront reconnus en contravention à la Loi, et par conséquent punissables, s'il se trouve dans leurs magasins plus de sel que la quantité qui sera ultérieurement déterminée.

Ces mesures serviront à réprimer la fraude qui se pratique en grand, sans qu'il en résulte des entraves à la circulation pour les besoins domestiques et journaliers, ni aucune gêne pour le débitant qui est le plus en contact avec les particuliers et les consommateurs.

On sera peut-être tenté d'assimiler les recensemens et les visites qui seront établis relativement à cet impôt, aux exercices des droits réunis; il ne sera par conséquent pas superflu d'en faire sentir la différence.

Les recensemens proposés sont des précautions à prendre contre la fraude, et par conséquent tout autant dans l'intérêt des honnêtes commerçans que dans celui du Trésor public.

Ils ne servent ni à déterminer la quantité de la matière passible de l'impôt, ni à établir le montant du droit, et elles n'ont par conséquent aucun rapport ni avec le montant de l'impôt, ni avec le mode de le percevoir.

L'objet de ces recensemens est principalement de prévenir, du moyen des visites faites par intervalles dans les magasins et d'une inspection superficielle de la quantité de la matière passible du droit qui s'y trouve, que le commerçant ou le débitant ne soient pas tentés de se fournir de sel en contrebande.

Aussi long-tems que le débit présumé correspond à la quantité légalement emmagasinée, telle qu'elle est connue de l'administration, les recensemens se bornent uniquement à cela; et à mesure que leur résultat donne lieu à la confiance, ils ne seront réitérés qu'à de plus longs intervalles, quelquefois seulement au bout de 3 ou de 6 mois.

S'il résulte, au contraire, de ces recensemens, qu'un marchand bien achalandé, qui aurait eu au commencement du mois, par exemple, 5,000 livres de sel dans son dépôt, se trouve en posséder encore 4,800 livres à la fin du même mois, sans qu'il ait fait depuis aucun nouvel

approvisionnement légal ; ou quelque autre circonstance donne-t-elle lieu à faire soupçonner que l'approvisionnement a été augmenté d'une manière illicite ; alors l'intérêt de l'administration, comme celui de l'honnête commerçant, exige impérieusement que les recensemens soient répétés plus fréquemment, qu'on vérifie la quantité trouvée et qu'on en tienne note, afin qu'à mesure que les recensemens se succédent, il puisse être décompté avec le marchand, et constaté au moyen d'un pesage ou d'un mesurage exact, si effectivement il a alimenté son magasin en fraude des droits.

Ces recensemens ne peuvent être ni gênans, ni faire naître des embarras, étant faits avec prudence, et l'expérience les a fait considérer et désirer comme le meilleur appui de commerce honnête.

L'exercice des droits réunis était d'une toute autre nature ; c'était l'unique moyen et la seule base de déterminer la quantité soumise à l'impôt, et des droits qui devaient en être acquittés.

On prendra pour exemple la marche suivie à l'égard des boissons ; car l'impôt sur le sel se percevant comme une espèce de monopole, l'exercice était moins nécessaire pour cette denrée.

L'impôt sur les boissons avait deux branches principales : la vente en gros, d'un hectolitre ou au-delà, et la vente en détail.

L'impôt sur la vente en gros consistait en un droit très modique, par hectolitre ; en acquittant ce droit, chaque particulier pouvait faire tel approvisionnement de boissons qu'il lui semblait bon, sans être assujetti à aucune espèce d'exercice ; l'autre, au contraire, était un droit très-élevé, nommément de 15 pour cent de la quantité débitée et à raison des prix qui avaient été obtenus au débit.

Comme il était libre à chacun, moyenant le paiement du droit sur la vente en gros, d'avoir en sa possession une quantité de boissons indéterminée, rien n'était plus difficile que d'empêcher qu'elles ne passassent clandestinement des dépôts particuliers à ceux des débitans, ou que ceux-ci ne remplaçassent en secret une partie de ce qu'ils avaient débité ; leurs dépôts étaient contigus à ceux des particuliers et quelquefois sous le même toit, et il n'y avait sorte de moyens de communication qu'on ne pratiquât même jusqu'à des tuyaux, ou conduits cachés pour y parvenir.

De là, l'indispensable nécessité d'avoir recours à des visites et des exercices fréquens et rigoureux pour parvenir à déterminer la quantité débitée en détail, par petit mesure ou par verre ; car les livraisons plus considérables se faisaient au moyen de billets, et on en chargeait de suite le compte du débitant. Ces diverses quantités étaient toutes soumises au droit de détail.

La quantité du débit étant ainsi constatée, non sans beaucoup d'arbitraire, le second but de l'exercice était de connaître le prix de vente afin de pouvoir calculer en conséquence les 15 pour cent.

La déclaration faite par le débitant devait proprement être la base; mais il s'exerçait à cet égard un contrôle, des plus fâcheux.

Par exemple: on mesurait la capacité des petits verres, dont se servent les débitans comparativement au litre; on cherchait par toutes sortes de moyens détournés à constater le prix du verre de liqueur, et ensuite, d'après cette connaissance plus ou moins exacte, la détermination de la valeur devenait, en quelque sorte, l'objet d'une espèce de Convention entre le débitant et les Employés de l'Administration; encore n'y parvenait-on qu'après de vifs débats, les parties s'accusant mutuellement, d'une part, de frauder les droits, de l'autre, de fixer trop haut la quantité du débit et le prix de vente, ainsi que de l'inégalité existante avec l'évaluation chez d'autres débitans, etc.

Cependant, la multitude des précautions prises par l'Administration, et des formalités à observer par le débitant était telle que celui-ci, presque continuellement aux prises et exposé à toutes sortes de vexations, se voyait enfin obligé de céder aux pretensions des Employés de l'Administration, tant par rapport à la quantité qu'à la valeur de la matière imposable. Il n'est pas étonnant qu'avec tant de facilités pour la fraude, d'où résultait tant d'arbitraire dans l'évaluation, et avec des droits si excessivement élevés, les visites domiciliaires et les exercices des droits réunis aient causé un mécontentement général.

Le tabac était vendu par l'administration le double et le triple du prix auquel le commerçant ou le cultivateur avaient été forcés de lui livrer leur produit brut, d'où s'ensuit naturellement que la régie de cet impôt ne pouvait donc être assurée qu'au moyen de visites rigoureuses et générales.

L'exercice pour les boissons devait être sans cesse occupé à les suivre d'une main dans l'autre; il fallait, à des époques rapprochées, rouanner et sceller les futailles, afin de prévenir tout remplissage clandestin, et toute augmentation de volume par le mélange d'autres liquides; sceller les bouteilles chez les marchands de vin, et les classer suivant l'ordre des prix de vente; mesurer les tonneaux en perce, et recompter les bouteilles, pour constater chaque diminution survenue; enfin, assister à la moindre manipulation du marchand, pour lever le scellé, prendre en charge l'augmentation de liquide, décharger et transcrire en cas de transvasion, et faire une nouvelle application de la rouanne et du jaugeage, de même qu'une nouvelle apposition de scellés.

On voit par là que les recensemens et les visites proposées n'auront pas la moindre conformité avec celles des droits réunis, et que les unes et les autres diffèrent entièrement par leur but et leur effet.

II. § G.—*Mouture.*

Il conste, d'après ce qui a été dit plus haut au sujet de l'impôt sur la mouture, qu'il avait été établi anciennement dans diverses Pro-

vinces Méridionales du Royaume, aussi bien que dans les Provinces Septentrionales.

L'impôt sur la mouture est un de ces droits qui, à un taux modéré, peuvent être perçus sans nuire en aucune manière aux intérêts des fabriques et du commerce; il atteint toutes les conditions, l'étranger même en supporte sa part, et l'impôt se confond en général avec le prix du pain. Les formalités à observer à cet égard ne sont pas gênantes. La perception est liée aux autres recettes; elle est par la même peu coûteuse, et l'impôt s'est recommandé de tous tems par son produit.

La quotité n'en est pas fort élevée, qu'on la compare, soit à ce qui avait anciennement lieu, en ayant égard à la valeur relative de l'argent, soit au taux du même impôt à des époques moins reculées. Il reviendra, par rasière, à f. 1. 40 le froment, à f. 1. 00 l'épeautre, et à f. 0. 50 le seigle, ce qui fait pour le premier f. 42. 00, pour le second f. 30. 00, et pour le troisième f. 15. 00, le last. Par conséquent, cet impôt sera, même pour les moindres classes du Peuple, une taxe très-légère et peu sensible. En effet, si l'on évalue la consommation annuelle d'un individu à $4\frac{1}{2}$ rasières de froment et $5\frac{1}{2}$ rasières de seigle, l'impôt ne reviendra qu'à environ $\frac{1}{4}$ de centième par jour ou $90\frac{1}{2}$ centièmes par an, en principal; dans la supposition que cette consommation, consiste toute en seigle, le principal de l'impot, à une rasière par tête ne sera que de $\frac{1}{7}$ de centième par jour, ou 50 centièmes par année. Cependant, la classe moins aisée, qui se nourrit en majeure partie de pommes-de-terres, fèves, pois, grains et autres substances farineuses, non sujettes à l'impôt, doit être comptée, non à raison d'une consommation entière, mais seulement sur le pied d'une demi-consommation. L'impôt sur la mouture du froment et du seigle, combinés, reviendra donc, l'un portant l'autre, pour les classes les moins aisées à environ $\frac{1}{8}$ de centième par jour, ou $45\frac{1}{4}$ de centièmes par an, par tête, ce qui fait en tout, pour un ménage de 5 Personnes, f. 2. $26\frac{1}{4}$ par an; tandis que si la consommation entière consiste en seigle, l'impôt ne s'élevera, pour chaque individu, qu'à $\frac{1}{14}$ de centième par jour et 25 centièmes par an, et n'excéderait par conséquent, pour un ménage de 5 Personnes, pas f. 1. 25 centièmes par an. Il est donc indubitable que la classe moins aisée paiera beaucoup moins qu'elle ne paie actuellement, vu la suppression de l'impôt personnel et mobilier actuel, de l'impôt sur les portes et les fenêtres, de celui sur les combustibles, le savon et les alcalis. Le principal de l'impôt n'excèdera pas $\frac{1}{4}$ de centième sur une livre de pain de froment, et $\frac{7}{25}$ de centième sur une livre de pain de seigle, ancien poids; car un last de froment doit donner au moins 5,600 livres de pain (ancien poids), et un last de seigle 5,400 livres.

Les exemptions de l'impôt pour les grains qu'on fait moudre à l'usage des brasseries et des distilleries, n'ont pas besoin d'être justifiées; celle qui concerne les amidoneries, est fondée sur des exemples précédens et dans l'intérêt de ces fabriques; le grain destiné à la nourriture et à

l'engrais du bétail doit pareillement être exempté, dans l'intérêt de l'agriculture. Les mesures à prendre pour la répression des abus seront établies dans la Loi spéciale.

L'impôt devra être acquitté avant que le grain entre au moulin. Les meuniers ne pourront le moudre qu'après s'être assurés que l'impôt est payé.

Les formalités de cet impôt reviennent, en peu de mots, aux suivantes: le boulanger ou le particulier qui veut faire moudre du grain, en déclare au Receveur la quantité et l'espèce, et désigne le moulin où il doit être moulu. Il acquitte l'impôt, et le Receveur lui en délivre une quittance en double expédition. Ces pièces accompagnent le grain au moulin, où le meunier dépose la quittance dans une boîte close; et il moud ensuite le grain; la farine qui en provient est rapportée du moulin, accompagnée du duplicata.

La même marche s'observe à l'égard des grains dont la mouture est exempte d'impôt. Cependant, comme dans les campagnes ces formalités pourraient entraîner des inconvéniens, surtout là où les Communes sont éparses, on a inséré dans le Projet de Loi une réserve en vertu de laquelle les grains non assujettis à l'impôt pourront dans certains cas et proportions être librement moulus sans être accompagnés de documens. La Loi spéciale prescrira à cet égard les mesures nécessaires pour la répression de la fraude.

On semble craindre que le rétablissement de cet impôt ne nécessite la réintroduction de quelques dispositions concernant la distance entre les bâtimens respectifs, ainsi qu'à l'égard de la cumulation de diverses espèces de professions; que, par exemple, les meuniers ne pourront exercer en même tems celle de boulanger, et de même dans le cas opposé; mais, attendu la modicité de l'impôt, on a considéré ces dispositions prohibitives moins nécessaires. En conséquence la Loi particulière laissera subsister presque toutes les distances et tous les genres d'industrie dans l'état où ils se trouveront à l'époque de l'introduction de la Loi, et s'il y a des exceptions, elles seront en très-petit nombre.

Comme il faut s'attendre qu'il sera fait des objections, nonseulement contre l'impôt sur la mouture, mais aussi par rapport au mode de perception, il a paru convenable de faire mention des principales et de les examiner avec quelque attention.

Une première pourrait être que si l'impôt sur la mouture a autrefois existé en Brabant et en Flandre, il n'a jamais été connu dans les autres Provinces méridionales, et qu'il ne serait en conséquence pas possible de l'établir dans tout le Royaume; que de plus, lors de la Révolution Belgique en 1790, un des premiers Actes des Gouvernemens d'alors a été l'abolition de cet impôt, d'où l'on conclurait qu'il était insupportable.

Mais il est à observer qu'à l'époque où le Brabant et la Flandre se trouvaient sous la domination de l'Autriche, l'impôt sur la mouture

était aussi connu dans la plus grande partie de la Province de Limbourg et dans toute celle d'Anvers, et que d'ailleurs, il n'existait pas pour lors le système général de finances en Belgique; que chaque Province et même quelquefois des parties de Province avaient leurs impôts particuliers et distincts; que cette différence ne se bornait pas à la mouture seule, mais s'étendait encore à d'autres impôts, qui depuis ont été reconnus comme susceptibles d'être introduits généralement. L'impôt sur le café, par exemple, existait aussi en Brabant sans qu'il fût perçu dans toutes les Provinces de la Belgique; cependant cet impôt n'existait pas comme droit de consommation, mais comme contribution directe, afin de ne point altérer le commerce des habitans: ce sont les termes de la Loi de 1736. Or, ne pourrait-on pas de là conclure avec le même fondement que l'impôt sur le café n'aurait pu non plus être généralement introduit, pas même comme imposition directe? De plus l'abolition de la taxe sur la mouture par autorité des Etats de Flandre, lors de la Révolution de 1790, ne peut être regardée comme la preuve que cette taxe était insupportable; puisque quiconque est un peu au fait de l'histoire et des événemens politiqes qui ont signalé cette époque, ne peut ignorer comment doivent être considérées semblables abolitions d'impôts, qui ensuite furent remplacés par des charges infiniment plus onéreuses; c'est ainsi qu'en France on supprimait vers le même tems les gabelles et le monopole du sel, et que plus tard après la réunion des Provinces septentrionales à la France, l'impôt sur la mouture y fût également aboli avec plusieurs autres. Cela a pu occasionner momentanément quelque satisfaction au Peuple, à qui toute abolition d'impôt fera toujours plaisir; mais on ne saurait raisonnablement en conclure que cette taxe était insupportable, et cet événement peut-il avec justice être regardé comme un heureux événement de ce tems? Le retour successif à ces mêmes taxes dans les principales Communes de ces Provinces ne donne-t-il pas la meilleure preuve du contraire?

Une autre objection pourrait être tirée de ce que l'impôt en question frappe sur les objets de première nécessité, et qu'il atteint toutes les classes de la Nation, sans en excepter les indigens et même ceux qui subsistent d'aumônes.

Mais, les impôts sur le sel, sur le vinaigre et sur d'autres objets de consommation indispensable, ne donnent-ils pas lieu au même reproche, et la conclusion à en tirer, ne devient-elle pas trop générale?

D'ailleurs c'est une conséquence nécessaire du contrat social que tous les Membres de la Société, sans exception, doivent contribuer aux charges communes, chacun d'après ses moyens, et pourvu que ce soit dans une proportion équitable et progressive, suivant les degrés d'aisance dont les contribuables jouissent; cela ne saurait donner lieu à des plaintes fondées, et tel est l'esprit dans lequel le système proposé a été projeté. Tous les Financiers conviennent que le caractère distinctif d'un bon système consiste en ce que tout porte, sans être sur-

chargé. Peut-on regarder comme une surcharge pour la classe la moins aisée, un impôt, qui depuis longtemps a été payé dans d'autres contrées et qui l'est encore, à un taux, deux et jusqu'à trois fois plus élevé que celui qui est proposé, sans avoir donné lieu à des plaintes? N'est-il pas de l'essence des accises, partout où elles sont introduites, que chacun y contribue en proportion de ses moyens, aussi bien le pauvre que le riche? La nature de cette sorte d'impôt ne comporte pas de le faire payer uniquement à la source ou par la première main, sous le vain prétexte de voiler aux yeux de la classe moins aisée la part qu'elle supporte dans les charges générales?

Il est de plus à observer que, dans le système projeté les diverses espèces de grains, propres à la nourriture de l'homme, qui sont le plus à l'usage des classes les plus indigentes et les moins aisées, ne sont pas soumises à l'impôt; cependant il a été remarqué autrefois dans les Provinces Septentrionales que tandis que l'impôt y était double, et au-delà de celui qui est proposé maintenant, la proportion entre le prix des grains non imposés et celui des grains soumis à l'impôt est resté la même; d'où l'on pense pouvoir conclure que la charge de l'impôt n'a pas été excessivement onéreuse pour la classe moins aisée.

Une troisième objection pourrait être, que l'impôt nuira à la charité envers les indigens, soit de la part des particuliers, soit dans les établissemens publics de bienfaisance: mais il est aisé de venir au secours de ces derniers, et l'expérience prouve suffisamment que l'existence de l'impôt n'a jamais nui à la charité des particuliers, et ne lui a point fait éprouver de diminution apparente. Il existe des taxes municipales sur la mouture, dans presque toutes les Provinces; en Frise, la taxe générale pour toutes les Communes est de f. 108.00 sur le froment, et de f. 34.50 sur le seigle, par last; à Maestricht de f. 1.25 sur le froment, et de 0.20 sur le seigle; par quintal: à Ruremonde, de f. 0.55 sur 126 livres pesant de froment, de f. 0.41 2/3 sur 116 livres de seigle; de f. 0.41 2/3 sur 112 livres de blé sarrasin; de f. 0. 41 2/3 sur 84 livres d'orge, et de 0.41 2/3 sur 65 livres d'épeautre, d'avoine et autres espèces de grains. A Gand, elle est de f. 0.90 sur le froment, et de 0,15 sur le seigle, l'orge et le blé sarrasin, par rasière. A Termonde, de f. 1.00 sur le froment et le méteil, et de f. 102.60 sur le seigle, par rasière. A Ostende, de f. 1.00 sur le froment; de f. 0.65 sur le méteil, le seigle, le blé sarrasin et l'avoine, et de f. 3.00 sur la fleur de farine d'orge ou de fèves, par quintal. A Tournai de f. 0.37:80, par rasière sur toute espèce de grain, hormis le seigle, et sur la fleur de farine de grain, riz et pommes-de-terre, de f. 0.70,07 par quintal. A Amsterdam, de f. 144.00 sur le froment, et de f. 19.80 sur le seigle, par last. A Rotterdam, de f. 92 sur le froment, et de f. 22.50 sur le seigle, par last. A Anvers, de f. 0.70 sur la farine de froment par quintal; et à Malines, de f. 0.50, par quintal, sur toute espèce de grains, excepté le blé sarrasin. Cependant on ne s'est plaint nulle part que la taxe fût insupportable.

Ce serait méconnaître une des marques distinctives du caractère nationale que de supposer qu'une imposition modéré puisse ralentir la charité des Habitans des Villes et des Campagnes ; depuis les dernières années il y a eu peu d'endroits où il ne se soit fait des distributions publiques d'alimens aux pauvres durant l'hiver. Les principaux alimens, dont il est fait usage, sont pour l'ordinaire, la viande et la farine. Cependant ces utiles établissemens se sont formés et se soutiennent malgré de fortes impositions communales sur l'abattage du bétail et sur la mouture.

Une autre objection consiste à dire que, la classe des ouvriers et des artisans, consommant le plus de pain, se trouverait par-là plus grévée par l'impôt sur la mouture que les classes plus aisées. L'observation que la taxe sur le seigle est inférieure à celle qu'on propose d'imposer sur le froment y répond directement. D'ailleurs il est toujours problématique si cette supposition est fondée ; l'expérience a constamment prouvé, dans les Provinces Septentrionales, que la consommation de pain était plus grande dans les Villes qu'à la Campagne, et que celle des grandes Villes était supérieure à celle des moins grandes ou des petites. Le plus d'aisance qui existe dans les grandes Villes fait que les habitans y consomment non-seulement une plus grande quantité de pain, mais aussi de l'espèce sur laquelle pése le plus fort impôt; tandis que dans les campagnes, où l'on s'occupe des plus rudes travaux, il y est suppléé davantage par d'autres productions des champs.

Il ne résulte pas d'inégalité non plus de ce que l'ouvrier habitant une contrée fertile, consomme plus de pain de froment et contribue par là plus que ne font les individus de la même condition dans des contrées moins favorisées par la nature. On avoue volontiers que cela a lieu effectivement dans quelques parties des Provinces Méridionales ; mais sans admettre la conclusion qu'il ne naitrait une disparité dans la manière de supporter l'impôt ; car il est incontestable qu'à mesure que la terre est plus fertile, la condition de ceux qui la cultivent devient meilleure. Il s'ensuit de plus que l'impôt sur la mouture pèse précisément par-là, et par sa nature même dans une proportion équitable, puisque nonseulement chacun contribue davantage, à mesure qu'il jouit d'une plus grande aisance en consommant, en proportion plus de pain de froment que de seigle, mais que cet impôt est également relatif au plus ou moins de richesse de la contrée habitée.

Il serait à désirer qu'on pût toujours prendre pour règle des charges à imposer à la masse de la société, la richesse productive, prise dans un sens général, comme la base la plus équitable. C'est d'après cela que, durant l'existence d'un impôt sur la mouture deux à trois fois plus élevé, les Habitans de la fertile Zélande ont contribué annuellement dans la proportion, au-delà de f. 5.00 par tête, tandis que ceux d'autres Provinces moins favorisées de la nature payaient à peine dans la proportion 89 à 90 centièmes.

Cet état de choses aurait-il pu durer, si effectivement les deux

dernières objections étaient fondées, et les Habitans de contrées moins favorisées par la nature peuvent-ils avec fondement se refuser à une semblable taxe proportionnée à leurs moyens?

Une dernière objection contre le principe de l'impôt, c'est que le taux en est trop élevé en proportion de la valeur des grains et que par-là il serait une trop forte charge pour la classe ouvrière; l'expérience du présent et du passé la refute également.

Dans la Province de Frise, ainsi que dans plusieurs Villes, on perçoit malgré le bas prix actuel des grains, l'impôt sur la mouture, à un taux double et triple de celui qui est proposé, sans qu'on se plaigne de l'élévation de la taxe. Il est également certain que précédemment on n'a pas élevé de plaintes dans les Provinces Septentrionales, à des époques où les grains étaient à bas prix; tandis que le produit du droit n'a guère souffert, dans les temps d'une cherté excessive des céréales, comme celle qui a eu plusieurs fois lieu dans les dernières années, et à ces époques l'élévation du droit n'a pas donné lieu non plus à des réclamations particulières. Il est donc permis de conclure que l'impôt est indépendant du prix des grains, et qu'il doit être considéré uniquement comme le moyen et le regulateur pour obtenir de chaque Individu sa part dans les charges publiques. Les prix des grains ont aussi peu fait varier le produit de l'impôt, que celui-ci a influé défavorablement sur l'agriculture, ou sur le commerce des grains. Aussi longtemps que les Pays-Bas, à la faveur de la liberté du commerce des grains, seront le grenier de l'Europe, il n'existe aucune crainte à cet égard. Le prix des grains ne se détermine pas seulement d'après les bonnes ou mauvaises récoltes dans les Pays-Bas, et le plus ou moins de consommation de céréales dans l'intérieur du Royaume, mais ce sont plutôt l'importation et l'exportation qui influent puissamment sur ce prix.

Les difficultés qu'on oppose au mode de perception de l'impôt sur la mouture, concernent principalement une partie du plat Pays; quant aux Habitans des Villes, l'expérience prouve qu'il n'en existe point, puisqu'on ne s'en plaint pas et qu'on ne s'en est point plaint autrefois. Dans les Communes où chaque particulier a coutume de faire moudre son grain et de le pétrir lui-même, la perception sera certainement sujette à plus de formalités; mais il sera possible d'écarter les principales et de procurer aux Habitans plus de facilité qu'ils n'en ont eue précédemment; déjà l'habitude avait autrefois fait cesser beaucoup de plaintes, et l'exemple de la Frise prouve encore aujourd'hui, plus que tous les raisonnemens, combien la chose peut aisément être mise en pratique. Il est à désirer que l'on fasse attention:

1. Que par la réunion de toutes les recettes du Royaume sous une direction générale, il se trouvera environ dans chaque Commune, un Receveur;

2. Que les bureaux de recettes seront, autant que possible, établis à proximité des moulins;

3. Que les particuliers pourront se faire délivrer journellement et à toute heure, les billets dont ils auront besoin;

4. Que, s'il existe plus d'un moulin dans une Commune, ou lorsque les circonstances locales l'exigeront, le Receveur ou son délégué pourra, s'il en est besoin, tenir à certains jours et à des heures fixes des séances aux moulins, à l'effet de délivrer les billets et de percevoir les droits;

5. Que dans les endroits où les meuniers ont coutume d'aller eux-mêmes prendre le grain au domicile des particuliers avec des charettes, chariots ou bateaux, la perception en sera d'autant plus facile: puisque d'un côté les particuliers n'auront pas besoin de prendre la peine de venir payer l'impôt, et que, de l'autre, les personnes chargées du transport pourront l'acquitter simultanément pour des parties plus considérables. On a reconnu ci-devant dans les Provinces septentrionales les avantages qui en résultaient;

6. Qu'il pourra être remédié, par des dispositions particulières, à tous les autres inconvéniens provenant des localités par la réserve de faire telles modifications et d'accorder tels adoucissemens qui seront jugés nécessaires dans l'intérêt du Trésor et dans celui des Habitans, sans préjudicier à la quotité et à l'essence de l'impôt;

7. Qu'on pourrait de cette manière maintenir la continuation de l'exercice simultané de diverses professions, telles que celles de meunier et de boulanger, de meunier et de cultivateur, de meunier et de marchand de grains, et tolérer également l'existence de moulins, de boulangeries et de boutiques de farine à des distances qui sont autrement considérées comme étant trop rapprochées.

8. Qu'on pourra transporter du moulin, sans être muni de pass-avant, une quantité de farine, à fixer ultérieurement, provenant de grain non passible de l'impôt, et qu'en outre, l'expérience a prouvé suffisamment que les employés seront en état de distinguer les différentes espèces de grains; et

9. Que la Loi spéciale pourvoira d'une manière satisfaisante à la désignation des grains passibles de l'impôt, des grains mélangés, et de ceux qui ne sont pas soumis à la taxe, ainsi qu'il y a été pourvu par les législations précédentes sur la mouture.

Quoique la perception de cet impôt soit sujette à plus d'inconvéniens dans les campagnes que dans les Villes, elle n'en pourra pas moins être mise à exécution au moyen des facilités qu'on vient d'énoncer; elle a bien pu l'être précédemment, quoique ces diverses facilités n'existassent pas. Indépendamment de ce qui se pratique dans un grand nombre de Villes et de leurs banlieues, l'exemple de la Frise suffit pour s'en convaincre; quoiqu'entourée en grande partie d'autres Provinces où le droit sur la mouture n'existe pas, cette Province retire cependant de cet impôt une somme annuelle considérable, sans soumettre ses Habitans à des charges extraordinaires.

De pareils exemples, existant de nos jours et appuyés de l'expéri-

ence du passé, justifient pleinement la détermination proposée à l'égard d'un impôt qui déjà se recommande par lui même à tant de titres dans la série des accises. Il a été maintenu, sans altération, pendant une époque où presque tout a été changé, et durant laquelle on a fait l'essai de toutes sortes de théories en matière d'économie politique. Lors de la réunion des Provinces Septentrionales à la France, il n'a été aboli qu'avec infiniment de répugnance par le Chef du Gouvernement d'alors; il a été ensuite rétabli avec succès, et à peine abandonné par l'administration générale; il a été adopté avec empressement par bien des Communes qui en ont obtenu tous les résultats qu'elles désiraient, quoique les effets doivent nécessairement être plus avantageux, lorsque s'étendant sur toutes les parties, il n'aura pour bornes que les limites du Royaume.

Art. II. § H.—*Abattage.*

Cet impôt devait aussi, d'après ce qu'on a observé ci-dessus, être considéré comme indigène dans les Pays-Bas. Il est d'ailleurs du nombre de ceux qui causent le moins d'entraves au commerce ou aux fabriques, et qu'il est aisé de supporter, parce qu'il se confond presque toujours avec la prix de la viande.

Cet impôt offre à peu près les mêmes avantages que celui sur la mouture; et ceux-ci augmentent même en raison du moindre nombre de contribuables qu'il met en rapport avec l'administration; d'ailleurs il porte davantage sur les classes aisées. Dans les Villes il ne regarde, en général, que les bouchers; dans les Campagnes il peut concerner à la fois les bouchers et les particuliers, mais pour ces derniers, cela se borne ordinairement à un seul mois de l'année.

Les formalités de cet impôt sont très-simples: le boucher ou le particulier qui veut abattre une pièce de bétail, la fait évaluer par le priseur; celui-ci lui délivre un billet contenant l'estimation; avec ce billet il se rend au bureau du Receveur, et acquitte l'impôt; il en reçoit une quittance, et, muni de cette quittance, il abat sa pièce de bétail.

La quotité de l'impôt est fixé à 10 pour cent de la valeur.

Il ne peut pas passer pour trop élevé. L'objet doit aussi être moins considéré comme appartenant absolument aux premières nécessités de la vie, que maint autre, n'étant pas d'un usage aussi général: la classe moins aisée s'abstient de viande de boucherie comme d'un aliment trop coûteux pour elle; l'impot ne frappe par conséquent pas sur l'indigent, il n'atteint que les classes qui jouissent déjà d'un certain degré d'aisance.

Il n'est pas à craindre que la valeur du bétail diminue à cause de cette imposition: les classes aisées sont tellement habituées à faire usage de viande de boucherie, et elle leur est tellement nécessaire que la hausse du prix ne les engagera pas à en diminuer la consommation.

L'augmentation du bétail n'a jamais souffert de cet impôt. Cette branche de l'économie rurale n'a pas cessé d'être florissante dans les Provinces Septentrionales, quand cet impôt y existait; et lorsqu'en 1811 il y fut aboli, on ne s'est pas aperçu que la suppression produisît dans la suite quelque effet avantageux sur la tenue et l'entretien du bétail. Il existe maintenant, comme impôt communal, dans un grand nombre des principales Villes du Royaume; il y en a même quelques-unes où il est porté à un taux plus élevé que celui qu'on propose dans le Projet de Loi, sans que des plaintes se soient élevées à ce sujet.

La perception sera simplifiée, autant que possible, et dégagée de toute formalité gênante pour les Habitans.

La valeur du bétail à abattre est la meilleure base qu'on puisse choisir pour que l'impôt frappe d'une manière égale. Il semble, à la vérité, qu'il y aurait plus d'avantage pour le Trésor de prendre pour base le nombre de têtes de bétail ainsi que leur poids; mais il en résulterait que l'impôt serait très-inégalement porté; que les cantons où les pâturages sont très-maigres, et où le bétail acquiert peu de valeur, seraient justement ceux où l'impôt serait par-là même le plus élevé, et par conséquent exorbitant pour les consommateurs, en comparaison de ceux qui habitent des Cantons riches, possédant de bonnes prairies, où le bétail infiniment plus gras et plus pesant serait passible du même taux.

Art. II. § I.—*Vin.*

La quotité de l'impôt, tant sur les vins Etrangers, que sur ceux du Pays, est diminuée de 1/6 à peu près du principal de l'impôt actuel; cependant si l'on y ajoute les centièmes additionnels dont il est parlé à l'Art. VIII. du Projet de Loi, et dans la supposition qu'ils pourraient s'élever jusqu'au nombre de 18, il reviendra à peu près au même taux qu'à présent pour les vins étrangers, tandis que pour les vins du Pays l'impôt se trouvera un peu au dessous de son taux actuel.

L'établissement du montant de l'impôt a lieu comme actuellement, à la source, c'est-à-dire, pour les vins étrangers, au moment de l'importation, et pour ceux du Pays, à l'époque de la récolte.

Quant aux crédits courans, au paiement de l'impôt lors de l'entrée dans la consommation pour les particuliers, cabaretiers, ou marchands en gros non jouissant d'un crédit courant, de même qu'à l'égard des cautionnemens, on se réfère, ainsi que pour les accises suivantes, à ce qui a été dit à l'article du sel.

Art. II. § K.—*Eaux-de-vie indigènes.*

L'impôt est fixé, à peu prés au taux actuel, avec déduction d'environ 1/6.

Il devra être acquitté, proportionnellement au degré de force à constater lors de son entrée dans la consommation.

L'établissement du montant de l'impôt est maintenu sur le pied de la Loi actuellement en vigueur, mais seulement comme minimum, de manière que lors de l'entrée dans la consommation il ne pourra jamais être payé moins que ce qui est dû suivant la fabrication, à proportion de la capacité des cuves de macération; au moyen de l'impôt sur la mouture, la prise en charge des distillateurs pourra être contrôlée, et il sera par-là plus difficile d'éluder les droits.

ART. II. § L.—*Boissons et Liqueurs distillées venant de l'Etranger.*

Cet impôt suivra à peu près la même marche que celui sur les vins Etrangers.

ART. II. § M.—*Bières et Vinaigres indigènes.*

La Loi du 12 Mai, 1819, relative à ces impôts, sera maintenue à peu de chose près. La bière, vu ses différentes espèces et la diversité des prix, n'est guère susceptible d'un impôt recouvrable à l'entrée dans la consommation.

Les termes de crédit n'ont aussi à cet égard nul inconvénient, parce qu'ordinairement la bière est livrée à la consommation, ou même déjà consommée, avant qu'on ne soit tenu d'en payer l'impôt. L'impôt sur la mouture peut être mis en rapport avec ceux-ci, et contribuer à en assurer le recouvrement.

La quotité en est portée à f. 0.70, ce qui, en y ajoutant 18 centièmes additionnels, formera une légère augmentation d'environ f. 0.07½, dont ces objets ont paru très-susceptibles.

ART. II. § N.—*Sucre.*

On a conservé cet impôt. Les plaintes qui, lors de son établissement, s'étaient élevées à cet égard, ont diminué. Comme objet de fabrication indigène, le sucre a été jugé très-propre à être assujetti à un droit d'accise modéré; en favorisant l'exportation de ce produit de nos fabriques, il peut contribuer à augmenter cette branche de l'industrie nationale. On en a déjà la preuve; le commerce n'en éprouve aucune gêne notable. La Loi sera modifiée autant qu'il sera jugé nécessaire, et, à l'occasion du Tarif, on se propose de faire disparaître l'inégalité existante maintenant entre les diverses espèces de sucre brut, relativement à l'impôt, et de donner en même temps quelque avantage aux sucres provenant de nos propres Colonies.

La quotité du principal de l'impôt est diminuée de 1/10; mais en y ajoutant les centièmes additionnels dont il est parlé à l'Article VIII. et en supposant qu'ils s'élèvent au nombre de 18, la totalité de l'impôt se trouvera un peu plus élevée qu'elle ne l'est actuellement.

ART. II. § O.—*Timbre collectif.*

Le timbre collectif fournit un moyen très simple de contrôle relativement à la recette des accises; il est en même temps productif, et peut être regardé comme un impôt à part.

L'expérience des systèmes précédens a démontré l'utilité de ce contrôle.

La marche en est simple, et se réduit sommairement à ce qui suit:

On remet à chaque Receveur un certain nombre et une certaine espèce de timbres en blanc, qui doivent servir de quittance des impôts à mesure que ceux-ci sont acquittés. Le montant des timbres sera, suivant le Tarif, d'environ 5 pour cent de l'impôt, et les Receveurs en seront débités.

Un Receveur est débité pour la valeur de f. 100 en timbres, et peut recevoir, au moyen de ceux-ci, f. 2000 d'impôt. A la vérification de son bureau, les timbres sont examinés et comptés; en trouvant qu'il manque, en timbres, f. 50 sur la somme pour laquelle il a été débité, il est constaté, même sans avoir besoin de vérifier les livres, que la recette en impôt doit s'élever au moins à f. 1000.

Quelques documens, tels que les passavans, les permis, etc., seront munis d'un timbre à petite dimension, d'où il ne résultera qu'une très-légère charge pour les intéressés; cependant le produit servira à couvrir des frais qui tomberont à la charge de l'administration.

ART. II. § P.—*Ouvrages d'or et d'argent.*

Ce droit étant entièrement conservé sur le pied de la Loi actuellement en vigueur, il n'est pas nécessaire de rien alléguer à l'appui.

ART. II. § Q.—*Droits d'entrée et de sortie.*

Les principes d'après lesquels seront établis les droits sur l'entrée, la sortie et le transit, sont développés dans l'Article X. du Projet de Loi; il en sera traité ci-après.

La perception des accises, telle qu'elle est comprise dans ce système, ne peut pas être assimilée à celle qui était prescrite dans les Provinces Septentrionales, par le système établi en 1806 et qui a duré jusqu'à 1812.

Il ne sera pas maintenant nécessaire d'être autorisé par l'administration, avant de pouvoir continuer l'exercice d'une profession ou une fabrique déjà établie; il ne sera pas prescrit de règles aussi générales par rapport aux distances à observer dans l'établissement de divers genres de profession ou d'industrie; aucune fabrique, manufacture ou usine ne pourra être démolie ou mise hors d'état de service, par voie de mesure administrative; il sera moins souvent défendu de

cumuler l'exercice de différentes professions ou de différens genres de commerce; les meuniers, boulangers et autres semblables ne seront pas dans le cas de prêter serment; la circulation d'objets passibles d'impôt sera moins gênée; les recensemens ne s'étendront pas jusqu'aux débitans ou marchands en détail; les visites domiciliaires ne pourront avoir lieu chez les particuliers, qu'avec l'autorisation de la justice; il n'y aura pas d'accusateurs publics spéciaux, ni tribunaux délégués. La différence entre le système qu'on propose, et celui qui a précédemment existé, sera ainsi entièrement à l'avantage du contribuable.

III. Les crédits à termes étant supprimés, et remplacés par un crédit courant de l'impôt relativement aux accises, qui avait été établi dans l'intérêt du commerce est devenu en grande partie superflu. Mais comme, par rapport à l'accise sur le vin, on ne pourra vraisemblablement pas s'en passer entièrement, afin d'assurer les intérêts du Trésor relativement aux décharges de l'impôt pour cause d'exportation, vu la différence des droits sur les vins Etrangers et de ceux sur les vins indigènes. Il sera nécessaire de maintenir la faculté d'entrepôt pour cet objet, afin que l'exportation à l'Etranger puisse avoir lieu avec jouissance de décharge.

En tant que l'entrepôt sera établi dans les magasins de l'Etat il sera fixé un loyer modéré pour cet entrepôt; mais les frais de surveillance seront supprimés, et ceux d'ouverture et de fermeture seront fixés à un taux si modéré, qu'ils ne pourront donner lieu à aucunes réclamations ni à aucun abus.

On pourra aussi faire usage des magasins de l'Etat pour y déposer des effets et marchandises destinés à servir de cautionnement pour les crédits permanens.

IV. Les impôts sur la tourbe et la houille indigènes, sur le café, le savon, la potasse et autres espèces d'alcali, le droit de pesage, celui de mesure ronde, les impôts sur les bières et les vinaigres Etrangers, sur le sel et le sucre raffinés à l'Etranger, sont supprimés par cet Article. Cette suppression néanmoins ne s'étend qu'aux impôts qui se perçoivent à titre d'accises; la tourbe et la houille venant de l'Etranger, le café, la potasse, les diverses espèces de soude ou alcali, les bières et vinaigres Etrangers, les sels et les sucres raffinés hors du Royaume, seront taxés séparément dans le Tarif des droits d'entrée et de sortie, dans lequel seront également compris les droits de pesage et de mesure ronde, sur les mêmes objets qui y sont soumis actuellement.

V. Les impôts sur la mouture, l'abattage, et les boissons ou liqueurs distillées dans le Royaume, peuvent offrir dans quelques districts, à raison des localités, des difficultés relativement au recouvrement, tant pour les habitans que pour l'administration; en conséquence, il a paru

désirable de pouvoir y remédier, au moyen de modifications, ou en accordant des facilités qui puissent se concilier avec la quotité et la nature de l'impôt.

Par rapport à l'impôt sur la mouture, il pourrait, par exemple, arriver que des habitans de la campagne eussent leurs habitations tellement éloignées du bureau du Receveur, et du moulin, qu'il leur en coûterait des heures entières pour remplir les formalités et acquitter l'impôt; pour le journalier cette perte de tems est réellement une augmentation de l'impôt, si quelquefois même elle n'en surpasse le montant. En conséquence, les bureaux de recette devront être placés, autant que faire se pourra, à proximité des moulins ou des grandes routes qui y conduisent, et lorsque cela ne sera point praticable, les Receveurs devront tenir chaque semaine, ou même chaque jour, à des heures convenables, des séances, dans le voisinage des moulins, ou des grandes routes qui y aboutissent; mais comme il ne sera pas possible de remédier par là à toutes les difficultés, dans tous les endroits, c'est pour de pareils cas qu'il importe qu'on ait la faculté de prendre, suivant les circonstances, telles mesures qui seront trouvées nécessaires pour concilier l'intérêt des contribuables avec celui du Trésor. Les motifs qui nécessitent cette réserve ont été plus amplement développés ci-dessus, à l'article de l'impôt sur la mouture.

Par rapport au droit d'abattage, il pourra se présenter pareillement des difficultés pour parvenir à l'estimation du bétail, difficultés auxquelles on pourrait remédier en admettant la déclaration et l'évaluation de la valeur du bétail, par les intéressés. Enfin par rapport à l'impôt sur les liqueurs et boissons qui se distillent dans le Royaume, on sera à même d'accorder des facilités aux distilleries qui travaillent uniquement dans l'intérêt de l'agriculture, ou qui, comme dans le Grand-Duché de Luxembourg, employent des procédés particuliers; il sera possible de contracter des abonnemens, ou de convenir d'une autre mesure quelconque.

Cependant attendu que les difficultés dépendent toujours des localités, et que pour les lever, le remède qu'il convient à un endroit peut ne pas convenir à un autre, la Loi spéciale contiendra des dispositions convenables pour la commodité et dans l'intérêt des contribuables.

VI. Les décharges ou restitutions en faveur des objets passibles d'accises, qui sont exportés pour commerce à l'étranger, n'auront pas besoin de justification: elles sont tellement indispensables au maintien du commerce, des fabriques, pour soutenir la concurrence avec les étrangers, qu'il serait ridicule d'y renoncer, quelque désirable que cela puisse paraître d'ailleurs.

Par rapport au droit sur la mouture et l'abattage, il faudra accorder restitution de l'impôt en faveur de la grande et de la petite pêche, ainsi que cela se pratiquait autrefois, sauf certaines mesures de précaution;

et peut-être sera-t-il nécessaire, quant à ces 2 derniers impôts, d'accorder quelque dégrèvement aux établissemens publics de bienfaisance.

VII. Le système des impôts, tel qu'on vient de le nommer et de le décrire en entier, doit être censé pouvoir, conjointement avec les autres Revenus Publics, fournir des résultats suffisans pour faire face aux dépenses ordinaires et extraordinaires de l'Etat.

La somme requise pour couvrir les dépenses ordinaires est fixée par la Loi du 27 Avril 1820; dans cet Article-ci on indique les impôts et les Revenus qui doivent servir à cet usage. On y a compris, entre autres, 1,000,000 de florins provenant des droits d'entrée et de sortie. Ces droits, dont la nature et le produit sont incertains et variable, ont été rangés par cette raison parmi les impôts destinés à faire face aux dépenses extraordinaires; cependant ils devront continuer toujours à exister dans l'intérêt de l'industrie nationale, et certainement, leur produit surpassera toujours le montant de la somme ci-dessus mentionnée, destinée aux dépenses ordinaires, plus celle du prélèvement dont il est parlé ci-après, à l'Article XII.

Selon toute apparence et suivant le calcul le plus exact, autant qu'il est possible de l'établir d'avance, les revenus et les impôts projetés suffiront pour faire face aux dépenses: des désastres imprévus pourraient seuls y mettre obstacle. On a joint ici les évaluations; elles sont fondées sur l'expérience et sur des faits puisés dans l'histoire de nos jours et dans celle des temps précédens; ils méritent par conséquent d'autant plus de confiance.

Si, par un heureux résultat, il arrivait que les revenus et les impôts surpassassent le montant auquel ils ont été évalués, l'excédant pourra servir à opérer une diminution sur les centièmes additionnels pour les dépenses extraordinaires, dont il sera parlé ci-après.

Quelques particularités de cet Article demandent un peu plus de développement.

Patentes.

Suivant la Loi qui sera de nouveau créée ou revue, le principal du produit des patentes sera affecté en entier aux dépenses ordinaires; dans le droit sur les patentes est compris le droit de tonnage pour la navigation à l'Intérieur.

La Loi des Patentes est une de celles qui offrent le plus de difficultés, sa rédaction et sa révision demandent du temps et une étude réfléchie; car elle frappe toute espèce de commerce, de profession et d'industrie.

Il serait possible que cette Loi ne pût être arrêtée assez tot pour opérer dans toutes ses parties durant l'année 1822; alors il faudrait maintenir provisoirement la Loi actuelle. Mais dans ce cas-là, si on affectait aux dépenses ordinaires seules le produit entier du droit de patente, il excéderait la somme nécessaire pour les dépenses ordinaires.

C'est à quoi l'on a pourvu dans cet Article, en statuant qu'en pareil cas $\frac{1}{6}$ seulement du produit des patentes seront affectés aux dépenses ordinaires, et que la même règle s'appliquera au droit de tonnage pour la navigation intérieure.

Droits d'Enregistrement, de Timbre, de Greffe, d'Hypothèque, et Droit sur les Successions.

Il fallait établir, par rapport aux droits d'enregistrement et de succession l'inverse de la règle qu'on a établie pour le droit de patente.

$\frac{1}{6}$ de ces droits sont destinés à couvrir les dépenses ordinaires.

Cependant ces droits seront vraisemblablement remplacés ou modifiés durant la période décennale. Dans ce cas, le principal de ces droits changés ou modifiés devrait aussi être uniquement affecté aux dépenses ordinaires, afin d'établir dans le système, une uniformité complète et de pouvoir y appliquer pareillement la mesure des centièmes additionnels.

Dans ce cas néanmoins le principal de ces droits ne devrait pas s'élever à plus de $\frac{1}{6}$ de leur produit actuel, autrement l'équilibre serait rompu ; et c'est pour établir ce principe, qu'après l'énumération desdits droits il est réglé, par cet Article, que le montant de ces $\frac{1}{6}$ sera pris pour base de l'évaluation du principal des droits ou impôts qui leur seront substitués ; et alors on pourra y adapter également le système des centièmes additionnels.

VIII. Après avoir déterminé quels seraient les revenus et les impôts dont le produit servira à faire face aux dépenses ordinaires, il était nécessaire d'indiquer aussi, au moyen de quels droits, revenus et augmentations de droits, on parviendrait à couvrir les dépenses extraordinaires annuelles.

Cet Article en contient l'énumération : ce sont les produits des droits sur l'importation, l'exportation et le transit, déduction faite des prélèvemens fixés aux Art. VII et XII pour les dépenses ordinaires et autres, le droit de tonnage à l'extérieur, les revenus des péages d'eau, les droits de balise et de fanal, les revenus des domaines, plantations, eaux et forêts, ceux des loteries, et le produit des objets de diverse nature qui seront vendus au profit du Trésor ; les rentrées extraordinaires et les profits éventuels ; en outre le sixième des droits d'enregistrement, de timbre, de greffe, d'hypothèque et de succession, sauf la réserve qui a été mentionnée ci-dessus au sujet des revenus ordinaires, peut être aussi le sixième des patentes.

Enfin, l'on y indique comme moyen de subvenir aux dépenses extraordinaires, la levée en nombre égal de centièmes additionnels sur toutes les impositions directes et les accises, en nombre suffisant pour faire face aux dépenses annuelles.

Les domaines sont maintenus dans la classe des moyens destinés à couvrir les dépenses extraordinaires, parce que leur rapport diminue annuellement par la vente successive qui s'en fait; c'est seulement après que ces ventes seront terminées que le produit certain et permanent des domaines sera connu, et qu'il sera possible de le ranger parmi les revenus ordinaires. Des arrangemens subséquens en fourniront l'occasion qui, certainement se présentera lors de l'organisation du pouvoir judiciaire.

Le produit des loteries a aussi été conservé parmi les ressources extraordinaires, comme un revenu auquel l'Etat pourrait renoncer, dès qu'il sera possible de s'en passer, vu les effets pernicieux qui, de l'avis de publicistes, en résultent, pour la moralité de la Nation.

En outre, rien ne semble assurément être préférable au système de centièmes additionnels, à cause de sa simplicité; les avantages en sont palpables.

Lors de la fixation annuelle du montant des dépenses extraordinaires, les droits d'entrée, de sortie et de transit, dont le Tarif est aussi dans le cas d'être annuellement soumis à une révision partielle, suivant le cours du commerce et les besoins de l'industrie nationale, y seront désignés en première ligne pour les couvrir; viennent ensuite les autres revenus comme domaines, loteries, etc.; et si ces ressources sont encore insuffisantes, le surplus des dépenses est couvert au moyen de centièmes additionnels, en nombre égal sur les contributions directes et les accises, et du $\frac{1}{6}$ restant des droits sur l'enregistrement, les successions et les patentes, jusqu'à ce que les Lois actuelles concernant ces trois derniers objets soient remplacées par d'autres; après quoi on percevra le même nombre de centièmes additionnels sur ces objets.

Tant que les besoins annuels ne seront pas augmentés, il ne sera pas nécessaire de recourir à de nouveaux moyens pour y faire face; aucune variation ne devient nécessaire dans les impôts qui existent, et l'augmentation du revenu s'opère au moyen de centièmes additionnels d'une manière uniforme et proportionnée; les frais qu'entraîne cette augmentation sont très-modiques; les revenus du Trésor sont assurés, et dès qu'une fois le rapport du principal des impôts est connu par l'expérience, on pourra fixer avec exactitude le nombre des centièmes additionnels qu'exigent les besoins extraordinaires.

Il pourrait néanmoins se présenter des cas où la levée de centièmes additionnels en nombre égal sur toutes les accises ne serait pas convenable: le prix des grains pourrait augmenter au point que celui du pain deviendrait exorbitant; dans ce cas, on devrait s'abstenir de percevoir un nombre égal de centièmes additionnels au droit sur la mouture.

Une grande mortalité survenant parmi les bêtes à cornes pourrait faire hausser le prix de la viande; il serait préférable alors de renoncer aux centièmes additionnels au droit d'abattage.

Les vendanges pourraient offrir une abondance extraordinaire ; ce qui pourrait conseiller d'augmenter les centièmes additionnels sur le vin.

Ces circonstances, et d'autres semblables, qui appartiennent aux futurs contingens, ont été prévues dans cet Article, et font l'objet de l'exception qu'on y trouve relativement à la perception en nombre égal de centièmes additionnels.

IX. Les centièmes additionnels des impositions directes et des accises, de même que des droits qui pourraient éventuellement remplacer ceux d'enregistrement, de timbre, de greffe, d'hypothèque et de succession, ne peuvent pas passer un certain maximum sans porter les impôts à un taux trop élevé, ce qui serait aussi nuisible à l'intérêt des habitans qu'à celui du service public. Dans cet Article le maximum est fixé à un quart du principal, c'est-à-dire à 25 centièmes additionnels, et dans aucun cas l'additionnel ne pourra être proposé au-delà de cette quotité ; s'il arrive qu'elle soit insuffisante pour faire face aux dépenses nécessaires, on aura recours à d'autre moyens. Cette disposition offre une garantie contre l'augmentation excessive des droits existans, et elle donne un degré de sûreté dont l'influence sera salutaire pour les transactions particulières qui concernent le commerce et les fabriques. Cet Article laisse en outre la faculté de pourvoir d'une autre manière aux dépenses extraordinaires, lors même que l'augmentation n'a atteint que 20 centièmes additionnels, nombre au-delà duquel cette augmentation ne s'élèvera probablement que dans des cas très-rares.

D'après les calculs de 1821, et dans la supposition que la dépense ne vienne pas à diminuer dans l'intervalle, on aura besoin, pour l'exercice de 1822, de 18 centièmes additionnels. Ce nombre diminuera les années suivantes, et dès 1825 il diminuera de 5 centièmes additionnels en proportion de 1822.

Si les produits des ressources ordinaires surpassaient l'évaluation approximative qui en est faite, cette circonstance influerait immédiatement et d'une manière avantageuse sur la fixation des centièmes additionnels pour une année suivante ; ce qui serait d'autant plus important, que non-seulement les centièmes additionnels diminueraient à proportion de l'accroissement survenu dans le produit des ressources ordinaires, mais encore que les centièmes additionnels eux-mêmes rapportant davantage, un moindre nombre serait suffisant pour trouver la somme requise.

Si, au contraire, le produit restait au-dessous de l'évaluation, et qu'il vînt à en résulter un déficit, il faudrait, pour autant qu'il ne fût pas possible d'atteindre ce but moyennant une diminution de dépenses, y pourvoir par des dispositions législatives, qui, en augmentant les centièmes additionnels, fourniraient une ressource extraordinaire qui servirait à couvrir le déficit sur le Budjet ordinaire.

Quoiqu'on soit très-éloigné d'admettre la possibilité d'un semblable résultat, ce qu'on vient de dire prouve du moins que, ce cas existant, le système proposé est propre à parer à tout embarras de la manière la plus simple, comme la plus facile et la moins dispendieuse.

X. Il importait de développer, dans ce Projet de Loi, quelques principes fondamentaux, d'après lesquels les accises, et surtout les droits d'entrée, de sortie et de transit, seront réglés par la suite. Un pareil développement était d'autant plus nécessaire, que ces principes serviront de bases aux Lois spéciales, et que le commerce et les fabriques ont le plus grand intérêt, à ce qu'on parle de principes qui donnent l'espoir que la législation financière future éprouvera des améliorations importantes pour ces deux branches d'industrie nationale.

Malgré la clarté avec laquelle ces principes sont exposés dans le Projet de Loi, il ne sera pas inutile de s'en occuper quelques momens.

§ A. Il est d'une importance majeure pour le Négociant, le Commissionnaire, le Patron de Navire, le Voiturier, et généralement pour tous ceux qui s'occupent de l'importation et de l'exportation des marchandises, de connaître leurs obligations, et qu'elles soient indiquées avec précision et clarté dans les dispositions de la Loi; plus ces obligations sont distinctes et claires, et mieux elles s'impriment dans la mémoire: tel est le but de ce paragraphe.

§ B. Lorsque la déclaration a été faite en règle, lors de l'importation ou de l'exportation, la partie intéressée ne doit plus être assujettie à des frais de vérification; mais si le Déclarant désire une vérification précise, il n'est que juste qu'il en supporte les frais, comme les ayant provoqués.

Il en est autrement des objets soumis aux accises; à cet égard tout doit être exactement vérifié, et les frais en sont à la charge de l'Administration.

§ C. Le territoire réservé le long de la frontière cessera d'avoir lieu entre les lignes; cependant la double ligne de douanes sera maintenue, c'est-à-dire qu'on laissera subsister, autant que de besoin, les bureaux de déclaration et de paiement, de même que ceux de recherche et de surveillance établis pour empêcher la contrebande. Il restera défendu de former sur les frontières des magasins d'objets manufacturés ou autres, passibles de droits.

Il pourra être pris, dans l'intérêt du commerce licite et des fabriques nationales, d'autres mesures de sûreté pour prévenir la fraude, et aucunes marchandises passibles d'impôts ne pourront circuler vers l'intérieur, sans être accompagnées de la preuve que les droits ont été acquittés.

§ D. Lorsque des marchandises importées, qui se trouvent dans des caisses ou ballots, doivent être visitées à la frontière, sans que le

propriétaire, ou quelqu'un en son nom y soit présent, elles souffrent quelquefois de ce déballage. C'est ce qui arrive principalement quand ce sont des marchandises ou des objets de prix. On a manifesté le désir qu'en pareil cas les effets pussent être transportés munis de passavans en bonne forme, jusqu'au lieu de leur destination. C'est à quoi il a été pourvu dans ce §, en ajoutant que le transport pourrait se faire jusqu'au bureau le plus prochain du lieu de la destination. Cette clause était nécessaire, parce qu'il ne peut pas se trouver des bureaux et des employés sur tous les points possibles de destination.

§ E. Il y a quelques espèces de marchandises dont le transport devra, pour la sûreté des droits, être accompagné de passavans. Mais, quelque nécessaire que soit cette précaution en beaucoup de cas, et particulièrement lorsqu'il s'agit de marchandises soumises à de forts droits ou accises, elle ne doit cependant jamais donner lieu à vexer les habitans, ni à entraver la circulation : elle ne doit pas s'étendre aux objets provenant de l'agriculture ou relatifs à l'économie rurale, ni aux effets mobiliers, aux denrées qui se vendent en détail, ou à choses semblables, afin de ne pas voir renouveller les plaintes fondées contre les passeports à l'Intérieur, et de ne pas faire revivre les exactions auxquelles ils ont précédemment donné lieu ; dans tous les cas, les marchandises uniquement passibles de droits d'entrée et de sortie, à quelque taux que ceux-ci s'élèvent, ne seront pas assujetties à la mesure des passavans, au-delà d'un rayon de 4 lieues de la frontière, le cas mentionné au § D excepté ; c'est ce qui est statué dans ce paragraphe.

§ F. L'interdiction du transit des marchandises prohibées n'a pas besoin de commentaire.

§ G. Le transit par la frontière de terre est permis le long de bureaux déterminés ; il serait trop coûteux pour l'administration d'ouvrir au transit tous les bureaux d'importation.

Le dépôt dans les magasins ou entrepôts publics sera maintenu : il est une infinité de circonstances qui le rendent nécessaire.

Une des mesures essentielles pour prévenir tout abus, c'est la défense de transverser ou de transvaser aucunes marchandises en transit, de changer les marques de colis, et surtout de ne pas permettre dans l'intérieur du Royaume, aucun apprêt, tirage, manipulation ou autre opération quelconque.

Les dispositions favorables, contenues dans l'Article III, sont pareillement applicables à ces entrepôts.

§ H. On aurait supprimé le droit de préemption, si la chose avait été praticable. Mais cela était impossible, à moins que toutes les marchandises ne fussent tarifées à la mesure, au poids ou suivant le nombre ; en conséquence la préemption subsiste par rapport aux marchandises tarifées suivant leur valeur, avec une augmentation de 10 pour cent.

Le cas peut arriver qu'après la déclaration de la valeur, et avant que la visite des marchandises ne soit achevée, il survienne tout-à-coup une hausse dans le prix des marchandises; le préempteur pourrait en tirer avantage, au grand détriment du préempté. On y pourvoit, en statuant, que la préemption sera interdite toutes les fois qu'il sera justifié à l'administration, que la déclaration était exacte au moment où elle a été faite.

§ I. Les peines établies contre la fraude, pour être efficaces, doivent être rigoureuses; c'est par cette raison qu'on a maintenu les confiscations de marchandises saisies en contravention. Par la même raison les Lois spéciales énonceront les cas, où les navires, bateaux, voitures et chevaux, qui auront servi à transporter ces marchandises et à commettre la fraude, seront également confisqués.

Cette dernière peine n'est pas applicable dans tous les cas aux navires, et autres moyens de transport.

§ K. Il semble en théorie que les peines établies par la Loi devraient s'appliquer aux contraventions sans nulle exception; mais l'expérience a démontré l'impossibilité, pour ne pas dire l'injustice, d'une rigueur générale: il est une infinité de cas où les transactions doivent être admises. C'est à quoi il est pourvu dans ce paragraphe.

§ L. Lors néanmoins qu'il ne peut exister de doute sur l'intention formelle de contrevenir à la Loi, et quand il y a lieu de croire que la fraude peut être suffisamment constatée en justice, il ne doit point être transigé.

C'est sur ces fondemens que les transactions sont interdites en pareil cas.

§ M. Simplification des formalités, diminution ou même suppression entière de frais, sont des avantages réclamés par les parties intéressées; il sera satisfait à ces réclamations, autant que cela pourra se concilier avec la sûreté des droits et les dépenses nécessaires à faire par l'administration. Les dispositions à ce sujet sont claires.

XI. Cet Article n'a, pour ainsi dire, besoin d'aucun éclaircissement. Il contient un développement des grands principes sur lesquels sera fondée la perception des droits d'entrée, de sortie et de transit; il fixe en même tems le maximum de ces droits, sauf les exceptions qui seront jugées nécessaires à cet égard.

Les quotités de ces droits sont déterminées de manière à protéger l'industre nationale, sans fournir un aliment à la contrebande.

Tous droits portés au-delà du maximum établi doivent être considérés (exception faite de quelques cas) comme autant d'appâts pour le commerce illicite, tandis que l'industrie manufacturière n'en languirait pas moins, la protection devenant illusoire, et que le commerce légal éprouverait des pertes qui l'anéantiraient.

Une réduction d'un quart dans le taux actuel du droit de tonnage à l'extérieur le rapprochera davantage de ce qui existait autrefois,

et engagera les Navigateurs Etrangers à frequenter les Ports des Pays-Bas. On fera là dessus attention au traitement qu'éprouvent les Navires de ce Royaume dans des Ports Etrangers, et d'après ce traitement l'on pourra établir les principes d'une juste réciprocité.

Ces principes, d'une vraie libéralité, ne peuvent être méconnus de personne. Il serait contraire à l'intérêt de la navigation nationale d'accorder dans nos Ports aux Pavillons Etrangers des avantages dont le nôtre ne jouit pas en d'autre Pays. En conséquence les Peuples qui assujettissent le Pavillon des Pays-Bas à un autre traitement que le Pavillon National, ne pourront jouir de l'application du traitement égal; et l'on prendre à leur égard des mesures de réciprocité ou de rétorsion, d'après les circonstances, pour soutenir avec énergie les démarches à faire auprès des Puissances Etrangères, à l'effet d'obtenir que notre Pavillon soit bien traité dans l'intérêt même de leur navigation. Aucune autre Nation n'a droit de se plaindre, lorsque les Pays-Bas offrent, ainsi que son Gouvernement sera toujours disposé à le faire, de consacrer le principe d'une parfaite réciprocité; et que, pour y parvenir, ils employent des représailles qui n'ont d'autre but que d'engager les Gouvernemens Etrangers à renoncer à des mesures nuisibles à la navigation des Pays-Bas, et qui assujettissent les Pavillons Etrangers aux mêmes charges,et aux mêmes entraves, auxquelles les Bâtimens naviguant sous Pavillon Belge, se trouvent soumis eux-mêmes.

Il sera aussi possible d'assurer quelques avantages aux navires nationaux, soit en leur accordant des restitutions ou autrement, afin d'encourager par ce moyen la construction des navires dans le Royaume.

Les Armateurs de navires dans les Pays-Bas sollicitent, avec raison, de l'encouragement; l'intérêt général exige qu'on ait égard à leurs réclamations, car l'influence qu'exerce la prospérité de cette branche d'industrie nationale sur une infinité d'autres est fort grande. La diminution du droit de tonnage sur la navigation Etrangère produira quelque avantage, mais il pourra être partagé par les navires étrangers. La disposition insérée à la fin de cet Article pourvoit d'une autre manière plus spéciale, à l'intérêt de la construction et de l'armement des navires. Des restitutions partielles procureront une diminution dans les droits sur les marchandises transportées par des vaisseaux nationaux, qui ne pourra manquer de tourner à l'avantage de la construction des navires dans le Royaume. La Loi spéciale réglera les dispositions nécessaires pour prévenir tout abus.

XII. Il a été observé ci-dessus, que les droits d'entrée et de sortie peuvent seulement protéger l'industrie nationale, lorsqu'ils s'élèvent à une certaine hauteur; au-delà de ce taux ils cessent d'être protecteurs de l'industrie; ils deviennent une source de profit pour le commerce illicite, qu'il n'est possible de réprimer que jusqu'à un certain point, et le commerce légitime en souffre. Car si l'on voulait, au moyen de

dispositions plus rigoureuses et en renforçant considérablement le personnel établi pour la recherche sur la ligne des douanes, empêcher avec plus de force la contrebande, afin de maintenir les droits élevés, l'avantage qui en résulterait ne pourrait jamais compenser les frais qu'absorberait une pareille mesure, la gêne de la recherche et l'augmentation de pouvoir entre les mains de l'Administration accroîtraient le mécontentement des habitans du Territoire reservé, des prohibitions absolues dans le rayon de ce Territoire deviendraient indispensables, et avec elles tout ce que des mesures plus sévères ont de facheux devrait recevoir une extension considérable.

Le grand but qu'on se propose, est également de faire jouir le commerce d'autant de liberté possible, et d'accorder en même temps aux fabriques, manufactures et autres branches de l'industrie nationale, tout l'encouragement et toute la protection dont elles sont susceptibles.

Peut-être ce but pourra être atteint en portant les droits au taux fixé à l'article précédent, où ils peuvent être considérés comme conservateurs, et en accordant tous les autres encouragemens que peut réclamer l'industrie nationale, pourvu qu'il conste qu'elle en a besoin, et que ces encouragemens ne dégénèrent point en privilèges ou en monopoles, qui causeraient un préjudice général.

Ces réflexions ont fait naître l'idée, dans la vue d'encourager et de protéger l'industrie nationale, de prélever annuellement une certaine somme sur le produit des droits d'entrée, de sortie et de transit, et du droit de tonnage à l'extérieur; en faisant servir cette somme à la distribution de primes en faveur des branches de l'industrie nationale qui ne trouvent pas dans la fixation des droits proposés une protection suffisante, et en l'employant généralement à l'encouragement des fabriques, de la navigation, de la pêche et de l'agriculture.

Au moyen de cette somme, qui n'excédera pas 1,300,000 florins par an, on parviendrait à faire disparaître beaucoup d'inconvéniens, à concilier des intérêts divers, et à relever en général la prospérité.

On ne peut pas regarder ces primes comme devant préjudicier au Trésor, car à présent la contrebande soustrait aux droits beaucoup d'objets qui, si l'on adopte le système proposé recommenceront à être acquittés, tant parce que ces droits même diminuant, il y aura moins de profit à les frauder, que parce que le contrebandier courra plus de risques d'être atteint. En même temps, la simplification des formalités ne contribuera pas peu à encourager la déclaration et l'introduction licite des marchandises.

Si on laissait subsister les droits à un taux élevé, un prélèvement de cette nature serait une double charge pour le commerce; d'ailleurs les revenus du Trésor éprouveraient par là une diminution; mais quand les droits sont modérés, ce prélèvement ne peut pas nuire, et il pourra en resulter un grand avantage pour l'industrie nationale.

Il n'est pas au pouvoir de l'homme de faire disparaître tous les inconvéniens quelconques, et surtout ceux qui tiennent à la nature et à la situation des choses mêmes; mais subvenir à ces inconvéniens, en diminuer le nombre autant que faire se peut, y apporter des adoucissemens; telle est l'obligation du Gouvernement, tel est le but auquel il doit tendre.

Les idées, qu'on vient de développer, se trouvent énoncées dans l'Article XII du Projet de Loi, et semblent n'avoir pas besoin d'être appuyées par des raisonnemens ultérieurs.

XIII. Les revenus du syndicat doivent lui demeurer assurés; ils sont établis sur la plupart des impôts actuels. Tel est le but de cet Article.

On pourrait considérer cet Article comme superflu, attendu qu'il est constant que toutes les dispositions précédentes concernant le syndicat restent en vigueur, et qu'il serait contraire à toute espèce de bonne foi, et préjudiciable au crédit public, de statuer par des Lois subséquentes sur le sort des porteurs de bons du syndicat.

En insérant cet Article dans la Loi, on a voulu seulement prévenir tous les doutes; et les assurances les plus positives peuvent être données aux intéressés que les changemens auxquels les nouveaux impôts pourront donner lieu, relativement à l'élévation du produit des centièmes additionnels pour le syndicat, non-seulement ne produiront pas d'effet nuisible pour eux, mais qu'au contraire il en résultera une augmentation pour le syndicat, qui pourra accélérer les termes de remboursement.

XIV. Pour faire face aux dépenses provinciales et fournir aux frais d'objets dont la direction a été attribuée aux Etats des Provinces, ou pourra l'être par la suite, il sera perçu 6 centièmes additionnels sur le principal de l'impôt sur les propriétés bâties et non bâties, et de l'impôt personnel; les centièmes additionnels seront perçus dans chaque Province suivant le montant que chacune d'elles contribue dans lesdits impôts. Ils ne formeront en aucun cas un fonds général. Les avantages de cette disposition sont palpables; il en résultera une grande économie et une simplification dans l'administration.

On croit nécessaire d'entrer ici dans quelque développement sur cette matière.

Les Etats Provinciaux n'ont pas actuellement assez de fonds disponibles pour fournir à l'entretien des objets confiés à leur administration, en conséquence d'Arrêtés Royaux pris conformément à l'Article CXXIX de la Loi fondamentale; ils jouissent, à la vérité, des revenus qui proviennent de ces objets, mais ceux-ci ne sont pas toujours suffisans pour couvrir les frais d'entretien et des améliorations qui peuvent être jugés nécessaires.

L'intention est d'étendre cette mesure à divers autres objets qui

sont de même, plus directement d'un intérêt provincial, du moins de les faire disparaître du Budjet extraordinaire des dépenses générales. Ces objets sont de nature différente ; les uns restent d'un intérêt absolu, tandis que celui des autres est relatif. Le maintien des premiers est indispensable et se trouve seulement soumis à des modifications ; quant aux seconds, les Etats Provinciaux auront une liberté entière de statuer à l'égard de leur établissement, de leur conservation et de leur entretien, ainsi qu'ils le jugeront convenable dans l'intérêt de leur Province.

Les Autorités Locales ont l'avantage de pouvoir soigner l'administration journalière avec plus d'économie, que ne peut le faire l'administration générale, sans être soumis à de longues formalités indispensables pour la comptabilité d'une grande direction. Divers travaux auxquels l'administration générale ne pourrait donner suite, seront facilement achevés sous la direction de ceux que leur exécution intéresse. Les Etats Provinciaux disposant de fonds qui à quelques égards peuvent être considérés leur appartenir, auront la faculté de les employer pour le plus grand avantage de leur Province ; et comme il n'y en a pas qui ne soit susceptible de grandes améliorations, le fonds provincial procurera les moyens de les exécuter successivement ; les fonds pourront être employés pour les objets qui, dans chaque Province paraîtront exiger les premiers, le plus de soin ; et le Trésor aura l'avantage de n'avoir pas besoin de supporter toutes les dépenses, représentées comme absolument nécessaires, et qui sont quelquefois d'un intérêt local ; il suffira d'accorder des subsides, lorsque la nécessité de venir au secours de quelque Province sera motivée par une raison d'intérêt général, ou que la dépense serait trop grande pour être supportée par une Province.

Le montant des fonds disponibles sera en rapport avec les contributions payées par chaque Province, et les avantages seront en conséquence proportionnés aux charges, ils donneront aux Provinces la facilité de venir au secours des Communes et des Administrations dont les revenus n'égaleraient pas les dépenses.

En dernier résultat, il naîtra de cette mesure une grande économie pour le Trésor ; les Etats Provinciaux auront la disposition de fonds qui, perçus sans frais pour eux, pourront être employés pour l'utilité de la Province, et sous ce rapport, cette disposition législative ne peut être regardée que comme avantageuse par les Etats de toutes les Provinces du Royaume.

Comme les dépenses annuelles extraordinaires exigeront environ 18 centièmes additionnels, les 6 centièmes additionnels dont il est question ici, joints à ceux dont il est fait mention à l'Article suivant, laisseront le nombre des centièmes additionnels moindre qu'il n'est à présent, par rapport à l'impôt foncier ; car les $3\frac{1}{3}$ centièmes additionnels

pour les opérations du cadastre et pour les salaires de recette des contributions directes, seront supprimés, et cette dépense sera supportée par le Trésor, comme les frais relatifs à la perception des autres impôts.

Les Propriétaires d'immeubles éprouveront donc dès le commencement une diminution par rapport à l'impôt foncier. D'un autre côté, à mesure que les autres impôts deviendront plus productifs ou que les besoins de l'Etat diminueront, les Propriétaires fonciers en partageront proportionnellement les avantages, au moyen de la réduction dans les centièmes additionnels, et la fixation d'un maximum pour les centièmes additionnels, leur donne l'assurance qu'ils ne seront pas soumis à une augmentation temporaire plus grande, à laquelle ils sont, sans cela, plus exposés que d'autres contribuables.

Il est probable que l'impôt personnel rendra le produit des centièmes additionnels plus élevé que n'est actuellement celui du personnel et du mobilier.

Le recouvrement de ces centièmes additionnels se fait par les employés de l'Etat, sans aucuns frais extraordinaires, et simultanément avec le recouvrement principal.

Les Etats Provinciaux adresseront au Roi des demandes motivées, concernant l'emploi de ces centièmes additionnels ; il en approuvera l'usage et en réglera la comptabilité.

Un but aussi utile qu'avantageux est atteint par les dispositions contenues dans cet Article.

XV. Les Communes jouissent maintenant de 5 centièmes additionnels sur le principal des impôts foncier, personnel et mobilier, pour faire face à leurs dépenses ; cet Article les leur accorde sur l'impôt foncier et sur le personnel.

Dans plusieurs Communes ces 5 centièmes additionnels ne suffisent pas pour couvrir la dépense ; ces Communes sont alors obligées de recourir à la répartition et à la perception des taxes personnelles ou autres impositions locales, qui presque toujours occasionnent des frais extraordinaires.

Afin de diminuer cet inconvénient, cet Article porte, qu'en sus desdits 5 centièmes additionnels, il pourra encore en être perçu 2 autres, pourvu qu'ils soient employés à remplacer ou à diminuer les contributions personnelles ou autres taxes communales ; dans le cas où il serait possible d'atteindre ce but sans employer les 2 centièmes additionnels en tout ou en partie, ils seront réduits à une moindre quotité, ou entièrement supprimés, et les contribuables jouiront toujours de l'avantage d'avoir moins à payer.

Quelques développemens ultérieurs mettront dans la plus grande évidence l'utilité et les avantages que cette disposition présente pour les Communes et leurs habitans, et particulièrement pour les propriétaires fonciers.

Au moyen des 2 centièmes additionnels dont les Communes jouiront de plus qu'à présent, les répartitions locales pourront être réduites, ou entièrement supprimées, ce qui sera un soulagement pour les contribuables. On pourra faire disparaître plusieurs difficultés, provenant de la question de savoir si quelques dépenses dans les Communes, comme, par exemple, le salaire des Gardes Champêtres, doivent être supportées en entier par les Habitans ou en entier par les Propriétaires fonciers, ou bien conjointement par les uns et les autres; ces dépenses pouvant être couvertes par l'augmentation des centièmes additionnels, les Habitans ne seront pas obligés de les payer seuls; les Propriétaires fonciers en supporteront leur part, sans être pour cela assujettis à une plus forte imposition, et la question se trouve décidée par le fait, sans grever personne.

Dans le cas où il serait accordé aux Communes 2 centièmes additionnels de plus qu'elles ne retirent maintenant des impôts fonciers, les Propriétaires ne laisseront pas pour cela d'être soulagés, comme le prouve évidemment le calcul suivant:

Le principal de l'impôt foncier est	f. 100		
En sus de ce principal, il est actuellement perçu: centièmes additionnels ordinaires.....	21		
Pour le fonds des non-valeurs.....	2		
Pour le cadastre.....	$3\frac{1}{3}$		
Pour les Communes	5		
	f. $131\frac{1}{3}$	f. $131\frac{1}{3}$	f. $131\frac{1}{3}$
Dans les Communes où les frais de recette montent à 5 pour cent du principal et des centièmes additionnels, les frais de recette sur le principal seul, font.....	$6\frac{1}{2}$		
		f. $137\frac{5}{6}$	
Dans les Communes où les frais de recette montent à $2\frac{1}{2}$ pour cent, ils font	$3\frac{1}{3}$		
		f. $134\frac{2}{3}$	
En général, les frais de recette montent, l'un portant l'autre, à environ $4\frac{1}{14}$ pour cent du principal et des centièmes additionnels, ce qui, pris sur le principal seul, fait.....	$5\frac{1}{3}$		
		f. $136\frac{2}{3}$	

D'après le nouveau système, le principal est de même	f. 100
Centièmes additionnels pour non-valeurs...	2
Pour l'extraordinaire, le maximum du montant présumé pour 1822.....	18
Pour les Provinces.....	6
Pour les Communes	5
Plus, pour les Communes qui en ont besoin.....	2
	f. 133

On voit, par ce calcul, que si le nombre des centièmes additionnels s'élève à 18 pour le Budget extraordinaire (ainsi qu'il arrivera en 1822) et à 7 pour les Communes, en comptant pour frais de recette le terme moyen de $4\frac{1}{14}$ pour cent, les Propriétaires fonciers y gagneront déjà environ $3\frac{2}{3}$ centièmes additionnels; que dans une Commune où les frais de recette sont de $2\frac{1}{2}$ pour cent et où il est perçu 7 centièmes additionnels au profit de la Commune, les Propriétaires fonciers paieront $1\frac{2}{3}$ centièmes additionnels de moins; mais que dans une Commune où les frais de recette montent à 5 pour cent, et où l'on perçoit également 7 centièmes additionnels au profit de la Commune, ces mêmes Propriétaires y obtiendront une diminution de $4\frac{5}{6}$ pour cent.

Supposé maintenant que, dans une Commune où les frais de recette montent à 5 pour cent (ce qui est d'ordinaire dans les Communes rurales), on ait besoin, pour la Commune elle-même, de 5 centièmes additionnels seulement, au lieu de 7, il en résultera une diminution possible de $6\frac{5}{6}$ centièmes additionnels en faveur des Propriétaires fonciers. Et si on prend de plus en considération, que les centièmes additionnels pour l'extraordinaire, diminuant chaque année, ne s'élèveront pas pour 1825 au-delà du nombre de 13, les Propriétaires fonciers d'une telle Commune profiteront cette année-là d'une diminution de $11\frac{1}{6}$ centièmes additionnels sur l'impôt de leurs immeubles, profit qui certainement mérite d'être regardé comme considérable, et auquel les autres Propriétaires fonciers auront part dans une moindre proportion, en raison qu'ils sont maintenant moins grévés.

D'après ce calcul, on peut poser en fait que, si nous continuons à jouir de la paix, et dans la supposition que toutes les Communes aient besoin de 7 centièmes additionnels, le nombre total des centièmes additionnels, en comptant $4\frac{1}{14}$ pour cent pour terme moyen des frais de recette, pourra, dès l'année 1822, être diminué de $3\frac{2}{3}$ comparativement à ce qu'il est à présent; de sorte que sur la totalité des propriétaires du Royaume, il sera payé, en impôt foncier, f. 587,699 de moins qu'actuellement.

Les centièmes additionnels, au profit des Communes, seront recouvrés par les Employés du Royaume, simultanément avec le principal de chaque impôt, et seront par conséquent versés sans frais à la caisse communale.

XVI. Un des avantages que présente le système contenu dans ce Projet de Loi, est de pouvoir être mis en rapport immédiat avec la plupart des impôts et des revenus des Communes.

Les Villes et Villages percevant leurs revenus par forme de centièmes additionnels et par l'intermédiaire de l'administration de l'Etat, auront peu de frais à supporter.

Les habitans sont par-là déchargés de l'obligation de remplir de doubles formalités; en observant celles que prescrivent les Lois de l'Etat, ils auront satisfait à leur obligation envers leur Commune.

Les contribuables ont de plus la certitude qu'à l'égard des objets assujettis aux impôts de l'Etat, ils n'auront d'autres formalités à observer que celles prescrites par les Lois du Royaume, pour les faire circuler dans l'intérieur, sans avoir besoin de connaître à cet effet les Ordonnances où réglemens particuliers.

De là l'avantage que la circulation d'objets imposés, sera libre de mainte entrave. L'utilité en sera aisément appréciée pour le commerce de détail dans l'intérieur, et il est notoire que les bateliers, les voituriers, les charretiers, en un mot, tous ceux qui sont chargés du transport d'effets et marchandises, y attachent à juste titre un grand prix.

Toutes les accises ne sont pas susceptibles d'être augmentées de centièmes additionnels au profit des Communes.

Celles-là seulement peuvent l'être, dont le paiement se fait à l'endroit de la consommation.

C'est pourquoi on n'a fait mention dans cet Article, que des accises qui par leur nature sont susceptibles d'être augmentées de centièmes additionnels au profit des Communes.

Les centièmes additionnels au profit des Communes seront perçus par les Employés de l'Administration simultanément avec le principal; il est juste que les Communes supportent une partie des frais occasionés par-là; cette quote-part est fixée au taux très-modique de 3 pour cent du montant brut de l'augmentation ou des centièmes additionnels; ainsi les frais à supporter par les Communes sont très-modérés.

Ayant terminé l'explication des mesures proposées dans le Projet de Loi considéré comme système général d'impositions et de finances, il reste à faire mention de quelques avantages généraux qui en résulteront.

Dans les circonstances où le Royaume des Pays-Bas se trouve maintenant placé, le système proposé est considéré être approprié à ses besoins ainsi qu'à ses intérêts.

La combinaison de ses différentes parties forme un ensemble qui répondra au but qu'on a dû se proposer; les impôts se lient entre eux, et chaque impôt est propre à raffirmir l'autre; les revenus sont assurés les uns par les autres, et ils se garantissent mutuellement; le mode de perception et d'administration sera plus simple; on se flatte de pouvoir établir de l'économie dans les frais de perception; les formalités à remplir seront diminuées; les habitans seront à même de payer leurs impositions avec plus de facilité puisqu'à peu près dans toutes les Communes du Royaume il pourra être établi, sans aucune augmentation de frais, des bureaux où les paiemens pourront avoir lieu; l'acquittement par douzième des contributions directes sera maintenu; des paiemens de droits par anticipation ne gêneront plus le commerce ni les fabriques; les mesures de sûreté n'apporteront aucune entrave au commerce licite; elles n'existeront que pour réprimer la fraude, qui désormais ne pourra plus autant profiter aux dépens des intérêts de l'Etat, du commerce et de l'industrie manufacturière, sans s'exposer à être sévèrement punie.

En temps de paix, le produit du système proposé suffira pour les besoins du service public; en temps de guerre ou de catastrophes imprévues le système est susceptible d'être étendu et d'être développé sans occasionner une augmentation de frais.

Par ce système enfin les intérêts du commerce se trouveront en harmonie avec ceux de l'industrie; les charges seront réparties dans une plus juste proportion sur les différentes classes de la société: les moins aisées seront dégrevées; la classe moyenne demeurera imposée au même taux; mais les classes plus aisées et les riches payeront quelque chose de plus; en sorte que la part de l'impôt sera progressivement plus forte à mesure qu'on jouira de plus d'avantages et d'agrémens, progression qui est conforme aux règles d'une juste économie politique; tandis que la diminution de l'impôt foncier compensera le surplus de charges d'une autre nature dont le grand propriétaire foncier pourrait être atteint; rien d'arbitraire, en matière de finances, n'existera sur le sol des Pays-Bas; les Lois et le bon droit prévaudront seuls, et l'on ose espèrer qu'avec la bénédiction divine, le Royaume trouvera dans l'établissement de ce système, une base solide propre à lui assurer une existence durable et une prospérité générale.

Etat

Etat approximatif du produit des Impositions, Droits et Revenus énoncés dans le Projet de Loi.

Les Dèpenses Ordinaires sont fixées au montant de.....			f. 59,875,052 00
CONTRIBUTIONS DIRECTES.			
IMPOT FONCIER.			
Propriétés bâties ou non bâties...	f. 16,028,160 00		
Deux centièmes additionnels pour les non-valeurs.....	320,562 00		
		16,348,722 00	
PERSONNEL.			
Bases :			
1° Valeur locative.....	1,600,000 00		
2° Portes et Fenêtres.....	1,700,000 00		
3° Foyers.....	1,000,000 00		
4° Mobilier	1,900,000 00		
5° Domestiques.....	570,000 00		
6° Chevaux.....	410,000 00		
		7,180,000 00	
PATENTES.....		1,975,000 00	
			25,503,722 00
IMPOSITIONS INDIRECTES.			
Droits d'Enregistrement, de Timbre, de Greffe et d'Hypothèque, cinq sixièmes.....		7,550,000 00	
Droits sur les Successions, cinq sixièmes.....		2,750,000 00	
			10,300,000 00
ACCISES.			
Sel.....	1,650,000 00		
Mouture	4,970,000 00		
Abattage	2,400,000 00		
Vins.....	2,118,000 00		
Eaux-de-vie indigènes.....	3,800,000 00		
Boissons et liqueurs distillées venant de l'étranger	434,000 00		
Bières.....	3,300,000 00		
Vinaigres.....	139,000 00		
Sucre.....	1,064,000 00		
		19,875,000 00	
Timbre Collectif.....		993,650 00	
			20,868,650 00
OUVRAGES D'OR ET D'ARGENT.....			180,000 00
POSTES.....			2,030,000 00
SUR LES DROITS D'ENTREE ET DE SORTIE.....			1,000,000 00
Total.....Florins..			59,882,372 00

DISCOURS du Roi de France, prononcé à l'Ouverture de la Session des Chambres.—le 5 Novembre 1821.

MESSIEURS,

C'EST toujours avec confiance, et cette fois sous de favorables auspices, que je viens ouvrir votre Session.

Les années précédentes, j'ai dû vous associer à mes peines.

Plus heureux aujourd'hui, je n'ai qu'à rendre grâces au Tout-puissant de la protection constante qu'il accorde à la France. Le Fils par qui le ciel a soulagé mes douleurs, croît avec la prospérité publique, et continue d'être pour moi une source de consolations et d'espérances. Cet enfant, mon cœur m'en répond, sera digne de nos vœux; il méritera l'amour dont mes Peuples entourent son berceau.

Mes relations avec les Puissances Etrangères n'ont pas cessé d'être amicales, et j'ai la ferme confiance qu'elles continueront de l'être.

De grandes calamités affligent l'Orient. Espérons qu'elles approchent de leur terme, et que la prudence et le bon accord de toutes les Puissances trouveront le moyen de satisfaire à ce que la religion, la politique et l'humanité peuvent justement demander.

Les Forces Navales que, dans cette circonstance, j'ai dirigées sur les mers du Levant, ont atteint le but que je m'étais proposé : toujours elles ont efficacement protégé mes Sujets, et souvent elles ont prêté au malheur un utile secours.

Un fléau destructeur désole une partie de l'Espagne; j'ai prescrit et je maintiendrai les précautions sévères qui défendent de la contagion nos frontières de terre et de mer.

Si nous portons nos regards sur l'intérieur, que de motifs n'avons-nous pas de bénir la Providence?

Les sensibles progrès de l'industrie, de l'agriculture et des arts, attestent ceux du commerce; et bientôt des voies nouvelles, en multipliant les moyens de communication et d'échange, étendront le bien-être général sur toutes les parties du Royaume.

La prospérité des Finances, la clarté des comptes et la fidélité aux engagemens, ont affermi le crédit public et accru les ressources de l'Etat.

L'époque à laquelle je vous ai convoqués, et les Ordres que j'ai donnés pour que les Lois de Finances vous soient d'abord présentées, manifestent assez mon désir de mettre un terme aux demandes de crédits provisoires. Les Chambres s'empresseront, sans doute, de seconder mes intentions.

Notre heureuse situation et le retour de la tranquillité intérieure et extérieure nous ont déjà permis de diminuer le plus onéreux des impôts, celui qui attaque la réproduction à sa source, en surchargeant la propriété foncière. Les contribuables vont, dès la prochaine année, jouir intégralement de cette diminution. Je désire que successivement, et

dès que les besoins du service et la dignité de la France le permettront, les divers impôts dont se compose le Revenu Public, soient étudiés, et, s'il se peut, allégés ou mieux répartis.

Les Lois sont respectées; les dépositaires de mon pouvoir se pénètrent chaque jour davantage de leur esprit; l'ordre et la discipline règnent dans mon Armée.

Par-tout les passions se calment, les défiances se dissipent; et j'aime à reconnaître, Messieurs, que, par votre loyale assistance, vous avez puissamment contribué à tous ces biens.

Persévérons dans les sages mesures auxquelles il faut attribuer de si heureux résultats; persévérons dans cette unité de vues qui a si efficacement désarmé la malveillance et comprimé les derniers efforts de l'esprit de trouble et de désordre. Le repos de l'Europe n'y est pas moins intéressé que le notre. C'est ainsi que se développeront tous les sentimens généreux dont je sais que les cœurs abondent, et que vous appuierez sur la reconnaissance, l'amour et le respect de mes Peuples, un trône protecteur de toutes leurs libertés.

SPEECH delivered by James Monroe, on being sworn into Office as President of The United States.—5th March, 1821.

FELLOW CITIZENS:

I SHALL not attempt to describe the grateful emotions which the new and very distinguished proof of the confidence of my Fellow Citizens, evinced by my re-election to this high trust, has excited in my bosom. The approbation which it announces of my conduct, in the preceding term, affords me a consolation which I shall profoundly feel through life. The general accord with which it has been expressed, adds to the great and never-ceasing obligations which it imposes. To merit the continuance of this good opinion, and to carry it with me into my retirement, as the solace of my advancing years, will be the object of my most zealous and unceasing efforts.

Having no pretension to the high and commanding claims of my Predecessors, whose names are so much more conspicuously identified with our Revolution, and who contributed so pre-eminently to promote its success, I consider myself rather as the instrument than the cause of the union which has prevailed in the late election. In surmounting, in favour of my humble pretensions, the difficulties which so often produce division in like occurrences, it is obvious that other powerful causes, indicating the great strength and stability of our Union, have essentially contributed to draw you together. That these powerful causes exist, and that they are permanent, is my fixed opinion: that they may produce a like accord in all questions, touching, however remotely, the liberty, prosperity, and happiness of our Country, will

always be the object of my most fervent prayers to the Supreme Author of all good.

In a Government which is founded by the People, who possess exclusively the Sovereignty, it seems proper that the Person who may be placed by their suffrages in this high trust, should declare, on commencing its duties, the principles on which he intends to conduct the Administration. If the Person, thus elected, has served the preceding term, an opportunity is afforded him to review its principal occurrences, and to give such further explanation respecting them as, in his judgment, may be useful to his Constituents. The events of one year have influence on those of another; and, in like manner, of a preceding on the succeeding Administration. The movements of a great Nation are connected in all their parts. If errors have been committed, they ought to be corrected; if the policy is sound, it ought to be supported. It is by a thorough knowledge of the whole subject that our Fellow Citizens are enabled to judge correctly of the past, and to give a proper direction to the future.

Just before the commencement of the last term, The United States had concluded a War with a very powerful Nation, on conditions equal and honourable to both Parties. The events of that War are too recent, and too deeply impressed on the memory of all, to require a development from me. Our commerce had been, in a great measure, driven from the sea; our atlantic and inland frontiers were invaded in almost every part; the waste of life along our coast, and on some parts of our inland frontiers, to the defence of which our gallant and patriotic Citizens were called, was immense; in addition to which, not less than 120,000,000 of dollars were added at its end to the Public Debt.

As soon as the War had terminated, the Nation, admonished by its events, resolved to place itself in a situation, which should be better calculated to prevent the recurrence of a like evil, and, in case it should recur, to mitigate its calamities. With this view, after reducing our Land Force to the basis of a peace establishment, which has been further modified since, provision was made for the construction of fortifications at proper points, through the whole extent of our coast, and such an augmentation of our Naval Force, as should be well adapted to both purposes. The Laws, making this provision, were passed in 1815 and 1816, and it has been, since, the constant effort of the Executive to carry them into effect.

The advantage of these fortifications, and of an augmented Naval Force, in the extent contemplated, in point of economy, has been fully illustrated, by a Report of the Board of Engineers and Naval Commissioners, lately communicated to Congress, by which it appears, that in an invasion by 20,000 Men, with a correspondent Naval Force, in a campaign of 6 months only, the whole expense of the construction

of the works would be defrayed, by the difference in the sum necessary to maintain the Force which would be adequate to our defence with the aid of those works, and that which would be incurred without them. The reason of this difference is obvious. If fortifications are judiciously placed on our great inlets, as distant from our cities as circumstances will permit, they will form the only points of attack, and the Enemy will be detained there by a small regular Force, a sufficient time to enable our Militia to collect, and repair to that on which the attack is made. A Force adequate to the Enemy, collected at that single point, with suitable preparation for such others as might be menaced, is all that would be requisite. But, if there were no fortifications, then the Enemy might go where he pleased, and, changing his position, and sailing from place to place, our Force must be called out and spread in vast numbers along the whole coast, and on both sides of every bay and river, as high up in each as it might be navigable for Ships of War. By these fortifications, supported by our Navy, to which they would afford like support, we should present to other Powers an armed front from St. Croix to the Sabine, which would protect, in the event of War, our whole coast and interior from invasion; and even in the Wars of other Powers, in which we were neutral, they would be found eminently useful, as, by keeping their public Ships at a distance from our Cities, peace and order in them would be preserved, and the Government be protected from insult.

It need scarcely be remarked, that these measures have not been resorted to in a spirit of hostility to other Powers. Such a disposition does not exist towards any Power. Peace and good-will have been, and will hereafter be, cultivated with all, and by the most faithful regard to justice. They have been dictated by a love of peace, of economy, and an earnest desire to save the lives of our Fellow Citizens from that destruction, and our Country from that devastation, which are inseparable from War, when it finds us unprepared for it. It is believed, and experience has shown, that such a preparation is the best expedient that can be resorted to, to prevent War. I add, with much pleasure, that considerable progress has already been made in these measures of defence, and that they will be completed in a few years, considering the great extent and importance of the object, if the plan be zealously and steadily persevered in.

The conduct of the Government, in what relates to Foreign Powers, is always an object of the highest importance to the Nation. Its agriculture, commerce, manufactures, fisheries, revenue; in short, its peace, may all be affected by it. Attention is, therefore, due to this subject.

At the period adverted to, the Powers of Europe, after having been engaged in long and destructive Wars with each other, had concluded a Peace, which happily still exists. Our Peace with the Power

with whom we had been engaged, had also been concluded. The War between Spain and the Colonies in South America, which had commenced many years before, was then the only conflict that remained unsettled. This being a contest between different parts of the same Community, in which other Powers had not interfered, it was not affected by their accommodations.

This Contest was considered, at an early stage, by my Predecessor, a Civil War, in which the Parties were entitled to equal rights in our Ports. This decision, the first made by any Power, being formed on great consideration of the comparative strength and resources of the Parties, the length of time, and successful opposition made by the Colonies, and of all other circumstances on which it ought to depend, was in strict accord with the Law of Nations. Congress has invariably acted on this principle, having made no change in our relations with either Party. Our attitude has, therefore, been that of Neutrality between them, which has been maintained by the Government with the strictest impartiality. No aid has been afforded to either, nor has any privilege been enjoyed by the one, which has not been equally open to the other Party; and every exertion has been made in its power, to enforce the execution of the Laws prohibiting illegal equipments, with equal rigour against both.

By this equality between the Parties, their public Vessels have been received in our Ports on the same footing; they have enjoyed an equal right to purchase and export arms, munitions of war, and every other supply—the exportation of all articles whatever being permitted under Laws which were passed long before the commencement of the Contest; our Citizens have traded equally with both, and their commerce with each has been alike protected by the Government.

Respecting the attitude which it may be proper for The United States to maintain hereafter between the Parties, I have no hesitation in stating it as my opinion, that the Neutrality heretofore observed, should still be adhered to. From the change in the Government of Spain, and the negotiation now depending, invited by the Cortes and accepted by the Colonies, it may be presumed that their differences will be settled on the terms proposed by the Colonies. Should the War be continued, The United States, regarding its occurrences, will always have it in their power to adopt such measures respecting it, as their honour and interest may require.

Shortly after the general Peace, a band of Adventurers took advantage of this conflict, and of the facility which it afforded, to establish a system of buccaneering in the neighbouring seas, to the great annoyance of the commerce of The United States, and, as was represented, of that of other Powers. Of this spirit, and of its injurious bearing on The United States, strong proofs were afforded, by the establishment at Amelia Island, and the purposes to which it was

made instrumental, by this Band in 1817, and by the occurrences which took place in other parts of Florida, in 1818, the details of which, in both instances, are too well known to require to be now recited. I am satisfied, had a less decisive course been adopted, that the worst consequences would have resulted from it. We have seen that these checks, decisive as they were, were not sufficient to crush that piratical spirit. Many Culprits, brought within our limits, have been condemned to suffer death, the punishment due to that atrocious crime. The decisions of upright and enlightened Tribunals fall equally on all, whose crimes subject them, by a fair interpretation of the Law, to its censure. It belongs to the Executive not to suffer the executions, under these decisions, to transcend the great purpose for which punishment is necessary. The full benefit of example being secured, policy, as well as humanity, equally forbids that they should be carried further. I have acted on this principle, pardoning those who appear to have been led astray by ignorance of the criminality of the acts they had committed, and suffering the Law to take effect on those only, in whose favour no extenuating circumstances could be urged.

Great confidence is entertained, that the late Treaty with Spain, which has been ratified by both the Parties, and the Ratifications whereof have been exchanged, has placed the relations of the two Countries on a basis of permanent friendship. The provision made by it for such of our Citizens as have claims on Spain, of the character described, will, it is presumed, be very satisfactory to them; and the Boundary which is established between the Territories of the Parties, westward of the Mississippi, heretofore in dispute, has, it is thought, been settled on conditions just and advantageous to both. But, to the acquisition of Florida, too much importance cannot be attached. It secures to The United States a Territory important in itself, and whose importance is much increased by its bearing on many of the highest interests of the Union. It opens to several of the neighbouring States a free passage to the Ocean, through the Province ceded, by several rivers, having their sources high up within their limits. It secures us against all future annoyance from powerful Indian Tribes. It gives us several excellent harbours in the Gulf of Mexico for Ships of War of the largest size. It covers, by its position in the Gulf, the Mississippi and other great waters within our extended limits, and thereby enables The United States to afford complete protection to the vast and very valuable productions of our whole western Country, which find a market through those streams.

By a Treaty with the British Government, bearing date on the 20th of October, 1818, the Convention regulating the Commerce between The United States and Great Britain, concluded on the 3rd of July, 1815, which was about expiring, was revived and continued for

the term of 10 years from the time of its expiration. By that Treaty, also, the differences which had arisen under the Treaty of Ghent, respecting the right claimed by The United States for their Citizens, to take and cure fish on the coast of His Britannic Majesty's Dominions in America, with other differences on important interests, were adjusted to the satisfaction of both Parties. No agreement has yet been entered into respecting the commerce between The United States and the British Dominions in the West Indies, and on this Continent. The restraints imposed on that commerce by Great Britain, and reciprocated by The United States, on a principle of defence, continue still in force.

The negotiation with France for the regulation of the commercial relations between the two Countries, which, in the course of the last summer, had been commenced at Paris, has since been transferred to this City, and will be pursued, on the part of The United States, in the spirit of conciliation, and with an earnest desire that it may terminate in an arrangement satisfactory to both Parties.

Our relations with the Barbary Powers are preserved in the same state, and by the same means, that were employed when I came into this office. As early as 1801 it was found necessary to send a Squadron into the Mediterranean, for the protection of our commerce, and no period has intervened, a short term excepted, when it was thought advisable to withdraw it. The great interest which The United States have in the Pacific, in commerce and in the fisheries, have also made it necessary to maintain a Naval Force there. In disposing of this Force, in both instances, the most effectual measures in our power have been taken, without interfering with its other duties, for the suppression of the Slave-trade, and of Piracy, in the neighbouring seas.

The situation of The United States, in regard to their resources, the extent of their Revenue, and the facility with which it is raised, affords a most gratifying spectacle. The payment of nearly 67,000,000 of dollars of the Public Debt, with the great progress made in measures of defence, and in other improvements of various kinds, since the late War, are conclusive proofs of this extraordinary prosperity, especially when it is recollected that these expenditures have been defrayed, without a burthen on the People, the direct tax and excise having been repealed soon after the conclusion of the late War, and the Revenue applied to these great objects having been raised in a manner not to be felt. Our great resources, therefore, remain untouched, for any purpose which may affect the vital interests of the Nation. For all such purposes they are inexhaustible. They are more especially to be found in the virtue, patriotism, and intelligence of our Fellow Citizens, and in the devotion with which they would yield up, by any just measure of taxation, all their property, in support of the rights and honour of their Country.

Under the present depression of prices, affecting all the productions of the Country, and every branch of industry, proceeding from causes

explained on a former occasion, the revenue has considerably diminished; the effect of which has been to compel Congress either to abandon these great measures of defence, or to resort to loans or internal taxes, to supply the deficiency. On the presumption that this depression, and the deficiency in the revenue arising from it, would be temporary, loans were authorized for the demands of the last and present year. Anxious to relieve my Fellow Citizens in 1817, from every burthen which could be dispensed with, and the state of the Treasury permitting it, I recommended the repeal of the internal taxes, knowing that such relief was then peculiarly necessary, in consequence of the great exertions made in the late War. I made that recommendation under a pledge that, should the public exigencies require a recurrence to them at any time while I remained in this trust, I would, with equal promptitude, perform the duty which would then be alike incumbent on me. By the experiment now making it will be seen, by the next Session of Congress, whether the Revenue shall have been so augmented as to be adequate to all these necessary purposes. Should the deficiency still continue, and especially should it be probable that it would be permanent, the course to be pursued appears to me to be obvious. I am satisfied that, under certain circumstances, loans may be resorted to with great advantage. I am equally well satisfied, as a general rule, that the demands of the current year, especially in time of Peace, should be provided for by the revenue of that year. I have never dreaded, nor have I ever shunned, in any situation in which I have been placed, making appeals to the virtue and patriotism of my Fellow Citizens, well knowing that they could never be made in vain, especially in times of great emergency, or for purposes of high national importance. Independently of the exigency of the case, many considerations of great weight urge a policy having in view a provision of revenue to meet, to a certain extent, the demands of the Nation, without relying altogether on the precarious resource of Foreign commerce. I am satisfied that internal duties and excises, with corresponding imposts on Foreign articles of the same kind, would, without imposing any serious burthens on the People, enhance the price of produce, promote our manufactures, and augment the Revenue, at the same time that they made it more secure and permanent.

The care of the Indian Tribes within our limits has long been an essential part of our system, but, unfortunately, it has not been executed in a manner to accomplish all the objects intended by it. We have treated them as Independent Nations, without their having any substantial pretension to that rank. The distinction has flattered their pride, retarded their improvement, and, in many instances, paved the way to their destruction. The progress of our Settlements westward, supported, as they are, by a dense population, has constantly driven them back, with almost the total sacrifice of the lands which they have been compelled to abandon. They have claims on the mag-

nanimity, and, I may add, on the justice of this Nation, which we must all feel. We should become their real benefactors, we should perform the office of their Great Father, the endearing title which they emphatically give to the Chief Magistrate of our Union. Their sovereignty over vast Territories should cease, in lieu of which, the right of soil should be secured to each Individual and his posterity, in competent portions, and, for the Territory thus ceded by each Tribe, some reasonable equivalent should be granted, to be vested in permanent funds for the support of civil government over them, and for the education of their Children, for their instruction in the arts of husbandry, and to provide sustenance for them until they could provide it for themselves. My earnest hope is, that Congress will digest some plan, founded on these principles, with such improvements as their wisdom may suggest, and carry it into effect as soon as it may be practicable.

Europe is again unsettled, and the prospect of War increasing. Should the flame light up, in any quarter, how far it may extend, it is impossible to foresee. It is our peculiar felicity to be altogether unconnected with the causes which produce this menacing aspect elsewhere. With every Power we are in perfect amity, and it is our interest to remain so, if it be practicable on just conditions. I see no reasonable cause to apprehend variance with any Power, unless it proceed from a violation of our maritime rights. In these Contests, should they occur, and to whatever extent they may be carried, we shall be neutral; but, as a Neutral Power, we have rights which it is our duty to maintain. For light injuries it will be incumbent on us to seek redress in a spirit of amity, in full confidence that, injuring none, none would knowingly injure us. For more imminent dangers we should be prepared, and it should always be recollected that such preparation, adapted to the circumstances, and sanctioned by the judgment and wishes of our Constituents, cannot fail to have a good effect, in averting dangers of every kind. We should recollect, also, that the season of peace is best adapted to these preparations.

If we turn our attention, Fellow Citizens, more immediately to the internal concerns of our Country, and more especially to those on which its future welfare depends, we have every reason to anticipate the happiest results. It is now rather more than 44 years since we declared our Independence, and 37 since it was acknowledged. The talents and virtues which were displayed in that great struggle, were a sure presage of all that has since followed. A People who were able to surmount, in their infant state, such great perils, would be more competent, as they rose into manhood, to repel any which they might meet in their progress. Their physical strength would be more adequate to foreign danger, and the practice of self-government, aided by the light of experience, could not fail to produce an effect, equally

salutary, on all those questions connected with the internal organization. These favourable anticipations have been realized. In our whole system, national and state, we have shunned all the defects which unceasingly preyed on the vitals and destroyed the ancient Republics. In them, there were distinct orders, a Nobility and a People, or the People governed in one Assembly. Thus, in the one instance, there was a perpetual conflict between the orders in society for the ascendancy, in which the victory of either terminated in the overthrow of the Government, and the ruin of the State. In the other, in which the People governed in a body, and whose Dominions seldom exceeded the dimensions of a County in one of our States, a tumultuous and disorderly movement permitted only a transitory existence. In this great Nation there is but one order, that of the People, whose power, by a peculiarly happy improvement of the representative principle, is transferred from them without impairing, in the slightest degree, their sovereignty, to bodies of their own creation, and to Persons elected by themselves, in the full extent necessary for all the purposes of free, enlightened, and efficient government. The whole system is elective, the complete Sovereignty being in the People, and every Officer, in every Department, deriving his authority from, and being responsible to, them for his conduct.

Our career has corresponded with this great outline. Perfection in our organization could not have been expected in the outset, either in the National or State Governments, or in tracing the line between their respective powers. But no serious conflict has arisen, nor any contest but such as are managed by argument, and by a fair appeal to the good sense of the People; and many of the defects which experience had clearly demonstrated, in both Governments, have been remedied. By steadily pursuing this course, in this spirit, there is every reason to believe that our system will soon attain the highest degree of perfection of which human institutions are capable, and that the movement, in all its branches, will exhibit such a degree of order and harmony, as to command the admiration and respect of the civilized world.

Our physical attainments have not been less eminent. Twenty-five years ago the river Mississippi was shut up, and our western brethren had no outlet for their commerce. What has been the progress since that time? The river has not only become the property of The United States, from its source to the ocean, with all its tributary streams, (with the exception of the upper part of the Red River only,) but Louisiana, with a fair and liberal boundary on the western side, and the Floridas on the eastern, have been ceded to us. The United States now enjoy the complete and uninterrupted sovereignty over the whole Territory from St. Croix to the Sabine. New States, settled from among ourselves in this, and in other parts, have been admitted into

our Union, in equal participation in the National Sovereignty with the original States. Our population has augmented in an astonishing degree, and extended in every direction. We now, Fellow Citizens, comprise within our limits the dimensions and faculties of a great Power, under a Government possessing all the energies of any Government ever known to the Old World, with an utter incapacity to oppress the People.

Entering, with these views, the Office which I have just solemnly sworn to execute with fidelity, and to the utmost of my ability, I derive great satisfaction from a knowledge that I shall be assisted in the several Departments by the very enlightened and upright Citizens from whom I have received so much aid in the preceding term. With full confidence in the continuance of that candour, and generous indulgence, from my Fellow Citizens, at large, which I have heretofore experienced, and, with a firm reliance on the protection of Almighty God, I shall forthwith commence the duties of the high trust to which you have called me.

SPEECH of The King of The Netherlands, on the Opening of The States General.—15*th October* 1821.

NOBLES ET PUISSANS SEIGNEURS,

J'ÉPROUVE une vive satisfaction de pouvoir, à l'Ouverture de votre Session actuelle, vous dire de nouveau, que nos rélations avec toutes les Puissances, continuent d'être entretenues avec une bienveillance réciproque. Quoique les troubles du Levant aient fait naître des inquiétudes, on a cependant l'espoir fondé de conserver la Paix. Puisse la Providence bénir les efforts, qui tendent à ce but; puisse la bonté divine rétablir la tranquillité, là où règne le trouble, et nous laisser jouir sans interruption, d'un bienfait, qui est le premier élément de la prospérité, et qui doit dès-lors être cher à quiconque aime sincèrement sa Patrie.

La situation intérieure du Royaume, offre en général, une perspective favorable.

La crainte d'une récolte médiocre, est heureusement dissipée dans la plupart des Provinces; et nous pouvons nous promettre abondance de denrées et des prix modérés.

Le Commerce et la Navigation n'ont pas diminué, et l'on peut nourrir l'espérance de les voir dans l'avenir, prendre un nouvel accroissement.

Malgré l'influence favorable de quelques années de paix, la situation des fabriques n'offre pas, dans toutes ses parties, un aspect également prospère, cependant dans les derniers tems, plusieurs d'entre elles, très importantes, ont vu leur activité s'accroître, et presque nulle part, le manque de travail ne peut donner lieu à des plaintes fondées.

Dans le Rapport présenté récemment à Vos Nobles Puissances, elles auront trouvé les preuves de l'ardeur avec laquelle les sciences sont cultivées, et du rapide développement parmi les classes moins aisées du Peuple, des bienfaits d'une instruction appropriée à leurs besoins.

Plus d'un honorable concours, plus d'une exposition attestent également les progrès que font les beaux-arts.

L'administration prend de jour en jour, dans les Provinces, ainsi que dans les Villes et Communes rurales, une marche plus régulière et plus assurée; les améliorations qu'à cet égard, l'expérience recommande à mes soins, font l'objet de mes sérieuses délibérations.

Les communications entre les diverses parties du Royaume, deviennent de plus en plus faciles; celle entre les deux résidences a été considérablement améliorée, et j'ai l'espoir, qu'avec la coöpération des Provinces intéressées, il pourra être ouvert une nouvelle source de prospérité au commerce, à l'agriculture et à l'industrie, par la construction d'un canal entre Bois le Duc et Maestricht.

Parmi les améliorations sur lesquelles ma solicitude pour le bien-être de mes Sujets arrête mon attention, je regarde comme fort importantes les dérivations qui pourraient être données aux eaux du Rhin, ainsi qu'aux branches de ce fleuve, afin de prévenir les désastres auxquels une partie considérable du Royaume, se trouve constamment exposée, lors des débacles et des hautes marées; cet objet est soumis dans ce moment à un examen particulier.

Depuis longtems le régime des prisons m'a paru susceptible de modifications utiles; l'ayant fait examiner dans tous ses détails, le compte qui m'en a été rendu, m'a confirmé dans cette opinion.

Si le système, qui par suite de cet examen fait actuellement l'objet de mes délibérations, et dont j'ai déjà adopté quelques dispositions principales, se trouve susceptible d'être mis à exécution, dans toutes ses parties, il en résultera, non-seulement une amélioration dans l'état moral des détenus, mais aussi par la suite, une diminution des charges du Trèsor. Je tâcherai de réaliser ces idées au moyen d'essais que j'ordonnerai successivement.

Des calamités imprévues ont affligé quelques contrées dans nos Possessions d'outre-mer: mais l'on prévoit que bientôt elles pourront en surmonter les suites; et Nous avons lieu de Nous flatter, que l'importance que les rélations de la Mère-patrie avec les Indes Orientales ont déjà dans la balance du commerce général, continuera d'aller en croissant.

Il ne m'est pas moins agréable d'annoncer à votre Assemblée, qu'il ne le sera à Vos Nobles Puissances d'apprendre, que l'apperçu des recettes et des dépenses, pour la seconde division du Budget de l'Exercice prochain, présente entre elles l'équilibre désirable. Ce résultat, dont la Nation recueillera complettement les avantages, aussi-tôt que le nouveau système de finances aura été mis à exécution, se trouve pré-

paré en grande partie, tant par les économies que je continue de faire introduire partout où l'intérêt bien entendu de l'Etat le permet, que par l'intention que j'ai de proposer à Vos Nobles Puissances, pour faire face à des besoins, auxquels il aurait dû sans cela être pourvû par le Budget même, et pour couvrir des arriérés et des dépenses tout à fait extraordinaires, des moyens particuliers, qui n'amèneront ni augmentation de la dette publique, ni aucune charge pour les habitans.

Les Ordonnances spéciales qui doivent être arrêtées, ensuite de la dernière Loi sur les Finances, sont déjà pour la plupart, redigées et seront le plutôt possible, présentées à Vos Nobles Puissances. Dans la rédaction de ces Ordonnances, on a constamment en vue, le but d'assurer les intérêts du Trésor, en allégeant autant qu'elles peuvent l'être, les charges des contribuables.

Le produit des recettes pendant l'Exercice courant, annonce des résultats semblables à ceux de l'Exercice précédent. Si le produit de quelques impôts s'est amélioré, d'autres au contraire, ont été moins productifs, et l'expérience de cette année établit ainsi de nouveau, combien la révision de notre systéme financier était nécessaire, si l'on voulait mettre un terme au déficit annuel qui finirait par anéantir l'Etat le mieux constitué.

Je me suis réjoui d'avoir vû disparoître dans votre dernière Session les difficultés qui d'abord s'étaient élevées sur le mode d'examiner le Projet de Code Civil ; j'ai tâché de mon côté de faciliter à ce sujet, Notre commun accord. Bientôt de nouveaux Projets rélatifs à des points importans qui appartiennent à ce Code, et sur lesquels vous avez déjà délibéré, seront présentés à Vos Nobles Puissances. Je compte sur votre constante coöperation au bien-être de l'Etat, tant pour cet objet que pour tous autres, qui pendant la Session actuelle, pourront être soumis aux délibérations de Vos Nobles Puissances.

CORRESPONDENCE between Great Britain and Austria, relative to the Repayment of the Loans raised for the service of Austria, under the Conventions of 1795 *and* 1797 *;—and Papers connected with the same subject,* 1795 *to* 1818.

Presented to Parliament, May, 1821.

LIST OF PAPERS.

No.				Page.
1.	Convention between His Britannic Majesty and The Emperor of Germany	Vienna.....	4th May, 1795.	689
2.	Convention between His Britannic Majesty and The Emperor of Germany.....	Westminster.....	1797. 16th May.	702
3.	Lord Grenville to Sir Morton Eden.....	Downing-street...	7th July.	706
4.	Sir Morton Eden to Lord Grenville.....	Vienna	22nd Oct.	706

No.			1797.	Page.
5.	Sir Morton Eden to Lord Grenville	Vienna	1st Nov.	709
			1798.	
6.	Lord Grenville to Sir Morton Eden	Downing-street	2d Feb.	710
7.	Sir Morton Eden to Lord Grenville	Vienna	3d Feb.	711
8.	Lord Grenville to Sir Morton Eden	Downing-street	13th March.	711
9.	Lord Grenville to Sir Morton Eden	Downing-street	20th April.	712
10.	Sir Morton Eden to Lord Grenville	Vienna	7th May.	712
11.	Lord Grenville to Sir Morton Eden	Downing-street	13th July.	713
12.	Lord Grenville to Sir Morton Eden	Downing-street	4th Sept.	714
13.	Sir Morton Eden to Lord Grenville	Vienna	20th Sept.	714
14.	Lord Grenville to Sir Morton Eden	Downing-street	21st Sept.	714
15.	Sir Morton Eden to Lord Grenville	Vienna	24th Nov.	715
			1799.	
16.	Sir Morton Eden to Lord Grenville	Vienna	10th April.	715
17.	Lord Grenville to Sir Morton Eden	Downing-street	25th May.	716
18.	Lord Grenville to Lord Minto	Downing-street	June.	716
19.	Lord Minto to Lord Grenville	Vienna	10th Dec.	717
			1800.	
20.	Lord Grenville to Lord Minto	Downing-street	8th Feb.	718
21.	Lord Grenville to Lord Minto	Downing-street	14th Feb.	718
22.	Certificate of the Exchange of the Ratifications of the Convention of 1797, between His Britannic Majesty and the Emperor of Germany.	London	21st Feb.	718
23.	Lord Minto to Lord Grenville	Vienna	10th April.	719
24.	Lord Minto to Lord Grenville	Vienna	1st May.	719
25.	Lord Grenville to Lord Minto	Downing-street	17th May.	720
26.	Convention between His Britannic Majesty and The Emperor of the Romans. (Extract)	Vienna	20th June.	721
27.	Lord Grenville to Lord Minto	Downing-street	17th July.	722
28.	Lord Minto to Lord Grenville	Vienna	24th Sept.	722
29.	Lord Minto to Lord Grenville	Vienna	16th Oct.	722
30.	Lord Grenville to Lord Minto	Downing-street	31st Oct.	723
			1801.	
31.	Lord Grenville to Lord Minto	Downing street	30th Jan.	723
32.	Lord Minto to Lord Grenville	Vienna	15th Feb.	724
			1804.	
33.	Sir Arthur Paget to the Earl of Harrowby	Vienna	16th Nov.	724
			1805.	
34.	Treaty of Concert between Great Britain and Russia, (Extract)	St. Petersburgh,	30th March / 11th April	725
35.	Declaration (Preliminary) of Count Stadion to Lord G. L. Gower	St. Petersburgh,	28th July / 9th August	727
36.	Declaration of Lord G. L. Gower, delivered to Prince Czartoryski and Count Stadion	St. Petersburgh	9th Aug.	729
37.	Sir Arthur Paget to Lord Mulgrave	Vienna	29th Aug.	730
38.	Sir Arthur Paget to Lord Mulgrave	Vienna	30th Aug.	731
39.	Sir Arthur Paget to Lord Mulgrave	Vienna	24th Oct.	732
40.	Lord Mulgrave to Sir Arthur Paget	Downing street	25th Oct.	732
41.	Sir Arthur Paget to Lord Mulgrave	Vienna	16th Nov.	733
42.	Sir Arthur Paget to Lord Mulgrave	Olmutz	2d Dec.	733
			1806.	
43.	Sir Arthur Paget to Lord Mulgrave	Troppau	13th Jan.	733
44.	The Right Hon. Charles James Fox to Robert Adair, Esq.	Downing-street	28th July.	733
45.	Robert Adair Esq. to the Right Hon. Charles James Fox	Vienna	13th Aug.	734

No.			1806.	Page.
46.	Declaration of the Right Hon. C. J. Fox	London	23d Aug.	734
47.	Declaration of Count Starhemberg	London	23d Aug.	734
48.	Robert Adair, Esq. to Viscount Howick	Vienna	9th Oct.	735
49.	Viscount Howick to Robert Adair Esq.	Downing-street	28th Oct.	736
50.	Robert Adair, Esq. to Viscount Howick	Vienna	19th Nov.	736
			1807.	
51.	Viscount Howick to Robert Adair, Esq.	Downing-street	13th Jan.	736
52.	Viscount Howick to Robert Adair, Esq.	Downing-street	6th March.	737
53.	Robert Adair, Esq. to Viscount Howick	Vienna	11th April.	737
			1813.	
54.	Viscount Castlereagh to the Earl of Aberdeen.	Foreign Office	6th Aug.	738
55.	The Earl of Aberdeen to Viscount Castlereagh.	Toplitz	13th Sept.	738
56.	Separate Articles to the Treaty of Alliance between Great Britain and Austria. (Extract.)	Toplitz	3d Oct.	739
57.	Treaty of Union, Concert and Subsidy, between Great Britain and Austria (Extract)	Chaumont	1st March	739
			1814.	
58.	Additional Convention between Great Britain and Austria. (Extract)	Vienna	30th April.	740
			1815.	
59.	Protocole of Conference. (Extract)	Paris	20th Nov.	740
			1818.	
60.	Lord Stewart to Viscount Castlereagh	Vienna	5th Sept.	741
61.	The Hon. R. Gordon to Viscount Castlereagh.	Vienna	19th Jan.	741
62.	The Hon. R. Gordon to Viscount Castlereagh.	Vienna	7th Feb.	742

No. 1.—*Convention of Loan between His Britannic Majesty and the Emperor of Germany.—Signed at Vienna, 4th May* 1795.

(Translation.)

L'EMPEREUR, et le Roi de la Grande Bretagne, étant également convaincus de la nécessité d'agir avec vigueur et energie contre l'ennemi commun, afin de procurer à leurs Etats respectifs une Paix sûre et honorable, et de préserver l'Europe du danger dont elle est menacée, Leur Majestés Impériale et Britannique ont jugé à-propos de s'entendre entr'elles sur les mesures à adopter pour la campagne prochaine, et de se concerter à cet effet sur telles stipulations, qui puissent le mieux contribuer au but salutaire de leurs intentions ci-dessus mentionnées. C'est dans cette vuë, que leurs Majestés ont nommé leurs Plénipotentiaires respectifs; savoir, Sa

THE Emperor, and the King of Great Britain, being equally convinced of the necessity of acting with vigour and energy against the common enemy, in order to procure to their respective Dominions a safe and honourable Peace, and to preserve Europe from the danger with which it is threatened, their Imperial and Britannic Majesties have thought proper to concert together upon the measures to be adopted for the next campaign, and to agree for this purpose, on such stipulations as may best conduce to the salutary object of their intentions already mentioned. With this view, their Majesties have appointed their respective Plénipotentiaries; that

Majesté Impériale, son Conseiller intime actuel, et Ministre des Affaires Etrangères, Baron de Thugut, Commandeur de l'Ordre de St. Etienne; et Sa Majesté Britannique, le Chevalier Morton Eden, Conseiller Privé de Sa Majesté, Chevalier de l'Ordre du Bain, Envoyé Extraordinaire et Ministre Plénipotentiaire de sa dite Majesté auprès de la Cour de Vienne; lesquels, après s'être communiquée leurs Plein Pouvoirs respectifs, sont convenus des Articles suivans:

ART. I. Pour aider les efforts que Sa Majesté Impériale désire de faire, et pour lui faciliter les moyens de faire valoir les ressources de ses Etats, pour la défense de la cause commune, Sa Majesté Britannique s'engage à proposer à son Parlement de garantir le payement régulier des dividendes, par semestre, sur la somme de £4,600,000 sterlings, laquelle est, ou doit être levée, pour le compte de Sa Majesté Impériale, sous les conditions et de la manière énoncée dans les deux Octrois, dont la teneur est insérée à la fin de la présente Convention; Sa Majesté Impériale s'engageant solemnellement vis-à-vis de Sa Majesté Britannique, de pourvoir régulièrement à l'acquit des payemens qui écherront en suite du dit Emprunt, de façon que ces payemens ne puissent jamais devenir à charge aux finances de la Grande Bretagne.

II. En retour de ce qui est stipulé dans l'Article précédent, et au moyen de la levée du dit Em-

is to say, His Imperial Majesty, his actual Privy Councillor, and Minister for Foreign Affairs, Baron de Thugut, Commander of the Order of St. Stephen; and His Britannic Majesty, Sir Morton Eden, Knight of the Bath one of His Majesty's Most Honorable Privy Council, and his Envoy Extraordinary and Minister Plenipotentiary at the Court of Vienna; who, after having communicated to each other their respective Full Powers, have agreed upon the following Articles:

ART. I. In order to assist the efforts which His Imperial Majesty is desirous of making, and to facilitate to him the means of bringing forward the resources of his Dominions, in the defence of the common cause, His Britannic Majesty engages to propose to his Parliament to guaranty the regular payment of the half-yearly dividends, on the sum of £4,600,000 sterling, which is, or is to be raised, on account of His Imperial Majesty, on the terms and in the manner specified in the two Engagements, or Octrois, the tenor of which is annexed to this Convention; His Imperial Majesty solemnly engaging to His Britannic Majesty that he will make due provision for the regular discharge of the payments which shall become due in consequence of the said Loans, so as that those Payments shall never fall as a burthen on the finances of Great Britain.

II. In return for the stipulation contained in the preceding Article, and by means of the

prunt de £4,600,000, assurée par la garantie Britannique, Sa Majesté Impériale employera à ses différentes Armées, dans la campagne prochaine, un nombre de troupes, qui non seulement sera au moins de 200,000 hommes effectifs, mais que Sa Majesté Impériale s'efforcera de porter même au dessus de ce nombre, autant qu'il sera possible ; est lesquelles Troupes agiront contre l'ennemi commun, en conformité des dispositions convenuës dans un Article Secret qui fait partie de la presente Convention.

III. L'Empereur verra avec plaisir qu'il soit destiné à la suite de ses Armées, de la part de Sa Majesté Britannique, des Officiers Généraux, ou autres personnes de confiance, à qui l'on fournira volontiers tous les renseignemens, et toutes les informations nécessaires, sur l'état et les forces des Armées, et sur le nombre des Troupes dont elles seront composées ; et si, pour faciliter et accelérer la correspondance et les communications entre les Armées des deux Cours, Sa Majesté Impériale juge à propos d'envoyer quelqu'Officier, ou autre Personne, de sa part, aux Armées Angloises, ils recevront également des Généraux Commandants de Sa Majesté Britannique toutes les marques de confiance le plus analogue à l'union étroite heureusement subsistante entre les deux Cours.

IV. Il est convenu expressément que la sûreté du dit Emprunt doit porter sur tous les Revenus de tous les differens Etâts hérédi-

said Loan of £ 4,600,000 sterling, assured by the guarantee of Great Britain, His Imperial Majesty shall employ in his different Armies, in the ensuing campaign, a number of troops, which shall not only amount at least to 200,000 effective men, but which His Imperial Majesty will exert himself, as much as possible, to augment even above that number: which troops shall act against the common enemy, according to the dispositions agreed upon by a Secret Article forming a part of this Convention.

III. The Emperor will see with pleasure the appointment of General Officers, or other Persons of confidence, to be present with his Armies on the part of His Britannic Majesty, to whom all the necessary communication and information will be furnished, with respect to the state and strength of the Armies, and the number of Troops of which they may consist; and if, in order to facilitate and promote the correspondence and communication between the Armies of the two Courts, His Imperial Majesty shall think proper to send an Officer, or other Person, on his part, to the English Armies, they shall, in like manner, receive from the Generals of His Britannic Majesty all such marks of confidence as are most analogous to the intimate union so happily subsisting between the two Courts.

IV. It is expressly agreed, that the said Loan is to rest on the security of all the Revenues of all the different hereditary Dominions

taires de Sa Majesté Impériale. Il sera pris, de la part de Sa Majesté Impériale, dans chacun de ces Etâts respectifs, toutes les mesures nécessaires pour donner au dit Emprunt, et aux engagemens pour le payement régulier des dividendes, par sémestre, qui écherront en conséquence du dit Emprunt, un plein et légal effet et validité ; de sorte que si jamais il arrivoit, par quelque raison que ce fût, qu'un payement quelconque étoit en retard, après l'époque de son échéance, les Porteurs des Obligations déjà contractées, ou qui seront contractées, de la part de Sa Majesté Impériale, pour le dit Emprunt, pourront poursuivre en justice les Receveurs ou Trésoriers des Revenus de Sa Majesté Impériale, dans chacun des dits Etâts respectivement, au choix des dits Porteurs, et pourront recouvrer d'eux, et de chacun d'eux, en duë forme de Loi, le montant complet de tel payement ainsi échu, de la même manière que les Particuliers sont admis dans les dits Etâts respectivement, de poursuivre et de recouvrer leurs justes droits contre d'autres Particuliers.

V. Si contre toute attente il arrivoit jamais, qu'une partie quelconque des dividendes échuë sur les dits Emprunts, fût payée par le Gouvernement Britannique, en conséquence du défaut des payemens stipulés de la part de Sa Majesté Impériale, il est convenu, que de tels payemens se feront à la Banque d'Angleterre, et seulement dans le cas où on remettra les coupons ou certificats des divi-

of His Imperial Majesty. All the necessary measures shall be taken on the part of His Imperial Majesty, in each of the said Dominions respectively, to give full and legal effect and validity to the said Loan, and to the engagements for the regular payment of the half yearly dividends which shall fall due in consequence thereof; so that if at any time there should happen, from whatever cause, to be any delay in any of the payments, after the period of their falling due, the Holders of the Securities granted or to be granted, on the part of His Imperial Majesty, for the said Loan, may sue the Receivers or Treasurers of His Imperial Majesty's Revenues, in any of the said Dominions respectively, at the option of such Holders, and may recover from them, or any of them, by due course of Law, the full amount of such payments, having so fallen due, in the same manner as any Private Individuals are admitted, in the said Dominions respectively, to prosecute and recover their just rights against other Private Persons.

V. If it should ever happen that, contrary to all expectation, any part of the dividends due on the said Loans should, in consequence of the failure of the payments stipulated to be made by His Imperial Majesty, be paid by the British Government, it is agreed, that such payments shall be made at the Bank of England, and only on the delivery of the tallies or certificates of the divi-

dendes ainsi payées respectivement; et chaque coupon ou certificat qui sera ainsi remis, servira de sûreté valable et légale, et donnera au Porteur le droit de poursuivre tel Receveur ou Trésorier des Revenus de Sa Majesté Impériale qu'il jugera à propos, et dans tel Etât heréditaire de Sa dite Majesté que bon lui semblera: et de recouvrer d'eux, et de chacun d'eux, le montant complet de la somme mentionnée dans le dit coupon ou certificat, avec les intérêts de la dite somme, à raison de 5 pour cent par an, à compter de la date du payement effectué par le Gouvernement Britannique. Et d'autant que, dans les conditions arrêtées pour la levée du dit Emprunt, il est convenu, qu'il sera mis en dépôt dans la Banque d'Angleterre, comme sûreté subsidiaire du dit Emprunt, des actions hypothécaires de la Banque de Vienne, pour une somme dans la proportion de 4 à 3 de l'Emprunt à lever; il est arrêté de plus, que dans le cas d'un tel payement quelconque effectué par le Gouvernement Britannique, le Gouverneur et la compagnie de la dite Banque d'Angleterre seront autorisés à retirer du dit dépôt une quantité suffisante des dites actions, pour porter la proportion à 4 livres pour chaque 3, ainsi payées par le Gouvernement Britannique: et le dit Gouvernement pourra se servir de ces actions, soit comme une sûreté ou droit de réclamation sur la Banque de Vienne, jusqu'au remboursement de la dite somme avec ses intérêts, ou il pourra dès lors les négocier en autant qu'il sera nécessaire pour

dends so respectively paid; and every such tally or certificate so delivered up shall be a valid and legal security, so as to enable the Holder thereof to sue any of the Receivers or Treasurers of His Imperial Majesty's Revenues, in any of his Dominions aforesaid, at the option of such Holder, and to recover from them, or any of them, the full amount of the sum expressed in such tally or certificate, with the interest thereon, at the rate of 5 per cent per annum, to be reckoned from the date of the payment made by the British Government. And whereas it is provided, in the terms agreed upon for raising the said Loan, that, as a collateral security for the said Loan, there shall be deposited in the Bank of England, Mortgage Actions of the Bank of Vienna, for a sum, in the proportion of 4 to 3 of the Loan to be so raised; it is further agreed, that the Governor and Company of the said Bank shall, in case of any such payment as aforesaid being made by the British Government, be authorized to withdraw from the said deposit such a quantity of the said Actions, as shall be required to make up at least the proportion of £. 4 to every £. 3 which shall be so paid by the British Government, to be by the said Government either used as a security or claim upon the Bank of Vienna, until repayment of the said sum, and of the interest due thereon, or negotiated at the time to such extent as may be necessary, in order to effect such reimbursement, according as to the said Government may seem most eligi-

effectuer ce remboursement, selon que le dit Gouvernement le jugera plus convenable, et que la quantité d'actions ainsi retirée, sera mise à l'encontre ou déduite de telle quantité d'actions, qui, selon les termes du dit Emprunt, pourroit dans la suite être retirée du dit dépôt, à mesure dura chât graduel des Obligations et du payement des Annuités, d'après ce qui est spécifié dans les conditions du dit Emprunt.

VI. Et d'autant que certaines avances ont été faites de la part du Gouvernement Britannique à Sa Majesté Impériale, à compte et par forme d'Emprunt; il est arrêté que les dites avances seront remboursées à Londres, dans le cours de la présente année, contre la restitution des recepissés fournis par les Généraux commandants en chef de l'Armée Impériale, et conformément aux sommes portées dans les dités recepissés: ces avances seront remboursées au plûtard, en deux parties égales, dans les 2 mois de Novembre et de Décembre, de façon que le total soit remboursé avant l'expiration de la presente année.

VII. La présente Convention sera ratifiée de part et d'autre, sans aucun délai, et l'échange des Ratifications, expédiés en duës formes, se fera dans l'espace de 1 mois, au plûtard.

En foi de quoi, nous soussignés, munis des Plein Pouvoirs de leurs Majestés Impériale et Britannique, avons en leurs noms signé le présent Acte, et y avons fait apposer le Cachet de nos Armes.

Fait à Vienne, le 4 Mai, 1795.
LE BARON DE THUGUT.

ble; and that the quantity of actions so withdrawn shall be deducted from or set off against any quantity, which, according to the terms of the said Loan, might thereafter be to be withdrawn from the said deposit, in proportion to the gradual redemption of the Bonds, and the payment of the Annuities, as is specified in the conditions of the said Loan.

VI. And whereas certain advances have been made by the British Government to His Imperial Majesty, on account and by way of Loan; it is agreed, that the same shall be repaid at London in the course of the present year, in exchange for the receipts given by the Generals commanding in chief the Imperial Army, and conformably to the sums contained in the said receipts. The said advances shall be reimbursed at latest, in two equal parts, in the months of November and December, so that the total shall be reimbursed before the expiration of the present year.

VII. The present Convention shall be ratified on each side without any delay, and the exchange of the Ratifications, expedited in due form, shall be made within the space of 1 month at latest.

In witness whereof we, the undersigned, being furnished with the Full Powers of their Imperial and British Majesties, have in their names signed the present Act, and have thereto set the Seal of our Arms.

Done at Vienna, the 4th day of May, 1795. MORTON EDEN.

Suit la Teneur du 1*er Octroi.*

FRANCOIS, par la Grace de Dieu, Empereur des Romains, &c. &c.

A tous ceux qui ces présentes verront, salut: Les dépenses que nous sommes dans le cas de faire pour continuer nos efforts contre un Ennemi destructeur, exigeant que, sans trop surcharger nos Sujets, nous nous procurions des ressources extraordinaires; nous, par avis de nos très-cher, chers et féaux, le Trésorier Général, Conseillers et Commis de nos Domaines et Finances, avons à la délibération de Son Altesse Royale, notre très-cher et bien-aimé Frère, l'Archiduc Charles Louis d'Autriche, Prince Royal de Hongrie et de Bohême, notre Lieutenant-Gouverneur et Capitaine Général des Pays Bas, et ouï notre Chancelier de Cour, avons résolu de faire en Angleterre un Emprunt, conformément aux clauses et conditions suivantes:

1. Il sera ouvert, dans la Ville de Londres, chez Walter Boyd, Paul Benfield, et Jacques Drummond, Négocians à Londres, sous la raison de Boyd, Benfield et Compagnie, Banquiers de Sa Majesté, nommés à cet effet, un Emprunt de £ 3,000,000 sterlings, payable en argent comptant.

2. Une partie de cet Emprunt consistera en Obligations qui seront signées des dits Boyd, Benfield et Compagnie, ou par un des Individus qui composent la dite maison; et ces Obligations pourront être de telles sommes qu'on jugera à-propos.

3. Il sera formé de ces Obliga-

Tenour of the 1*st Octroi.*

FRANCIS, by the Grace of God, Emperor of the Romans, &c. &c.

To all those who shall see these presents, greeting: The expences which we find it necessary to incur, for continuing our efforts against a destructive Enemy, requiring that, without too far burthening our Subjects, we should procure extraordinary resources; we have, by the advice of our most dear, our dear and trusty the Treasurer General, Councillors and Commissioners of our Domains and Finances, and upon the deliberation of His Royal Highness, our most dear and well-beloved Brother, the Archduke Charles Lewis, of Austria, Prince Royal of Hungary and Bohemia, our Lieutenant Governor and Captain General of the Low Countries, our Chancellor of Law having been heard, resolved to raise a Loan in England, conformably to the clauses and conditions following:

1. A Loan of £3,000,000 sterling, payable in ready money, shall be opened in the City of London, at the house of Walter Boyd, Paul Benfield, and James Drummond, Merchants, in London, in the firm of Boyd, Benfield and Co. Bankers to His Majesty, appointed for that purpose.

2. A part of the said Loan shall consist in Bonds, to be signed by the said Messrs. Boyd, Benfield and Co. or by one of the Individuals belonging to the said firm; and those Bonds may be for such sums as shall be judged proper.

3. A Capital of £2,500,000

tions pour un Capital de £2,500,000 sterlings, portant intérêts à 3 pour cent par an. Les Prêteurs ne pourront en exiger le remboursement; mais nous nous réservons la faculté de les rembourser au pair, c'est-à-dire à raison de £100 sterlings d'argent pour £100 sterlings de Capital.

4. Ce Capital de £2,500,000 sterlings, sera évalué aux Prêteurs à £60 sterlings d'argent pour £100 sterlings de Capital.

5. L'autre partie de cet Emprunt consistera en Obligations qui seront également signées par la dite maison de Boyd, Benfield et Compagnie, ou par un des Individus qui composent la dite maison, portant l'engagement de payer, pendant 25 ans, des Annuités à raison de 10 pour cent du Capital fourni; et ces Annuités, pendant 25 ans, tiendront lieu, aux Prêteurs, tant du Capital que des Intérêts sur cette partie de l'Emprunt.

6. Il y aura en tout de ces Annuités, pour £150,000 sterlings, qui, à raison de £100 de Capital pour £10 d'Annuités, produiront la somme de £1,500,000 sterlings, faisant l'autre partie de l'Emprunt.

7. Les Intérêts des Obligations à 3 pour cent, et les Annuités à terme, prendront cours du 1er Maï, 1794, et seront payés de 6 mois en 6 mois, au 1er Maï et au 1er Novembre de chaque année, chez les dits Boyd, Benfield et Compagnie, ou au bureau qui sera désigné par eux à cet effet.

sterling shall be raised by those Bonds, bearing interest at 3 per cent per annum. The Lenders shall not demand the repayment thereof, but we reserve to ourself the right of redeeming them at par, viz. at the rate of £100 sterling, in money, for £100 sterling of Capital.

4. The said Capital of £2,500,000 sterling shall be valued to the Lenders, at £60 sterling in money for £100 sterling of Capital.

5. The residue of the said Loan shall consist in Bonds, to be likewise signed by the said house of Boyd, Benfield and Co. or by one of the Individuals belonging thereto, containing an engagement to pay, for the term of 25 years, Annuities at the rate of 10 per cent of the Capital lent; and the said Annuities for 25 years shall be in full to the Lenders, as well for the Capital as for the Interest on this part of the Loan.

6. The said Annuities shall amount in the whole to £150,000 sterling, which, at the rate of £100 Capital for £10 Annuity, will produce the sum of £1,500,000 sterling, forming the other part of the said Loan.

7. The Interest of the Bonds, at 3 per cent, and the Annuities for the term, shall be computed from the 1st of May, 1794, and shall be paid half-yearly, on the 1st of May and the 1st of November in each year, at the house of the said Messrs. Boyd, Benfield and Co. or at the office which shall be appointed by them for that purpose.

8. Quoique les remboursemens des capitaux des Rentes à 3 pour cent, ne soient exigibles en aucun temps, nous nous engageons néanmoins de faire remettre à la dite maison de Boyd, Benfield et Compagnie, une somme de £5,000 sterlings par mois, pendant l'espace de 25 ans, que dureront les Annuités, laquelle somme de £5,000 sterlings par mois, pendant l'espace de 25 ans, ou £60,000 sterlings par an, sera employée par la dite maison de Boyd, Benfield et Compagnie, sous la surveillance ou le contrôle de 5 Personnes (qui seront nommées par nous à cet effet) au rachat, au prix du jour, des Obligations portant intérêt à 3 pour cent; et non-seulement les dites £60,000 sterlings par an, mais aussi les Intérêts provenants de toutes les Obligations qui auront été successivement rachetées, seront invariablement employés à l'achat d'autres des dites Obligations, afin qu'il soit ainsi maintenu un fond d'amortissement annuel, pour le rachat de ces Obligations jusqu'à leur extinction, de £60,000 sterlings par an, augmenté par les Intérêts de toutes les Obligations qui auront été successivement rachetées.

9. Les Obligations, à la tête desquelles le présent Octroi sera imprimé, seront conçuës en ces termes; savoir,

Celles portant intérêt annuel de 3 pour cent,

" Nous Soussignés, à ce spécialement commis par Sa Majesté Impériale et Royale Apostolique, reconnoissons avoir reçu de

8. Although the redemption of the capital stock of perpetual Annuities at 3 per cent, is not demandable at any period, we engage, nevertheless, to remit to the said house of Boyd, Benfield and Co. the sum of £5,000 sterling, monthly, during the term of 25 years, for which the Annuities shall continue; which sum of £5,000 sterling, per month, during the term of 25 years, or £60,000 sterling per annum, shall be applied by the said house of Boyd, Benfield and Co. under the direction and controul of 5 Persons (who shall be appointed by us for that purpose) to the buying up, at the market price, of the Bonds bearing interest at 3 per cent; and not only the said sum of £60,000 sterling per annum, but also the Interest accruing from all the Bonds which shall have been successively bought up, shall be invariably applied to the purchase of other Bonds, for the purpose of thus keeping up an annual Sinking Fund for the redemption of the said Bonds, until their final extinction, to the amount of £60,000 sterling per annum, augmented by the Interest of all the Bonds which shall have been successively bought up.

9. The Bonds, at the head of which the present Octroi shall be printed, shall be conceived in these terms, viz.

For those bearing an annual interest of 3 per cent,

" We, the Undersigned, being thereto specially authorized by His Imperial and Royal Apostolic Majesty, acknowledge to

la somme de
livres sterlings, pour lesquels, en notre susdite qualité, nous l payérons un intérêt annuel, en deux termes, de
sterlings, dont le premier paiement écherra le 1er Novembre, 1794, et cela jusqu'au rachat du dit Capital, qui sera fait conformément à l'Octroi ci-dessus.

" Fait à Londres, le

Et pour les Obligations en Annuités à terme,

" Nous Soussignés, à ce spécialement commis par Sa Majesté Impériale et Royale Apostolique, reconnoissons avoir reçu de
la somme de livres sterlings, pour lesquels, en notre susdite qualité, nous l payerons, pendant 25 années, la somme de
laquelle tiendra lieu tant du Capital que des Intérêts.

" Fait à Londres, le

10. Afin de pourvoir à la sûreté tant du Capital que des Intérêts annuels de cet Emprunt, et pour donner à cette occasion les sûretés convenables et plus satisfaisantes; nous engageons et affectons par ces présentes, envers ceux qui fourniront au dit Emprunt, l'excrescence quitte et libre de toute charge de tous nous Revenus Royaux à concurrence de la dite somme, et spécialement les Revenus de nos Provinces des Pays-Bas.

11. Nous nous engageons, en outre, de faire remettre, à notre choix, soit à la maison de Veuve

have received of
the sum of pounds sterling, for which, in our said quality, we will pay h a yearly interest, in two payments, of
sterling, the first payment whereof will be due on the 1st of November, 1794, and to continue till the redemption of the said Capital, which shall be made conformably to the above Octroi.

" Done at London, the

And for the Bonds for the Annuities for a term,

" We, the Undersigned, being thereto specially authorized by His Imperial and Royal Apostolic Majesty, acknowledge to have received of
the sum of pounds sterling, for which, in our said quality, we will pay h during 25 years, the sum of which shall be in full, both for the said Capital and for the Interest.

" Done at London, the

10. In order to provide for the security both of the Capital and the yearly Interest of this Loan, and to give upon this occasion the most satisfactory and proper securities, we engage and assign, by these presents, to those who shall furnish the said Loan, the clear surplus, free from all charge, of all our Royal Revenues, to the amount of the said sum, and especially the Revenues of our Provinces of the Low Countries.

11. We further engage to remit, at our option, either to the house of the Widow Nettine and Son, at

de Nettine et Fils, à Bruxelles, soit à celle de Boyd, Benfield et Compagnie, à Londres, ponctuellement de 6 mois en 6 mois, avant le 1er Maï et 1er Novembre de chaque année, la valeur de £285,000 sterlings par an, pendant l'espace de 25 ans, en tant que cette somme sera nécessaire pour opérer les payemens et les achats des Capitaux stipulés par cet Octroi, de manière que les deniers nécessaires à l'acquit des Intérêts et des Annuités, et au rachat des Obligations, soient réalisés entre les mains des dits Boyd, Benfield et Compagnie, à temps pour les échéances de chaque semestre, et pour les achats tous les mois.

12. Pour la sûreté subsidiaire du dit Emprunt, il sera déposé entre les mains des dits Boyd, Benfield et Compagnie, qui, de leur côté, devront en faire dépôt à la Banque d'Angleterre, des Actions Hypothécaires de la Banque de Vienne, pour une somme de la valeur de £4,000,000 sterlings, portant intérêt à 5 pour cent, montant des Capitaux nominaux de cet Emprunt; et à mesure du rachat des Obligations, portant intérêt à 3 pour cent, et du payement des Annuités à terme, il sera retiré du dépôt une quantité d'Actions de la Banque de Vienne, proportionée aux paiemens, et aux achats qui auront été faits.

13. Les Prêteurs recevront chacun une portion égale d'Obligations et d'Annuités; de manière que celui qui aura souscrit pour £100 sterlings d'argent, recevra

Brussels, or to that of Boyd, Benfield and Co. at London, punctually every 6 months, before the 1st of May and the 1st of November in each year, the amount of £285,000 sterling per annum, during the term of 25 years, so far as the said sum shall be necessary for discharging the payments and redeeming the Capitals, as stipulated by this Octroi; so that the funds necessary for the payment of the Interest and the Annuities, and for the buying up the Bonds, shall be realised in the hands of the said Messrs. Boyd, Benfield and Co. in time, when each half-yearly payment becomes due, and for the purchases in each month.

12. As a collateral security for the said Loan, there shall be deposited in the hands of the said Messrs. Boyd, Benfield and Co. to be deposited by them in the Bank of England, Actions in Mortgage of the Bank of Vienna, to the amount in value of the sum of £4,000,000 sterling, bearing interest at the rate of 5 per cent, on the amount of the nominal Capitals of this Loan; and, according to the gradual redemption of the Bonds bearing interest at 3 per cent, and of the payment of the Annuities for the term, a quantity of Actions of the Bank of Vienna shall be withdrawn from the said deposit, in proportion to the payments and redemptions which shall have been made.

13. Each of the Lenders shall receive an equal portion of Bonds and Annuities, so that such of them who shall have subscribed £100 sterling in money, will re-

une Obligation de £83. 6*s*. 8*d*. sterlings, portant intérêt à 3 pour cent, et une autre Obligation pour le paiement d'une Annuité de £5 sterlings, pendant 25 ans.

Mandons en conséquence à tous ceux qu'il appartient, de se régler et conformer selon ce ; renonçons au surplus par ces présentes, tant pour nous, que pour nos Héritiers et Successeurs, à toute et quelconque exception et bénéfice, tel qu'il puisse être, dont on voudroit se servir pour diminuer ou affoiblir les obligations que nous contractons par ces présentes, et dont nous assurons et promettons l'exact et inviolable accomplissement ; et dérogeons, pour cette fois, aux Ordonnances et Instructions qui existent pour la conduite et direction de nos Domaines et Finances, par lesquels il est défendu de les aliéner, vendre, engager, soit en tout, soit en partie, dont nous avons relevé, et relevons, ceux de notre Conseil des Domaines et Finances, ceux de notre Chambre des Comptes, et tous autres que ce regardera. Les déchargeons en conséquence, pour ce cas, du serment qu'ils ont prêté sur l'observance et l'exécution des mêmes Ordonnances et Instructions, lesquelles resteront néanmoins pour tous autres cas, points et articles, en leur pleine force et vigueur ; et seront ces mêmes présentes exhibées tant à ceux de notre Conseil des Domaines et Finances, que de notre Chambre des Comptes aux Pays Bas, pour y être respectivement verifiées, entérinées et enrégistrées, selon leur forme et teneur, et ensuite être remises à

ceive a Bond for £83. 6*s*. 8*d*. sterling, bearing interest at 3 per cent, and another Bond for the payment of an Annuity of £5 sterling for 25 years.

We therefore command all whom it may concern, to govern and conform themselves accordingly : we renounce, moreover, by these presents, as well for ourself, as for our Heirs and Successors, all exceptions and advantages whatsoever, which might be claimed for diminishing or invalidating the obligations which we have contracted by these presents, and of which we assure and promise the exact and inviolable accomplishment; and we derogate, in this instance, from the Ordinances and Instructions now existing for the conduct and direction of our Domains and Finances, by which it is prohibited to alienate, sell, or charge them, either in the whole or in part; from which we have released, and do release, those of our Council for our Domains and Finances, those of our Chamber of Accounts, and all others whom it may concern : We discharge them in consequence, on this occasion, from the oath which they have taken for the observance and execution of the said Ordinances and Instructions, which nevertheless, in all other cases, points and articles, shall remain in their full force and vigour. And these presents shall be exhibited as well to those of our Council of Domains and Finances, as of our Chamber of Accompts, in the Low Countries, to be there respectively verified, confirmed and registered, accord-

la maison de Boyd, Benfield et Compagnie, à Londres, pour la sûreté des intéressés.

Car tel est notre bon plaisir.

En témoignage de quoi, nous avons signé les présentes, et nous y avons fait mettre notre Grand Scel. Donné a notre quartier-général, en la Ville de Tournay, le 18 Maï, l'an de grace 1794, et de nos Règnes de l'Empire Romain le 2e, et de Hongrie et de Bohême le 3e.

FRANCOIS.

Par l'Empereur et Roi,
P. Du Rieux.

ing to their form and tenour, and afterwards transmitted to the house of Boyd, Benfield and Co. at London, for the security of the concerned.

For such is our good pleasure.

In witness whereof we have signed these presents, and caused our Great Seal to be set thereto. Given at our head quarters in the City of Tournay, the 18th of May, in the year of our Lord 1794, and of our Reigns of the Roman Empire the 2nd, and of Hungary and Bohemia the 3rd year.

FRANCIS.

By the Emperor and King,
P. Du Rieux.

Suit la teneur du 2e Octroi.

Francois, par la grace de Dieu, Empereur des Romains, &c. &c. A tous ceux qui ces présentes verront, salut:

Les besoins de notre service exigeant une augmentation de ressources extraordinaires, nous avons resolu d'ouvrir un nouvel Emprunt de £1,600,000 sterlings, chez Walter Boyd, Paul Benfield, et Jacques Drummond, Négocians à Londres, sous la raison de Boyd, Benfield et Compagnie, aux mêmes engagemens, conditions et stipulations que celui de £3,000,000 sterlings, qui a été ouvert chez eux pour notre compte, par Octroi du 18 Maï, 1794; lesquels engagemens, conditions et stipulations sont tenus ici pour insérés, en raison de la proportion qui existe entre les sommes capitales des deux Emprunts; bien entendu, que pour la sûreté des Prêteurs, tant de ceux qui se sont intéressés, ou s'in-

Tenor of the 2nd Octroi.

Francis, by the grace of God, Emperor of the Romans, &c. &c. To all who shall see these presents, greeting:

The wants of our service requiring an augmentation of extraordinary resources, We have resolved to open a new Loan of £1,600,000 sterling, at the house of Walter Boyd, Paul Benfield, and James Drummond, Merchants, at London, under the firm of Boyd, Benfield and Co. upon the same engagements, conditions and stipulations as that of £3,000,000 sterling, already opened by them, on our account, by the Octroi of the 18th of May, 1794; which engagements, conditions and stipulations shall be deemed to be herein inserted, at the same rate of proportion as exists between the capital sums of the two Loans; provided that, for the security of the Lenders, as well those who are or

teresseront encore dans le premier Emprunt de £3,000,000 sterlings, que de ceux qui prendront part au présent, nous engageons, affectons et y destinons, par le présent Octroi, tous nos Revenus Royaux, dans nos Etâts héréditaires, Royaumes et Provinces, sans exception; nous obligeant au surplus, pour augmenter encore cette sûreté pour le second Emprunt, comme nous l'avons fait pour le premier, de faire remettre à titre d'hypothèque subsidiaire aux dits Boyd, Benfield et Compagnie, des Actions Hypothécaires de la Banque de Vienne, portant un intérêt de 5 pour cent, pour une somme proportionnée à ce même second Emprunt, sur le pied stipulé dans l'Article XII de l'Octroi du 18 Maï, 1794, réclamé ci dessus.

Car tel est notre bon plaisir.

En témoignage de quoi nous avons signé les présentes, et nous y avons fait mettre notre Grand Scel. Donné à Vienne, le 4e Maï, l'an 1795, de nos Règnes de l'Empire Romain et Etâts héréditaires le 3e.

FRANCOIS

Par l'Empereur et Roi,
P. Du Rieux.

shall be concerned in the first Loan of £3,000,000 sterling, as those who shall be parties in the present, we engage, assign and destine thereto, by the present Octroi, all our Royal Revenues, in our hereditary Dominions, Kingdoms and Provinces, without exception; engaging, moreover, in further augmentation of the security for the second Loan, as we have done for the first, to remit, as a collateral security, to the said Messrs. Boyd, Benfield and Co. Actions in Mortgage of the Bank of Vienna, bearing an interest of 5 per cent, for a sum proportioned to this second Loan, upon the footing stipulated by the XIIth Article of the Octroi, of the 18th of May, 1794, above recited.

For such is our good pleasure.

In witness whereof we have signed these presents, and caused our Great Seal to be set thereto. Given at Vienna, the 4th of May, in the year of our Lord 1795, and of our Reign of the Roman Empire and of the hereditary Dominions the 3d year. FRANCIS.

By the Emperor and King,
P. Du Rieux.

No. 2.—Convention (Declaration) of Loan between His Britannic Majesty and The Emperor of Germany.—Signed at Westminster, 16th May 1797.

(Translation.)

Les Soussignés, en vertû des pouvoirs dont ils ont été chargés par leurs Souverains respectifs, et par leur ordre, déclarent ce qui suit:

Art. I. Sa Majesté Britannique ayant fait à Sa Majesté Impériale des avances, montant en

The Undersigned, by virtue of the powers with which they have been charged by their respective Sovereigns, and by their order, declare as follows:

Art. I. His Britannic Majesty having made advances to His Imperial Majesty, amounting in all

totalité à la somme de £1,620,000, fera proposer à son Parlement de garantir un Emprunt, qui sera levé en Angleterre, pour le service de Sa Majesté Impériale, aux termes et sous les conditions exprimées dans le Tableau annexé à cette Déclaration, et qui sera censé en faire partie.

II. Le dit Emprunt sera de £1,620,000, et son produit sera exclusivement affecté au remboursement des susdites avances; et pour cet effet, les fournisseurs de l'Emprunt en payeront les payemens respectifs aux termes échûs, ou à écheoir à la Trésorerie de Sa Majesté Britannique.

III. Sa Majesté Impériale prend vis-à-vis de Sa Majesté Britannique, l'engagement formel de payer les dividendes regulièrement et par semestre, pour les intérêts et le remboursement graduel du dit Emprunt, suivant les conditions du Tableau.

IV. Les Articles IV. et V. de la Convention de 1795, relativement à l'Emprunt de la dite année 1795, sont renouvellés par rapport au present Emprunt, et auront leur plein et entier effet en tout ce qui regarde cette Déclaration, comme s'ils y étoient expressément insérés mot pour mot.

V. Sa Majesté Impériale prendra vis-à-vis des fournisseurs du présent Emprunt les mêmes engagemens, dans la même forme et avec les mêmes avantages et suretés pour eux, qu'elle a pris relativement à l'Emprunt de 1795, par l'Octroi qu'elle a publié en date du 4 Mai.

to the sum of £1,620,000, will cause it to be proposed to his Parliament to guaranty a Loan, which shall be raised in England for the use of His Imperial Majesty, upon the terms and under the conditions set forth in the Tableau annexed to this Declaration, and which shall be looked upon as making part of it.

II. The said Loan shall consist of £1,620,000, and its produce shall be appropriated exclusively to the reimbursement of the said advances; and to this effect those who furnish the Loan shall make the respective payments, when due, to His Britannic Majesty's Treasury.

III. His Imperial Majesty enters into a formal engagement to His Britannic Majesty, to pay the dividends regularly every 6 months, for the interest and reimbursement of the said Loan, under the conditions prescribed in the Tableau.

IV. The Articles IV. and V. of the Convention of 1795, relative to the Loan of the said year 1795, are renewed with respect to the present Loan, and shall have their full and entire effect in every thing regarding this Declaration, as much as if they were expressly inserted in it word for word.

V. His Imperial Majesty will enter into the same engagements with respect to those who furnish the present Loan, in the same form, and with the same advantages and securities for them, as those he made relative to the Loan of 1795, by the Octroi which he published dated the 4th May.

VI. Cette Déclaration sera ratifiée par les Souverains respectifs dans le terme de 6 semaines, ou plutôt si faire se peut.

Fait à Westminster, ce 16 jour de Mai 1797.

(L. S.) C. L. STARHEMBERG.
(L. S.) GRENVILLE.

Tableau des Conditions

De l'Emprunt de £1,620,000 sterlings, pour compte de Sa Majesté Impériale.

1. Cet Emprunt consistera en Obligations portant intérêts à 3 pour cent, qui seront signées de Boyd, Benfield et Compagnie, Banquiers de Sa Majesté Impériale, ou par l'un des Individûs qui composent la dite maison.

2. Il sera formé de ces Obligations un capital de £3,669,300 laquelle somme, à raison de £226:10*s.* de capital pour £100 d'argent, fait la susdite somme de £1,620,000. Les Préteurs ne pourront en exiger le remboursement; mais Sa Majesté Impériale se reserve la faculté de les rembourser au pair; c'est à dire, à raison de £100 d'argent pour £100 de capital.

3. Les intérêts de ces Obligations prendront cours du 1er Mai 1797, et seront payés de 6 en 6 mois, du 1er Novembre et 1er Mai de chaque année, chez les dits Boyd, Benfield et Compagnie, ou au bureau qui sera indiqué par eux à cet effet.

4. Malgré que le remboursement des capitaux des dites Obligations ne soit exigible en aucun tems, Sa Majesté Impériale s'engage à faire remettre à la susdite maison

VI. This Declaration shall be ratified by the respective Sovereigns within the term of 6 weeks, or sooner if possible.

Done at Westminster, this 16th of May 1797.

(L. S.) C. L. STARHEMBERG.
(L. S.) GRENVILLE.

Tableau of the Conditions

Of the Loan of £1,620,000 on the account of His Imperial Majesty.

1. This Loan shall consist of Bonds bearing interest at 3 per cent. which shall be signed by Boyd, Benfield and Co., His Imperial Majesty's Bankers, or by one of the Partners of the said house.

2. These Bonds will make a capital of £3,669,300 which sum, at the rate of £226: 10s capital for £100 cash, will make the above sum of £1,620,000. The Lenders cannot exact the reimbursement; but His Imperial Majesty reserves to himself the power to reimburse them at par, that is to say, at the rate of £100 cash for £100 capital.

3. The interest of these Bonds shall commence on the 1st of May 1797, and shall be paid half-yearly, on the 1st of November and on the 1st of May of each year, at the house of Boyd, Benfield and Co. or at the office appointed by them for that purpose.

4. Notwithstanding that the reimbursement of the capital of the said Bonds is not due at any time, His Imperial Majesty engages to remit to the house of Boyd, Ben-

de Boyd, Benfield et Compagnie une somme annuelle de £36,693 par portions égales, de trois en trois mois; savoir, au 1er Août, 1er Novembre, 1er Février, et 1er Mai de chaque année, pour être employée par les susdits Boyd, Benfield et Compagnie, au rachat, au prix du jour, des capitaux des susdites Obligations, sous la surveillance de Messieurs les Commissaires pour le rachat de la Dette Nationale de la Grande Bretagne; et non seulement les dites £36,693 par an, mais aussi les intérêts provenans de toutes les Obligations qui auront été successivement rachetées, seront invariablement employés à l'achat d'autres des dites Obligations; afin qu'il soit ainsi maintenu un fond d'amortissement annuel pour le rachat de ces Obligations, jusqu'à leur extinction de £36,693 augumenté par les intérêts de toutes les Obligations qui auront été successivement rachetées.

5. Pour la sureté subsidiaire du dit Emprunt, il sera déposé entre les mains des dits Boyd, Benfield et Compagnie, qui de leur coté doivent en faire dépôt à la Banque d'Angleterre, des Actions hypothécaires de la Banque de Vienne, pour une somme de la valeur de £3,669,300, portant l'intérêt à 5 pour cent par an, montant des capitaux nominaux de cet Emprunt, et à mesure du rachat des Obligations, il sera retiré du depôt une quantité d'Actions de la Banque de Vienne, proportionnée aux rachats qui auront été faits.

field and Co. the annual sum of £36,693 in equal portions, every three months, viz. on the 1st of August, the 1st of November, the 1st of February, and the 1st of May in each year, to be employed by the said Boyd, Benfield and Co. in the redemption, at the price of that day, of the capital of the said Bonds, under the inspection of the Commissioners for the redemption of the National Debt of Great Britain. Not only the said annual sum of £36,693, but also the growing interest of all the Bonds which have been successively redeemed, shall be invariably employed in the redemption of the remainder of the said Bonds, to the end that an annual sinking fund of £36,693, augmented by the interest of all the Bonds which shall have been successively redeemed, may be maintained for the redemption of these bonds, till their extinction.

5. For the subsidiary security of the said Loan, he will deposit in the hands of the said Boyd, Benfield and Co. who, on the other hand, are to deposit in the Bank of England, a quantity of Securities of the Bank of Vienna, to the value of £3,669,300, at 5 per cent. interest, amounting to the nominal capital of this Loan, and at the rate of the redemption of the Bonds, they shall draw out from the deposit a quantity of the said securities of the Bank of Vienna, proportionable to the redemptions which shall have been made.

No. 3.—Lord Grenville to Sir Morton Eden.

(Extract.) *Downing Street, 7th July*, 1797.

I HAVE laid before the King the Despatches in which you mention the difficulties that are started by the Austrian Minister, with regard to the Ratification of the Convention signed here by Count Starhemberg, on the subject of the Loan.

His Majesty cannot persuade himself that His Imperial Majesty is, under any circumstances, likely to consent to a breach of faith so manifest, as the withholding his sanction from a transaction in which his Minister at this Court acted from His Imperial Majesty's repeated instructions, and in consequence of the most direct and positive assurances, on the faith of which alone His Majesty was induced to afford to His Imperial Majesty the pecuniary aid which, at the time, was so material to His Imperial Majesty's interest.

The formal and written Declarations of Count Starhemberg, that he was authorized to agree to a Loan for the purpose of repayment of the sums advanced by His Majesty to the Emperor, whenever required by His Majesty; and the form and tenor of every Receipt which has been given on the part of His Imperial Majesty, in the course of these advances, bearing, as they do upon their face, the acknowledgment that the repayment is to be so made, are evidences on this subject to which nothing can be added. His Majesty, therefore, confidently expects the performance of these engagements, not only without reluctance but without delay.

Sir Morton Eden, K. B. GRENVILLE.

No. 4.—Sir Morton Eden to Lord Grenville.

(Extract.) *Vienna, 22nd October*, 1797.

I HAVE the honour to acknowledge the receipt of your Lordship's Dispatches.

On the day after their arrival, at an interview that I had with the Austrian Minister, I brought forward the business of the Convention, and urged in the most forcible manner His Imperial Majesty's Ratification of that Act, without further delay. Monsieur de Thugut said, that before he gave an answer to my demand, it would be necessary for him to confer with the new Minister of the Finances, and to take His Imperial Majesty's orders, and he appointed me to call upon him again on the Monday following. His language then was perfectly unsatisfactory, and certainly very foreign to the point in discussion. He did not even attempt to contest the principles on which my demand was founded; he only pretended that the pecuniary assistance from England had not been furnished in time, nor to the extent that was proposed, endeavouring to rest on so unjust and inapplicable a foundation, some excuse for the conduct of his Government. As my endeavours, therefore, to obtain my object appeared to be unavailing,

I told him that I felt myself under the necessity of making a last application in a ministerial Note, and explicitly pointed out to him the consequences that must inevitably attend His Imperial Majesty's any longer withholding his Ratification. After a moment's pause, the Austrian Minister asked me, if I was instructed to hold out such consequences as necessarily resulting from a refusal to ratify the Convention? I instantly answered in the affirmative, and observed, that His Majesty's Ministers had evidently no other line of conduct to pursue, and that this Court alone would be answerable for the consequences that might ensue. In the evening I again called on Baron Thugut, and, finding no change in his sentiments, on my return home I drew up and transmitted to him the Note, a Copy of which I enclose. I anxiously wish that this Paper may meet with His Majesty's approbation.

The Right Hon. Lord Grenville. MORTON EDEN.

(Inclosure.)—Sir Morton Eden to Baron Thugut.

Vienne, ce 19e Octobre, 1797.

Les Ministres du Roi, devant à la rentrée du Parlement, soumettre à cette Assemblée, selon l'usage établie, l'exposé de l'emploi des fonds votés pendant sa dernière Session, et dont les avances de £1,620,000 sterlings, faites à la Cour d'ici, font partie, le Soussigné a reçu des instructions de rappeler à l'attention de M. le Baron de Thugut, la Convention du 16 Mai de cette année, qui pourvoit au remboursement de cette somme, et dont la Ratification par Sa Majesté l'Empereur a été si longtems attendue en Angleterre.

M. le Baron de Thugut se rappelera qu'au commencement de l'été de 1796, lorsque le Gouvernement Anglois, afin de subvenir aux besoins pressans de l'Armée Autrichienne, et de fournir à Sa Majesté l'Empereur les moyens de continuer la campagne avec plus de vigueur et d'effet, s'est prété aux instances réitérées de Sa Majesté Impériale, pour des secours pécuniaires, il a demandé, en retour de cette marque d'amitié et de cette confiance dans la bonne foi et la loyauté reconnues de la Cour d'ici, que Sa Majesté l'Empereur s'engageat à regarder les avances faites, ou qui lui seroient faites, comme une dette de sa part au Trésor Royal d'Angleterre, qu'il rembourseroit par la voie d'un Emprunt, sous la garantie du Parlement Britannique, dès qu'il y seroit requis par le Roi. Cette condition a été agréée sans reserve. Le Soussigné a été autorisé par le Ministre des Affaires Etrangères, d'en transmettre à sa Cour l'acceptation formelle, et d'ajouter des assurances que le Ministre de Sa Majesté l'Empereur à Londres seroit incessamment instruit de contracter l'engagement demandé, par une Déclaration ministérielle, ou par une Convention, si les Ministres du Roi la jugeroient nécessaire. M. le Comte de Starhemberg, comme il paroit de sa Lettre au Lord Grenville, en date du 1er Décembre de

l'année passée, a été effectivement muni des Instructions demandées et des pouvoirs nécessaires, et a proposé de regler, et d'arrêter avec le Lord Grenville, une Convention formelle, dont l'engagement demandé devoit faire une des stipulations principales. Au commencement de cette année, à l'occasion de la promesse de la part du Roi, d'une augmentation éventuelle des secours pécuniaires fournis à la Cour d'ici, non seulement les assurances les plus satisfaisantes ont été, de nouveau, données au Soussigné, par le Ministre des Affaires Etrangères, relativement à l'engagement demandé, mais les Instructions de M. le Comte de Starhemberg, de le conclure au nom de son Souverain, ont été confirmées.

En conséquence de ces Ordres réitérés de sa Cour, et des Pouvoirs qu'il avoit reçu, ce Ministre n'a pas eût devoir hésiter de procéder avec le Lord Grenville, à la confection de la Convention du 16 Mai. Sa Lettre à cette occasion, en réponse à l'invitation du Secrétaire d'Etat, montre combien il étoit pénétré de la justice de la mesure proposée, et qu'il se croyoit engagé par les promesses qu'il avoit itérativement faites, au nom et par ordre de son Souverain, d'y accéder.

Ainsi cette Convention n'est que l'exécution par M. le Comte de Starhemberg, des ordres exprès de son Souverain : elle n'est que l'accomplissement des assurances solemnelles, si souvent données au nom de Sa Majesté l'Empereur, et sur la foi desquelles le Roi a fait les avances ci-dessus spécifiées. Sa Majesté avoit donc tout lieu de s'attendre que la Ratification d'un Acte, posé sur des bases si sacrées et si justes, n'auroit pas rencontré de difficultés à Vienne, et le Soussigné ne pouvoit que croire qu'elle seroit incessamment accordée à ses représentations verbales. Mais, comme ses instances à cette fin, près du Ministre des Affaires Etrangères, ont été jusqu'ici sans effet, il est de son devoir indispensable de ne plus différer de s'acquitter des ordres ultérieurs de Sa Majesté, et de demander au nom du Roi, dans une Note Ministérielle, et de la manière la plus instante, la Ratification de cet Acte.

L'expérience éclairée du Ministre des Affaires Etrangères saura apprécier toute l'importance de la décision de Sa Majesté l'Empereur. Son Excellence sentira sans doute, combien il est à désirer, et surtout dans les circonstances actuelles, qu'elle soit favorable ; et il n'échappera pas à ses lumières combien un refus de la part de Sa Majesté l'Empereur de remplir un engagement, pris en son nom, et par son ordre, doit nécessairement altérer cette confiance entre les deux Cours, dont leurs propres intérêts, et ceux de l'Europe entière, demandent si impérieusement l'affermissement.

La prochaine rentrée du Parlement et la nécessité où les Ministres du Roi se trouveront de soumettre à cette Assemblée, incontinent après l'ouverture de ses Séances, la Ratification de la Convention par Sa Ma-

jesté l'Empereur, ou de lui faire son refus, mettent le Soussigné dans le cas de prier Son Excellence M. le Baron de Thugut de vouloir bien lui faire parvenir sa réponse à cette Note, avec aussi peu de délai que possible. Le Soussigné saisit, &c.

S. E. M. le Baron Thugut. MORTON EDEN.

No. 5.—Sir Morton Eden to Lord Grenville.

My Lord, *Vienna, 1st November*, 1797.

In a former Dispatch, I had the honour to transmit to your Lordship, a Copy of my Note to Baron Thugut, demanding the Ratification of the Convention of the 16th May, 1797. I waited for an answer till Thursday evening, without taking any further step in the business, and then wrote to M. de Thugut to remind him of his assurances, and to express the great impatience with which his answer must naturally be expected in England. When I called upon him on Saturday, he told me that he had not yet had time to draw it up, but assured me, that I should certainly receive it in a day or two. His language on the subject was still trifling, evasive and unsatisfactory, and I anew urged every argument that I had brought forward in the discussion of the business, explicitly stating to him the consequences that must result from a refusal to comply with my demands, or from his longer silence.

Yesterday evening, at his request, I again called at his Office, when he recurred to the subject of the Ratification of the Convention of the 16th May, 1797, stating the Emperor's pecuniary difficulties, and the very arduous and critical situation in which he is still placed with regard to France, as reasons which must prevent him from, at present, giving effect to that Act.

Notwithstanding all that I had already said on this subject, I thought it right again to urge, by every argument, the Austrian Minister, to move His Imperial Majesty to a more favourable determination; and when this was without effect, I expressed the utmost regret, that His Imperial Majesty should have found it advisable to take a determination, so much calculated to throw insurmountable difficulties in the way of the re-establishment of that intimate union and concert for which His Imperial Majesty is at present so anxious, and which is so essential for the interests of the two Monarchies; and I again explained to him, that my Instructions explicitly stated, that His Majesty's Ministers considered the subject of the Ratification to be of such a nature, as not to admit of further negotiation or arrangement whatsoever.

I then requested from him his Answer in writing to the Note which I had given in. He had it on his table, and put it into my hands as I took my leave of him. I have the honour to inclose a Copy of it. I am sorry it is so unsatisfactory. I have, &c.

The Rt. Hon. Lord Grenville. MORTON EDEN.

(Inclosure.)—Baron Thugut to Sir Morton Eden.

Vienne, le 31e Octobre, 1797.

Le Soussigné, Ministre des Affaires Etrangères, a mis sous les yeux de l'Empereur la Note, que lui a été adressée, en date du 19 de ce mois, par M. le Chevalier Eden, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Britannique.

En faisant abstraction de différentes observations, dont le contenu de cette Note pouvoit être susceptible, Sa Majesté a ordonné au Soussigné, de faire connoître en réponse à M. le Chevalier Eden, que son intention sans doute n'a jamais été de contester l'existence ou la validité de la dette contractée par elle envers le Trésor Royal d'Angleterre, au moyen des diverses avances que lui ont été faites dans le courant de l'année passée, et au commencement de l'année présente, et à l'exact et loyal remboursement desquelles Sa Majesté est décidé à pourvoir, en conséquence de ses engagemens; mais l'Empereur a chargé en même tems son Ministre à Londres d'y exposer les importans motifs, qui résultent des circonstances dans lesquelles Sa Majesté se trouve, et qui la mettent dans le cas de désirer, qu'il ne soit pas insisté sur l'ouverture immédiate d'un Emprunt à Londres, pour le compte de l'Autriche. Sa Majesté, remplie de confiance dans l'amitié et les sentimens de Sa Majesté Britannique, aime à se flatter, que cette demande sera accueillie d'une manière conforme aux égards que deux Puissances, appelées par les plus grands intérêts au maintien invariable d'une union constante et étroite, semblent fondées à invoquer réciproquement pour leurs convenances respectives, et dont l'Autriche a donné l'exemple en plus d'une occasion, où par une suite de ses principes de modération, et par une juste appréciation des difficultés du moment, elle s'est abstenue sans peine de plusieurs réclamations, qu'elle auroit pu se croire autorisée à faire valoir.

Le Ministre des Affaires Etrangères saisit, &c.

M. le Chevalier Eden. LE BARON DE THUGUT.

No. 6.—Lord Grenville to Sir Morton Eden.

(Extract.) *Downing Street, 2nd February,* 1798.

I take the opportunity of a Courier, whom I am re-dispatching, to signify to you His Majesty's approbation of all the steps which you have taken, in pursuance of your former Instructions, for bringing the Austrian Government to a satisfactory decision upon the subject of its pecuniary engagements with this Country.

The answers which you have received to your various representations appear so little satisfactory, and the conduct which is pursued by the Court of Vienna so little likely to lead to any admissible arrangement of the business, that His Majesty's servants cannot think themselves justified in delaying much longer to submit to His Majesty their opinion of the farther measures which it may be expedient for

His Majesty to adopt, upon the event of so total a failure of engagement on the part of the Court of Vienna.

Sir Morton Eden, K. B. GRENVILLE.

No. 7.—Sir Morton Eden to Lord Grenville.

(Extract.) *Vienna, 3rd February,* 1798.

THE Vienna Gazette, of Wednesday last, having officially announced, that the Austrian Troops had taken possession of the whole of the Venetian Territory, that was to be annexed to the Emperor's Dominions, in virtue of the Treaty of Campo Formio, I the next day gave in a Note, of which I have the honour to inclose a Copy, reiterating His Majesty's demand for the Ratification of the Convention of the 16th of last May.

The Right Hon. Lord Grenville. MORTON EDEN.

(Inclosure.)—Sir Morton Eden to Baron Thugut.

Vienne, le 1er Février, 1798.

LE Soussigné, etc. ayant vû dans la Gazette de Vienne, la notification officielle, que les Troupes Autrichiennes s'étaient mises en possession de la Ville de Venise, de même que de toute la partie du Territoire de cette République qui devoit être annexée aux Etats de Sa Majesté l'Empereur, en vertu du Traité de Campo Formio, et le Ministre des Affaires Etrangères ayant, plus d'une fois, désigné cette prise de possession comme le terme auquel la Ratification, par Sa Majesté l'Empereur, de la Convention du 16 Mai de l'année passée, ne souffriroit plus de difficulté, le Ministre du Roi se trouve dans le cas de rappeler l'attention de M. le Baron de Thugut aux assurances qu'il lui a données à cet égard, dans la ferme persuasion que cela suffira pour engager son Excellence à les effectuer sans plus de délai.

Le Soussigné saisit, &c.

S. E. M. Le Baron Thugut. LE CHEVALIER EDEN.

No. 8.—Lord Grenville to Sir Morton Eden.

(Extract.) *Downing Street, 13th March,* 1798.

YOU will not fail to remark, that notwithstanding the repeated assurances you had received, nothing has yet been said by Count Starhemberg on the most important subject of the Ratification and execution of the Convention concluded by him, with the express authority of his Court. As it is absolutely impossible for this Government, with the least regard to its own dignity, to acquiesce any longer in this open violation of every thing that has hitherto been considered as most sacred in the intercourse of Nations, or even in the private transactions of Individuals, I only wait for the answer which you shall have received to your Note of the 1st of last month, to transmit to you

thereupon, the orders for those measures which His Majesty, however reluctantly, feels himself compelled to adopt, and that at the precise moment when every interest, both of Austria and of Europe, should have led the Court of Vienna to strengthen, instead of dissolving, the bonds by which the two Countries are united.

Sir Morton Eden, K. B. GRENVILLE.

No. 9.—Lord Grenville to Sir Morton Eden.

(Extract.) *Downing Street, 20th April,* 1798.

A VERBAL communication has been made to me, by Count Starhemberg, in pursuance of the orders of his Court, containing fresh proposals for union and alliance.

It is judged indispensably necessary to declare, in the first instance, that no further negotiation or discussion, such as is now in question, can be entered into, until His Majesty's just expectation shall have been fulfilled, and a satisfactory pledge given of the good faith of the Court of Vienna, by the Ratification of the Convention on which I have so frequently had occasion to write to you. The King is therefore pleased to direct, that in apprizing M. Thugut of your being instructed to enter into negotiation with him on the subject of the overtures made through Count Starhemberg, you should, at the same time, declare, that you are restricted from beginning such negotiation, and even from going into discussion on the subject of it, till you have actually received the Emperor's Ratification of the Convention before mentioned. And it is the King's express command, that you should strictly adhere to this declaration, from which you are in no case, nor on any ground whatever, at liberty to depart.

Sir Morton Eden, K. B. GRENVILLE.

No. 10.—Sir Morton Eden to Lord Grenville.

(Extract.) *Vienna, 7th May,* 1798.

I HAVE already informed your Lordship of the arrival here of a Messenger with your Lordship's several Dispatches of the 20th past, and their Inclosures; and of my having immediately proceeded to the execution of my instructions, by reiterating to this Government, the demand, so often brought forward in vain, of the Ratification by His Imperial Majesty of the Convention of last year. I have now to acquaint your Lordship with the substance of what has passed in two Conferences, which I have had on the subject with Count Cobentzel, and with the result of my application.

When I first saw Count Cobentzel, after the arrival of the Messenger, I began by informing him, that I had just received very ample Instructions on the subject of the overtures lately made by Count Starhemberg at London, and that I was authorised to treat on every point which they embraced; but that I had the strictest and most

positive orders to insist, as an indispensable preliminary to any discussion, on the Emperor's Ratification of the Convention of last year. I then explained to him the circumstances connected with that transaction, and demonstrated to him, that in this very peculiar case, there was no consideration of justice, of honour, of friendship, or good policy, that did not eminently concur in favour of His Majesty's Claim. Count Cobentzel said, that he would not fail immediately to lay before the Emperor what I had said, and to acquaint me with His Imperial Majesty's answer; and he begged to know the nature of the further Instructions I had received.

I repeated that they were in answer to the overtures made through Count Starhemberg, with which he must undoubtedly be acquainted; and added, that their tenor was of a most satisfactory nature. On being further pressed, I told him, that as I was (as I had already mentioned) expressly restricted from entering upon the subject, until the demand which I had just anew brought forward, was complied with, I was under the necessity of deferring to satisfy his desire, till His Majesty's just expectation in this respect was fulfilled; and I requested of him, on account of the press of time in the present most important crisis, to take the necessary steps for that purpose, with as little delay as possible.

It would be superfluous to enter further into the detail of these Conferences, as it would be for the greatest part a repetition of the language held on the same occasions by M. de Thugut, and of which your Lordship has been repeatedly informed. Count Cobentzel stated, that His Imperial Majesty acknowledged the engagement, and was determined most scrupulously to fulfil it, but that the embarrassed state of his Finances did not permit him to do it at the present moment, when he was obliged to make the most expensive preparations for War; and he repeated his desire to be made acquainted with the Instructions that I had received in answer to the overtures made through Count Starhemberg. I answered, that the determination of this Government, which he just mentioned, if persisted in, completely defeated the object of these instructions, and of course, rendered the communication of them totally unnecessary.

The Right Hon. Lord Grenville. MORTON EDEN.

No. 11.—*Lord Grenville to Sir Morton Eden.*

(Extract.) *Downing Street, 13th July,* 1798.

I LOSE no time in conveying to you His Majesty's perfect approbation of the manner in which you have continued to press upon M. Thugut the Ratification of the Convention; and I am to repeat to you my former instructions upon this subject, with the strictest injunction to adhere invariably to them, and to lose no opportunity of stating to the Austrian Minister, His Majesty's firm and unalterable determina-

tion to insist upon this solemn, undoubted, and acknowledged obligation, on the part of His Imperial Majesty, as a *sine quâ non* preliminary to the contracting of any new engagements between the two Courts, of what nature soever.

Sir Morton Eden, K. B. GRENVILLE.

No. 12.—Lord Grenville to Sir Morton Eden.

(Extract.) *Downing Street, 4th September,* 1798.

OF any concert, as of every other engagement with the Court of Vienna, the Ratification and execution of the former Convention must always be considered as a preliminary and indispensable condition, from which the King will not depart; but if that point were once satisfactorily settled, His Majesty would be willing, in such a concert, not only to agree upon the amount of pecuniary aid to be given, but also to enter into other engagements.

Sir Morton Eden, K. B. GRENVILLE.

No. 13.—Sir Morton Eden to Lord Grenville.

(Extract.) *Vienna, 20th September,* 1798.

THE Austrian Minister asked me, if I had received yesterday any fresh Instructions from England; and I took occasion to explain to him His Majesty's intentions, as contained in your Lordship's late Dispatch. He inquired, upon this, if the proposed concert was meant to be made dependent upon the Ratification by His Imperial Majesty of the Convention signed by Count Starhemberg at London; to which I answered in the affirmative, stating to him anew the reasons which made it utterly impossible for His Majesty's Government to act otherwise, with regard to the formation of any concert, in which this Court was to be concerned. He replied, that if this was the case, the Emperor would be unable to avail himself of the assistance which His Majesty's generous endeavours had in view to procure for him; as His Imperial Majesty's Finances were in such a state, as to permit no idea of fulfilling at present the engagement demanded by His Majesty, and that His Imperial Majesty would be reduced to the necessity of declining, though with the utmost regret, this assistance so much desired, and of frankly explaining to the Court of Russia the insurmountable reasons, arising from a total inability of complying with the King's demand, which left for His Imperial Majesty no other alternative to adopt.

The Right Hon. Lord Grenville. MORTON EDEN.

No. 14.—Lord Grenville to Sir Morton Eden.

(Extract.) *Downing Street, 21st September* 1798.

I HAVE to acknowledge the receipt of your several Dispatches. They do not require any particular answer, except in so far as relates to your discussion with M. de Thugut, on the subject of the Ratifi-

cation of the Convention so often mentioned. You judged perfectly right in declaring to M. de Thugut, that the tenor of your positive and repeated Instructions will not admit of your considering as satisfactory on that head, any other step than that of the direct, unqualified, and unconditional Ratification of that Instrument, of which the Court of Vienna has long ago reaped the full benefit, and cannot, therefore, with any sense either of its own honour or His Majesty's dignity, hesitate to recognize, and fulfil the reciprocal engagement which it contains.

Sir Morton Eden, K. B. GRENVILLE.

No. 15.—*Sir Morton Eden to Lord Grenville.*

(Extract.) *Vienna, 24th November,* 1798.

I HAVE had no occasion to see the Austrian Minister for the last week. I have learnt, however, from good authority, that he means this day to send a messenger to St. Petersburgh, with Instructions to Count Cobentzel, the substance of which is to be, to represent to the Russian Government the totally exhausted state of the Emperor's Finances, as rendering it impossible for His Imperial Majesty to adopt any decisive measures without pecuniary assistance from England, to the amount of about £ 2,000,000 sterling, which His Imperial Majesty would prefer to receive in the form of a Loan, and to state His Majesty's Government as shutting up every prospect of a termination or diminution of these embarrassments, by its perseverance in the resolution as to the Ratification of the Convention.

The Right Hon. Lord Grenville. MORTON EDEN.

No. 16.—*Sir Morton Eden to Lord Grenville.*

(Extract.) *Vienna, 10th April,* 1799.

I AVAIL myself of the opportunity of a special Messenger, to acknowledge the receipt of your Lordship's Dispatches, which arrived yesterday.

I immediately called upon the Austrian Minister, and took occasion to advert anew to the subject of the Convention, and used every argument that was calculated to promote confidence, and to evince the conciliatory disposition of His Majesty's Government: but with the same result as that of my other efforts on this unpleasant business. In short my Lord, I could remark nothing in M. Thugut's manner or his words which gave the smallest hopes of a satisfactory termination of the business. Yet it is certain that the Finances are in a most distressed state, that the late financial operation, far from bringing money into the Country, is the cause of considerable sums being continually drawn out of it, and that the course of exchange with all parts of the world is constantly sinking.

The Right Hon. Lord Grenville. MORTON EDEN.

No. 17.—Lord Grenville to Sir Morton Eden.

(Extract.) *Downing Street, 25th May, 1799.*

THE Convention of 1797 still remains unratified, and the proposal of His Majesty, consenting to receive that Ratification as a condition and a part of new pecuniary engagements, has already been too often rejected, and is too directly opposite to the invariable determination of His Majesty, so repeatedly notified at Vienna, to be listened to for an instant. I have therefore been directed to acquaint Count Starhemberg, that His Majesty adheres invariably to his resolution of entering into no fresh discussions for the renewal of a concert with the Court of Vienna, until the former engagements entered into by that Court towards His Majesty, shall be fulfilled by the Ratification of the Convention. His Majesty's demand of the Ratification of the Convention has always been treated at Vienna as necessarily subjecting the Emperor, in the present distressed state of his Finances, to an immediate and considerable expense; and Monsieur de Cobentzel has been so far led away by this idea, that in his Projet he has proposed, that in addition to the sum of £ 2,000,000 asked by his Court for the expenses of the campaign, a further sum of £ 1,600,000 should be raised by Loan, to enable the Emperor to repay the advances made to him to that amount, and which form the subject matter of the Convention which has been so often mentioned.

This, however, proceeds on a total misapprehension of the subject. Monsieur de Cobentzel's Projet recites the Ratification of that Convention as having actually taken place. If that were the case, and the Convention was in fact ratified, no necessity would exist for raising any further Loan for the repayment of the advances: the very object of that Convention being no other than that of transferring from His Majesty to the Court of Vienna a Debt already contracted, and confirming to the Individuals who advanced that money, the terms and conditions on which it was advanced. Instead, therefore, of raising a large additional sum to repay those advances, all that Austria would be required to do, after ratifying that Convention, would be to provide regularly for the annual payment of interest on that sum, and of the small Sinking Fund by which that debt is gradually to be paid off. So much misconception having evidently prevailed on this subject at Vienna, it would be very desirable that you should, if possible, prevail upon M. de Thugut to give sufficient attention to it, in order that, if the determination of his Court on this subject has, in any degree been influenced by that mistake, this impediment at least may be removed.

Sir Morton Eden, K.B. GRENVILLE.

No. 18.—Lord Grenville to Lord Minto.

(Extract.) *Downing Street, — June, 1799.*

You are apprized of the obstacle which has hitherto been opposed to all intimate concert and union with the Court of Vienna, by the

refusal of that Government to ratify the Convention concluded here in 1797, by Count Starhemberg; and you will easily be sensible that every consideration, both of dignity and of policy, must prevent His Majesty's Government from entering into any compromise on this subject. Nothing but the unqualified Ratification of the Convention can supply, on this head, the proof which His Majesty has a right to require, of a disposition, on the part of the Court of Vienna, to fulfil its engagements with His Majesty.

The Right Hon. Lord Minto. GRENVILLE.

No. 19.—Lord Minto to Lord Grenville.

(Extract.) *Vienna, 10th December, 1799.*

It is with much satisfaction that I can, at length, acquaint your Lordship with the final settlement of the dispute which has subsisted almost 3 years, concerning the unratified Convention. I should have dispatched this messenger some days sooner, if I had not felt the extreme importance, in the present situation of affairs, of removing an obstacle which stood in the way, not only of general harmony and good understanding with this Court, but of those particular measures of consent and co-operation which may have become indispensably necessary for continuing the War, or bringing it to a successful termination. With this view, I have, ever since the departure of the last messenger, applied myself peculiarly and earnestly to that object, in the several Conferences which I have sought for that purpose with Baron Thugut. As nothing had been omitted, either by Lord Henley or myself, to obtain satisfaction before, the success of these last endeavours must, no doubt, be ascribed, in a great measure, to the particular circumstances of the present moment; and if I may claim any merit on the occasion, it is principally that of having used to the utmost the advantage which those circumstances afforded. It was not, however, till last night that I obtained the positive promise of an immediate Ratification. I have, in consequence of this promise, thought myself warranted, by the spirit of your Lordship's Instructions, to give Baron Thugut to understand, that, in consideration of the great exertions made by the Emperor in the War, and the embarrassed state of his Finances, His Majesty would consent to take upon himself the annual charges on the Loan in question of £1,620,000 during the War; and I ventured to say, that if the war should unexpectedly terminate before the expiration of the third year from the date of the Loan, His Majesty would, nevertheless, bear the charges to the end of the 3 years. I flatter myself that I shall be enabled to transmit, by the earliest opportunity, the formal Ratification of the Convention; but your Lordship may consider the Ratification as positively engaged for, and it only remains for me to hope, that His Majesty will not think that I have made an undue use of any discretion with which he has been

pleased to intrust me on this occasion, or that my earnest desire to terminate a dispute so prejudicial to his service, and likely to become fatal, in the present moment, to the general interests of Europe, has rendered me improperly negligent of His Majesty's dignity, or the honour of His Government, which I have not failed to support to the utmost, throughout the whole of this very irksome and vexatious debate.

The Right Hon. Lord Grenville. MINTO.

No. 20.—Lord Grenville to Lord Minto.

(Extract.) *Downing Street, 8th February,* 1800.

It was with great satisfacsion that His Majesty learnt the final compliance of the Austrian Government with His Majesty's just demand for the Ratification of the Convention which has been so long in question.

His Majesty's present resolutions are transmitted to your Lordship, without waiting for the actual receipt of the Ratification. But you will of course understand them to apply only to the case, on the supposition of which they are founded; and if this expectation should again be disappointed, the remainder of this Dispatch is not to be acted upon. Subject to this restriction, your Lordship is at liberty to acquaint M. de Thugut that His Majesty consents, as a part of the plan of co-operation and concert to be now established between the two Courts, to take upon himself the annual charges of the Loan of £1,620,000 during the War, or up to the end of the third year from the date of the Loan, if Peace should before that time be concluded by common consent.

The assurances given to your Lordship, as to the disposition of the Court of Vienna to prosecute the War with vigour, in conjunction with His Majesty, are highly agreeable to His Majesty, and he is entirely disposed to enter into the concert proposed without retrospect, and with no other disposition than that of contributing by every means in his power to the success of the common cause.

The Right Hon. Lord Minto. GRENVILLE.

No. 21.—Lord Grenville to Lord Minto.

My Lord, *Downing Street, 14th February,* 1800.

I have just been informed by Count Starhemberg, that he has received the Ratification of the Convention, and that he is ready to exchange it against that of His Majesty. I am, &c.

The Right Hon. Lord Minto. GRENVILLE.

No. 22.—Certificate of the Exchange of the Ratifications of the Convention between His Britannic Majesty and the Emperor of Germany.—Signed at Westminster, 16th May 1797.

Londres, ce 21 Février, 1800.

Nous, Comte de Starhemberg, Ministre Plénipotentiaire de Sa

Majesté Impériale Royale et Apostolique, certifions, que le 21 Février, l'an 1800, le Lord Grenville, Secrétaire d'Etat de Sa Majesté Britannique, nous délivra une Convention, faite à Londres l'an 1797, en échange de la même Convention, ratifiée par Sa Majesté Impériale Royale et Apostolique, livrée par nous au dit Lord Grenville.

En foi de quoi nous avons signé le présent, et y avons apposé le Scellé de nos Armes.

(L.S.) LOUIS COMTE DE STARHEMBERG.

No. 23.—Lord Minto to Lord Grenville.

(Extract.) *Vienna, 10th April,* 1800.

BARON THUGUT states the supply of £2,000,000 during this year, as indispensably necessary for the Emperor's affairs. I do believe, that his difficulties are very great, and the more so as Italy is failing, and will fall far short of former expectations, as a resource either for money or men. He says, that when the sum of £ 1,600,000 was first specified by him, he had reason to expect other great pecuniary supplies; and he alludes to the desolated state of Italy, as increasing, to an alarming degree, not only the expense, but the difficulties attending magazines and supplies. He assures me, the Army has cost the Emperor £9,000,000 sterling a year, and that the aid of £2,000,000 at this period of the war, is a more moderate demand than the circumstances could have led him to expect. This point is relied on so strongly, that it is my duty to state it to your Lordship now, as that on which the conclusion of our Alliance may depend.

The Right Hon. Lord Grenville. MINTO.

No. 24.—Lord Minto to Lord Grenville.

(Extract.) *Vienna, 1st May,* 1800.

THE object of my late Conferences with Baron Thugut, has been to arrive at such an understanding, on the various points in discussion, as might enable me to transmit to your Lordship the Projet of a Treaty, to which the Emperor will now engage to subscribe, as soon as His Majesty shall have signified his assent to it. By this means, if His Majesty should be pleased to approve of the conditions now specified by this Court, the signature of the Treaty need wait only for the answer to this Dispatch. I flatter myself that this object is now attained, and, although the Draft of the Projet will still require some days, that the conditions are brought to sufficient precision to admit of my stating them distinctly in this Dispatch, with an assurance on the part of the Austrian Minister, and in the name of the Emperor, that if His Majesty shall approve of a Treaty on this basis, His Imperial Majesty will immediately authorize the signature on his part.

It is stated on the part of the Emperor, that the exertions he has made, and is making, and the present situation of his finances re-

quire, that the pecuniary succour to be furnished by His Majesty within the year, should amount to £2,000,000.

The Emperor also desires, that instead of monthly instalments, the whole sum should be furnished in three equal payments; the first of which shall be made in the beginning of June, the second in the beginning of September, and the last in the beginning of December.

It is also strongly requested, that the second instalment should be paid in specie.

These advances shall not bear interest during the War, and 6 months after the Peace. After which period the Emperor shall pay the British Government, or the Individuals named by them, interest at the same rate as the British Loan for the present year, together with 1 per cent, for redemption.

The Right Hon. Lord Grenville. MINTO.

No. 25.—Lord Grenville to Lord Minto.

(Extract.) *Downing Street, 17th May,* 1800.

Your Lordship's Dispatches to the 1st of May have been received.

The matters to which they relate cannot be finally and completely arranged till we receive the Projet, which your Lordship's Letters give me reason to expect every day; but I think it material to lose no time in apprising your Lordship of His Majesty's determination, with respect to the principal points on which your late negociations with M. de Thugut have turned.

His Majesty does not think it proper, on a full consideration of the subject, ultimately to refuse his assent to the pecuniary demands of the Court of Vienna, to the amount and in the shape in which they are brought forward in your Lordship's Dispatches, to which I am now replying. The sum of £2,000,000 is indeed more than had originally been allotted to this object; but other circumstances which have occurred, seem to render it probable, that even by this addition to the amount to be advanced to Austria, the whole sum originally allotted to purposes of this nature will not be exceeded. Supposing this point agreed to, the proposed change in the period of payment is not objectionable; and His Majesty has therefore no difficulty in consenting to it. Whenever I shall receive your Lordship's Dispatch, inclosing the Projet, my answer, informing your Lordship of the conditions on which His Majesty may be pleased to authorize you to sign the Treaty, will be accompanied by Instructions, pointing out the manner in which the immediate payment of £666,666 is to be made.

It will, however, be necessary, that it should be clearly understood, that these payments are made on account of an advance of £2,000,000 for the whole period of the present concert, and that they will not give any claim, expressed or implied, for a continuance

of payments at this rate, otherwise than as part of any new concert that may be arranged between the Governments, pursuant to the reserve to be made in the Treaty with that view.

The Right Hon. Lord Minto. GRENVILLE.

No. 26.—Convention between His Britannic Majesty and His Majesty the Emperor of the Romans.—Signed at Vienna, 20th June, 1800.

(Extract.) (Translation.)

ART. I. IN order to relieve the pressing necessities of the finances of His Imperial Majesty, under the enormous expenses already incurred, and which remain to be incurred, during the present Campaign, His Britannic Majesty shall advance to his above-mentioned Imperial Majesty, by way of Loan, the sum of £2,000,000 sterling. This sum shall be divided into 3 parts, and paid at 3 different periods, preferably in specie; so that the first third, of £666,666. 13*s.* 4*d.* shall be paid in the first days of the month of July; the second third, of the like sum, in the first days of September; and the remaining third, in the first days of the month of December.

II. During the whole continuation of the War, and during the 6 months which shall follow the conclusion of a Peace between Austria and France, His Imperial Majesty shall not be bound to pay any Interest upon the sum of £2,000,000 advanced, as stipulated in the preceding Article, Great Britain consenting to take this charge upon her own account until the period above-mentioned; but on the expiration of the term of 6 months after the conclusion of Peace, His Imperial Majesty shall pay for the future to the British Government, or to the Individuals who shall be pointed out by the British Government, an Annual Rente, or Annual Rentes, making altogether the amount of the Interest of the £2,000,000 advanced; which Interest shall be calculated at the same rate as the Interest of the Loan made on account of the British Government in the present year. His Imperial Majesty shall moreover pay annually to the British Government the sum of £20,000 sterling, at two periods; that is to say, £10,000 every 6 months; which sum shall be employed in the successive purchase and reduction of the Principal of £2,000,000, according to the method adopted by the British Government in its own Loans.

VI. The duration of the present Convention is fixed for the term of 1 year, to be computed from the 1st of March 1800, until the end of February 1801. From the month of December, and immediately after the acquittal of the last payment of the stipulated advances, the two High Contracting Parties shall enter into deliberation and confidential explanation, upon the determinations that they may think necessary to adopt for the future, according to circumstances and their mutual convenience.

MINTO.

LE BARON DE THUGUT.

No. 27.—Lord Grenville to Lord Minto.

(Extract.) *Downing Street, 17th July,* 1800.

YOUR Lordship will receive with this Dispatch, His Majesty's Ratification of the Treaty, which has been laid before Parliament.

With respect to the payments to be made to Austria under the late Treaty, as soon as provision shall be made for these by Parliament, measures will be taken by the Treasury to place £666,666 in specie at Hamburgh, subject to your Lordship's disposition, to make good the first payment on the exchange of the Ratifications, His Majesty having decided to consider this payment as justly due, on account of the efforts already made by Austria in the present Campaign.

The question of the September and December payments must be more doubtful, and will naturally be in a great degree subject to future events. On the one hand, it does not seem reasonable that the same sums which were to be paid by this Country in consideration of active exertions in the Campaign, should be demanded during a period of long-continued Armistice and Negotiation; while, on the other hand, it is felt here how much the success of all negotiation must depend on the countenance which Austria is enabled to assume during its continuance; and it is readily admitted, that the exertions of the Court of Vienna for the present Campaign, though unsuccessful, have been such as to entitle her to a liberal construction of such engagements as are now in question. This point must therefore be reserved for future decision; but His Majesty will certainly be guided in his conduct respecting it, by the same liberal principles which have uniformly actuated all his proceedings towards the Court of Vienna.

The Right Hon. Lord Minto. GRENVILLE.

No. 28.—Lord Minto to Lord Grenville.

(Extract.) *Vienna, 24th September,* 1800.

YOUR Lordship will conceive the concern with which I learnt to-day the Armistice signed at Hohenlinden, between the Austrian and French Armies, on the 20th instant.

The Right Hon. Lord Grenville. MINTO.

No. 29.—Lord Minto to Lord Grenville.

(Extract.) *Vienna, 16th October,* 1800.

BARON THUGUT, to-day for the first time since the Convention of Hohenlinden, reverted to the subject of the Subsidy, and begged me to request that the second payment might be held in readiness. I did not think myself authorized either to give any affirmative assurance on that head, or to suggest any doubt. I therefore contented myself

with saying, that I should certainly comply with his Excellency's desire, and acquaint your Lordship with his request.

The Right Hon. Lord Grenville. MINTO.

No. 30.—*Lord Grenville to Lord Minto.*

(Extract.) *Downing Street, 31st October,* 1800.

In the present state of affairs, and under the extraordinary circumstance of M. de Cobentzel's journey to Paris, it is evidently impossible that any further payment should be made at this time, on account of the Subsidy; if the Armistice is broken off, that payment will be made; or if a Negotiation be really and bonâ fide entered into in concert with His Majesty, the making such payment, even during the Negotiation, may be matter of consideration and amicable discussion.

The Right Hon. Lord Minto. GRENVILLE.

No. 31.—*Lord Grenville to Lord Minto.*

(Extract.) *Downing Street, 30th January,* 1801.

His Majesty has been pleased to approve the tenor of the language which you have held to the Austrian Government, on the important circumstances of the present crisis. My former Dispatch will have apprised your Lordship of the light in which His Majesty has determined to consider the late conduct of the Court of Vienna, in so far as relates to the preservation of that good understanding and union between the two Courts, which appear more than ever necessary for their mutual interest. But it does not appear to me, on the best consideration I have been able to give to the question, that this decision by any means implicates that of His Majesty, executing, on his part, the onerous stipulations of a Treaty, which, on His Imperial Majesty's side, has not been fulfilled, though this has happened from reasons, which may be admitted as being of sufficient force to clear the Court of Vienna from imputed breach of faith. It is one thing to admit, that the Court of Vienna is by equitable construction released from its engagements, and another and quite a different proposition, to maintain, that His Majesty continues to be bound by the engagements which he entered into, in consideration of those from which Austria is now obliged to depart. This consideration, the force of which I observe had not escaped your Lordship's accuracy, acquires much additional weight, when the nature of those engagements is considered which His Majesty is now called upon to fulfil. He had contracted to furnish to the Emperor, not a Subsidy, but a Loan, for assisting His Imperial Majesty's exertions in continuing the War; and this Loan, as soon as Peace is concluded, would begin to bear interest, and to be gradually reduced by a Sinking Fund allotted to it. Such an aid might have been necessary, had the War continued; and this application of the credit and resources of Great Britain would have been of direct ad-

vantage to her, by assisting to create the most powerful of all diversions to the Enemy's Force. It surely cannot be contended, that it would be the same thing, either in principle or in effect, if, now that Austria is about to conclude an immediate Peace, and when this aid is consequently no longer wanted for exertions in War, nor can be so applied, Great Britain, left alone in the Contest, were obliged to distract and divide her efforts, and to diminish her own means of self-defence by furnishing, in any shape, pecuniary relief to the finances of her Ally, no longer engaged in the War. It is surely not a strained or forced construction of the principles of justice, as resulting from this state of things, that the same necessity, admitting its existence and operation to the utmost extent, by which Austria is compelled to make a separate Peace, must, in all fair reasoning, be allowed to prevent His Majesty from making farther advances to that Power engaged in such Negotiations.

It is no fair objection to this principle to urge, that the payments would have been already made, if the Treaty had been duly executed on both sides. It was only because it could not be, or at least was not, so executed by Austria, that its execution on His Majesty's side was suspended; and it surely cannot be said, that the claim of Austria is since become stronger, because that has in fact happened, the very apprehension of which justified His Majesty in withholding the advance.

The Right Hon. Lord Minto. GRENVILLE.

No. 32.—Lord Minto to Lord Grenville.

(Extract.) *Vienna, 15th February,* 1801.

I HAVE had the honour to receive your Lordship's Dispatch, and I shall endeavour to adapt my language and conduct to what appears to be the sense of His Majesty's Government concerning the Subsidy.

The Right Hon. Lord Grenville. MINTO.

No. 33.—Sir Arthur Paget to the Earl of Harrowby.

(Extract.) *Vienna, 16th November,* 1804.

I WAS with the Vice-Chancellor, Count Cobentzel, nearly two hours yesterday. I do not know that the result of this interview will appear otherwise satisfactory, than as evincing, on his part, a stronger disposition really to treat, than has heretofore manifested itself.

It appears that a servant of Count Starhemberg arrived here two or three days ago, with Dispatches for Count Cobentzel. I conclude, that they must have been written in the second, or perhaps the third week in September; for I was informed that their contents correspond very exactly with the Communications I made to this Court, upon the receipt of your Lordship's Dispatch, in which you are pleased to relate to me the substance of your latest conversation with Count

Starhemberg. To this Count Starhemberg has probably added his surmises, upon what may be the amount of the Subsidy which His Majesty may be disposed to grant to this Country.

After we had been speaking some time of these Dispatches, the Vice-Chancellor remarked, that His Majesty's Government appeared to have become very economical.

To this observation I replied, that it was evidently impossible for me to combat this opinion, unless I was informed of the notions which had been given him upon this subject. I waited some moments, in expectation that I should receive the information which would enable me to proceed in the discussion; but, after some reflection, Count Cobentzel told me, that he certainly would explain himself upon that point, but that he did not feel himself authorized so to do, until he had provided himself with the Emperor's orders to that effect. The conversation then became more general; and, in as far as it related to the article of Subsidy, I found it necessary to express, in the strongest terms, that notwithstanding the full and general confidence which His Majesty's Ministers so justly and so deservedly enjoyed, this Country had itself placed them in the most awkward and embarrassing situation, with respect to the Parliament and the Nation, by the unaccountable and impolitic conduct it had pursued, in never having fulfilled any one of the stipulations it had contracted by the different Loans during the last War; and the Vice-Chancellor did not, and could not deny, that I have not, since the first moment of my residence at this Court, down to the present, ceased exhorting him to come to some resolution, let the sacrifice be what it might, by which the credit of this Country might be restored in England. This is one of the subjects I have never before taken notice of in my public correspondence, because I have had the mortification to find, that my efforts in the business have been as fruitless and abortive as they have been sincere and unremitting.

To these observations it would have been difficult to have opposed any efficient arguments. Count Cobentzel did not, in fact, set up any. In speaking of the Loan, he confined himself to condemning the conduct of the Baron de Thugut, in not having negotiated for the same succours to be granted in the form of a Subsidy.

The Right Hon. the Earl of Harrowby. ARTHUR PAGET.

No. 34.—Treaty of Concert between Great Britain and Russia. Signed at St. Petersburgh, the $\frac{\text{30th March}}{\text{11th April,}}$ 1805. *(Acceded to by the Court of Vienna.)*

(Extract.) (Translation.)

ARTICLE I. As the state of suffering in which Europe is placed, demands a speedy remedy, their Majesties, the King of the

United Kingdom of Great Britain and Ireland, and the Emperor of all the Russias, have mutually agreed to consult upon the means of putting a stop thereto, without waiting for further encroachments on the part of the French Government; they have agreed, in consequence, to employ the most speedy and most efficacious means to form a general League of the States of Europe, and to engage them to accede to the present concert; and, in order to accomplish the end proposed, to collect together a force, which, independently of the succours furnished by His Britannic Majesty, may amount to 500,000 effective men, and to employ the same with energy, in order either to induce or to compel the French Government to agree to the re-establishment of Peace, and of the equilibrium of Europe.

III. His Britannic Majesty, in order to concur efficaciously on His side to the happy effects of the present concert, engages to contribute to the common efforts, by employing His Forces, both by sea and land, as well as His Vessels adapted for transporting Troops, in such manner as shall be determined upon in the general plan of operations; His Majesty will, moreover, assist the different Powers who shall accede thereto, by subsidies, the amount of which shall correspond to the respective Forces which shall be employed; and in order that the said pecuniary succours may be proportioned in the manner most conducive to the general good, and to assist the Powers in proportion to the exertions they may make to contribute to the common success, it is agreed, that these Subsidies (barring particular arrangements) shall be furnished in the proportion of £1,250,000 sterling, for each 100,000 men of regular Troops, and so in porportion for a greater or smaller number, payable according to the conditions hereinafter specified.

IV. The said Subsidies shall be payable by instalments, from month to month, in proportion to the Forces which each Power shall employ, in pursuance of its engagements, to combat the common Enemy, and according to the official report of the Armies employed at the opening of the Campaign, and of the several reinforcements which may join them. An arrangement shall be made, in conformity with the plan of operations, which shall be forthwith regulated, as to the period when these subsidies shall begin to be paid, and the mode and place of payment shall be settled so as to suit the convenience of each of the Belligerent Parties. His Britannic Majesty will likewise be prepared to advance, within the current year, a sum for putting the Troops in motion. This sum shall be settled by particular arrangements to be entered into by each Power, who shall take part in this concert; but His said Majesty understands, that the whole of the sums to be furnished to any Power within the current year, as well on account of the said advance as for the monthly Subsidies, is in no case

to exceed the proportion of £1,250,000 sterling for every 100,000 men.

Done at St. Petersburgh, the $\frac{\text{30th March,}}{\text{11th April,}}$ 1805.

(L. S.) GRANVILLE LEVESON GOWER.

(L. S.) ADAM PRINCE CZARTORYSKI.

(L. S.) NICHOLAS DE NOVOSSILZOFF.

Eleventh Separate Article.

THE High Contracting Parties, acknowledging the necessity of supporting the propositions of Peace, which it is their intention to make to Bonaparte, by energetic demonstrations, have resolved to invite His Imperial and Royal Apostolic Majesty to put his Armies in a state of readiness for action without delay, by completing their numbers, and by concentrating them in the neighbourhood of the borders of France. His Britannic Majesty, considering the extraordinary expenses which this measure will render necessary, promises and engages to furnish to His Imperial and Royal Majesty, immediately after his accession to the present concert, the sum of £1,000,000 sterling, for *première mise en campagne*, which the King of the United Kingdom of Great Britain and Ireland will not reclaim, in case the negociations for Peace should be crowned with success, provided that, in a contrary event, Austria would take the Field immediately.

This Separate Article shall have the same force and validity, as if it were inserted word for word in the Treaty of Concert signed this day, and shall be ratified at the same time.

In witness whereof, We, the undersigned, by virtue of our Full Powers, have signed the present Separate Article, and have affixed thereto the Seals of our Arms.

Done at St. Petersburgh, the $\frac{\text{11th April,}}{\text{30th March,}}$ 1805.

(L. S.) GRANVILLE LEVESON GOWER.

(L. S.) ADAM PRINCE CZARTORYSKI.

(L. S.) NICHOLAS DE NOVOSSILZOFF.

No. 35.—Preliminary Declaration of Count Stadion to Lord G. L. Gower. St. Petersburgh, $\frac{\text{28th July,}}{\text{9th August,}}$ 1805. (Translation.)

THE Undersigned, Ambassador Extraordinary and Plenipotentiary of His Imperial and Royal Apostolic Majesty, by order of his August Sovereign, after having invited his Excellency the Ambassador of Great Britain, to join with him in the Preliminary Declarations which he has exchanged this day with his Excellency the Prince of Czartoryski, has moreover declared as follows:—

His Imperial and Royal Apostolic Majesty, in acceding to the Treaty concluded on the $\frac{\text{30th March}}{\text{11th April,}}$ 1805, and subsequently ratified by the Courts of London and St. Petersburgh, under the reservations,

modifications and demands, as announced in the above-mentioned Preliminary Declarations, limits the pecuniary succours, which he expects from His Majesty the King of Great Britain for the current year of 1805, to £3,000,000 sterling, of which sum £1,500,000 is to be considered as *première mise en campagne*, and as such is to be furnished with as little delay as possible, and the other £1,500,000 as Subsidies, to be paid in equal monthly payments, until the last day of the year. These Subsidies, as well as £1,000,000 of the sum appointed for *première mise en campagne*, are to be furnished to His Imperial Majesty, and shall remain in his possession, even though the vigorous demonstrations in which his Forces are actually employed should not terminate in hostilities, but should lead, by way of negotiation, to the re-establishment of Peace. Moreover, as these armed demonstrations afford the greatest and most efficacious aid for the promotion of the object of the concert, to which His Imperial and Royal Apostolic Majesty has acceded, he expects that, as long as they shall continue, the Subsidy shall likewise continue to be paid, in the same manner as if his Armies were employed in actual War; and that for the year 1806, and the subsequent years, in consideration of the great number of Troops which he is opposing to the common Enemy, the Subsidy shall be increased to the sum of £4,000,000 sterling, payable in the same manner as is stated above, until the return of the Regiments into the hereditary dominions.

His Excellency the Ambassador of Great Britain, having declared that the instructions and precise orders of his Court precluded him from acceding without restriction to the above-mentioned demands, and having engaged, by a preliminary Act exchanged against the present, in the name of His Britannic Majesty, to Stipulations which differ from them considerably, as well with regard to the sum, as to the terms of the propositions made in the name of His Imperial and Royal Apostolic Majesty;

The undersigned accepts this Act, given in by the Ambassador of England, but he declares at the same time, that he does not consider the sums stipulated therein as sufficient, and that he expressly reserves for his Court, the power of reclaiming to this effect, and of effectuating the fulfilment of its demands.

In transmitting this Preliminary Declaration, which is to be in the place, and have the validity, of the most solemn Treaty, to his Excellency the Ambassador of His Majesty the King of Great Britain, he is authorized to declare to him at the same time, that he is ready to proceed immediately on these same bases, to the conclusion of the formal Act of accession of Austria to the concert of the $\frac{\text{30th March.}}{\text{11th April.}}$

These presents shall be ratified by the respective Courts in as short a time as is possible.

In faith of which, the Undersigned, by virtue of the Full Powers of

His Imperial and Royal Apostolic Majesty, has signed the present Preliminary Declaration, and has affixed thereto the Seal of his Arms.

Done at St. Petersburgh the $\frac{28\text{th July,}}{9\text{th August,}}$ 1805.

(L. S.) J. PHILIPPE, COMTE DE STADION.

No. 36.—Declaration, signed by Lord G. L. Gower, and delivered to Prince Czartoryski and to Count Stadion, at St. Petersburg $\frac{28\text{th July,}}{9\text{th August}}$ 1805. (Translation.)

THE Undersigned, Ambassador Extraordinary and Plenipotentiary of His Britannic Majesty, having been invited by his Excellency the Prince Czartoryski, Joint Minister for Foreign Affairs, and the Count de Stadion, Ambassador Extraordinary and Plenipotentiary of His Imperial Royal and Apostolic Majesty, to accede to the Declarations reciprocally exchanged between the two Imperial Courts on this day, the 9th of August, in virtue of his Full Powers, declares as follows:—

The several observations and proposals expressed by the Court of Vienna, in the Preliminary Declaration delivered by the Vice Chancellor of the Court and State, the Count de Cobentzel, to the Ambassador Count Razoumoffsky, on the 7th July, and in the *Memoire Raisonné* of the 21st of July, are assumed by His Majesty the King of the United Kingdom of Great Britain and Ireland, &c. to serve as a basis for the concert of measures between the Courts of London, Vienna, and Petersburgh, and the modifications proposed therein, for the regulation of the affairs of the Continent, are in like manner adopted, in case there should be reason to hope that War may be avoided by means of negotiation.

The British Ambassador, while he declares that his positive Instructions preclude him from acceding to the pecuniary demands of the Court of Vienna, engages in the name of his Sovereign, that the monthly Subsidies agreed to by the concert of the $\frac{30\text{th March,}}{11\text{th April,}}$ shall be payable from the 1st of October, 1805: he engages likewise to advance, with the least possible delay, the equivalent of 5 months Subsidies, under the head of *première mise en Campagne;* with this express condition, that His Britannic Majesty may reclaim whatever payments shall have been made in favour of His Imperial and Royal Majesty, beyond the 1,000,000 stipulated by the XIth Additional Article of the above mentioned Treaty, whether as *première mise en Campagne*, or as current Subsidy, in case that the negotiations which are about to be set on foot with the French Government, do not terminate in War.

He declares, moreover, that if the said negotiations shall not be brought to a conclusion before the 31st day of December, 1805, the expiration of the first 3 months shall be the term of the payments which are to be continued monthly, until the commencement of Hostilities.

His Imperial and Royal Majesty having engaged to embody an Armed Force of not less than 320,000 Men, the Undersigned consents, that the advances to be made, under the head of *première mise en Campagne,* shall be paid according to this calculation; with this condition, nevertheless, that if, contrary to all expectation, the Austrian Armies do not amount to the force above specified, His Britannic Majesty may deduct from this payment a sum proportionate to the numbers that are wanting.

The British Ambassador cannot consent to the modifications and demands contained in the Paper, entitled, "*Remarks on some particular objects of the Convention, signed between the Courts of Petersburgh and London, the* $\frac{\text{30th March}}{\text{11th April}}$ *of this year,*" as he has hitherto received no Instructions from his Court, which authorize him to accede to such demands.

The British Ambassador accepts the accession of His Majesty the Emperor and King, under the conditions specified in the Preliminary Declarations exchanged this day between the Plenipotentiaries of their Imperial and Royal Majesties, with this formal reservation, that this acceptation shall not be considered as valid, nor the above mentioned engagements obligatory, unless the Court of Vienna shall, on their side, conform themselves to the whole of the Stipulations of the said Act.

The Undersigned, in delivering to his Excellency $\frac{\text{Prince Czartoryski}}{\text{Count de Stadion}}$ the present Preliminary Declaration, which is to be in the place, and have the validity, of the most solemn Treaty, is authorized to announce to him at the same time, that he is ready to proceed immediately, on these bases, to the conclusion of the formal Act of Accession of the Court of Vienna to the concert of the $\frac{\text{30th March.}}{\text{11th April.}}$

These presents shall be ratified by the respective Courts in the shortest possible time.

In witness whereof the Undersigned, by virtue of the Full Powers of His Britannic Majesty, has signed the present Preliminary Declaration, and has affixed thereto the Seal of his Arms.

Done at St. Petersburgh, the $\frac{\text{28th July,}}{\text{9th August,}}$ 1805.

(L.S.) GRANVILLE LEVESON GOWER.

No. 37.—Sir Arthur Paget to Lord Mulgrave.

(Extract.) *Vienna, 29th August,* 1805.

I HAVE at length been put in possession, by the Vice Chancellor, of the whole of the Negotiation which has been carrying on between the two Imperial Courts, since November, 1804.

I received also, 3 or 4 days ago, from Lord Granville Leveson Gower, by an Austrian Messenger, Copies of the Declarations exchanged between him and Count Stadion, on the 9th Instant.

In the first place, I have to acquaint your Lordship, that at an interview I had with Count Cobentzel, immediately after the receipt of Lord Granville Leveson Gower's Letter, I desired to know whether the Emperor would ratify Count Stadion's Declaration, and consent to the conditions under which our offer of Subsidy is made to the Austrian Government.

In answer to which application, I was this day informed by the Vice Chancellor, that although he had not as yet received His Imperial Majesty's final commands, yet that he had no doubt that the Ratification to the above Declaration would be sent to Petersburgh by the first Messenger.

It is obviously unnecessary for me to enter into a calculation of the difference between the Subsidy offered and the sum demanded.

For the year 1806, the Stipulations are, as I am informed by the Vice Chancellor, mutually understood and agreed to.

It is therefore, for the Subsidy of the present year, that His Majesty's ultimate decision is anxiously awaited; and with a view to accelerate as much as possible, the conclusion of this business, I conceive it to be the wish of the Emperor's Ministers, that it should henceforth be treated directly between the Courts of London and Vienna.

From the present appearance of things, His Majesty's Government may certainly expect that the subsidiary demands of the Court of Vienna, beyond the sum which has already been offered by His Majesty's Ambassador at Petersburgh, and accepted by Count Stadion, will be strongly pressed upon them.

According to the best information I have been able to obtain upon the subject, the Austrian armaments have already occasioned an expenditure of about 36,000,000 of florins: what the result of them may be, is another question; but I must admit, that they could not have been carried on upon a more extensive and a more formidable scale, and with greater activity, had that sum been previously placed in their Bank.

I have received the same statement of the expenditure from Count Cobentzel, and he has in fact requested me to impress as strongly as possible upon the minds of His Majesty's Ministers, that, considering the wretched state of the finances of this Country, the Emperor fully relied upon the generosity of His Majesty, and had consequently not hesitated at once to place his Armies upon the most formidable footing.

The Right Hon. Lord Mulgrave. ARTHUR PAGET.

No. 38.—Sir Arthur Paget to Lord Mulgrave.

(Extract.) *Vienna, 30th August,* 1805.

I HAVE received a verbal application from the Vice-Chancellor, for an advance of £250,000.

The accession of the Court of Vienna, to the Treaty signed at Petersburgh, on the 11th April; the tenor of Lord Granville Leveson Gower's Declaration of the 9th instant, to the Austrian Ambassador, and of the Instructions which I have received from His Majesty's Government; will, I confidently hope, fully justify me in the opinion of my most gracious Sovereign, for having taken upon myself the great responsibility of having acceded, in this instance, to the demand of the Court of Vienna.

I can safely assure your Lordship, that the want of money here is most pressing indeed, and I flatter myself, that I am not saying too much in predicting, that this timely succour will be turned to a good account.

The Right Hon. Lord Mulgrave. ARTHUR PAGET.

No. 39.—Sir Arthur Paget to Lord Mulgrave.

(Extract.) *Vienna, 24th October*, 1805.

I HAVE been most anxiously requested to lay before His Majesty's Government, the total absence of pecuniary resources in this Country, and to propose, that I may be forthwith authorized to furnish to this Court such part of the Subsidy as, according to the Treaty, may be due; and, considering the heavy misfortunes under which this Country is now struggling, earnestly to recommend to His Majesty's most gracious consideration, the proposals which have lately been made by the Emperor for additional pecuniary assistance.

The Right Hon. Lord Mulgrave. ARTHUR PAGET.

No. 40.—Lord Mulgrave to Sir Arthur Paget.

(Extract.) *Downing Street, 25th October*, 1805.

I HAVE it in command from His Majesty to instruct you to inform the Austrian Ministers, that it is the intention of His Majesty's Government, at least for the present, to provide the funds necessary for the payment of the Subsidy to that Court at Hamburgh, and also at Malta.

The payments which will thus be made are to be considered as on account, partly of what may be due for the *mise en Campagne*, and partly for the monthly payments of the Subsidy, subject to a future adjustment of the account of what may be due on each of these heads, as soon as His Majesty's Government is furnished with a statement of the precise number of Troops brought into the field by Austria, which information it is desirable should be obtained as soon as possible, in order that no unnecessary delay may occur in making such adjustment; and, in the mean time, measures are taking by His Majesty's Government, to create further funds on the Continent, to complete the payment

of what may appear to be still due for the *mise en Campagne*, and to continue the monthly payments regularly.

Sir Arthur Paget, K.B. MULGRAVE.

No. 41.—*Sir Arthur Paget to Lord Mulgrave.*

(Extract.) *Vienna, 16th November*, 1805.

In consequence of the receipt of your Lordship's Dispatch of the 25th October, I have informed this Government, that I have the sum of £200,000 at their disposal, at which they have expressed much satisfaction.

The Right Hon. Lord Mulgrave. ARTHUR PAGET.

No. 42.—*Sir Arthur Paget to Lord Mulgrave.*

My Lord, *Olmutz, 2nd December*, 1805.

At the particular desire of the Emperor, communicated to me by the Vice-Chancellor, I went on the 27th ult. to Troppau, in order to hold a Conference with His Imperial Majesty's Minister of Finance; the result of which was, that I delivered to Count Zichy, a Letter containing directions to Mr. Thornton, to pay to His Imperial Majesty's Agents at Hamburgh, the sum of £300,000.

I have the honour to be, &c.

The Right Hon. Lord Mulgrave. ARTHUR PAGET.

No. 43.—*Sir Arthur Paget to Lord Mulgrave.*

(Extract.) *Troppau, 13th January*, 1806.

I received three or four days ago from Count Stadion, before I left Teschen, a Note announcing to me the conclusion and Ratification of a Treaty of Peace, between Austria and France, signed at Presburg on the 26th of December last.

The Right Hon. Lord Mulgrave. ARTHUR PAGET.

No. 44.—*The Rt. Hon. Charles James Fox to Robert Adair, Esq.*

(Extract.) *Downing Street, 28th July*, 1806.

We are by no means sufficiently informed here of the means of resistance which Austria may still possess, to defend herself against the increasing demands to which she is every day subjected, from the overbearing temper and ambitious views which now guide the French Councils. His Majesty's Servants cannot therefore venture to give any advice on this occasion to the Court of Vienna.

But should it be the determination of the Emperor, openly to resist the demands of Bonaparte, you may assure Count Stadion, that whatever measures of vigour the Emperor may be inclined to adopt,

from which there can arise any reasonable probability of advantage, this Country is ready to support him.

Robert Adair, Esq. C. J. FOX.

No. 45.—Robert Adair, Esq. to the Rt. Hon. Charles James Fox.

(Extract.) *Vienna, 13th August,* 1806.

In the distressed situation of the Austrian finances, it appears to be the intention to lay a tax upon property throughout the hereditary States. I have thrown out in conversation with Count Stadion, that if this tax could be collected without difficulty, and be made a settled part of the Austrian Revenue, means might possibly be found, in a case of very urgent necessity, which I explained to be a case of War, to enable them to raise a Loan upon it in England.

Count Stadion caught at the suggestion, and is soon to speak further with me upon the subject.

It may become of importance that I should be authorized to inform them how far they may count upon such a resource.

The Right Hon. C. J. Fox. ROBERT ADAIR.

No. 46.—Declaration of the Right Hon. Charles James Fox, respecting the Arrears of Subsidy due to Austria.—Signed at London, 23rd August, 1806.

Londres, ce 23 *Août,* 1806.

Le Soussigné promêt, au nom de Sa Majesté Britannique, en conséquence d'un accord convenu entre M. le Comte de Starhemberg, Ministre de Sa Majesté Impériale Royale Apostolique près cette Cour, et moi, que pour terminer toute espèce de discussion au sujet de l'arrière de Subsides demandé par Sa Majesté Impériale Royale Apostolique, il lui sera payé, contre sa rénonciation à toute prétention ultérieure, une somme de £500,000 sterlings, en 5 payemens égaux successifs, de £100,000 sterlings, chacun payable tous les 26 de chaque mois, à commencer du 26 du présent mois d'Août, contre des quittances de la maison Baring, à qui ces payemens seront faits.

C. J. FOX.

No. 47.—Declaration of Count Starhemberg, respecting the Arrears of Subsidy due to Austria.—Signed at London, 23rd August, 1806.

Londres, ce 23 *Août,* 1806.

Le Soussigné déclare, au nom de Sa Majesté Impériale Royale Apostolique, qu'en conséquence d'un accord convenu entre Son Excellence Monsieur Fox, Secrétaire de Sa Majesté Britannique, et moi, qu'elle renonce à toute espèce de prétention d'arrière de Subside provenant des divers Traités, Conventions, Déclarations, ou autres Actes, faits à St. Pétersbourg dans le courant de l'an 1805, soit

conjointement ou séparément, par les Ministres respectifs de Sa Majesté Impériale Royale Apostolique, de Sa Majesté Britannique, et de Sa Majesté l'Empereur de Russie, moyennant le payement d'une somme de £500,000 sterlings, payable en 5 termes successifs et mensuels, tous les 26 de chaque mois, à commencer par le 26 du présent mois d'Août. Ces payemens seront faits entre les mains de la maison Baring, qui en delivrera les quittances aux époques successives. Laquelle somme de £500,000 sterlings, j'accepte au nom de Sa dite Majesté Impériale Royale Apostolique, pour balance générale et finale des dites Subsides.

LOUIS COMTE DE STARHEMBERG.

No. 48.—Robert Adair, Esq. to Viscount Howick.

(Extract.) *Vienna, 9th October*, 1806.

In a late conversation with Count Stadion, respecting the preparations now going on in the Austrian States, that Minister took occasion to enter into the financial difficulties of the Austrian Government, and he pointed out to me very clearly the reasons which might in a great degree prevent their putting their Army on that footing, which the state of affairs renders so eminently necessary.

In the course of this conversation, he requested that I would again state the nature of His Majesty's most generous proposal, in the event of the Emperor's being driven to resist by force the encroachments and vexations of France.

On reading to him, which I did distinctly, that part of Mr. Secretary Fox's Dispatch, dated 28th July, in which are the following words:—

"Should it be the determination of the Emperor to resist the demands of Bonaparte, you may assure Count Stadion, that whatever means of vigour the Emperor may be inclined to pursue, arguing any reasonable probability of advantage, this Country will support him:"—we discussed fully the question, whether the British Government might be disposed to consider the present Armaments of His Imperial Majesty, as offering such a prospect of advantage to the common cause, as to induce a compliance with a request for pecuniary aid.

Our discussion was long and unreserved; but not feeling myself authorized to come to any result upon a matter of such importance, I recommended it to Count Stadion to address himself directly to His Majesty's Government, through Count Starhemberg, for a full explanation of His Majesty's sentiments and views.

There were some obvious points, however, depending upon the principle of a combined and well-concerted resistance to France, to which I could accede without hesitation. I made no difficulty, therefore, in giving it as my opinion, that if it was the intention of the Austrian Government gradually to increase their Forces until they

reached the complete War establishment, and with a view bonâ fide to resist France ultimately, I could not doubt that His Majesty's Ministers would consider the execution of such an intention, as furnishing a case in which pecuniary aid might reasonably be granted.

The Right Hon. Viscount Howick. ROBERT ADAIR.

No. 49.—Viscount Howick to Robert Adair, Esq.

(Extract.) *Downing Street, 28th October,* 1806.

IT seems the evident interest of Austria immediately, without the loss of a moment, to put her Armies in motion, and to make a last effort to check the too successful career of France.

I have it, therefore, in command from His Majesty, to state to you these sentiments, which you will express in the strongest manner to the Ministers of His Imperial Majesty, accompanying them with assurances of support and assistance from this Country, to the utmost to which it can be given, consistently with a due regard to the preservation of our own resources, and to the necessity of meeting calls of a similar nature from other quarters.

Should Austria still persevere in her system of Neutrality, and repeat her application for pecuniary assistance, for the purpose of putting herself in a state to act on some future opportunity, you will at once state the impossibility of a compliance on the part of Government with such a demand.

Robert Adair, Esq. HOWICK.

No. 50.—Robert Adair, Esq. to Viscount Howick.

(Extract.) *Vienna, 19th November,* 1806.

I HAVE the honour of acknowledging the receipt of your Lordship's Dispatches to the 28th October.

In consequence of His Majesty's commands, I have seen Count Stadion, and distinctly stated to him the only grounds on which His Majesty could consent to grant pecuniary aid to Austria.

The Right Hon. Viscount Howick. ROBERT ADAIR.

No. 51.—Viscount Howick to Robert Adair, Esq.

(Extract.) *Downing Street, 13th January,* 1807.

THE point on which it is most material for me to convey to you the sentiments of His Majesty's Government, is that which relates to pecuniary assistance. I have already given you general instructions on this subject; nor is it possible for me to do more, till we shall have more certain accounts of the intentions of the Austrian Government, and of their plans and means of acting. In the former instructions to which I have referred, you were told that subsidies could not be given for preparations merely: when Austria is actually engaged in the War, the question will assume a different shape. But even then it

is to be observed, that the state of affairs will be very different from that in which Subsidies have formerly been granted by this Country. These were given to different Powers to induce them to send large Armies into the field, and to maintain them for the purpose of offensive operations, at a distance from their own frontiers. Austria will now be engaged at home, in her own cause, and in support of her own independence; a consideration which certainly will not prevent His Majesty from affording any assistance of which the necessity shall be apparent, but which requires that Austria should, in the first instance, exert herself to the utmost in the application of her own resources to the exigencies of her own defence. If the great Powers now at War, or threatened by France, cannot find in themselves the means of such exertion, it is in vain to expect that this Country, by any supplies which we could afford, would be able effectually to support them. It is now indeed more than ever necessary, that we should husband our own resources; and you will therefore be cautious of holding out any expectation of pecuniary assistance, or engaging for more than to refer to your own Government to judge, according to circumstances, of the propriety of acceding to a request, which never can be complied with except in the case of the most absolute necessity, and after the actual commencement of hostilities.

Robert Adair, Esq. HOWICK.

No. 52.—Viscount Howick to Robert Adair, Esq.

(Extract.) *Downing Street, 6th March,* 1807.

If Austria is not determined to take the Field, from a sense of her own interest, and an apprehension of her own danger, Great Britain cannot supply such Subsidies as would alone reconcile her to a War, undertaken from less powerful motives. No pecuniary assistance which a due regard to the interests of his Subjects would allow His Majesty to furnish, would be sufficient to induce Austria to make War; and a War which would not be undertaken without such an inducement, would not hold out any prospect of success, in the present situation of Europe. Subsidies therefore cannot be given for preparations merely: if Austria is actually engaged, the question may assume a different aspect, but till the commencement of hostilities, no pecuniary assistance can be given, and no positive promise of it held out as an inducement to commence them.

Robert Adair, Esq. HOWICK.

No. 53.—Robert Adair, Esq. to Viscount Howick.

(Extract.) *Vienna, 11th April,* 1807.

I have the honour to acknowledge the receipt of your Lordship's Dispatch of March 6th.

In all my conversations with Count Stadion on the subject of Sub-

sidies, I have presented the question exactly in the same point of view as that in which it is seen by His Majesty's Government. I have never allowed him to consider me as having offered them, by way of inducement to Austria to join us; and whenever it has been thrown out to me that Austria, in the present state of her Finances, could not support a War, but must look to Great Britain for assistance, I have not failed to answer, that such assistance must depend totally upon the circumstances of the case, when Austria should find herself actually engaged.

Viscount Howick. ROBERT ADAIR.

No. 54.—Viscount Castlereagh to the Earl of Aberdeen.

(Extract.) *Foreign Office, 6th August,* 1813.

YOUR Lordship is aware that Lord Cathcart has been authorized to make an offer of £ 500,000 to the Court of Vienna, for the service of the campaign, upon an actual Declaration of War against France.

The importance of strengthening the exertions of that Power against the common Enemy, and of affording to His Imperial Majesty the most unequivocal proofs of the interest which the British Government takes in the success of the Austrian arms, has induced the Prince Regent to authorize your Lordship, if you should deem it expedient, to engage that a further aid of £ 500,000 shall be afforded to His Imperial Majesty, under certain conditions hereinafter stated.

Your Lordship will represent to the Austrian Government, that this sum of £1,000,000 sterling is the utmost that can be supplied to the service of the Emperor, in the present year.

Your Lordship will herewith receive Full Powers to treat and conclude a Convention with the Court of Vienna to the above effect.

The Earl of Aberdeen, K. T. CASTLEREAGH.

No. 55.—The Earl of Aberdeen to Viscount Castlereagh.

(Extract.) *Toplitz, 13th September,* 1813.

ACCORDING to your Lordship's Dispatch, by which I am directed to frame a Treaty of Concert and Subsidy with the Austrian Government, I have now to inform your Lordship, that in obedience to those Instructions, I have had frequent discussions with Count Metternich on the subject.

Your Lordship is aware that Lord Cathcart had given Bills to the Austrian Government, for the whole amount of the sum which had been placed at his disposal. When I opened to Count Metternich the extent of the additional aid I was authorized to furnish, he expressed himself very strongly on the subject; he declared that it was a question on which their political existence almost depended; that on former occasions they had entertained the question of Subsidy previous to their commencing hostilities, but now they had engaged in the Contest with their whole power, for the general good and independence of

Europe, in which no State was more interested than Great Britain; and they threw themselves on our justice and generosity, in the hope that no effort would be spared in their assistance. He assured me, that notwithstanding their resources of men, such were their financial difficulties, that it was impossible to entertain an adequate notion of their embarrassment and distress.

Viscount Castlereagh, K. G. ABERDEEN.

No. 56.—Separate Articles to the Treaty of Alliance between Great Britain and Austria.—Signed at Toplitz, 3rd October, 1813.

(Extract.)

ART. II. Sa Majesté le Roi de la Grande Bretagne, pour concourir de la manière la plus efficace qui lui soit possible, aux efforts de l'Autriche, contre l'Ennemi commun, s'engage de mettre à la disposition de Sa Majesté l'Empereur d'Autriche, la somme de £1,000,000 sterling.

III. La somme de £500,000 sterling, remise le 18 Août dernier, à la disposition de l'Autriche, en traites sur la Trésorerie Britannique, faisant partie de cette somme de £1,000,000; la somme restante de £500,000 sterling, sera répartie en payemens égaux de £100,000 sterling par mois, payables à Londres, à commencer du mois de Novembre, 1813, de manière que le tout soit acquitté au 1er Avril, 1814.

(L. S.) ABERDEEN.

(L. S.) CLEMENT WENCESLAS LOTHAIRE, *Count of Metternich, Winnebourg Ochsenhausen.*

No. 57.—Treaty of Union, Concert and Subsidy, between Great Britain and Austria.—Signed at Chaumont, the 1st March, 1814.

(Extract.) (Translation.)

ART. III. In order to contribute in the most prompt and decisive manner to fulfil this great object, His Britannic Majesty engages to furnish a Subsidy of £5,000,000 sterling for the service of the year 1814, to be divided in equal proportions amongst the 3 Powers; and His said Majesty promises moreover to arrange, before the 1st of January in each year, with their Imperial and Royal Majesties, the further succours to be furnished during the subsequent year, if (which God forbid) the War should so long continue. The Subsidy above stipulated, of £5,000,000 sterling, shall be paid in London, by monthly instalments, and in equal proportions, to the Ministers of the respective Powers, duly authorised to receive the same. In case Peace should be signed between the Allied Powers and France, before the expiration of the year, the Subsidy, calculated upon the scale of £5,000,000 sterling, shall be paid up to the end of the month in which the Definitive Treaty shall have been signed; and His Britannic Majesty promises, in addition, to pay to Austria and to Prussia 2 months, and to Russia 4

months, over and above the stipulated Subsidy, to cover the expences of the return of their Troops within their own Frontiers.

(L. S.) CASTLEREAGH,
(L.S.) CLEMENT WENCESLAS LOTHAIRE,
Prince of Metternich, Winnebourg Ochsenhausen.

No. 58.—Additional Convention between Great Britain and Austria. Signed at Vienna, 30th April, 1815. (Translation.)

ARTICLE.—His Britannic Majesty engages to furnish a Subsidy of £5,000,000 sterling, for the service of the year ending on the 1st of April, 1816, to be divided in equal proportions amongst the 3 Powers; namely, between His Majesty the Emperor of Austria, King of Hungary and Bohemia, His Majesty the Emperor of all the Russias, and His Majesty the King of Prussia. The Subsidy above stipulated of £5,000,000 sterling, shall be paid in London by monthly instalments, and in equal proportions, to the Ministers of the respective Powers, duly authorised to receive the same. The first payment thereof to become due on the 1st day of May next, and to be made immediately upon the exchange of the Ratifications of the present Additional Convention. In case Peace should take place, or be signed between the Allied Powers and France, before the expiration of the said year, the Subsidy, calculated upon the scale of £5,000,000 sterling, shall be paid up to the end of the month in which the Definitive Treaty shall have been signed; and His Britannic Majesty promises in addition, to pay to Russia 4 months, and to Austria and to Prussia 2 months, over and above the stipulated Subsidy, to cover the expences of the return of their Troops within their own Frontiers.

Done at Vienna, this 30th day of April, in the year of our Lord 1815.

(L.S.) CLANCARTY. (L.S.) LE PRINCE DE METTERNICH.
(L.S.) LE BARON DE WESSENBERG.

No. 59.—Protocol of Conference, respecting the distribution of the Pecuniary Indemnity to be paid by France to the Allied Powers, under Article IV. of the Definitive Treaty, signed at Paris, 20th Nov. 1815.
(Extract.) (Translation.)

ART. XI. Prussia and Austria having declared the pressing necessity of their obtaining, in the course of the 6 first months, a larger sum than by an equal distribution would fall to their share, Russia and England consent, in order to facilitate the general arrangement, that each of those 2 Powers should anticipate 10,000,000 francs of their proportion, to take date from the first payment, on condition of their holding themselves accountable for that sum in the subsequent years.

CASTLEREAGH. RASOUMOFFSKY.
METTERNICH. HARDENBERG.
WESSENBERG. HUMBOLDT.
CAPO D'ISTRIAS. WELLINGTON.

No. 60.—*Lord Stewart to Viscount Castlereagh.*

(Extract.) *Vienna, 5th September,* 1818.

YOUR Lordship is aware that, on my arrival in England last year, Lord Melville communicated to me the wish of the Prince Regent's Government, to enter into a contract with the Austrian Government for the purchase of timber for ship building, under certain conditions, the most important one of which was, that part of the value to be set off or applied in liquidation of the payment for the timber, was to be the Austrian Loan due to Great Britain.

Your Lordship is likewise informed of all the opposition which the Austrian Government make to any consideration of this Loan, at this moment, as a debt due to Great Britain; and Mr. Gordon's Dispatches, [which follow] on being referred to, will point out all the reasoning of Prince Metternich and Count Stadion, against ever entertaining this Loan as a debt to be reclaimed.

The question of the ship timber is now narrowed into a decision on the part of this Government, to sell the timber for an effective payment; but I am given to understand they will not accede to other conditions.

Viscount Castlereagh, K. G. STEWART.

No. 61.—*The Hon. Robert Gordon to Viscount Castlereagh.*

(Extract.) *Vienna, January 19th,* 1818.

MR. SMITH having arrived here, with the view of contracting with the Austrian Government for ship timber, I have been enabled to confer with Prince Metternich upon the grounds of information brought to me by that Gentleman; and I am sorry to announce to your Lordship that essential difficulties exist in prosecuting this negotiation, under the terms of Mr. Smith's instructions.

It appears that he is authorised *solely* to contract upon the condition that Austria will consent partly to be paid in liquidation of her debt to Great Britain; and it is this condition against which Prince Metternich protests as entirely unacceptable.

I have not pressed this Government further to enter into the question of the debt; and the consequence has been that, under Prince Metternich's present determination to avoid even discussion upon it, Mr. Smith has deferred to make the proposals intrusted to him by the Navy Board, as far at least as they relate to forest timber. The offers which this Gentleman is authorised to make for the purchase of the timber in the Arsenals at Venice, are however under consideration.

I have no doubt of the willingness of this Government to engage in a contract for furnishing any quantity of timber, upon very advantageous terms, whenever they shall be freed from their alarms, which have been caused by our wish to introduce into our terms even a partial liquidation of their debt.

Viscount Castlereagh, K. G. R. GORDON.

No. 62.—The Hon. Robert Gordon to Viscount Castlereagh.

(Extract.) *Vienna, 7th February,* 1818.

REFERRING to my last Dispatch, communicating the probable failure of Mr. Smith's endeavours to buy timber from this Government upon the terms authorised by his instructions; I have now the honour to state to your Lordship that the question having been referred to Count Stadion, I have found that Minister very eager that such an arrangement should nevertheless be effected. He urged, as Prince Metternich had done before, the incapability of Austria to treat at this moment upon any terms which involved the question of the debt to Great Britain, but expressed the strongest wish to engage upon any other terms.

I take this opportunity of again stating to your Lordship, that, whatever might be the eventual result of our offers to contract for the purchase of timber from the Imperial forests, upon the above mentioned terms, supposing the period had arrived for demanding the repayment of the Austrian Loan, there is no chance of this Government accepting them under the present posture of the question.

Viscount Castlereagh, K. G. R. GORDON.

[See Convention between Great Britain and Austria, for the Definitive Settlement of the Austrian Loan. Signed at Vienna, 17th November, 1823. Vol. 1823, 1824, Page 26.]

CONVENTION entre la Suède et la Norvège d'une part, et la Russie de l'autre, pour fixer les principes, d'après lesquels se feront réciproquement les Echanges des Propriétés particulières, situées des deux Cotés de la Frontière, et pour déterminer la Compétence des Tribunaux respectifs en Matières Criminelles entre les Sujets des deux Puissances habitants près de la Frontière. Faite et conclue à Tornea, le 4/7 Janvier, 1821, et ratifiée à Stockholm le 26 Février, et à Laybach le $\frac{28\text{ Février}}{12\text{ Mars}}$ de la même Année.*

NOUS, Charles Jean, par la grâce de Dieu, Roi de Suède, de Norvège, des Goths et des Vandales, savoir faisons: Que nous et notre très-cher Frère et Cousin, le Sérénissime et très puissant Prince et Seigneur Alexandre I. Empereur et Autocrateur de toutes les Russies, de Moscovie, Kiovie, Wladimirie et Novogorod, Czar de Casan, Czar d'Astrachan, Czar de Pologne, Czar de Sibérie, Czar de la Chersonèse Taurique, Seigneur de Plescow et Grand Duc de Smolensko, Lithuanie, Wolhynie, Podolie, et de Finlande, Duc d'Estonie, de Livonie, de

* Printed by Authority, Stockholm, 1821. *(Martens.)*

Courlande et Sémigalle, de Samogitie, Belostock, Carélie, Twer, Jugorie, Permie, Wiatka, Bolgarie et d'autres; Seigneur et Grand Duc de Novogorod Inférieur, de Czernigovie, Resan, Polozk, Rostow, Jaroslaw, Belo-Osorie, Udorie, Obdorie, Condinie, Witepsk, Mstislaw, Dominateur de tout le côté du Nord et Seigneur d'Ivérie, de Cartalinie, de Grusinie et de Cabardinie; Prince Héréditaire et Souverain des Princes de Czircassie, Gorsky et autres; Héritier de Norvège, Duc de Schlesvig Holstein, de Stormarie, de Ditmarsen et d'Oldenbourg, etc. etc. animés d'une égale sollicitude pour le bien-être de nos fidèles Sujets, ayant résolu de conclure une Convention, afin de fixer plus spécialement les principes d'après lesquels se feront réciproquement les échanges des propriétés particulières situées des deux côtés de la Frontière; ayant également jugé convenable de déterminer, à cette occasion, la compétence des Tribunaux respectifs en matières criminelles entre nos Sujets habitants près de la Frontière, et ayant, à cet effet, nommé des deux côtés des Plénipotentiaires, lesquels, en vertu de nos Pleinpouvoirs respectifs, ont été autorisés par nous d'arrêter, conclure, signer et sceller une pareille Convention; savoir, nous, de notre côté, notre amé et féal, le Sieur Gustave de Peyron, Colonel d'Etat Major, Chef de notre Régiment de Jemtlande, Chasseurs, Chef des Bureaux de notre Adjutant-Général pour l'Armée, Chevalier de notre Ordre de l'Epée, de l'Ordre Impérial de Russie de St. Wladimir de la troisième, et de celui de Ste. Anne de la seconde, Classe, et de celui de Prusse pour le Mérite; et Sa Majesté l'Empereur de toutes les Russies, de son côté, le Sieur Germain de Wärnhielm, Colonel au Second Regiment d'Infanterie de Finlande: les dits Plénipotentiaires, après avoir échangé leurs Pleinpouvoirs, reconnûs en bonne et dûe forme, ont conclû, arrêté, signé et scellé, le 17 Janvier de la présente année, dans la Ville de Tornea, une Convention, ainsi qu'une Instruction y annexée pour les Arpenteurs, et autres Personnes à employer aux échanges de propriétés, portant mot à mot ce qui suit:

Au Nom de la Très-Sainte et Indivisible Trinité.

Sa Majesté le Roi de Suède et de Norvège, et Sa Majesté l'Empereur de toutes les Russies, ayant fixé et déterminé, par le Traité de Frédricshamn du 17 Septembre, 1809,* ainsi que par l'Acte de Démarcation du 20 Novembre 1810,† les Limites de leurs Etats respectifs, leurs Majestés animées d'une égale sollicitude pour le bien-être de leurs fidèles Sujets, ont voulu fixer et établir les principes, d'après lesquels, les propriétés en bien-fonds de chaque particulier, des deux côtés de la Frontière, doivent être échangées réciproquement, afin d'écarter ainsi les causes de mésintelligence, qui peuvent résulter du mélange des propriétés; ayant, en même tems, jugé nécessaire, de déterminer d'une manière plus précise, à quel Tribunal doivent ressorter les causes criminelles, entre les Habitans des deux Frontières.

* See page 749. † See page 750.

A cet effet, leurs dites Majestés ont nommé pour leurs Commissaires Plénipotentiaires, savoir: Sa Majesté le Roi de Suède et de Norvège, le Sieur Gustave de Peyron, Colonel d'Etat Major, Chef du Régiment de Jemtlande, Chasseurs, Chef des Bureaux de son Adjutant Général pour l'Armée, Chevalier de son Ordre de l'Epée, de l'Ordre Impérial de Russie de St. Wladimir de la 3ème, et de celui de Ste. Anne de la 2de, Classe, et de l'Ordre Royal de Prusse pour le Mérite; et Sa Majesté l'Empereur de toutes les Russies, le Sieur Germain de Wärnhielm, Colonel au Second Régiment d'Infanterie de Finlande; lesquels, après avoir échangé leurs Pleinpouvoirs, trouvés en bonne et dûe forme, sont convenus des Articles suivans:

ART. I. Considérant, que l'échange des propriétés mixtes sur les Iles, statué à la fin de la 3ème Section de l'Article II. de l'Acte de Démarcation, n'a pas encore été effectué, les Hautes Parties Contractantes ont arrêté: qu'il sera nommé des Arpenteurs, lesquels, sous la surveillance d'une Personne versée dans cette partie, et choisie, de part et d'autre, par les directions d'Arpentages respectives, seront chargés d'arpenter les dites Iles, d'en dresser la carte, d'en évaluer la terre, selon le degré de fertilité, et de les partager, de manière que, sans préjudice à l'intérêt réciproque, les us et coutumes des Propriétaires de jouir alternativement de l'usufruit du même terrain (ar-omgang), et le mélange actuel des propriétés, soyent entièrement abolis.

Lorsque, de la manière préscrite, ces propriétés mixtes auront été séparées et détachées, de telle sorte, que chaque Ile se trouve, autant que faire se peut, dans la possession des Sujets de l'une ou de l'autre Puissance, celles de ces Iles, qui se trouveront situées sur le Territoire Etranger, seront échangées, contre des Iles équivalentes du côté opposé.

II. Ayant été éclairci, par les cartes et autres produits à ce sujet, que plusieurs Propriétaires des deux côtés de la Frontière, perdroient considérablement, s'il étoit seulement permîs d'échanger, l'une contre l'autre, les Propriétés sur le Continent, mentionnées dans la 2ème Section de l'Article II. de l'Acte de Démarcation, et consistant en champs et prairies, ainsi qu'en forêts et pâturages, adjugés (afvittrade) à des fermes particulières; les Hautes Parties Contractantes veulent bien permettre, que pour l'avantage commun des intéressés, les prairies sur les îles, situées du côté de la Frontière du Territoire Etranger, où il ne se trouve pas d'équivalent, soyent échangées contre des propriétés semblables sur le Continent.

Si toutefois, après que l'échange des propriétés aura été effectué, selon les principes établis ci-dessus, il se trouve encore du terrain de reste, appartenant aux Sujets de l'une ou de l'autre Puissance sur le Territoire de chacune d'elles, il sera permis à celui, qui n'aura point obtenu d'équivalent, de céder le terrain qui reste aux Sujets de l'autre Puissance, par un marché en forme, dans l'espace de 3 mois, à compter

de l'époque où le partage général aura été terminé dans toutes ses parties, et dûment confirmé.

Au cas que cette aliénation n'ait pas lieu, ces sortes de propriétés seront offertes aux Sujets de la Puissance Etrangère, dans le même espace de tems, par une vente publique, laquelle, après avoir été annoncée dans les églises des environs 6 semaines au préalable, sera effectuée sur les lieux, par les Autorités compétentes du Pays, où demeure le Propriétaire, selon les dispositions, que prendront à cet effet les Gouverneurs des Provinces de Nordbottnie, et d'Uleaborg, auxquels les Chefs des Arpenteurs seront tenus de faire parvenir les Bordereaux des Terrains restans. Comme toutefois il se pourroit, que, lors de ces ventes, les Propriétaires qui voudroient profiter de la circonstance, s'arrangeassent entre-eux, pour faire des offres au dessous de la valeur du terrain mis à l'enchère, les Hautes Parties Contractantes s'obligent, en pareil cas, à en faire l'acquisition, lorsque le prix de la vente ne s'élevera pas au taux fixé dans le Tarif suivant, savoir :

Pour un arpent taxé de champs R:d. B:co 100.—Id. id. de prairies 83 : 16.—Id. id. de forêts sur un terrain cultivable 22 : 10. 8.—Id. id. de terrain cultivable sans aucune espèce de bois 16 : 32.—Id. id. de forêt, sur un terrain non cultivable, un tiers du prix courant du chauffage coupé et mésuré, d'après la vérification qui en aura été faite préalablement, lors de l'évaluation graduée du terrain. Il dépendra d'ailleurs de chacune des Hautes Puissances respectives, de décider, si les Propriétaires, qui auront été obligés de renoncer ainsi aux dits terrains restans, pourront garder le montant, qu'ils en auront obtenu, ou s'ils en recevront une autre indemnité équivalente.

Pour ce qui regarde les îles des fleuves, lesquelles, après l'effectuation du partage général et de l'échange, resteront encore sur le Territoire Etranger, et dont la jouissance a été assurée aux Sujets respectifs des Hautes Parties Contractantes, les Propriétaires auront à en payer, dans le terme prescrit, la rédévance annuelle, stipulée dans la 4ème Section de l'Article II. de l'Acte de Démarcation, et afin d'obtenir à cet égard l'ordre et l'exactitude nécessaires, les Chefs des Arpenteurs seront tenus, lorsque le partage général aura été terminé, de dresser des bordereaux exacts de toutes ces Iles, d'en faire la description, et après avoir certifié l'authenticité de ces Actes par leur signature, les faire parvenir aux Gouverneurs des Provinces limitrophes, afin d'être suivis, lors de la liquidation annuelle.

III. Afin de pouvoir fixer un terme plus court, pour l'exécution des échanges en question, toutes les affaires litigieuses, qui s'éleveront entre des Sujets des deux Hautes Parties Contractantes, durant cette opération, relativement au droit de propriété sur le terrain, qui doit être échangé, seront examinées et décidées dans l'espace d'un mois, par

3 Compromissaires de chaque côté, choisis par les Parties litigantes; lesquels Compromissaires, après l'audition des témoins irrécusables, qui doivent comparoître aussitôt qu'ils en auront été requis, sous peine d'amende, jusqu'à la concurrence de 50 dalers en argent, ou une somme équivalente en Billets de Banque de Suède, ou en Roubles d'argent, et après avoir recueilli d'ailleurs, tous les éclaircissemens nécessaires, seront tenus d'examiner les dites causes et de les juger définitivement et sans appel; à la suite de quoi ce jugement définitif, rédigé par écrit, et signé par tous les Compromissaires, sera remis par la Partie gagnante, aux Chefs des Arpenteurs, pour servir de règle, lors du partage général.

Si, parmi les Compromissaires, les avis se trouvent partagés, la pluralité des voix l'emportera; mais si les voix sont en nombre égal des deux côtés, on tirera au sort, pour décider la cause.

IV. Cet échange des Propriétés sera terminé au plus tard, dans l'espace de 3 années, par les Arpenteurs préposés à cet effet, et dont les Instructions, rédigées en langue Suédoise, seront remises à leurs Chefs, par les Gouvernemens des Provinces limitrophes, lesquelles Instructions, contenant l'exposé détaillé de tous les objets, dont doivent s'occuper les Arpenteurs, et munies de la signature et du cachet des Commissaires Plénipotentiaires respectifs, seront ponctuellement suivies et observées, comme si elles étoient insérées mot à mot dans la présente Convention.

V. Tous les échanges et partages étant terminés et réglés, de manière, qu'il ne reste plus que le placement des bornes ou poteaux, les Chefs des Arpenteurs en avertiront les dits Gouverneurs de Province, qui en feront leurs rapports à leurs Gouvernemens respectifs, lesquels désigneront alors celui, ou ceux, qu'il leur plaira de nommer, pour se rendre au commencement du mois de Juin, 1823, dans la Ville de Torneå, afin d'examiner les échanges, qui auront été exécutés, et au cas, qu'il se soit élevé des difficultés relativement au partage, les décider et prendre enfin des dispositions définitives, pour que le placement des dites bornes puisse être achevé avant la fin du mois d'Août de la dite année.

VI. Jusqu'à ce que le partage général et les échanges des Propriétés en question, aient été achevés, et que les bornes ou poteaux soient placés, chaque Propriétaire sera maintenu dans la possession et la jouissance paisible des bien-fonds, qui lui appartenoient à la conclusion de la Paix de 1809, abstraction faite cependant des Propriétés, qui depuis cette époque, ont été dûement échangées ou aliénées; sans que les défenses, ou autres mesures des Autorités respectives y puissent mettre obstacle. Toutefois l'usufruit des Propriétaires de Forêts sur le Territoire Etranger, ne s'étendra pas au delà de ce qui sera nécessaire à leurs besoins domestiques.

Les Autorités et Fonctionnaires respectifs, auront à veiller scrupuleusement, à ce que chacun jouisse de ses droits, fondés sur les Lois et la présente Convention.

VII. La délimitation, passant en effet au nord de l'Ile de Flugarin Saari, et laissant cette Ile à sa gauche, quoique la déscription topographique, citée dans l'Article VI. de l'Acte de Démarcation du 20 Novembre, 1810, range par erreur cette Ile au nord de la délimitation, il est convenu, que cette dite Ile, étant située sur le Territoire Russe, sera comprise dans la même cathégorie, que la presqu'île de Svensaron, dont d'ailleurs elle forme actuellement la Partie Septentrionale.

VIII. Pour ce qui concerne le mode de procédure criminelle des deux côtés de la Frontière, les Hautes Parties Contractantes sont convenues:

Tout délit, plus ou moins grave, commis par les Sujets de l'une des deux Puissances, sur le Territoire de l'autre Puissance, doit, lorsque le coupable est saisi dans ce dernier Pays, être jugé et puni, selon les Lois, et par les Tribunaux du Pays, où a été commis le délit.

Lorsqu'un Sujet de l'une des deux Puissances commet sur le Territoire de l'autre Puissance, dans l'une des Paroisses limitrophes entre la Suède et la Russie, un des délits mentionnés dans l'Article VII. de l'Acte de Démarcation du 20 Novembre, 1810, tels que meurtres, incendies, brigandages ou vols, et qu'ensuite le coupable se réfugie dans son propre Pays; la Partie lésée, ou l'Accusateur public, pourra s'adresser au Gouverneur de la Province, où s'est commis le crime, pour en obtenir la poursuite légale, et pour lors cette Autorité, après avoir recueilli des éclaircissemens sur l'existence du crime, doit demander l'instruction de la cause, par voie de correspondance avec le Gouverneur de la Province, à laquelle appartient le prévenu.

Ce dernier Gouverneur de Province devra alors prendre des dispositions, non seulement pour que l'instruction de l'affaire soit dévolue au Tribunal, qui, dans la Patrie de l'Accusé, se trouve le plus proche de l'endroit où s'est commis le crime; mais aussi, que le dit Accusé comparaisse au Tribunal, devant en outre donner avis du jour désigné pour l'information, au Gouverneur de Province, qui en a fait la demande, lequel en instruira la Partie intéressée ou l'Accusateur.

Le Lésé et l'Accusateur seront tenus de comparaitre au jour et lieu fixés pour l'information, munis des témoins, ou autres preuves, qu'on pourra produire, et pour la comparution de ceux des témoins, qui ne séjournent pas dans l'enceinte du Pays, où l'information a lieu, ils pourront requérir l'entremise du Gouverneur de Province du Pays, dans lequel les Individus en question sont domiciliés.

Le Tribunal, auquel la cause aura été ainsi dévolue, devra, tant à l'égard des informations, que pour ce qui concerne la détermination de la peine, procéder selon les Lois en vigueur dans le Pays.

S'il se commet des délits moins graves sur la Frontière de la Suède et de la Russie, par un sujet de l'une des deux Puissances, sur le Territoire de l'autre Puissance, et que le coupable soit retourné dans son Pays, celui, qui a été préjudicié, pourra lui-même, ou par mandataire, s'adresser immédiatement au Juge le plus proche de la Frontière du Pays, auquel appartient le Délinquent, et poursuivra contre lui, ses prétensions, selon les Lois de ce dernier Pays, dans lequel il lui sera accordé toute aide et assistance légale.

IX. Les Ratifications de la présente Convention, seront échangées, dans l'espace de 4 mois, ou plutôt si faire se peut, et dans l'endroit que les Hautes Parties Contractantes désigneront.

En foi de quoi les susdits Commissaires Plénipotentiaires, en vertu de leurs Pleinpouvoirs respectifs, ont signé la présente Convention, et y ont apposé le Cachet de leurs Armes.

Fait à Tornea, le 17 Janvier, l'an de grace 1821.

(L.S.) G. PEYRON. (L.S.) H. WARNHJELM.

[Suit l'Instruction pour les Arpenteurs, en langue Suèdoise.*]

A ces causes, nous avons voulu ratifier, approuver et accepter la susdite Convention, avec tous ses Articles, Points, et Clauses, ainsi que l'Instruction y annexée, 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'observer la dite Convention, dans toute sa teneur, sincèrement, fidèlement et loyalement. En foi de quoi nous avons signé la présente de notre propre main et y avons fait attacher notre Grand Sceau Royal.

Fait au Château de Stockholm, le 26ème jour du mois de Février, l'an de grâce 1821.

LAURENT D'ENGESTROM. CHARLES JEAN.

Ratification de Sa Majesté l'Empereur de toutes les Russies, de la Convention susmentionnée.

Nous Alexandre I. par la grâce de Dieu, Empereur et Autocrateur de toutes les Russies, de Moscovie, Kiovie, Wladimirie et Novogorod, Czar de Casan, Czar d'Astrachan, Czar de Pologne, Czar de Sibérie, Czar de la Chersonèse Taurique, Seigneur de Plescow, et Grand Duc de Smolensko, Lithuanie, Wolhynie, Podolie, et de Finlande, Duc d'Estonie, de Livonie, de Courlande et Sémigalle, de Samogitie, Belostock, Carélie, Twer, Jugorie, Permie, Wiatka, Bolgarie et d'autres; Seigneur et Grand Duc de Novogorod inférieur, de Czernigovie, Resan, Polozk, Rostow, Jaroslaw, Belo-Osorie, Udorie, Obdorie, Condinie,

* See Martens, Supplement, Vol. IX. Part 2. Page 265.

Witepsk, Mstislaw, Dominateur de tout le côté du Nord et Seigneur d'Ivérie, de Cartalinie, de Grusinie et de Cabardinie; Prince Héréditaire et Souverain des Princes de Czircassie, Gorsky et autres; Héritier de Norvège, Duc de Schlesvig Holstein, de Stormarie, de Ditmarsen et d'Oldenbourg, etc. etc. savoir faisons: Que d'un commun accord entre nous et Sa Majesté le Roi de Suède et de Norvège, nos Plénipotentiaires respectifs ont conclu et signé dans la Ville de Tornea, le $\frac{5}{17}$ Janvier, 1821, une Convention, dont la teneur mot pour mot est comme suit.

[Suit la Convention.]

A ces causes, après avoir suffisamment examiné cette Convention, ainsi que l'Instruction y mentionnée dans l'Article IV. nous les avons agréées et nous les confirmons et ratifions par les présentes, dans toute leur étendue, en promettant sur notre parole Impériale, pour nous et nos Successeurs, que tout ce qui est stipulé dans les dites Convention et Instruction, sera observé et rempli inviolablement. En foi de quoi nous avons signé notre présente Ratification Impériale et y avons fait apposer le Sceau de notre Empire.

Fait à Laybach, le 28 Février, de l'an de grâce 1821, et de notre Règne la 20me année. ALEXANDRE.

Le Secrétaire d'Etat, COMTE DE NESSELRODE.

***TRAITE de Paix entre La Suède et La Russie.—Signé à Friedrichshamn, le* 17 *Septembre,* 1809. *(Referred to in the preceding Treaty of* 17*th January,* 1821.)** (Extract.)

ART. IV. SA Majesté le Roi de Suède, tant pour Elle que pour ses Successeurs au Trône et au Royaume de Suède, renonce irrévocablement et à perpétuité, en faveur de Sa Majesté l'Empereur de toutes les Russies et de Ses Successeurs au Trône et à l'Empire de Russie, à tous ses droits et titres sur les Gouvernemens ci-après spécifiés, qui ont été conquis par les Armes de Sa Majesté Impériale dans la présente Guerre sur la Couronne de Suède; savoir, les Gouvernemens de Kymenegärd, de Nyland et Tavestehus, d'Abo et Biorneborg, avec les Iles d'Aland, de Savolax et Carelie, de Wasa, d'Uleaborg, et de la partie de Westrobothnie située à l'Est de la Rivière de Tornéa, comme il sera fixé dans l'Article suivant, sur la démarcation des Frontières.

Ces Gouvernemens avec tous les Habitans, Villes, Ports, Forteresses, Villages et Iles, ainsi que les dépendances, prérogatives, droits et émolumens, appartiendront désormais en toute propriété et souveraineté à l'Empire de Russie et lui restent incorporés.

Pour cet effet Sa Majesté le Roi de Suède promet et s'engage, de la manière la plus solemnelle et la plus obligatoire, tant pour Elle que

pour ses Successeurs et pour tout le Royaume de Suède, de ne jamais former aucune pretension directe ou indirecte sur les dits Gouvernemens, Provinces, Iles, et Territoires, dont tous les habitans seront en vertu de la dite rénonciation, dégagés de l'hommage et serment de fidélité qu'ils ont prêté à la Couronne de Suède.

V. Le Détroit nommé mer d'Aland (Alando Haf) le Golfe de Bothnie et les Rivières de Tornéa et Muonio, formeront dorénavant la Frontière entre l'Empire de Russie et le Royaume de Suède.

A distances égales des côtes, les Iles plus rapprochées de la terre ferme d'Aland et de la Finlande appartiendront à la Russie; la Suède conservera celles qui avoisinent ses côtes.

A l'embouchure de la Rivière de Tornéa, l'Ile de Bjorkoë, le Port de Reutchamn et la presqu'ile sur laquelle est située la Ville de Tornea, seront les points les plus avancés des Possessions Russes, et la Frontière se prolongera le long de la Rivière de Tornéa jusqu'au confluent des 2 branches de ce fleuve près de la forge de Kengis, d'où elle suivra le cours du fleuve Muonio en passant devant Muonioniska, Muonio Ofreby, Palojoens, Kultane, Enontkis, Kelottijerfvoi, Paitiko, Nuimaka, Raunia et Kilpisjaure, jusqu'à la Norvège.

Dans le cours des rivières de Tornéa et de Muonio, tel qu'il vient d'être désigné, les Iles situées à l'Est du Thalweg de cette Rivière appartiendront à la Russie, et celles à l'Ouest du Thalweg à la Suède.

D'abord après l'échange des Ratifications, on nommera des Ingénieurs de part et d'autre, qui se rendront sur les lieux, pour établir les limites le long des rivières de Tornéa et de Muonio sur la ligne tracée ci-dessus.

Fait à Friedrichshamn, le $\frac{5}{17}$ Septembre, l'an de grace, 1809.

COUNT STEDINGK.
A. F. SKIOLDEBRAND.
LE COMTE NICOLAS DE ROMANZOFF.
DAVID D'ALOPEUS.

ACTE de Démarcation des Frontières entre Sa Majesté le Roi de Suède et la Couronne de Suède, d'une part, et Sa Majesté l'Empereur de toutes les Russies et l'Empire de Russie, de l'autre; conclue à Tornea, le 20 *Novembre* 1810. *Ratifié à Stockholm le* 5 *Décembre, et à Pétersbourg le* 5 *Décembre,* 1810. *(Referred to in the preceding Treaty of* 17*th January,* 1821*).*

Nous Charles, par la grace de Dieu, Roi de Suède, etc., savoir faisons, qu'en conséquence de l'Article V du Traité de Paix conclu à Frédrichshamn le 17 Septembre 1809, entre nous et Sa Majesté l'Empereur de toutes les Russies, ayant cru, pour l'affermissement du bon voisinage et de la confiance, devoir procéder sans délai au réglement des limites entre notre Royaume d'un coté et l'Empire de

Russie de l'autre; et ayant rencontré des sentimens analogues de la part de Sa Majesté Impériale, nous avons, ainsi que Sa Majesté Impériale, nommé à cet effet des Commissaires, lesquels, en vertu de nos Pleins-pouvoirs respectifs, ont été autorisés à arrêter, conclure et signer un Acte de Démarcation entre la Suède et la Russie, savoir; de notre part, nos amés et féaux le Sieur Gustave Baron de Boye, notre Aide-de-camp Général, etc., et le Sieur Pierre-Adolphe Ekorn, notre Vice-Gouverneur du Gouvernement du Nord Bothnie, etc.; et Sa Majesté l'Empereur de Russie, le Sieur Pierre Engelmann, Colonel à la suite de Sa Majesté Impériale, etc., et le Sieur Paul Baron de Nicolai, Conseiller de Collége du Département des Affaires Etrangères: Lesquels Commissaires Plénipotentiaires se sont rendus dans la Ville de Tornea, où, après avoir échangé leurs Pleins-pouvoirs respectifs, ils ont conclu, signé et scellé, le 20 du mois de Novembre dernier, un Acte de Démarcation, dont la teneur suit:

Au nom de la Très-Sainte et Indivisible Trinité.

Sa Majesté le Roi de Suède et Sa Majesté l'Empereur de toutes les Russies, également animés du désir d'assurer à jamais l'union et la bonne intelligence entre leurs Etats contre les moindres cas qui pourraient y porter atteinte par le voisinage immédiat des deux Monarchies, ont jugé nécessaire de fixer d'une manière précise, par un Acte formel de Démarcation, les nouvelles limites qui doivent séparer désormais leurs Etats respectifs d'après les Stipulations du Traité conclu à Frédrichshamn, le 17 Septembre 1809. A cet effet, leurs dites Majestés ont nommé leurs Commissaires Plénipotentiaires; savoir, Sa Majesté le Roi de Suède, le Sieur Gustave Baron de Boye, et le Sieur Pierre Adolphe Ekorn.

Et Sa Majesté l'Empereur de Russie, le Sieur Pierre Engelmann, et le Sieur Paul Baron de Nicolai, lesquels, après avoir échangé leurs Pleins Pouvoirs trouvés en bonne et due forme, ayant visité les Frontières, et en ayant fait dresser des Cartes exactes, sont convenus des Articles suivans:

Art. I. La Ligne de Démarcation entre le Royaume de Suéde et l'Empire de Russie, partant de la Frontière Norwégienne entre les deux montagnes Kolta-Pahta et Kecokima-Pahta ou Paikas-Waara, du point où la petite rivière Radje-Johka prend sa source dans le lac Kolta-Jaur, descend cette rivière à travers le lac Kuokima-Jaur, jusqu'à son embouchure dans le lac Ylinen-Kilpis-Jaur, puis coupant en deux ce premier lac, ainsi que le second Alanen-Kilpis-Jaur, et passant delà par le lac Tatsa-Jaur dans le Kongama, elle suit le chenal de ce fleuve à travers les lacs Kjeli-Jaur, Mucka-Jaur, Pousu-Jaur, Latina-Lahti, Naimaka-Jaur, Kallotti-Jaur, jusqu'au confluent de Kongama et du Latas-Eno; de ce point où le Muonio prend son nom, la Ligne continue le long de ce fleuve, et après son embouchure dans le Tornea, elle suit le chenal de ce dernier jusqu'au nord de la

presqu'ile Svensaro; ici elle quitte le chenal, et passant à l'ouest par le ruisseau nommé le Naran et le golfe de la Ville, laissant l'ile Kalfholmen à droite, elle rejoint le chenel du fleuve au sud de la Ville deTornea le suivant ensuite jusqu'à l'embouchure du fleuve dans la mer. De cette maniére, toutes les Possessions situées à la droite de cette Ligne, appartiennent à la Suède, et celles à la gauche à la Russie. Les endroits de frontière du côté Suédois du nord au sud, sont; Mauro, Gunnari, Karetsuvando, Kuttanen, Muonion-Alusta, Parkajoensumi, Kuncki, Kiexiowarra, Vttumusdka appartenant à la forge de Kengis, Kardis,Jarliois, Pello, forge de Svansten, Juoxanki, Marjosaari, Kuivakangas, Haapakila, Matarengi, avec l'église d'Osver-Tarnea, Ruskola, Alkula, Niemis, Armassaari, Koivukyla, avec l'église de Hietanemi, Peckila, Vitzaniemi, Potila, Korpikyla, Carungi avec l'église de Karl Gustaf, Kuckola, Vajackala, Mattila, Haaparanda. Les endroits du côté Russe sont; Naimaka, Kellotti, l'église d'Enontekis, Palojoensun, Songa-Muodka, Ketkesnvando, Ofver-Muonioniska, Neder-Muonioniska, Killangi,Kolare, Joekijalka, Pello, Mammila, Turtula, Juoxangi, Kauosaari, Marjosaari, Kauliranda, Kuivakangas, Narki, Alkula, Niemis-Armassaari, Helsingsby, Korpikyla, Karungi, Kuckola, Najackala, Kiviranda, la Ville de Tornea sur la presqu'ile de Svensaroe, l'église de Neder-Tornea, Hallala, et Netsaari sur l'ile de Bjorkon. Depuis l'embouchure du Tornea dans la mer, la frontière se prolonge le long du golfe de Bothnie à travers le milieu du Quarken et du Alandshaf jusqu'à la mer Baltique, de manière qu'au nord du golfe les îles de Bockholm, de Sællœn, avec le port de Reutchamm, ainsi que l'ile de Ostra-Sarven-Maat, et au sud les iles d'Aland et celle de Singelskar, sont les points les plus avancés des Possessions Russes.

Toutes les Iles situées à l'est de la plus grande profondeur des lacs et du chenal ou thalweg des trois fleuves nommés ci-dessus, appartiennent à la Russie, et celles à l'ouest de la même Ligne à la Suède, à l'exception seule de la presqu'ile Svensaroe, sur laquelle se trouve la Ville de Tornea.

De même, depuis l'embouchure du fleuve Tornea, les Iles les plus rapprochées des côtes de la Finlande et de la terre ferme d'Aland appartiennent à la Russie, et à la Suède celles qui avoisinent ses côtes.

II. Les rivières Tornea, Muonio et Kongama faisant frontière entre les deux Etats, il est entendu qu'elles sépareront desormais toute propriété particulière, situées sur les deux rives opposées, de manière que celui qui en a la possession, sera obligé d'abandonner l'un ou l'autre côté du fleuve. Mais en considération de la situation particulière des habitans de ces rives, les Hautes Parties Contractantes sont convenues de prolonger à leur égard jusqu'à 5 ans le terme de 3 ans fixé par le Traité de Frédrichshamn, pour l'établissement de leurs Sujets respectifs dans l'autre Pays, ou l'aliénation de leurs biens.

En attendant, la séparation de ces propriétés s'effectuera, pour la convenance commune des intéressés, au moyen d'échanges réciproques par-tout où ce mode sera applicable. Les Autorités respectives sur les lieux veilleront à ce que justice soit faite à chacun dans ces transactions, ainsi que dans les ventes et achats de terres devenus indispensables.

Par suite de cette même sollicitude des Hautes Parties Contractantes pour le bien-être de leurs Sujets respectifs, la jouissance des possessions sur les Iles des susdits fleuves et lacs est à jamais assurée aux anciens Propriétaires, quand même la ligne de démarcation rangerait ces Iles du côté opposé; bien entendu cependant que ce privilège ne s'étendra point sur les Iles Flurinsaari, Fligarinsaari, la presqu'Ile Svensar-o et les Iles au sud de cette dernière, les propriétés mixtes, s'il s'en trouvait sur plusieurs Iles voisines ou sur la surface d'une grande Ile isolée, devront être échangées les unes contre les autres, autant que faire se pourra.

Les 5 années écoulées, les Possesseurs de chaque Ile auront à payer conjointement une redevance annuelle de 48 copeks en cuivre, ou 8 skillings argent de banque Suèdoise, en signe de reconnaissance que le terrein dont ils ont l'usufruit, appartient à l'autre Souverain. Ces redevances ayant été recueillies par les préposés des usufruitiers, liquidation en sera faite de part et d'autre avant l'expiration des 3 premiers mois de l'année.

III. Il sera permis aux Habitans des 2 Rives du Tornea et Muonio de fréquenter leurs anciennes églises pendant l'espace de 3 ans, à compter du jour de l'échange des Ratifications du présent Acte, à la charge de pourvoir jusqu'à ce terme, comme par le passé, à l'entretien des Prêtres et des autres Employés d'église, et pour cet effet aucun droit de douane ne sera levé sur les dîmes que ces Habitans auront à remettre. Au bout de 3 ans, tout rapport entre les paroisses des 2 rives ayant cessé, ceux des Sujets de l'une ou de l'autre Puissance qui auront été séparés de leurs anciennes églises, seront dédommagés, d'après un estimé sage et raisonnable, de ce qu'ils auront contribué anciennement à l'établissement commun des églises, des maisons de prêtres, des magasins et maisons de paroisse, y compris aussi les maisons de justice. Tous ces comptes seront réglés avant l'expiration du même terme.

IV. Les différentes voies de communication dont se sont servis jusqu'à présent les Habitans des deux Frontières, tant pour des objets de nécessité que de commerce, leur sont assurées pour l'avenir.

Ainsi tout Bâtiment Russe aura pleine liberté de passer et repasser par le chenal conduisant du Port de Reutchamn à la grande mer, comme tout bateau Suédois par le bras du Tornea, qui sépare la Ville de ce nom du Continent Russe. De même la libre navigation dans

toute l'étendue du cours des 3 fleuves et des lacs précités, subsistera comme par le passé. Il sera permis à tout bateau de prendre terre à la rive opposée aussi souvent que ce sera nécessaire pour la sûreté de la navigation ou le halage des bateaux. Egalement il sera loisible aux habitans de toute la rive opposée de se servir du chemin de terre menant d'Osver-Tornea à la Ville de Tornea, à la seule charge de contribuer comme auparavant, à l'entretien de ce chemin, tant qu'ils profiteront de cette liberté.

Dans aucun des cas précités, les Sujets de l'une ou de l'autre Puissance ne seront molestés. Il ne sera levé aucun droit sur leurs denrées ou marchandises pour le simple passage par les eaux ou le Territoire de l'autre Souverain. La paisible jouissance des Iles leur étant assurée par l'Article II, il s'entend de soi-même que tout individu en emportera le plein produit dans telle saison qu'il voudra, sans jamais être sujet à aucune imposition quelconque.

V. La pêche du saumon dans la Rivière de Tornea, telle qu'elle a été réglée par les Lettres Royales du 13 Septembre, 1791, est formellement garantie pour les 100 ans y énoncés, aux Possesseurs actuels, qui continueront à la faire en commun et à en partager le produit comme par le passé. Le droit annuel payable à chacune des deux Couronnes, sera proportionné à la part que se trouvent avoir à cette ferme leurs Sujets respectifs.

Les Gouvernemens des Provinces de Nord-Bothnie et d'Uleabourg empêcheront qu'aucune nouvelle estacade ne soit établie, sinon par un commun accord entre les intéressés, et qu'en général aucune atteinte ne soit donnée au privilége des teneurs actuels de ladite pêche. Les 100 années expirées, il sera fait un nouvel arrangement sur cet objet.

Pour ce qui est de l'exercice des autres pêches, il ne s'étendra désormais de l'un et de l'autre côté que jusqu'aux limites qui séparent les deux Etats.

VI. La description topographique qui indiquera, d'après les Cartes dressées, dans les moindres détails, la direction des limites et l'emplacement des poteaux et autres marques de bornage, munie de la Signature et du Sceau des Commissaires respectifs, aura la même force et valeur que si elle était insérée mot à mot dans le présent Acte.

VII. La tranquillité et la sûreté des paisibles Habitans de ces Frontières, étant trop exposées par la grande facilité aux malfaiteurs de se soustraire à leurs justes punitions, en passant sur le territoire de l'autre Puissance, il est convenu que tout meurtrier, incendiaire, brigand ou voleur qui, après avoir commis un crime dans une des Paroisses limitrophes s'évadera sur le Territoire Etranger, sera saisi et livré à son Gouvernement aussitôt que réquisition en aura été faite; mais en cas que l'Accusé soit Sujet de l'Etat où il se sera réfugié après avoir

commis le crime sur le Territoire Etranger, il sera jugé et puni par son propre Gouvernement, avec la même rigueur que s'il s'était rendu coupable envers celui-ci.

VIII. Les Ratifications du présent Acte seront échangées dans cette Ville de Tornea dans l'espace de 30 jours, ou plus tot si faire se peut.

En foi de quoi les susdits Commissaires Plénipotentiaires, en vertu de leurs Pleinspouvoirs, ont signé le présent Acte de Démarcation et y ont apposé le Cachet de leurs Armes.

Fait à Tornea, le 20 (8) Novembre, 1810.

GUSTAVE DE BOYE. PIERRE ENGELMANN.
PIERRE A. EKORN. PAUL, BARON DE NICOLAI.

SPEECH of the Russian Minister of Finance, on the Opening of the Council of Credit.—24th May, 1821.

Le Conseil de Surveillance des Etablissemens de Crédit, s'étant réuni, Son Excellence M. le Comte de Gourieff, Ministre des Finances, a ouvert la Séance par le Discours suivant :

Messieurs,

Les Chefs des Etablissemens de Crédit vont vous présenter les Comptes de leurs opérations pendant l'année 1820 : je vous tracerai seulement le Tableau des principaux résultats que vous retrouverez ensuite avec plus de détails dans l'examen qui est l'objet de votre réunion ; qui vous prouvera que nous n'avons point dévié de la marche qui avoit été prescrite et que nos progrès doivent nous confirmer dans l'espoir d'un heureux succès.

Commission d'Amortissement.—Parmi les dettes à termes vous n'en trouverez point de nouvelles. Au contraire notre dette en Hollande se trouve diminuée de 1,000,000 de florins. On a remboursé à compte de celles contractées dans le Pays 19,700 rbls. argent, et 6,154,497 rbls. 95 cop. assignat. ; ainsi ces dettes se réduisent au 1er Janvier, 1821, à 3,373,180 rbls. argent et 47,514,230 rbls. 67 cop. assign.

Dans ce nombre sont compris les sommes dûes aux Maisons Impériales des Enfans-trouvés.

Quand le Conseil de Tutèle offrit aux particuliers la facilité de remettre les termes de remboursement à 12 ans, cette même mesure fut étendue à la dette de la Trésorerie ; en conséquence la Commission n'auroit rien eu à payer dans le courant de 1820 à compte du capital ; mais comme par une suite de cette disposition, il se trouvoit à la fin de l'année, rester une somme assez considérable des 30,000,000

affectés par le Manifeste de 1817 au payement des dettes, et désirant autant que possible en utiliser le montant, j'ai demandé et obtenu de Sa Majesté l'Empereur l'autorisation de l'employer à rembourser aux maisons des Enfans trouvés 4,045,339 rbls. 62 cop. assig. et 12,000 rbls. arg.

Les dettes à rentes perpétuelles se sont accrues de 2,596,500 rbls. arg. et 2,308,100 rbls. assig.

Ce sont d'anciennes créances sur l'Etat qui, reconnues valides ont été portées au Grand Livre de la Dette Publique.

Si le travail pénible de la vérification d'anciennes créances, qui doit nécessairement précéder leur consolidation, ne peut pas être aussi accéléré que le désireroient les créanciers et le Gouvernement lui-même, du moins les mesures que vous avez arrêtées dans votre précédente Session, nous mettront bientôt à même d'en connoître le montant.

Vous remarquerez aussi que 1,000,000 métallique a été inscrit pour satisfaire les créanciers de diverses dépendances du comptoir de la Cour; mais comme ces dettes ont été contractées après l'établissement de la Commission d'Amortissement, on a assigné un fond particulier en sus des 30,000,000 fixés par le Manifeste de 1817.

Vous verrez également que nous avons inscrit 13,250,000 rbls. métalliques portant 5 pour cent de rente perpétuelle. Ils font partie d'un Emprunt de 40,000,000 fait en 1820 par un arrangement conclu avec les maisons Baring et Hope.

On s'est déterminé à contracter en roubles métalliques parce que toutes les améliorations du papier rendront plus avantageuses pour le Gouvernement les conditions de cet Emprunt, qui a été fait pour donner un nouvel élan aux mesures prises dans le but d'accélérer l'amélioration de notre papier monnoie.

Celle-ci quoique lente a été progressive. Du taux moyen de 418 auquel étoit le rbl. argent. en 1815, nous l'avons vu successivement baisser en 1816 à 403, en 1817 à 383, en 1818 à 379, en 1819 et 1820 à 373. Elle auroit été plus sensible, si d'autres causes que celle de la masse du papier monnoie, et dont je vous ai entretenu dans vos précédentes Sessions, ne coucouroient pas à influer sur sa valeur.

Quoique l'Emprunt soit de 40,000,000, on n'a inscrit en 1820 que le 1er semestre de 13,250,000 rbls. métalliques par des raisons qui vous seront exposées quand on vous rendra compte des conditions de cet Emprunt.

Ces accroissements des rentes perpétuelles sont contrebalancés par l'effet du Capital d'Amortissement. Vous verrez, Messieurs, qu'il étoit déjà en 1820 de 235,894 rbls. métalliques et de 6,056,729 rbls. assig. au nombre desquels la commission compte déjà près de 900,000

roubles de rentes, qu'elle a acquises, ce qui répond au Capital de 15,000,000 rachetés.

Ce Capital augmentera encore cette année, et cet accroissement consolidera toujours de plus en plus le crédit dont nos fonds jouissent en Europe; le taux auquel ils se soutiennent, prouve déjà combien ce capital est considérable et qu'il offre aux Créanciers assez de facilités pour les réaliser dès qu'ils le désirent; leur hausse progressive et le taux auquel ils se maintiennent ont parfaitement répondu à toutes nos espérances. Si en Russie ils ont encore peu de circulation, du moins est-on revenu de l'idée que l'argent placé dans ce genre d'effets, l'étoit à fonds perdus, on voit la possibilité, je dirai plus, la facilité de les réaliser, lorsqu'on a besoin d'une autre valeur; ceux qui dès le commencement ont profité de ce mode de placement, ont pu gagner dans les inscriptions en assignats, la différence de 82½ et 85 à 104 et de celle en métalliques à 6 p.Ct. de 85 à 92; on a remarqué avec plaisir que ces bénéfices ont attiré plusieurs Capitalistes Russes à s'intéresser dans le nouvel Emprunt, et on peut espérer qu'à l'avenir, ils y prendront une plus grande part.

Tous nos dettes à rentes perpétuelles rachetables se bornent au 1er de Janvier de cette année à: 9,202,760 rbls. métalliques et 201,314,480 rbls. assig. 6 p.Ct. et 13,250,000 rbls. métalliques à 5 p.Ct. de rente.

Celles inaliénables se montoient à: 39,812 rbls. métalliques, et 37,795,411 rbls. assig. à 6 p.Ct.

Par les mesures prises pour l'amélioration du papier monnoie, on en a retiré de la circulation dans le courant de 1820 pour: 37,242,410 rbls. assig.: qui vont vous être présentés pour être brûlés.

Dans ce nombre sont, 16,851,394 rbls. 39 cop. provenant du nouvel Emprunt qui, à compte des 13,250,000 rbls. métalliques inscrits en 1820, ont été payés jusqu'au 1er de Janvier de l'année courante; en vertu des engagemens pris par les maisons contractantes et qui seront portés à votre connoissance, quand l'année prochaine on vous présentera un compte détaillé de cette transaction.

Y compris ces 37,242,410 rbls. on aura retiré de la circulation et brûlé: 191,109,420 rbls.

Banque des Assignats.—Je vous ai annoncé l'année dernière, que je mettrois sous vos yeux la masse du papier monnoie en circulation dès que l'échange des anciens billets seroit terminé.

Nous comptions avoir livré à la circulation jusqu'en 1817, lorsque nous avons adopté le système que nous suivons actuellement: 836,000,000 rbls.

La Commission d'Amortissement en a retiré jusqu'au 1er Janvier de cette année: . . . . 191,109,420 rbls.

Il auroit donc dû rester: 644,890,580 rbls.

Mais la quantité de billets que la Banque a retiré par le moyen de l'échange ne monte qu'à: 632,603,115 rbls.

Pendant 34 ans que les anciens assignats ont circulé, il s'en seroit donc perdu au bénéfice de la Banque pour la somme de 12,287,465 rbls.

Cependant comme on en a présenté à la Banque de faux, qu'elle a échangés pour la somme de: 6,857,155 rbls.

Le bénéfice réel n'a été que de: 5,430,310 rbls. et la masse actuellement circulante des nouveaux billets est de: 639,460,270 rbls.

La Banque des assignats vous soumettra elle-même le détail des opérations de cet échange, ainsi que celui des autres opérations qui lui sont confiés.

Je vous prie, Messieurs, de fixer particulièrement votre attention sur les Comptes détaillés de l'échange des anciens assignats:—cette opération nous a mis à même de connoître exactement la masse des billets qui se trouvent actuellement en circulation.—L'examen que vous allez en faire vous fournira l'occasion de vous convaincre de leur exactitude, et le témoignage que vos devoirs vous appellent à rendre du résultat de vos recherches, servira au public de garantie irrécusable sur le montant actuel de la masse du papier monnoie, et que celle-ci à l'avenir ne sera point augmentée, mais que vous serez informés de toutes les diminutions qu'elle pourra subir.

Banque d'Emprunt.—Sans entrer dans le détail de ses revirements, que vous trouverez dans son compte rendu, je me bornerai à attirer votre attention, Messieurs, sur ce qui compose le fonds de cet établissement.

Au 1er Janvier de l'année courante la Banque possédoit tant au comptant qu'en créances sur les particuliers: Assignat. 137,767,428 rbls. 66¼ cop. Arg. 1,560,446 rbls. 31¼ cop. Or. 60,934 rbls. 42¼ cop.

La Banque devoit à ceux qui lui avoient confié leurs capitaux: Assignat. 134,337,509 rbls. 39½ cop. Arg. 74,551 rbls. 35 cop. Or. 10,563 rbls. 25 cop.

Par conséquent, il lui restoit un excédent de: Assignat. 3,429,919 rbls. 26¼ cop. Arg. 1,485,894 rbls. 96¼ cop. Or. 50,371 rbls. 17¼ cop.

En y ajoutant ce qu'elle a prêté à des particuliers de ses bénéfices et qui se monte à 1,626,382 rbls. 71¼ cop. assignat. ainsi que ce qui lui reste au comptant 133,006 rbls. 78¼ cop.

Enfin, en évaluant les monnoies métalliques en assignats au taux qui existoit au 1er Janvier de 373 cop. il se trouve que la Banque, après avoir satisfait tout ce qu'elle devoit, avoit acquis jusqu'au 1er Janvier de profit net, depuis son établissement: 10,919,581 rbls. 50¼ cop.

J'ai eu l'honneur de vous prévenir, Messieurs, l'année dernière, que je projettois de donner à cet établissement une nouvelle organisation, par laquelle son capital seroit destiné à offrir des secours à l'industrie manufacturière.

Cette nouvelle organisation sera présentée à votre examen dans le courant de cette Session.

Banque de Commerce.—Les revirements toujours croissants de la Banque Impériale de Commerce, qui donnent aux Négociants de si grandes facilités, ne sont pas moins utiles pour les autres classes de la société.

Les sommes considérables qu'elle livre à la circulation, ne peuvent que contribuer à modérer le taux des intérêts en général.

Pour offrir de nouveaux secours au commerce et à l'industrie, conformément aux dispositions du Manifeste du 7 Mai, 1817, la Banque en outre du Comptoir qu'elle avoit à Moscou en a établi de nouveaux à Archangel, à Odessa et à Nigninovgorod pendant le temps de la foire qui se rassemble tous les ans dans cette Ville, elle vient d'en ouvrir un encore à Riga et on en établira à l'avenir dans les autres principales Villes de l'Empire.

Dirigés tous vers un même but et se conformant strictement aux mêmes principes, ils ont dans un très-court espace de temps donné une grande extension aux revirements de notre commerce et les ont beaucoup facilités.

Le Compte rendu des opérations de la Banque pendant l'année 1820, vous convaincra, Messieurs, que si d'un côté les ressources de cet établissement se sont accrues d'une masse considérable de capitaux qui y ont été déposés par des particuliers, de l'autre les Négociants, ayant senti tous les avantages qu'elle leur offroit, lui ont confié une grande partie de leurs affaires et ont pour ainsi dire concentré dans la Banque et ses comptoirs tous leurs revirements.

Dans le courant de l'année 1820, avec ce qui restoit de l'année précédente, la Banque et ses comptoirs, ont reçu en transfer plus de 68,000,000: dont 33,000,000 ont passé d'une Ville à une autre par la voie des mandats de la Banque sur ses comptoirs et des comptoirs sur la Banque.

Les dépôts portant intérêts confiés à la Banque et à son comptoir d'Odessa se sont montés à 86,000,000 assig. et 3,000,000 métalliques; en en décomptant ce qui a été redemandé, il est resté au 1er Janvier, 1821: Assig. 58,156,935 rbls. 69 cop. Métall. 555,822 rbls. 55 cop.

Au commencement de l'année 1820, ces dépôts ne se montoient qu'à: 33,304,000 rbls. assig. et 1,933,000 rbls. métall.

Cette augmentation des dépôts prouve que les capitaux et le crédit de la Banque s'accroissent; elle acquiert par là de nouveaux moyens d'étendre ses escomptes en y employant une partie des sommes pour lesquelles elle paye des intérêts à ceux qui les lui ont confiés.

L'année 1820, avec ce qui restoit de 1819, la Banque a escompté des titres pour 182,000,000; ce qui prouve en même temps la circonspection que la Banque a mise dans le choix des titres qu'elle a escomptés, c'est qu'il n'y en a que pour 69,459 rbls. 83 cop. de protestés dont le payement se poursuit par l'entremise des Tribunaux.

La Banque n'a avancé sur marchandises que 5,200,000 rbls. et en en déduisant ce qui lui a été remboursé, il ne lui reste dû que 2,317,687 rbls. Les remboursements se sont tous effectués exactement.

L'escompte a de beaucoup surpassé les avances sur marchandises, ce qui confirme combien le crédit personnel a fait de progrès.

Le fonds ou le capital de la Banque, au commencement de 1820, étoit de 20,910,173 rbls. 14 cop.; pendant le courant de l'année, il s'est accru jusqu'à 24,889,950 rbls. 11 cop.

Les profits nets de la Banque en sus des intérêts qu'elle a payés, et de ceux qu'elle est restée devoir sur les dépôts, qu'on lui a confiés, en sus de ce qu'elle a employés pour son entretien se montent à: 1,946,825 rbls. 45 cop. ce qui fait 7¼ p.Ct. de son capital.

En général la Banque et ses comptoirs ont fait des revirements pendant l'année passée pour: 955,561,231 rbls. assig. et 12,052,842 rbls. métalliques.

Tel est le Tableau des principales opérations de nos établissements de crédit pendant l'année 1820.

Voici quelle étoit leur situation au 1er Janvier, 1821: Les dettes se montoient à 49,100,000 fl. d'Hollande; 25,865,752 rbls. métalliques; et 286,624,121 rbls. assig.

Les dettes à termes se payent exactement aux époques convenues; les dettes à rentes perpétuelles, si on en exclut celles qui ne sont pas rachetables, et celles qui, appartenant à des établissemens publics, ne sont également pas dans la circulation, il ne s'y trouvera que 150,000,000, et le capital d'amortissement s'élèvera cette année jusqu'à 9,000,000.

Nous avons pour 639,000,000 d'assig.

La Banque de Commerce et ses comptoirs, dont le crédit s'étend tous les jours, offrent au commerce et à l'industrie de très-grands sécours.

Enfin, la nouvelle organisation de la Banque d'Emprunt fournira de nouveaux moyens au développement de la richesse nationale.

Vous voyez, Messieurs, que tous nos établissemens de crédit que nous devons à la sollicitude de notre Auguste Monarque pour le bien-être de ses Sujets, concourrent à l'accomplissement de ses vues bienfaisantes; c'est à vous qu'il appartient d'examiner et de constater s'ils remplissent strictement tous les devoirs qui leur sont imposés.

COMTE DE GOURIEFF.

DISCOURS du Roi de Suède, (prononcé par Commissaires) à l'Ouverture de la Session du Storthing de Norvège, le 1er Février, 1821.

REPRÉSENTANS DE LA NATION,

SIX ans sont écoulés depuis l'époque où votre Roi accepta le Pacte, qui, en vous unissant à une Nation descendant des mêmes Ancêtres que vous, assura votre liberté et vous plaça au rang des Peuples indépendans.

Le Rapport, qui vous sera fait sur l'état du Royaume, vous mettra à même d'apprécier les avantages de votre situation actuelle.

Aucune Nation de la terre n'a obtenu des droits et une garantie constitutionnelle avec moins de sacrifices que la Nation Norvégienne.

Mais pour conserver des dons si précieux de la Providence, rappelons nous qu'aucun Peuple n'est digne d'être libre, qu'autant qu'il sait l'être sous la Loi. N'oublions pas, que plusieurs Etats ont lutté pendant long tems contre le despotisme, l'anarchie et la guerre civile; d'autres après avoir essuyé toutes les tempêtes, se sont vus forcés, pour l'intérêt général, de restreindre, de modifier des droits dont la fougue des passions avoit abusé. En examinant toutes les mesures administratives qui ont été prises depuis le Storthing de 1818, vous vous convaincrez de la sollicitude paternelle de votre Gouvernement et de l'activité constante, avec laquelle il veille à votre bonheur.

Il nous reste encore beaucoup à faire, il est vrai. Notre Code civil et criminel n'est pas décrété, la balance et la distinction des pouvoirs ne sont pas clairement établies, mais la reserve que j'ai apporté dans toutes les questions, où mon intervention Royale a été nécessaire, doit vous donner la plus parfaite sécurité.

Le Budget et l'exposé satisfaisant des Revenus du Royaume vous éclaireront sur vos ressources, et vous fourniront les moyens d'adopter des mesures propres à faire face aux devoirs nationaux. La liquidation avec le Gouvernement Danois, au sujet de la dette Dano Norvégienne, est terminée. S'il avoit fallu fixer la quote part de la Norvége d'après l'Article XCIII de la Constitution, et à raison de la population, elle aurait été chargée à-peu-près du tiers de cette même dette; mais les motifs que votre Gouvernement a fait valoir, ont diminué cette quote-part extrêmement au dessous de celle, qui étoit portée à la charge de ce pays.

La Providence a beni nos recoltes. L'accroissement rapide de notre économie rurale nous mettra bientôt, je l'espère, à l'abri des chances de l'avenir.

L'agriculture, les manufactures et les métiers, voilà les grandes sources de la fortune publique, sources qui ne tarissent jamais pour un peuple sobre et laborieux.

La situation commerciale de la Norvège se ressent de la gêne, qui

existe dans toutes les parties du monde. Esperons que les conjonctures deviendront plus favorables, et, en attendant, suppléons par le travail, l'économie et la sagesse, aux embarras que cette stagnation occasionne.

Les relations de paix et de bonne intelligence entre les deux Royaumes de la presqu'ile Scandinave et les Puissances Etrangères, continuent sur le pied le plus amical; et c'est avec une satisfaction bien douce que je puis vous annoncer, que malgré l'incident, désagréable qui est arrivé à Bodoe, j'ai tout lieu d'espérer, que nos relations commerciales ne souffriront aucune atteinte d'un événement, qui s'est présenté sous un aspect peu favorable.

Le Gouvernement de la Grande Bretagne a montré dans cette circonstance, un esprit de conciliation dont j'ai reconnu tout le prix, et il est de notre dignité d'y répondre. Les sentimens des Puissances ne se mesurent pas sur les forces respectives des Etats, mais sur la stabilité des institutions et l'indépendance des Nations. Le but de Votre Roi sera toujours de maintenir cette garantie indispensable pour les Etats du second ordre, et conservatrice de la tranquillité des Peuples. Sa volonté ne pourra jamais être que celle des loix; sa gloire est inséparable de votre liberté.

MESSAGE du Roi de Suède au Storthing de Norvège, sur les changemens à faire à la Constitution.—2 *Août*, 1821.

Le §. 112 de la Constitution du 4 Novembre, 1814, ayant indiqué le moyen d'un changement dans les stipulations de ce Pacte Fondamental, le Roi doit remplir un devoir constitutionnel en appelant l'attention du Storthing sur des questions du plus grand intérêt, autant pour la marche paisible des affaires générales que pour le maintien des libertés de la Nation, libertés, que l'expérience a prouvé ne pas pouvoir exister sans un changement ou interprétation claire et précise de plusieurs Articles de la Constitution.

Sa Majesté indiquera le mal, et, en appelant le remède que les différens cas exigent, elle remplira bien plus ses obligations envers l'avenir qu'elle ne cherchera pour elle même une garantie pour le présent.—Mais, fondateur lui-même de la liberté du Peuple Norvégien, le Roi ne bornera jamais ni ses vues, ni sa sollicitude au tems seul où Il pourra contribuer au bonheur de cette Nation; l'expérience a prouvé qu'un Peuple qui veut maintenir sa tranquillité et sa dignité, et vivre sous la garantie des Lois protectrices de la liberté individuelle et du droit de propriété, ne peut conserver ni l'un ni l'autre lorsque son Roi n'est pas investi d'un pouvoir assez étendu pour les lui garantir

légalement et sans qu'il ait besoin d'avoir recours ni à la force ni à l'arbitraire.

Le veto absolu du Roi entre en premier lieu dans la série de ces questions importantes. Il est de fait que là où il existe un Roi et une Législature, il faut que leurs pouvoirs se balancent pour que l'une de ces deux Autorités ne vienne à empiéter sur les attributions de l'autre. Lorsque ce principe est méconnu, et, qui plus est, lorsque le contraire se trouve consacré dans le Pacte Fondamental, la lutte entre ces deux pouvoirs, qui, pour l'intérêt de tous, doivent marcher de front, se trouve, pour ainsi dire, établi de droit, et le résultat ne sauroit jamais être prévu. Quand l'initiative des Lois appartient également au Roi et à la Législature, quand, pour la rédaction d'une Loi, il faut leur assentiment réciproque, alors les parties sont égales, les chances sont les mêmes, et l'équilibre des droits devient la garantie de la liberté.—Si une méfiance aveugle ou une fausse théorie jettent les Assemblées Législatives dans un sens opposé, et si, en voulant établir, contre les empiétemens présumés de la Puissance Exécutive, des entraves qui donnent à la Législature une prépondérance, basée sur l'arbitraire, puisque dans un Etat bien constitué tout ce qui n'a point un contrepoids, est arbitraire, alors il n'existe plus de garantie; celle-ci exige une base solide et non de mobiles fondemens. Or, tout est mobile lorsque la Législature peut faire des Lois indépendamment du concours et de l'assentiment du Roi. Dans ce cas les répétitions de la Loi adoptée par la Législature, répétitions qui ont lieu parceque la sanction a été refusée, n'invalident en rien tout ce qu'il y a de pernicieux dans le principe; car il n'est point présumable, que, lorsqu'un Roi rejette ce que trois Législatures différentes lui ont proposé, ce rejet ne soit basé sur des considérations tellement majeures que, pour l'intérêt de l'Etat, dont le Roi juge toujours plus impartialement que la Législature, puisqu'il est au dessus de tous les intérêts personnels, cette Loi n'ait été de nature à ne jamais devoir être adoptée.

Nul Souverain constitutionnel en appelle volontiers au droit du veto vis à vis d'une Représentation Nationale; mais le droit doit exister puisqu'il est de son essence conservateur, et qu'il offre un moyen légal pour arrêter une effervescence dangereuse, sans avoir recours à la force, devant la quelle se tait la Loi. Cette effervescence prend souvent sa source dans quelques prétentions locales, dans quelques amours-propres blessés, ou dans quelques ambitions déçues. Une représentation, qui craint son Roi, ou qui méconnait ses conseils, et qui, par suite de cette crainte ou de cette méfiance, veut devenir législatrice exclusive, provoque elle même les dangers, que par un faux calcul elle a voulu prévenir. Si le combat est entamé une fois, et si la Législature domine, il n'existe plus de monarchie, et elle régnera appuyée sur l'anarchie; si la Législature succombe au contraire, elle entraine la liberté dans sa chûte, car quel est le Prince qui ne profite pas d'un succès en politique.

Ce dilemme, qui ne saurait être disputé par les leçons de l'histoire et de l'expérience récente, est trop dangereux pour qu'une Nation sage et éclairée veuille à la longue en courir les chances. Le Roi a trop de confiance dans les lumières du Peuple Norvègien pour ne pas croire qu'il en sentira aussi les funestes conséquences, et qu'il s'empressera de donner à cette partie de sa Loi fondamentale toute la rectification nécessaire.—Dans toutes les crises difficiles le Roi en appellera toujours à lui avec confiance.

Le droit de dissoudre la Représentation Nationale appartient en Angleterre et en France à la Puissance Exécutive, et est surtout nécessaire là, où les convocations extraordinaires n'invalident point les élections, toujours faites pour un certain nombre d'années, soit prescrit, soit usité.—Les objections, qui ont été élevées contre ce droit éminemment constitutionnel, proviennent d'une crainte puérile des mots et non d'un examen réfléchi de la chose même; car cette arme, purement défensive, peut, si l'on en abuse, se tourner aussi facilement contre celui qu'elle est destinée à protéger. Elle corrige toutefois la précipitation des mesures, non seulement du côté de la Législature mais aussi de celui du Gouvernement, et c'est la Nation à laquelle on appelle, qui prononce en dernier ressort, soit en renouvellant soit en annullant ses élections précédentes.

Le droit de révoquer tous les Fonctionnaires Publics, à l'exception des Juges, appartient en Angleterre et en France à la Puissance Exécutive, et doit lui appartenir partout où les affaires générales ont une impulsion prompte et uniforme. Les Agens de l'autorité doivent marcher dans le sens du Gouvernement, par l'unique raison que le Gouvernement doit marcher avec eux, et que la responsabilité des principaux Fonctionnaires est nulle de fait partout où leurs mesures peuvent être entravées dans les sous-ordres par une résistance, soit volontaire soit même d'inertie.

La faculté d'une poursuite légale ne remédie point à cet inconvénient. Il existe tant de nuances dans l'exercice d'un emploi, qui ne sauraient être produites en justice, tandisqu'elles peuvent entièrement satisfaire la conscience d'un Roi éclairé, entouré d'un conseil responsable, et qui le devient véritablement et non d'une manière illusoire et injuste, aussitôt que le Gouvernement se trouve investi de cette autorité.

En faisant de ces principes généraux un retour à la Constitution Norvègienne, le Roi y trouve encore des spécialités très-nécessaires à concilier avec le principe d'éloigner tout prétexte d'intrigue ou de perte de tems, et avec les besoins du Peuple et les motifs d'économie.

Telles sont: le droit de nomination du Roi aux places de Président du Storthing et de ses deux fractions.

La nomination de Secrétaires parmi des individus hors du Storthing.

Un ordre de travail plus précis, qui, en classifiant les affaires dont le Storthing devra s'occuper, écarte les longueurs et ne remette point jusqu'à la fin de la Session les affaires souvent les plus importantes.

C'est par tous les motifs susmentionnés que le Roi propose au Storthing la rédaction suivante des Articles de la Constitution qui subiraient les modifications que Sa Majesté vient d'indiquer. Sa Majesté espère que si ces propositions sont adoptées, les libertés Nationales y trouveront une garantie qu'elles n'ont point en ce moment, tout en paraissant en avoir davantage. Le Roi ne se dissimule point tout ce qu'il y a de contraire aux vrais principes d'un Gouvernement mixte, en ce que la Législature de Norvège est composée de 2 fractions homogènes dans sa formation, et, ce qui pis est, dans le résultat définitif de son Autorité Législative; mais Sa Majesté se borne pour le moment à indiquer ce qu'il y a de plus essentiellement dangereux, d'après sa conviction, pour la jouissance paisible des droits que le Roi a accordés à la Nation Norvègienne, et dont aucun ne peut être aussi intéressés que lui à maintenir la pureté et à prolonger l'existence.

§ XV. Pendant le séjour du Roi en Suède il aura toujours auprès de lui le Ministre d'Etat de la Norvège et deux des Membres du Conseil Norvègien, les quels alterneront à la volonté du Roi, de manière cependant qu'aucun des Conseillers d'Etat n'y reste de suite au de-là de la 3me année. Ils seront chargés des mêmes devoirs et de la même responsabilité &c. &c. (voyez la Constitution.)

§ XXII. Tous les Fonctionnaires Royaux, les Juges exceptés, pourront, sans jugement préalable, être destitués par le Roi, après qu'il aura entendu son Conseil Norvègien; quant à la pension à accorder aux Fonctionnaires ainsi déstitués, &c. &c. (voyez la Constitution.) Les Juges ne peuvent être que suspendus, &c. &c. (voyez la Constitution.)

§ LXVIII. L'ouverture du Storthing se fera ordinairement le 1er jour ouvrier du mois de Juin, tous les 3 ans, dans la Capitale ou autre Ville du Royaume.

§ LXXI. Les Membres du Storthing continueront leurs fonctions, comme tels, pendant 3 ans consécutifs, tant aux Storthings extraordinaires qu'ordinaires qui pourroient être tenus pendant ce tems; à moins que le Roi, avant l'expiration de ce terme, ne juge à propos de dissoudre le Storthing pour pouvoir procéder à de nouvelles élections. Une telle dissolution ne dois cependant pas avoir lieu dans le courant des 3 premiers mois de l'assemblée d'un Storthing ordinaire.

§ LXXIV. Aussitôt que le Storthing se sera organisé, le Roi, ou celui qu'il aura commis pour cela, en fera l'ouverture par un Discours, dans lequel il l'informe de l'état du Royaume et des objets sur lesquels il désire particulièrement attirer l'attention du Storthing. Aucune délibération n'aura lieu en présence du Roi. Le Storthing choisira parmi ses Membres un quart pour former le Lagthing: les autres trois quarts composeront le Odelsthing.—Chacune de ces 2 Chambres aura

ses assemblées particulières. Le Roi nommera, pour le tems de la durée d'un Storthing, les Présidents du Storthing, du Lagthing et du Odelsthing, parmi les Membres de chacune de ces assemblées. Ces Présidents perdent leur droit de voter dans les assemblées, pendant les Sessions ; leurs Suppléants seront ainsi appelés à siéger au Storthing. Le Roi nommera aussi les Vice-présidents, qui perdront également leur droit de voter, aussi long-temps qu'ils seront Présidents.—Chaque Chambre nommera, pour son Secrétaire, un individu hors du Storthing.

§ LXXV. Litr. a. Au lieu du 1 Juillet, le 31 Décembre.

§ LXXIX. Entièrement abrogé.

§ LXXXI. Ces mots "excepté celles mentionnées au § 79" seront omis.

§ LXXXII. Le point "e" sera abrogé.

§ XCII. (Point e.) Ou qui auront été naturalisés.

Nouveau § entre les Articles 84 et 85.

Le Storthing s'occupera de préférence des affaires suivantes :

De celles que le Roi lui a fait transmettre ;

De celles qui lui ont été transmises constitutionnellement par le Storthing ordinaire précédent, pour être décidées ;

De celles que le Storthing, aux termes du § 75 de la Constitution, est tenu de discuter ;

De celles enfin qui se lient essentiellement aux affaires ci-dessus mentionnées.

Dans les Storthings extraordinaires, les seules affaires transmises de la part du Roi pourront être mises en discussion.

DISCOURS du Roi de Suède, à la Clôture du Storthing de Norvège, le 21 *Août,* 1821.

Les évènemens politiques dont nous avons été témoins depuis un an, ont dû vous convaincre, Messieurs, de l'attention suivie que les Gouvernemens ont attachée au maintien de l'ordre et de la tranquillité en Europe. La Norvège n'y pouvoit point rester étrangère. A mesure que les droits dont elle jouit offraient des points de comparaison, l'usage que les Législateurs feraient de ces droits devait nécessairement fournir le sujet d'une observation générale.

S'il est de la nature du régime Constitutionnel de favoriser le développement des idées, il est aussi du devoir des hommes éclairés, de prévenir les dangers d'une exaltation outrée. Le passé est loin de nous ; profitons-en pour diriger nos pensées vers un avenir qui reclame toute notre sollicitude.

Ce n'est qu'après un examen réfléchi de mes devoirs et des besoins de la Nation, que je vous ai fait remettre les différentes propositions

pour des changemens dans l'Acte Constitutionnel. Je n'ai été guidé que par le désir de maintenir et de consolider la liberté que j'ai acquise au Peuple Norvégien; ce titre à sa réconnoissance étant le plus chèr et le plus désirable que je puisse ambitionner. Je me flatte que l'opinion publique bien dirigée, saura apprécier mes intentions, et je dois compter à cet égard sur la franche et loyale coopération de la Représentation Nationale. Faites sentir à vos Concitoyens, que la liberté n'est stable que lorsque le Gouvernement est fort; qu'il n'existe point de garantie là, où les pouvoirs sont imparfaitement balancés, et qu'un Etat Constitutionnel, qui veut éviter des secousses, dont les suites sont incalculables, doit rejeter toute prépondérance exclusive sur un Gouvernement Protecteur.

La résolution que vous avez prise pour l'acquittement de votre ancienne dette au Dannemarc, influera d'une manière favorable sur le crédit public. Je ne me dissimule point les difficultés qui nous restent encore à vaincre. Elles proviennent en partie de la stagnation du commerce, dont l'activité fournirait un aliment si utile à l'industrie et aux finances de la Norvège; mais ma constante sollicitude pour votre bien-être s'élèvera à la hauteur des circonstances, et j'espère que la Providence bénira nos efforts.

Fier de commander à un Peuple qui jouit du beau droit de publier sa pensée et d'énoncer hautement ses opinions, je saurai respecter des courageuses vérités tout en réprimant la licence. La vrai literature, une des parties essentielles de la gloire nationale, repousse l'injure et la calomnie: l'auteur véritablement Citoyen doit être le premier à reconnaître, que lorsque les devoirs sont méconnus, les droits cessent d'exister.

Je vois avec plaisir l'approche du terme où le zèle et les lumières de ceux auxquels a été confiée la tache importante de rédiger un nouveau Code pour le Royaume, feront disparoitre toute contradiction entre les principes de vos anciennes loix et les droits que vous avez acquis. Le vague se présente surtout dans la question sur la résponsabilité de mes Conseillers d'Etat. Ces Fonctionnaires sont exposés dans tous les Pays Constitutionnels à la facilité des remarques; il leur faut du moins la garantie de ne pouvoir être jugés que d'après des principes fixes, et non d'après des analogies arbitraires ou illusoires. Je me propose de regler les attributions Constitutionnelles de chaque Conseiller d'Etat, et je ferai présenter au Storthing prochain, un Projet de Loi sur leur responsabilité, qui donnera à la Représentation Nationale la mesure de ses prérogatives.

La situation politique de la presqu'Isle Scandinave à l'égard des autres Etats de l'Europe ne laisse rien à désirer pour la continuation de nos relations d'amitié. C'est à nous à maintenir ces élémens si importans pour l'existence de toute société bien organisée.

En déclarant maintenant, conformément à la Loi, que les Sessions du Storthing Ordinaire de 1821 sont terminées, je vous renouvelle, Messieurs, l'assurance de mes sentimens et de toute ma bienveillance Royale.

SPEECH of the King of Wirtemberg, on the Closing of the First Session of the States.—26th June, 1821.

NOBLE, BELOVED, AND FAITHFUL SUBJECTS, (Translation.)

ON the termination of the labours of the first Session of the States, I deem it to be my indispensable duty to pronounce before you, the Country, and the World, my benediction on the day on which, by voluntary Compact, our Constitution was proclaimed.

Under the ægis of moderation, fidelity, and attachment, its auspicious effects cannot remain doubtful.

We see those noble qualities which distinguish the German character maintained at a period, still under the influence of preceding years, and rendered memorable by events which have disturbed the repose and impaired the welfare of other States of Europe.

Let us pursue the career on which we have entered; for by that means alone shall we attain the object we have in view; namely, our internal prosperity—the esteem of our Cotemporaries—and, what is to us of infinite value, the good will and friendship of other Nations.

Much has been done during the brief year which this Session has lasted; and the publicity which has characterised the administration of my Government, and the principles by which it is directed, have produced the conviction that all its acts emanate from the good will I bear towards my faithful People.

I acknowledge, with satisfaction and gratitude, that, in more than one of the questions submitted to your deliberation, your wisdom and patriotism have proved of considerable utility to the Government.

Unanimity on all points, taken in detail, cannot reasonably be expected; but a concordance upon the principal objects, and on the most essential measures, united to a sincere attachment to the Constitution, form the best guarantee for the permanent welfare of the Country.

The maintenance and consolidation of this concord, will alike be the invariable aim of my endeavours as well as yours.

The affairs of the Interior present a satisfactory result of our common labours, and a tranquilizing prospect for the future.

The administration of our Finances, an object equally important and difficult, has been improved; and it shall be my particular care to give it still greater improvement.

In the meanwhile, to that class of my Subjects which was the more heavily burthened, I have been able to afford relief: that relief has been as extensive as circumstances would permit.

Receive my particular acknowledgments for the readiness with which you have enabled me to discharge a just debt which had been long owing to the recently acquired Districts of my Territories: the genuine national spirit which animates the Inhabitants of those Districts, and which I had, very lately, occasion to observe in person, entitled them to rely upon the recognition of their claims.

You know, Gentlemen, the importance which, since the commencement of my Reign, I have attached to the consolidation of the Public Credit. The special direction of the affairs relating thereto, I have placed with confidence in your faithful hands, and you will continue to devote to them a solicitude which operates so beneficially for your Fellow-Citizens.

The interests of the Church and of Public instruction have not escaped my attention; they are closely allied to all which is most sacred, and most desirable to man. Many Regulations relating thereto are in a state of preparation, and they will, during your absence, be sill further advanced, so that I entertain the pleasing hope that they will, at the period of your reassembling, be terminated to the general satisfaction.

The most evident defects in the administration of Justice have been attended to; the important work of Legislation is commenced, and will gradually, by constitutional means, receive its completion.

The composition and organization of the National Army, are conformable to our internal circumstances, and to the engagements which unite us to the Federation of Germany.

The amelioration which may be possible in the Recruiting System, shall be brought under discussion in the next Assembly.

The Administration of the Interior is founded on a basis adapted to the nature of the Constitutional Monarchy.

To Parishes and Corporate Bodies such an independence has been granted, as was judged suitable, both retrospectively and prospectively, to their peculiar relations.

May the operations of these new Institutions prove beneficial, and may their steady and regular progress speedily enable me to propose to you a plan of Administration still more simple and economical! My most ardent wishes will be realized when all which concerns them shall have been satisfactorily arranged.

It is with regret that, at the close of the Session, I do not see myself surrounded by the First Chamber of my States; but I am confident that the attachment to my person and the patriotism of the Members who compose it, will induce them to participate in our labours for the Public welfare.

Return then, worthy Deputies of my good People, to your usual avocations, and accept my thanks for the active assistance which you have rendered me, as well for my advantage, personally, as for that of the Country.

You have been the Representatives of my Peoples' wishes; be ye now witnesses also of the paternal feelings with which I am animated towards them.

Assure your Fellow Citizens that my life is consecrated to their happiness and to their prosperity; and that the sole recompence which I desire for my arduous and harassing labours, is to be found in the attachment of my faithful Wirtembergers.

ACT of Congress of The United States, for carrying into execution the Treaty of Amity, Settlement and Limits, with Spain, of the 22nd February, 1819—3rd March, 1821.

BE it enacted, by the Senate and House of Representatives of the United States of America in Congress assembled, that the President of the United States be, and he is hereby, authorised to take possession of, and occupy the Territories of, East and West Florida, and the appendages and appurtenances thereof; and to remove and transport the Officers and Soldiers of the King of Spain, being there, to The Havanna, agreeably to the Stipulations of the Treaty between the United States and Spain, concluded at Washington on the 22nd day of February, 1819,* providing for the cession of said Territories to The United States; and he may, for these purposes, and in order to maintain in said Territories the authority of The United States, employ any part of the Army and Navy of The United States, and the Militia of any State or Territory, which he may deem necessary.

Sec. 2. And be it further enacted, that, until the end of the first Session of the next Congress, unless provision for the temporary government of said Territories be sooner made by Congress, all the Military, Civil, and Judicial Powers exercised by the Officers of the existing Government of the same Territories, shall be vested in such Person and Persons, and shall be exercised in such manner as the President of The United States shall direct, for the maintaining the Inhabitants of said Territories in the free enjoyment of their liberty, property, and religion; and the Laws of The United States relating to the Revenue and its collection, subject to the modification stipulated by the XVth Article of the said Treaty, in favour of Spanish Vessels and their Cargoes, and the Laws relating to the Importation of Per-

*See Page 524.

sons of Colour, shall be extended to the said Territories. And the President of The United States shall be, and he is hereby authorised within the term aforesaid, to establish such districts for the collection of the Revenue, and, during the recess of Congress, to appoint such Officers, whose commissions shall expire at the end of the next Session of Congress, to enforce the said Laws, as to him shall seem expedient.

3. And be it further enacted, that the President of The United States be, and he is hereby, authorised to appoint, during the recess of the Senate, a Commissioner and Surveyor, whose commissions shall expire at the end of the next Session of Congress, to meet the Commissioner and Surveyor, who may be appointed on the part of Spain, for the purposes stipulated in the IVth Article of said Treaty: and that the President be, and he is hereby, further authorised to take all other measures which he shall judge proper, for carrying into effect the Stipulations of the said IVth Article.

4. And be it further enacted, that a Board of 3 Commissioners shall be appointed, conformably to the Stipulations of the XIth Article of the said Treaty: and the President of The United States is hereby authorised to take any measures which he may deem expedient, for organizing the said Board of Commissioners; and, for this purpose, may appoint a Secretary, well versed in the French and Spanish Languages, and a Clerk; which appointments, if made during the recess of the Senate, shall, at the next meeting of that Body, be subject to nomination for their advice and consent.

5. And be it further enacted, that the compensation of the respective Officers, for whose appointment provision is made by this Act, shall not exceed the following sums:

The Commissioner to be appointed conformably to the IVth Article, at the rate, by the year, of 3,000 dollars.

To the Surveyor, 2,000 dollars.

To each of the 3 Commissioners, to be appointed conformably to the XIth Article of the Treaty, 3,000 dollars.

To the Secretary of the Board, 2,000 dollars.

To 1 Clerk, 1,500 dollars.

6. And be it further enacted, that, for carrying this Act into execution, the sum of 100,000 dollars be, and hereby is, appropriated, to be taken from any monies in the Treasury not otherwise appropriated.

JOHN W. TAYLOR, *Speaker of the House of Representatives.*

JOHN GAILLARD, *President of the Senate, pro tempore.*

JAMES MONROE.

Washington, March 3, 1821.—Approved.

PAPERS relative to the withdrawal of the Austrian and Russian Ministers from Lisbon.—April to August, 1821.

(Translation.)

The Secretary of State for Foreign Affairs to the Portuguese Ministers at Foreign Courts.

(Circular.) *Lisbon, 21st August*, 1821.

It is not without great regret that I have to communicate to you, for the purpose of its being made known to the Government to which you are accredited, that the Envoys of their Majesties the Emperors of Austria and Russia have, on their own demand, received their Passports, and that they depart from this Court without leaving any person here charged with their Diplomatic affairs. To enable your Excellency to give a just account of this event, I proceed to relate the successive occurrences that have led to it.

The People of this Capital having spontaneously illuminated their houses, on the three successive nights of the 29th, 30th, and 31st of March last, in celebration of the Oath to the basis of the new Constitution, and various Foreign Ministers and Consuls having thought that they ought not to illuminate their houses, it happened that, on the first night, the Populace proceeded to break with stones the windows of the House of the Delegate of the Court of Rome, accredited to the Regency of this Kingdom; at which time the Regency made known to that Delegate, and to all the Members of the Corps Diplomatique, by means of a Circular, how much they regretted so disagreeable an event. They took every precaution, in order that a similar occurrence should not again take place, and with such effect, that, neither on that occasion, nor afterwards on the 28th of April, and the two following nights, was there the least insult of that nature shown towards the Dwellings of the Foreign Ministers or Consuls; the Patrols posted in front of them by Government having strictly fulfilled the orders which had been given to them. The Serjeant, however, who commanded the Patrol stationed in front of the house of the Chevalier de Berks, Consul-General and Chargé d'Affaires of His Imperial and Royal Apostolic Majesty, having understood that he was to patrol the whole of the street, and having under that persuasion left his post, although only for the short time necessary to go to the end of the street, a distance of from one to two musket-shots, the passing Populace, irritated at seeing the house without lights, threw several stones at the windows; but the Patrol, hearing the noise, came up immediately, and the authors of the insult fled at his approach. As a numerous crowd, however, still continued near the spot, displeased that the house was not illuminated, the Serjeant, apprehensive that they might renew the insult, waited upon the Chevalier de Berks, and persuaded him to exhibit lights, which was accordingly done. On the following day, he addressed to the Secretary for Foreign Affairs of the Regency, the subjoined Note, No. 1, to which

that Minister replied by the Note No. 2, relating the facts with truth and precision, and assuring him, at the same time, of the natural and just regret which the Government felt on the occasion. But as, from the enquiry which was immediately set on foot, the real authors of the insult could not be discovered, the Regency could afford no other satisfaction for the affair, than that of punishing the Serjeant, who, by his disobedience, had given occasion to so serious an outrage. With that the Chevalier de Berks seemed satisfied. Great, therefore, was the astonishment of this Court, when, a short time afterwards, they saw published in the English Paper, the Courier, of the 19th of May, a narrative, marked No. 3, so falsified, that from that moment they apprehended, what, at the return of the Messenger from Vienna, was realized —namely, the addressing by the Chevalier de Berks to the Count de Barbacena, then Minister for Foreign Affairs, a Note, No. 4, conceived in the feeling which the event would naturally have inspired at the Court of Vienna, when related, not as it happened in reality, but as it was detailed in the Courier. This Note terminates with a categorical and indecently premature alternative, of an immediate and signal satisfaction, or the delivery of his Passports. The Count de Barbacena, in consequence of real and well-known impediments, could not give an immediate and suitable reply thereto; and as soon as I succeeded him in the Ministry, I received from the Chevalier de Berks, a Note, No. 5, which he had handed to me during a Conference solicited by him, in which he did not hesitate to assert, that the attack was the result of a premeditated plan, and that many persons of elevated situations were implicated in it. But, notwithstanding my repeated request for the proofs, which, after so grave a charge, it was his duty to give to me, *bonâ fide*, and in the confidential manner which the case required, it was not possible to obtain from him any other than a vague and mysterious asseveration. In consequence of this, I proceeded myself to make the most scrupulous inquiry, and, not finding the least vestige of such a plot, I laid the whole before His Majesty, and by his orders answered the Chevalier de Berks by the Note, No. 6. But it having happened that, on the day on which I wrote that Note, the Baron de Sturmer arrived at this Court, as Envoy from His Imperial and Royal Apostolic Majesty to His Most Faithful Majesty, he immediately waited upon me, and entered into the matter, insisting on the idea of a plot, the existence of which he pretended to prove, by the supposed fact of the rioters having brought with them a mule with panniers full of stones, and of the attack having lasted full 3 hours, without any interruption from the armed force. I consented to order the institution of a fresh inquiry, with respect to these facts, although the bare mention of them shows the spirit of inconsiderate exaggeration with which the Chevalier de Berks had persisted in describing the affair. This inquiry was actually instituted, and the result of the same was being drawn up, in

the Office of the Secretary of State, when the Baron de Sturmer addressed to me the Note, No. 7, grounded upon an affected complaint, that that Department showed itself remiss in giving the immediate and signal satisfaction required, and in which he concluded with a threat to our Court of the consequences of a silence which he pretended was as extraordinary as it was inexplicable.

Unable to endure, that he should address with haughtiness the Government which I have the honour to represent, and, more especially, that monstrous charges should be fabricated to justify unwarrantable threats, I answered the Baron de Sturmer in the Note, No. 8; to which he replied in a short Note, announcing that he thought it his duty to suspend his functions at this Court, and entirely to withdraw from it; and for that purpose he demanded his Passports, which I immediately sent to him, accompanied by a Note enclosing them.

On the same day, I received from the Baron de Tuyll, Envoy Extraordinary and Minister Plenipotentiary from His Majesty the Emperor of all the Russias, the Note, No. 9, pretending to consider himself and his August Master as exposed to inevitable insult from the Populace, on all occasions of illumination, such as that of the 24th instant, and others of a like nature, and upon which occasions he declares that he is resolved not to illuminate his Palace.

It was necessary to repel this pretension of a Foreign Minister to arrogate to himself the right of judging of the nature of the Institutions of the internal Government of a Country, for the purpose of deciding whether he would confer upon them his approbation or disapprobation. It was necessary to point out to him, that, in such cases, the respect of Foreign Ministers is paid to the authority of the Government and Nation, and not to the motive of the particular measure, of which they are not supposed to be cognisant; and that, consequently, to omit it, always implies a want of the attention and respect due to the Nation and Government; but the Government, disregarding such inattention to its dignity, nevertheless considered itself bound to take the necessary steps, in order that those Ministers should not suffer inconvenience from their disrespectful behaviour, nor be the means of occasioning any interruption of the public tranquillity. The Russian Minister had doubly offended His Majesty's Government, by the indelicate declaration that he was resolved not to illuminate his palace, on the 24th instant, and on other occasions of the same nature, and by the unbecoming manner in which he thought proper to excite the vigilance of the Ministry, not to omit to guard against the excesses of the Populace.

With that view I addressed to him the Note, No. 10, together with the Passports which he had demanded.

After having duly considered these particulars, His Majesty directs you to make them known to the Court at which you reside, in order that you may, on the one hand, prevent or destroy the erroneous im-

pression which prejudiced persons will probably attempt to create, and, on the other, expose the real motives which induced these two Ministers to take advantage of so weak a pretext for quitting their posts, without awaiting the Instructions or Orders from their respective Courts. If the Government had required of them to illuminate, contrary to their own private wishes, or if, leaving it to their own option either to illuminate or not, it had given them reason to apprehend that no precautions would be taken to guard their houses from insult, should they refuse compliance with the public opinion, they certainly would have had just reason to withdraw, and in so doing they would have acted consistently with their manner of thinking.

But, confining itself solely to the maintenance of the universal principle, that, in cases of general illumination, the Foreign Ministers are supposed to illuminate, from a duty of civility and respect towards the Government and Nation, no less than from motives of prudence, in order to prevent any interruption of the public tranquillity, (without exacting from those Foreign Ministers that they should conform to this rule, but, on the contrary, assuring them in the most positive manner, that the Government would, in either case, put in force all suitable precautions for their protection), the Ministry may observe, that persons so circumspect as the two Ministers abovementioned, ought not, in consequence of a panic terror, to have taken a step, which is usually the result only of long discussions, and the abandonment of all hope of preserving peace and harmony between two Countries;—a step, I repeat, which ought alone to be adopted in consequence of positive orders, or after the commission, not from the remote apprehension, of some grave offence against the respective Government, the precursor of an immediate suspension of amicable relations.

The scrupulous care with which this Court has always endeavoured to preserve with all Governments, the relations of peace, friendship and reciprocal interests, authorizes us to hope that these proceedings on the part of the two above-mentioned Ministers, even though they may have been in compliance with their Instructions, will be productive of no ulterior consequences, capable of disturbing the good intelligence which happily subsists with the States which they represent.

With this impression, His Majesty has been pleased to direct me to recommend to your Excellency, that you should communicate these particulars to the Government at which you reside, and endeavour to convince it of their truth; continuing to assure it how much he has at heart to draw closer those political and commercial relations which are best calculated to consolidate the harmony subsisting between the two Countries. SILVESTRE PINHEIRO FERREIRA.

Palace of Queluz, 21st August, 1821.

Correspondence inclosed in the preceding Circular.

(1.)—*The Austrian Consul-General to the Portuguese Minister for Foreign Affairs.*

(Translation.) *Lisbon, 29th April,* 1821.

NOTWITHSTANDING the most positive assurances which your Excellency was pleased to give to me on the 31st of March last, "that my dwelling should be respected, and should continue to enjoy, without the least alteration, all the security which was due to it for so many reasons," the Mob last night attacked the inviolability of my dwelling, by breaking with stones the windows of the house in which I reside.

Being informed, at half past 11 o'clock, by the Serjeant of the 9th Company of the Police Regiment, Joseph Mendes de Almeida, that he could no longer restrain the riotous assemblage, if I did not illuminate my windows, I had recourse to the only means left to me, since the protection upon which I had relied was wanting; and accordingly, to avoid more serious insults, I caused lights to be placed in my windows by the same Serjeant.

For the same reason I shall order my house to be illuminated this day and to-morrow.

But in order that I may be enabled to relieve myself from all responsibility towards my August Court, I must request that your Excellency will have the goodness to send me a Passport for the Baron Lewis de Vassimon, as a Courier, for the place of residence of his Highness Prince Metternich-Winnebourg-Ochsenhausen, Minister of State, of the Conferences, and Foreign Affairs, of His Imperial and Royal Apostolic Majesty, for the purpose of obtaining the supreme Orders which my August Master shall think it becoming his dignity to direct to be transmitted to me, in consequence of this occurrence, notwithstanding the step which I had already taken, on the 30th of March, in order to prevent it.

This is the only step that, consistent with the discharge of my duties towards my August Court, admits of the postponement of an application for my own Passports of departure.

I have the honour to be, &c.

LOTHAIRE DE BERKS.

H. E. the Commander Anselmo José Braamcamp.

(2).—*The Portuguese Minister for Foreign Affairs to the Austrian Consul-General.*

(Translation.) *Palace of the Regency, Lisbon, 30th April,* 1821.

THE Undersigned, Secretary to the Regency of the Kingdom for Foreign Affairs, has laid before the said Regency, the Chevalier Lothaire de Berks's Note, bearing the date of yesterday. The subject of it caused the greatest grief to the Regency, not only on account of

the disagreeable event alluded to, but because M. de Berks wishes to consider as an insult, expressly directed to him, that which was the mere effect of popular commotion. The complaint of a want of attention on the part of the Public Authorities, to have due respect paid to the Dwelling of M. de Berks, appears not to be well founded, inasmuch as the Regency, anxiously wishing to maintain the public tranquillity, and to prevent any thing that might cause displeasure to the Agents of Foreign Nations, by providing against the possibility of some popular act that might disturb it, not only ordered the Police to redouble its vigilance on the evenings referred to, but also ordered that, fronting the Residence of every Foreign Agent, a strong Patrol should be posted, specially charged with keeping the said Residences free from insult; which had the desired effect with regard to the Houses of the other Foreign Agents, as none of them suffered the least insult, and that of M. de Berks was exposed to it, only in consequence of the Serjeant of Police having misunderstood his orders; for, instead of remaining stationary at that post, he thought it his duty to patrol the whole street, and, for that reason, when he was at the further extremity of the street in which is the Dwelling of M. de Berks, that disagreeable event took place. The orders were undoubtedly given, and the Commander of the Police executed them, as is proved by his own order of the 28th, already known to M. de Berks; for he showed it to him on the morning of the 29th, when he went spontaneously to offer him satisfaction for what had happened, as well as to declare to him that the said Serjeant of Police was already arrested, in order to be punished as he deserved for his want of attention; by which it is evident that the only Person to blame was the said Serjeant; and that all the other Authorities performed that which the Undersigned had promised to M. de Berks, on the part of the Regency, in his Note of the 31st of March.

Moreover, it is not surprising that, on an occasion of such general and just rejoicing, to the Portuguese Nation, as that of their Monarch's adherence to the cause of that Nation, the People should desire to see all the buildings illuminated, and that some unquiet spirits, in their exultation, should fall into excesses, as it happened not only against the Dwelling of M. de Berks, but also by the breaking of the windows of other houses, either on account of their not being illuminated, or by reason of their being so only partially: even the windows of the house inhabited by one of the Members of the Regency were broken, in consequence of a window having been accidentally left without illumination. As it is certain that the mob did not intend to insult that Member of the Regency, who on the same day had been received by them with applauses similar to the others, and that the insult was offered to a house which was not illuminated, without knowing who resided in it; it is equally clear that it was not M. de Berks, personally, whom the People intended to insult, as a private individual, much less

as a Foreign Agent; for the House of M. de Berks could not be distinguished from that of another Person, it not having on the outside of it Arms to make it known as the residence of a Foreign Agent.

From the foregoing statement, the Undersigned trusts that M. de Berks will acknowledge that the Regency, on their part, have done all that was possible to give satisfaction to M. de Berks, and to dissipate his resentment; and, therefore, that M. de Berks will consider this disagreeable event only as the effect of popular enthusiasm, of which there are frequently examples in other Countries, particularly in England, where, on less important occasions, and for slighter causes, the People commit similar offences, and the Foreigners, who accidentally suffer in common with the Natives, do not resent them as personal attacks.

The Undersigned has, however, the honour to enclose to M. de Berks the Passport requested for the Baron de Vassimon, and he hopes that M. de Berks will render justice to the sincere wish of the Regency of the Kingdom, that the political relations which happily subsist with every Nation should be consolidated.

The Undersigned avails himself of this opportunity, &c.

ANSELMO JOSEPH BRAAMCAMP.

The Chevalier Lothaire de Berks.

(3.)—*Extract from the Courier, London Newspaper, of Saturday Evening, May* 19, 1821.

THE following is an extract from a private Letter:—

Lisbon, May 1.

A most outrageous attack was made on the House of the Austrian Chargé d'Affaires, in consequence of his not having put up lights to celebrate the new order of things established at Rio de Janeiro. It was well known beforehand that this was meditated; but the Chevalier, trusting to the assurances of protection given by the Government, on the recent occasion of the breaking of the windows of the Nuncio, followed the line of conduct adopted by all the other Foreign Agents here, and abstained from illuminating. However, so far was the Regency from keeping their word, that not only was every pane of glass in the house shattered, but a most desperate mob, encouraged by some Military Officers, continued to surround the premises from dusk in the evening till a quarter before 12 at night, without the slightest molestation from the Police, who did not dare to interfere, on account of the Officers.

Every species of injurious language was made use of towards the Chevalier and his Royal Master, and several attempts were made to force open the door of the house, in which, if they had succeeded, most probably fatal consequences would have ensued; for the Cheva-

lier is a cool and determined man, and a Lisbon mob generally carry knives.

At the hour above mentioned, the Police insisted on admittance, and they themselves placed lights in the windows, saying "the People must be satisfied, otherwise they could not prevent the house from being sacked."

This conduct towards a Foreign Agent, living under the protection of the Law of Nations, is unheard of, and has rendered the situation of all the Diplomatic Persons here very alarming.

The Government have refused any species of satisfaction, save throwing the blame on a Sergeant of Police.

The affair has created a great sensation, for popular excesses of this nature are unknown in Lisbon.

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(4).—*The Austrian Consul General to the Portuguese Minister for Foreign Affairs.*

(Translation.) *Lisbon, 20th July*, 1821.

THE Undersigned, Consul-General of His Imperial and Royal Apostolic Majesty, having informed his Court of the grievous insult to which he was exposed in the evening of the 28th April last, as well as of the circumstances which accompanied and followed the attack directed against his privileges, and the injury done to the respect due of his Court, has received orders to address to the Government which resided in Lisbon, *at that time*, the following representation:—

His Imperial and Royal Apostolic Majesty, as a very natural consequence of the ties of friendship and relationship happily subsisting between him and His Most Faithful Majesty, was pleased (with the design of cementing, by every possible means, the connexions of intimacy between the two States) to invest his Consul-General in Portugal with a Diplomatic character, although his political relations with His Most Faithful Majesty are delegated to a Mission attached to His August Person.

The Law of Nations establishes the rules according to which Diplomatic Agents are to be treated, and those rules cannot be violated without the most serious reciprocal inconvenience.

An open violation of the most ordinary rules has taken place with respect to the Undersigned. His Imperial and Royal Apostolic Majesty cannot, with any regard to his dignity, allow it to be passed over in silence; the explanations given by the Regency, in consequence of this deplorable event, are not deemed by him as satisfactory, much less to offer a guarantee that similar scenes will not be repeated. The publicity and the nature of the injury necessarily demand an analogous reparation.

The Undersigned has, in consequence, received orders to insist upon a formal reparation, by means of a complete disavowal of the

insults offered to his diplomatic character, on the evening of the 28th of April last, and the discovery and punishment of the Persons who committed so manifest a violation of the Law of Nations.

He has likewise received orders to demand his Passports, and to withdraw from Portugal, in the event of this just reclamation of His Imperial Majesty not being immediately complied with.

The Undersigned, being no longer able to address his Official Communications to M. Anselmo Joseph Braamcamp, the late Minister for Foreign Affairs, is under the necessity of addressing himself to his Successor, the Count de Barbacena, His Most Faithful Majesty's Minister and Secretary of State for Foreign Affairs; and he has the honour to renew, &c. LOTHAIRE DE BERKS.

H. E. The Count Barbacena.

(5.)—*The Austrian Consul-General to the Portuguese Minister for Foreign Affairs.*

(Translation.) *Lisbon, 1st August,* 1821.

His Excellency M. Silvestre Pinheiro Ferreira, Minister and Secretary of State for Foreign Affairs of His Most Faithful Majesty, is, no doubt, acquainted with the contents of the Note, which, by the special order of His Imperial and Royal Apostolic Majesty, the Undersigned, Austrian Consul-General, delivered on the 20th of July last, to his Excellency the Count de Barbacena.

The Undersigned had, indeed, the honour of receiving, on the 23d of July, a Note dated on the aforesaid 20th of July, from the abovementioned Minister of State, in which his Excellency informed him of the receipt of the said Note of the Undersigned, and assured him of the readiness with which he would submit it to His Most Faithful Majesty's inspection; but although the Undersigned was assured by his Excellency, on the said 23d of July, that he did not doubt that His Most Faithful Majesty would be pleased to give immediately the most signal satisfaction to His Majesty the Emperor of Austria, who was justly offended on learning the deplorable event of the 28th of April last, 12 days have already elapsed, and the Undersigned remains in ignorance of the result of the step which he took on the 20th of July, and even without being informed of the cause of so long a silence.

The Orders prescribed to the Undersigned, in the unexpected event of the satisfaction demanded not being immediately granted, are of such a nature, that they place him under the indispensable obligation (most particularly prescribed to him) of insisting that that satisfaction may meet with no further delay.

Setting aside the importance of an object which so nearly affects the dignity of the Imperial Court of Austria, the Undersigned would be exposed to serious responsibility, if he did not most scrupulously adhere to the directions given to him by His August Master. He,

therefore, finds himself under the necessity of urging his Excellency M. Silvestre Pinheiro Ferreira, with all the earnestness that such a reclamation deserves, to give it due consideration without loss of time, and thus prevent the necessity under which the Undersigned will be placed, of taking the only step which can remove him from the most serious responsibility, in case the silence of the Portuguese Minister should be any longer continued.

The Undersigned avails himself, &c.

H. E. Silvestre Pinheiro Ferreira. LOTHAIRE DE BERKS.

(6.)—*The Portuguese Minister for Foreign Affairs to the Austrian Consul-General.*

(Translation.) *Rua Augusta, 2d August,* 1821.

THE Undersigned, Minister and Secretary of State for Foreign Affairs, the moment he joined the Ministry, acquainted His Most Faithful Majesty with the Note that the Chevalier de Berks, Consul General and Chargé d'Affaires of His Imperial and Royal Apostolic Majesty, directed to this Secretary of State's Office, under date of the 20th of last month, upon the subject of the disagreeable event of the evening of the 28th of April last; in which Note M. de Berks declares himself as placed by his Government under the alternative, either of obtaining from the Regency of this Kingdom a new and more ample satisfaction than that already given in the Note from the then Secretary of State for Foreign Affairs, under date of the 30th of the said month of April, or of requesting his Passports in order to leave this Court immediately.

His Majesty, taking into consideration the Correspondence which then passed between M. de Berks, and this Office, as well as the result of the investigation which the Regency had lost no time in setting on foot, was satisfied, that, no sooner did it appear that the Diplomatic and Commercial Agents residing at this Court, were fearful that the illuminating their Houses, under the circumstances, would be considered as a sign of rejoicing (it being, however, well understood, that in such cases of public excitement, such an act, put in practice by Persons in whom such excitement is not supposed to exist, is considered only as a prudential measure, on their part, in order not to expose their decorum, nor to compromise the public tranquillity, which a long and often repeated experience, in every Nation, has proved the impossibility of providing against, in such cases), than the Regency adopted every possible measure, to prevent any insult that the resentment of the Populace might direct against the Houses of the said Foreign Agents, and so well managed their measures, that they only failed to produce the desired effect at the House of M. de Berks, and that through the neglect of a punctual execution of orders,—the Serjeant of the Police posted there having thought it his duty to patrol to the end of the street in which M. de Berks's House is situated: the moment, however, the

Patrol heard the noise, at the short distance at which they were, they went to suppress it, and, on their coming up, the Mob ran away, and the authors of the attack escaped.

From these reasons, it is evident, that the Regency was not remiss in giving the most proper directions and regulations for the preservation of good order, nor can the fault committed by the Serjeant of the Police, in withdrawing from his post, in front of the Dwelling of M. de Berks, be attributed to them. Moreover, the assertion is not well founded, that the insult continued for the space of some hours without the appearance of any Armed Force; and it is no less incorrect, that the insult was directed against the person or character of M. de Berks; for he is aware, and it is of public notoriety, that the Mob acted in the same manner towards many other Houses that were not illuminated; and the House of M. de Berks had no distinctive mark by which it could be known as the habitation of a Foreign Agent.

There being, consequently, nothing to censure in the conduct of the Regency, as to the regulations which it was their duty to order, and they having proceeded to make all possible inquiries concerning the act committed, and having severely punished the Serjeant of the Police (the only Person that could be proved to be guilty), and having, moreover, afforded to M. de Berks the most positive, explicit, and candid explanation, as appears by the Note which the Secretary for Foreign Affairs, at the time, addressed to him, nothing remains for His Majesty's Ministry to supply or to repair, with respect to the conduct of the Regency towards M. de Berks; and, in consequence, the Undersigned has received His Majesty's Orders to make the same known to M. de Berks, and likewise to publish the Correspondence on this subject in the *Diario do Governo;* and further that, if M. de Berks should still think proper to demand his Passports, which he mentions as the alternative in his Note, to cause them to be delivered to him without the least delay. The Undersigned renews on this occasion, &c.

SILVESTRE PINHEIRO FERREIRA.

The Chevalier Lothaire de Berks.

(7.)—*The Austrian Minister to the Portuguese Secretary of State for Foreign Affairs.*

(Translation.) *Lisbon, 10th August,* 1821.

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary from His Imperial and Royal Apostolic Majesty, is sorry to be under the necessity of reminding his Excellency Silvestre Pinheiro Ferreira, Minister and Secretary of State for Foreign Affairs, that 3 weeks have elapsed since the Chevalier de Berks had the honour to address an official Note to His Most Faithful Majesty's Ministry, in order to obtain for the Imperial Court of Austria the satisfaction demanded, in virtue of the Law of Nations, for the serious insult committed against the same in this Capital, in the month of April last, which satisfaction

can alone afford a guarantee that similar scenes will not be repeated; that this Note, dated the 20th of July, was followed by two others, of the 23d of the same month, and 1st of August; that, all these Notes remaining unanswered, the Undersigned, after having represented to his Excellency, as soon as he arrived here, all the consequences which might ensue from a prolonged silence, had the honour to request, in a private Letter, that he would no longer delay his answer; that, finally, all these steps having failed of success, the Undersigned finds himself under the painful necessity of sending his first Dispatches without being able to announce to his Court any result whatever.

It is so much the more difficult for the Undersigned to explain these delays, as he knows too well the sentiments of the King, and of his Ministers, to doubt their good wishes to satisfy the Imperial Court.

The Undersigned has already taken upon himself, notwithstanding the positive orders that M. de Berks had received, to leave Portugal, in case the satisfaction required was not given him immediately, to suspend the execution of those orders, out of respect to the King, and to show His Majesty how much the Emperor his August Master has it at heart, not to do any thing that may be personally disagreeable to His Majesty. But his duty does not allow him to go further. He must guard his own responsibility, upon an affair in which the dignity of his Court might be compromised; and he has the honour to declare to his Excellency, that it will not, henceforward, depend on him to prevent the consequences which might be produced by any further delay.

He avails himself of this opportunity, &c.

H. E. Silvestre Pinheiro Ferreira. LE BARON DE STURMER.

(8.)—*The Portuguese Secretary of State for Foreign Affairs to the Austrian Minister.*

(Translation.) *Rua Augusta, 12th August*, 1821.

THE Undersigned, Minister and Secretary of State for Foreign Affairs, received yesterday evening the Note that the Baron de Sturmer, Envoy Extraordinary and Minister Plenipotentiary of His Imperial and Royal Apostolic Majesty, thought proper to address to him, and could not see without the greatest surprise, that the Baron should think it his duty to adopt a tone of reproach, not only against the Undersigned, but also against his Predecessor in the Ministry, as being guilty of a silence that the Baron denominates inexplicable.

The Baron, however, was acquainted with the imperious circumstances that prevented the Count de Barbacena from attending to the matter in question until the 30th of July, when he quitted the Ministry, and he also knew that the Undersigned, on the first day of his entry into Office, admitted the Chevalier de Berks to the Conference which he had requested, a few days before, of the Count de Barbacena.

Informed in that Conference by M. de Berks himself, of all the points of his complaint, the Undersigned, after having obtained infor-

mation, in the two next following days, from the different Authorities that were enabled to furnish it, had prepared the subjoined Note to M. de Berks, when the Baron de Sturmer arrived; it was then agreed upon with the Baron that the said Note should not be addressed to M. de Berks; but the latter having made the Baron believe it possible that his house, situated in one of the principal streets of this Capital, had been assailed with stones by the mob, for the space of 3 hours, from 9 o'clock in the evening, at the time of a general illumination, (and during which time numerous Patrols passed through all the streets of the City,) without the smallest armed force coming to the assistance of M. de Berks, the Undersigned, in consequence, agreed with the Baron de Sturmer that a fresh inquiry should take place, in order to ascertain whether, in fact, the public Authorities could have been guilty of such unexampled neglect.

The Undersigned gave immediate orders that such inquiry should instantly commence; but as this judicial proceeding was to be made with legal solemnity, the 4 days employed therein could not be looked upon as a delay for which the Portuguese Government has to dread all the consequences that may ensue from it, according to the expression of the Baron de Sturmer.

The fact is, that the inquiry was concluded within those 4 days, and the Undersigned had ordered a Copy of the proceedings to be made, and delivered to the Baron de Sturmer, which was on the eve of completion, at the very moment that the Undersigned received the Note from the Baron.

From a perusal of this investigation, the Undersigned hopes the Baron will be completely convinced, that, as soon as the mob began to assemble before the house of M. de Berks, the Patrol posted there by order of Government, and who had only removed a short distance, came back immediately; and that, however great the number of stones which might actually have been thrown during the interval, the agreement supposed by M. de Berks to exist between all the Patrols, to keep away from the spot during 3 successive hours, when the riot and cries of the mob, as well as the noise of the attack, could not fail to attract them, could not have taken place.

The Undersigned cannot, moreover, understand why recourse should be had to the supposition, as unfounded as it is incredible, of the existence of such an agreement.

M. de Berks, prejudging the sentiments of his Court, thought himself entitled to show, by not illuminating his house, a formal disapprobation of the motive which filled all the Inhabitants of this Capital with delight and enthusiasm.

The Regency deemed it consistent with their dignity to overlook this circumstance, that they might not be obliged to enquire of M. de Berks, by what right he determined to evince such disapprobation, which he was in no way authorized to do, in the face of a whole Nation, and

thus to endanger the public tranquillity. But the Regency confined itself to the object of preventing the consequences of his conduct.

M. de Berks ought to have recollected, that the first duty of an Ambassador accredited to a Foreign Nation, is to respect its opinions and its customs; and above all, never to take upon himself the right of censuring, or even of judging of them; much less of defying them.

Upon these principles, which have been those of the Law of Nations at all times, and in every Civilized Nation, His Most Faithful Majesty has not been able to find any thing in the conduct of the Regency but what was deserving of the greatest praise.

The Undersigned has accordingly received orders to confine himself to the contents of the Note addressed to the Chevalier de Berks, and of which he herein encloses a Copy to the Baron de Sturmer, for the double purpose of declaring to him the immutable decision of His Majesty the King, and of pointing out the care which the Undersigned took, not to draw on this Country the consequences that a lengthened silence might have produced on the friendly relations that happily subsist between the two Crowns.

The Undersigned avails himself, &c.

SILVESTRE PINHEIRO FERREIRA.

H. E. the Baron de Sturmer.

(9.)—*The Russian Minister to the Portuguese Secretary of State for Foreign Affairs.*

(Translation.) *Lisbon*, 4-16 *August*, 1821.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary from His Majesty the Emperor of all the Russias, had intended, upon the approach of the 24th of August, officially to acquaint his Excellency Silvestre Pinheiro Ferreira, Minister and Secretary of State for Foreign Affairs, of the determination he had formed not to illuminate the house he occupies, either on that night or on any future occasions of the same nature that might occur. This determination was dictated to him by the uses generally established, and by feelings of propriety. Facts too well known to make it necessary to relate them, circumstances connected therewith, and the disagreeable consequences which must apparently result from them, had imposed upon him the duty of making such a communication. He thought he might flatter himself that His Most Faithful Majesty's Government, from a wish of carefully removing every motive of complaint, would eagerly adopt the measures required to put his dwelling in safety from any insult and aggression, in the persuasion that the Undersigned could not but consider such outrages as acts derogatory to the dignity of his Sovereign.

The object of the Undersigned in taking such a step would have been, to prevent, so far as might depend upon him, any disagreeable

discussion between the two Courts, and to contribute all within his power to maintain a happy intelligence between them.

But he now, with great regret, finds it impossible to have recourse to this conciliatory measure.

The Notes addressed by his Excellency the Minister for Foreign Affairs to the Legation of His Imperial and Royal Apostolic Majesty, having been communicated to the Undersigned, have made him acquainted with the new point of view in which the existing Government of His Most Faithful Majesty regards both the character and duties of the Diplomatic Agents accredited to the King.

The Undersigned, desirous of saving himself from every responsibility towards his Court, with regard to the attacks which, under the present circumstances, it seems, will inevitably be made against the dignity and consideration of his August Master, as a direct consequence of the principles which the Portuguese Ministry has so recently proclaimed, and of the measures it announces, has taken the resolution to suspend from this moment his Diplomatic Functions, to withdraw from the Court of His Most Faithful Majesty, and to proceed in person to receive the orders which His Imperial Majesty may please to give to him.

He has, therefore, the honour to request that his Excellency Silvestre Pinheiro Ferreira will be pleased to forward to him, as soon as possible, two Passports for London; one for himself and his Suite, and the other for M. de Borodowitzin, his Counsellor of Legation, and the Persons in his service who accompany him.

The Chevalier de Borel, Counsellor of State of His Imperial Majesty, will continue to reside here until further orders, in his capacity of Consul-General, in order to manage maritime and commercial transactions. The Undersigned avails himself, &c.

H. E. Silvestre Pinheiro Ferreira. TUYLL.

(10.)—*The Portuguese Secretary of State for Foreign Affairs to the Russian Minister.*

(Translation.) *Palace of Queluz, 16th August*, 1821.

THE Undersigned, Minister and Secretary of State for Foreign Affairs, has just received the Note addressed to him by the Baron Tuyll, Envoy Extraordinary and Minister Plenipotentiary from His Majesty the Emperor of all the Russias, bearing the date of yesterday, requesting Passports for himself and for M. Borodowitzin, his Counsellor of Legation, in order to withdraw from this Court; in consequence, as he states, of the new point of view in which His Most Faithful Majesty contemplates the character as well as the duties of the Diplomatic Agents accredited to the King, and because he wishes to save himself from every responsibility towards his Court, with regard to the at-

tacks which, under existing circumstances, he thinks will inevitably be directed against the dignity and consideration of his August Master, as a direct consequence of the principles which have just been proclaimed by the Portuguese Ministry, as likewise of the measures it announces.

Beginning with the last expression, the Undersigned, if he had not had before him, when he read it, the Note which he addressed to the Legation of His Imperial and Royal Apostolic Majesty, would have been in doubt whether by chance some phrase had escaped him, which might have been taken by the Baron as a declaration of measures that might create an apprehension of seeing the dignity of his Court exposed, if he prolonged his residence here; but the measures mentioned in that Note of the Undersigned are those which were employed by the Regency, and which His Most Faithful Majesty declares worthy of his high approbation, as being the most adequate, and which in fact preserved from any insult the Dwellings of all the Foreign Agents, as well Diplomatic as Consular, with the exception of that which occurred, on the first night of the illuminations, with regard to M. de Berks, in consequence of the failure in fulfilling those measures by the Subaltern who ought to have executed them.

These are the only measures announced, in the contemplation of any future occurrence, in the Undersigned's Note; and he consequently can scarcely comprehend how the Baron infers, that, having been effectual when employed by the Regency, they should be converted into sources of apprehension when His Majesty's Government orders them hereafter to be put in execution.

Neither can the Undersigned perceive what may be the attacks which the Baron considers will inevitably be made hereafter in this Country, against the dignity and consideration due to His Imperial Majesty, in consequence of the principles announced by His Most Faithful Majesty's Ministry.

Those principles are expressed in the said Note of the Undersigned, but the Baron has not been pleased to specify what may be the fatal consequences which he conceives must result from them. And with regard to the Baron's assertion, that those principles are new in diplomacy, the Undersigned takes the liberty to observe to him, that, on the contrary, they are as ancient as the existence of the diplomatic character, with whose attributes they are inseparably connected. Nor is it easy to comprehend how the Baron can denominate it as a new principle, and a duty till now unknown, that the Ambassador to a Foreign Nation ought to respect its opinions and usages, without assuming the right to censure, or judge them, and much less to treat them with contempt. Deputed to treat alone of the affairs which relate to the intercourse between Nation and Nation, to these only is it lawful for them to extend their functions, and even these are confined

to the forms established by the Conventional Law between Civilized Nations. But that it is lawful for them to venture to manifest a formal disapprobation of what passes in the Country, upon subjects which concern only the internal government of the State, and to do so by acts which, irritating the multitude, naturally disposed to excesses, endanger in a direct manner the public safety, is a doctrine indeed, which would not only be new, but one which, it may be asserted, considering the Baron's principles of moderation and wisdom, (known so much to his advantage,) it can never be his intention to maintain.

The Undersigned is rejoiced that the Baron did not announce, as he states he had intended to do, his resolution not to illuminate his House on the 24th ult.; for His Majesty's Ministry, who would not have failed to take the most efficacious measures, in order that it should be respected, without seeking to know the Baron's intentions, would have been under the necessity of expressing their surprise at such an irregular notification, which the Baron could ground on no other principle than that of a high disapprobation of the motives of the general illumination, which no Government can recognize an authority to express in any Person belonging to a Foreign Nation.

The regret felt at the Baron's departure from this Court (where the estimable qualities that constitute him one of the most respectable Members of the Diplomatic Corps are generally acknowledged) is increased, by the consideration that the Baron has persuaded himself that the respect due to his August Master would be more exposed to the danger imagined by the Baron, in his honoured person, than in that of the Chevalier de Borel, otherwise generally known and esteemed, whom the Baron presents as charged with the transaction of the Maritime and Commercial Affairs.

The Undersigned has made known to His Most Faithful Majesty this communication, and His Majesty has heard it with special pleasure, and has ordered the Undersigned to signify to the Baron that, agreeably to the principles of loyalty which this Court has always professed, the Government will never become guilty, any more than it has hitherto, of omitting whatever the most rigorous impartiality may require, to preserve pure and unalterable the ties of friendship that unite the Portuguese Nation to all those with whom it happily has relations of commercial interest or alliance.

Finally, the Undersigned transmits to the Baron the Passports demanded, and he renews, &c.

SILVESTRE PINHEIRO FERREIRA.

H. E. The Baron Tuyll.

CORRESPONDENCE of the ADMIRALTY,

RELATING TO THE

SLAVE-TRADE—1819, 1820.

Page.
(A.) COMMUNICATIONS FROM NAVAL OFFICERS 789
(B.) INSTRUCTIONS TO NAVAL OFFICERS 899

(A.) *COMMUNICATIONS from Naval Officers stationed on the Coast of Africa or in the West Indies.*

LIST OF PAPERS.

No.			1820.	Page.
1.	Commodore Sir G. R. Collier to J. W. Croker, Esq.	Porto Prayo,	2nd Jan.	790
2.	Commodore Sir G. R. Collier to J. W. Croker, Esq.	Sierra Leone,	13th Jan.	790
3.	Commodore Sir G. R. Collier to J. W. Croker, Esq.	.....	23rd Jan.	791
4.	Commodore Sir G. R. Collier to J. W. Croker, Esq.	.....	24th Jan.	792
5.	Commodore Sir G. R. Collier to J. W. Croker, Esq.	.....	24th Jan.	801
6.	Commodore Sir G. R. Collier to J. W. Croker, Esq.	.....	2nd Feb.	802
7.	Commodore Sir G. R. Collier to J. W. Croker, Esq.	.....	14th Feb.	804
8.	Commodore Sir G. R. Collier to J. W. Croker, Esq.	.....	14th Feb.	804
9.	Commodore Sir G. R. Collier to J. W. Croker, Esq.	Sierra Leone,	15th Feb.	805
10.	Commodore Sir G. R. Collier to J. W. Croker, Esq.	Sierra Leone,	16th Feb.	809
11.	Commodore Sir G. R. Collier to J. W. Croker, Esq.	Sierra Leone,	21st Feb.	812
12.	Commodore Sir G. R. Collier to J. W. Croker, Esq.	Cape Mount,	28th Feb.	818
13.	Commodore Sir G. R. Collier to J. W. Croker, Esq.	Cape Palmas,	7th Mar.	819
14.	Commodore Sir G. R. Collier to J. W. Croker, Esq.	.....	17th Mar.	822
15.	Commodore Sir G. R. Collier to J. W. Croker, Esq.	.....	17th Mar.	822
16.	Commodore Sir G. R. Collier to J. W. Croker, Esq.	.....	22nd Mar.	824
17.	Commodore Sir G. R. Collier to J. W. Croker, Esq.	Princes Island,	3rd April.	824
18.	Commodore Sir G. R. Collier to J. W. Croker, Esq.	Sierra Leone,	13th May.	825
19.	Commodore Sir G. R. Collier to J. W. Croker, Esq.	Sierra Leone,	23rd May.	834
20.	Commodore Sir G. R. Collier to J. W. Croker, Esq.	.....	16th Sept.	838
	Inclosure. Second Annual Report upon the Settlements on the Coast of Africa			838

No. 1.—Commodore Sir G. R. Collier to J. W. Croker, Esq.

(Extract.) *H. M. S.* Tartar, *Porto Praya, 2nd January,* 1820.

I HAVE great satisfaction in stating, that since I was last at this anchorage, a new Governor in Chief has arrived, a Portuguese Naval Officer of talent and respectability; who appears to have the singular merit of being sincere in his wishes, to prevent illicit trading in Slaves; nevertheless, from the many small craft at this anchorage from Senegal, Goree, &c., I fear the facilities thereby offered of transmitting Slaves in small numbers from the coast, is such as easily to elude his good intentions.

A Spanish Schooner, and her Tender, were here under suspicious circumstances, though avowedly for the West Coast of Africa; and the Governor-General assured me a larger one was in the neighbourhood of Bissao. He likewise informed me, there was a report of an English Sloop of War having either gotten aground in, or near the Gambia, or else being lost.

J. W. Croker, Esq. GEORGE R. COLLIER.

No. 2.—Commodore Sir G. R. Collier to J. W. Croker, Esq.

(Extract.) *H. M. S.* Tartar, *Sierra Leone, 13th January,* 1820.

I BEG leave to report to you, for the information of the Lords Commissioners of the Admiralty, the arrival of His Majesty's Ship *Tartar,* under my command, in this River, accompanied by His Majesty's Brig *Thistle,* last from the River Gambia.

The conduct of the respective Commanders, (Captain Strong, *Morgiana;* Captain Leeke, *Myrmidon;* and Lieutenant Hagan, *Thistle,*) in the execution of their Lordships' orders, for the suppression of Slaving, appears to me to have been marked by considerable zeal and indefatigable perseverance; their success has been proportionate, and I may presume to add, the check given to the Slavers cannot fail of having very beneficial effects to that cause their Lordships have so much at heart; but the boldness of the Masters and Crews of the Slave Vessels is something extraordinary; and if more of the small class of Vessels of War, Gun Brigs, or Schooners, could be spared for the same service, full employment would be afforded them, being a class of Vessels best calculated to come on the Slaver by surprise.

The knowledge the Slaving Masters have of the Treaties formed with Great Britain, and their respective Sovereigns, leads to the most successful results, and it is only by great cunning (or great accident) they can be surprised with Slaves on board. In some instances, while the Boats have been rowing to the Slave Vessel, the re-landing of the Slaves has been effected, and then paraded upon the beach, compelled to dance, and make every sign of contempt for the Boats' Crews

which the ignorance and brutality of the Slave Factors, or Masters, could suggest.

But these are not the only difficulties His Majesty's Naval Officers have to surmount, as every sort of objection has been urged, even by the Foreign Commissary Judges, against the condemnation of Slave Vessels.

In the case of one of Lieutenant Hagan's Captures, the circumstance in the Treaty of Slaves being marked in the plural was nearly fatal, the Dutch Commissary Judge insisting, that *a Slave* being found on board a Slave Ship, though he had been purchased for sale, was not sufficient for the condemnation of the Vessel, agreeable to the meaning of the Treaty. In another case, it was objected to, as not being consistent with the spirit of the Treaty, that the Ships' Boats should effect the capture out of gun-shot from the Man-of-War.

I shall, however, make a more particular detail in a future Letter, of all the circumstances which appear to me to militate against the active exertions of His Majesty's Officers; and though I may not, by the present opportunity, send all the Papers and Copies of Letters I could wish, I shall do so by a second, which offers in a day or two, after the departure of the Ship *Mary*, by which Vessel this Letter will be forwarded.

J. W. Croker, Esq. GEORGE R. COLLIER.

No. 3.—Commodore Sir G. R. Collier to J. W. Croker, Esq.

SIR, *23rd January,* 1820.

THE inclosed Copy of a Letter, I have received from Captain Leeke; and I called upon the Officers for a particular statement, that I might lay it before the Governor of this Colony; so soon as I have his Excellency's answer, and the matter has been inquired into, I shall transmit the same to my Lords Commissioners of the Admiralty, in case any reference should be necessary to any other branch of His Majesty's Government. I have, &c.

J. W. Croker, Esq. GEORGE R. COLLIER.

(Inclosure.)—Captain Leeke to Commodore Sir G. R. Collier.

SIR, *H. M. S.* Myrmidon, *off Cape Mount, 15th Dec.* 1819.

I HAVE the honour to inform you, that this morning at daylight, having fallen in with and detained a Spanish Schooner, the *Virgen*, on suspicion of Piracy, I sent Lieutenant Belcher, Second Lieutenant of this Ship, to take charge of her, with a party of 25 Petty Officers, Seamen and Marines. At this moment a Fleet of Schooners hove in sight, when I made her signal to chase, doing the same with the Ship I have the honour to command. At 11 I had brought to and boarded 3 Schooners, 1 of them with 140 Slaves; but being under French Colours I could not detain her, though I am satisfied that she

was carrying on this disgusting traffic for the Spaniards, having seen a Paper to that effect on board her. A short time after this Lieut. Belcher, in the Schooner, made sail in chase of a large Brig, the Ship being at this time out of sight; the moment he got within gun-shot of her she hoisted Spanish Colours, and fired her broadside into the Schooner, hove up, and run on shore; the Slaves immediately jumped overboard; the Vessel, I am happy to say, has been totally destroyed, having her back broken and 3 shot holes through her bottom. Lieut. Belcher's conduct upon this occasion, as well as those placed under him, has been such as to merit my warmest thanks and approbation.

I have, &c.

Commodore Sir G. R. Collier, Bt. K.C.B. HENRY J. LEEKE.

No. 4.—Commodore Sir G. R. Collier to J. W. Croker, Esq.

SIR, *24th January*, 1820.

I HAVE the honour to forward Copies of Letters, detailing some of the proceedings of His Majesty's Squadron on this coast; and I likewise forward Copies of some Papers transmitted to me by Lieut. Hagan, respecting the proceedings in the Court of the Mixed Commissioners.

I did intend entering more largely upon the subject of the difficulties experienced by Naval Officers in their proceedings against Slave Vessels, in the Court of the Mixed Commission now alluded to, but the Commissary Judge, Mr. Gregory, is not well enough to see me; I must, however, in the mean time, strongly request their Lordships will do me the favour to question Captain Strong, late of the *Morgiana*, upon these matters; the circumstance of the Court being declared a secret one, appears to my humble judgment not only quite useless, but throwing an unnecessary obstacle in the pursuit of justice, and an odium neither within the meaning of His Majesty's Government, nor answering any good purpose. I have, &c.

J. W. Croker, Esq. GEORGE R. COLLIER.

(Inclosure 1.)—Lieut. Hagan to D. M. Hamilton, Esq.

SIR, *H. M. Brig* Thistle, *Sierra Leone*, *19th Nov.* 1819.

INCLOSED I send you a Copy of the Letter addressed by me to the British and Netherlands Mixed Court of Justice, requesting permission to appoint a Person to manage my prosecutions; as also a Copy of the Minutes registered by the Court on that subject; these, if found correct, I have to request you will certify to be true Copies; and I beg also to request, I may be furnished with attested Copies of any further Records which may be entered, relative to the Schooners *Eliza* and *Virginie*, captured by me, and brought before your Honourable Court. I have, &c.

D. M. Hamilton, Esq. R. HAGAN.

(Inclosure 2.)—Lieut. Hagan to the British and Netherlands Commissioners at Sierra Leone.

GENTLEMEN, *H. M. Brig* Thistle, *Sierra Leone, 10th Nov.* 1819.

IN conformity to my Instructions, as Commander of one of His Britannic Majesty's Vessels, stationed on this coast for the suppression of the Slave-trade, I detained, on the 9th and 10th ultimo, 2 Schooners sailing under Netherlands Colours, engaged in that nefarious traffic, and have brought them into this Port for adjudication.

On this day, having previously taken the preliminary steps, I attended your Honourable Court, for the purpose of proceeding against the said Schooners, when, to my utter surprise, it was intimated to me, that I would not be permitted to avail myself of the ordinary professional assistance in conducting the prosecution.

I need only advert to Article VIII. of the Treaty, and to the various Annexes, to bring to view the serious responsibility in character and fortune attached to the Captors of Slave Vessels; and when it is considered, that the duties of my command, as well as my ignorance of the process of Courts, totally preclude my interference or personal attendance in protracted Cases, I do trust, that it will be admitted, I have a right to, and may require, every advice and assistance I can properly procure.

From you, therefore, Gentlemen, I claim the right of appointing a proper Person to act for me, and attend to my interest before your Honourable Court; a right which Article VII. of the Regulations of the Mixed Court recognizes on the part of Claimants, and which I the more confidently claim from its strict conformity to the Law of Nature and of Nations, indeed, a right coeval with the existence of Courts of Justice, and which will not, I do hope, be denied for the first time, in a Court, the basis of which is that of justice and philanthropy.

Anxiously trusting to a favourable answer, I remain, &c.

The British and Netherlands Commissioners. R. HAGAN.

(Inclosure 3.)—Minutes of the Proceedings of the British and Netherlands Mixed Court of Justice, Sierra Leone, in the Case of the Eliza.

Thursday, 11th November, 1819.

AN application in writing was received and read from Lieutenant Robert Hagan, Commander of His Majesty's Brig *Thistle,* who personally appeared, and refused to proceed in the Cause of the Schooner *Eliza,* captured by him under Netherlands Colours, unless the said application for leave to appear and carry on his Cause by proxy was answered in writing. The Court resumed the consideration of the subject of allowing the admission of Proctors, upon which the Court was divided in opinion;—the British Commissioners being of opinion that the same ought to be allowed when prayed for by the

Parties, as requisite for conducting their Cause; but The Netherlands Commissioners being of a contrary opinion, no decision was come to.

Ordered, that the Registrar may allow Lieutenant Hagan to peruse the Minutes of this day, but that he grant no attested Copy thereof, nor communicate any other answer to Lieutenant Hagan's Letter.

Afterwards, on the same day, Robert Hagan, Esq. was called in and informed, that he might peruse the Minutes of the Court this day, which contained what was done in pursuance of his written application to the Court.

Copied from the Minutes of the Court, November 12, 1819.

J. O. N. WALSH.

(Inclosure 4.)—Lieut. Hagan to the British and Netherlands Commissioners at Sierra Leone.

GENTLEMEN, *H. M. B.* Thistle, *Sierra Leone, 22d Nov.* 1819.

ON the 10th instant, I did myself the honour to address you, requesting permission to prosecute, by my Attorney or Agent, the Schooners *Virginie* and *Eliza*, seized by me, and brought before your Court for Adjudication; to this application, I received no other answer than a permission to peruse "Minutes," entered on your Records, declaring, that "no decision was come to," and that the Registrar "should grant no attested Copy thereof, nor communicate any other answer."

Understanding that the Court had thought proper to proceed in the Cases of the said Schooners, and although debarred of any professional assistance, I still supposed I would myself be allowed to prosecute; with this view I addressed the Registrar of your Court on the 19th instant, requesting Copies of the Proceedings, or Records, taken in the Cases of these Vessels; and to this application also I received no other answer than a verbal declaration, that he could not comply with it.

Thus, therefore, Gentlemen, am I without the right to prosecute in the usual manner, by Proctor, and, in a Court, the proceedings of which are secret, denied the means of prosecuting personally; for I do conceive, and doubt not, on consideration, it will so appear to you, that attempting to prosecute, without a knowledge of the proceedings taken, would be totally nugatory and useless.

Under all these circumstances, Gentlemen, circumstances in which no British Subject, in a British Territory, was ever before placed, I feel myself imperiously called upon, by my duty to my Sovereign, to my Country, and to humanity, respectfully, but firmly to demand from your justice a final decision on the above points; whether I am personally to have permission to prosecute, and if so, whether I am to have a right to demand Copies of Proceedings, to administer Special Interrogatories to Witnesses, and generally to enjoy (subject to the orders of the Court) every facility necessary to prosecution.

On this subject I feel the more earnest, from a report having

reached me that the Court had difficulty in the Case of the *Eliza* Schooner, and certainly nothing can more strongly shew the necessity of granting my demands than that circumstance; for how can justice be attained if *ex parte* evidence is taken, and no prosecution admitted to place the Case in its proper light before the Court?

Again, appealing to your justice, and expressing my utmost respect, I have, &c.

The British and Netherlands Commissioners. R. HAGAN.

(Inclosure 5.)--Special Interrogatories put by the Commissary Judges to John Descombe, Master of the Schooner Eliza, *with his Answers thereto.*

1st. For what purpose had you a Danish Flag on board? For no particular purpose.

2d. At the time of your capture you have stated there were 30 or 40 Canoes alongside: what did so many Canoes alongside? He knows not.

3d. Have you received any Passengers on the Coast of Africa, and what have become of them?—Has received 14 or 15 on the Coast, of the Natives; believes they all left the Vessel at the time of capturing, but cannot say if so. One Native found on board at the time of capture, was taken on board the capturing Brig.

4th. Were you and your Crew taken on board the capturing Brig?—They were all taken out, himself alone being sent back on board his Schooner 48 hours afterwards.

5th. How many Slaves were put on board the Schooner *Eliza;* also how many Crumen?—There were 14 or 15 Slaves from the *Virginie,* and 15 Crumen; he knows not from whence; they were all victualled from his provisions from the 14th October to 6th November.

JOHN DESCOMBE.

Taken and sworn at Free Town, Sierra Leone, the 13th day of November, 1819; before Thomas Gregory and D. Van Sertima, Esqrs. in the presence of D. M. HAMILTON, *Registrar.*

(Inclosure 6.)—Special Interrogatories put by the Commissary Judges to James Rogers, Chief Mate of the Schooner Eliza, *with his Answers thereto.*

1st. Where were you born?—In the Island of Saba, in the West Indies.

2d. Where do you reside?—At St. Thomas's Island in the West Indies.

3d. Of what Prince or State are you a Subject?—Is a Dutch Subject, and has always been so.

4th. Who is the Owner of the Vessel about which your are examined?—Captain Descombe.

5th. Who are the Owners of the cargo?—Believes a person named Jacobs.

6th. How many Passengers have you had on board during the voyage?—They had 2 from said Island of St. Thomas, and had several Natives on the Coast, from one time to another.

7th. Where are the said Passengers?—One is here, the other they have left on the Coast; the whole of the Native Passengers went on shore except one, who is on board the capturing Brig, upon the Schooner running aground.

8th. At what place was the Passenger now on board the capturing Brig to be landed?—Does not know.

9th. Were you and the whole Crew taken out of the said Schooner upon the capture thereof?—The whole.

10th. What became of the said Native Passengers?—They all left them when the Vessel grounded.

11th. Did you know of any Person killed about the time of capture?—No.

12th. Why did the Captain run away from the Brig?—For fear she was an Insurgent Privateer. JAMES ROGERS.

Sworn at Free Town, Sierra Leone, 13th November, 1819.

(Inclosure 7.)—Special Interrogatories put by the Commissary Judges to Charles Ferdinand Nelthropp, a Passenger on board the Schooner Eliza, *with his Answers thereto.*

1st. Where were you born?—At Copenhagen.

2nd. Where do you live, and how long have you lived in that place?—Has been travelling about the West Indies 10 years, but his place of residence is Santa Cruz, in the Island of St. Thomas; has lived there the last 18 months; is a Danish subject; has never been a subject of any other State; is not a married man.

3rd. In what capacity do you belong to the Vessel about which you are examined?—As a Passenger, but also to assist the Captain in writing, if he required it.

4th. Who are the Owners of the Vessel about which you are examined?—The said James Descombe.

5th. How do you know the said James Descombe is the Owner of the Vessel?—By his informing Deponent so.

6th. Who is the Owner of the Cargo of the said Vessel?—A Gentleman of St. Eustatius, but he knows not his name.

7th. How many Passengers were on board the said Schooner?—Only himself, from the West Indies.

8th. How many Passengers were on board at the time of capture?—At the time of capture there was one Passenger left on board by the Crumen.

9th. Where is the said Passenger?—Supposes he is on board the Brig.

10th. What was the name of said Passenger, and what his rank, occupation, and to what Port was he to be conveyed?—Does not know his name, his rank was among the Sailors, whatever the Crumen told him to do he did; does not know where he was to be conveyed.

11th. Did the Crumen or other Natives bring any other Passengers on board, except the one mentioned?—Yes, several; 8 or 10.

(Inclosure 8.)—Lieut. Hagan to J. W. Croker, Esq.

(Extract.) *H. M. B.* Thistle, *Sierra Leone, 25th Nov.* 1819.

I HAVE the honour to report, for the information of the Right Hon. the Lords Commissioners of the Admiralty, that in proceeding along the Coast, on my passage to Biafra, in obedience to their Lordships' orders, I detained, on the 9th and 10th of October, 2 Schooners, under Netherlands Colours, from St. Eustatius, 1 have having on board 32 Slaves, and the other one, although before detention the latter had on board 16 or 18, they effected their escape on shore prior to our Boat boarding; our Crew having then been considerably weakened, and the Prisoners numerous, I deemed it necessary to return to this Port: proceedings were immediately instituted against them in the Mixed Court, and although considerable, and I believe unnecessary, delays have occurred, they have been both condemned as Prize.

J. W. Croker, Esq. R. HAGAN.

(Inclosure 9.)—Lieut. Hagan to Commodore Sir G. R. Collier.

SIR, *H. M. B.* Thistle, *Sierra Leone, 26th Nov.* 1819.

I HAVE the honour to inclose, for your information, the Copies of all Letters which I have addressed to the Secretary of the Admiralty since my sailing from England, which I trust will meet your approbation.

I feel it my duty to lay before you the proceedings of the British and Netherlands Courts of Justice; and I trust, Sir, the resistance I have offered to their arbitrary, unjust, and unprecedented conduct, will not be considered as assuming to myself a power inconsistent with my character as Prosecutor; the surprize I felt on learning I could neither employ any one to carry on the prosecution, nor do it myself, called forth Letter (Inclosure 1); and although they had said an answer in writing would be given, I was only allowed to peruse the Minutes of the Court, as per Inclosure 3.

Nothwithstanding the decided opinion of the Court, the British Judges permitted the proceedings to go on; having no access to Papers, all the proceedings being secret, and hearing by chance only, that the Netherlands Judge had refused to condemn the Schooner with 1 Slave, and being told also, that charges were made and entered against me in the Records of the Court, *although the British Judge considered my explanations fully sufficient*, I made another effort by my Letter,

(Inclosure 4), to which I received a verbal refusal. As the Case was now to come before the Arbitrator, I was still anxious to put things in a fair light, and therefore made another application to the Court by Letter, (Inclosure 1); they then permitted Copies to be taken of the proceedings.

I have the honour to inclose a Copy of Interrogatories put by the Judges, by which, Sir, you will observe, that hardly one question was put that could serve to elicit truth or detect falsehood; I immediately drew up Special Interrogatories, and I hope they have served to bring to light many points in corroboration of my original declaration.

It would be presumptuous in me, Sir, to comment on these extraordinary proceedings; but I beg leave to observe, that unless Agents or Proctors are sanctioned by the Court, and unless they are permitted to put such Special Interrogatories as they may deem necessary, the most clear and otherwise positive evidence would be useless.

Mr. Sertima, the Netherlands Commissary Judge, has in all these proceedings been the Advocate of the Slave-dealers, and not the impartial Judge;—he declared on his arrival, that a Vessel with 1 Slave was quite sufficient evidence; his conduct in the case of the *Eliza* has been quite the reverse to this opinion.

The Case having come now fairly before the Arbitrator, she was condemned; a circumstance I have reason to apprehend would not have occurred, had I not persevered in demanding a knowledge of the proceedings.

I sincerely trust, Sir, my conduct will be thought deserving your approbation; and should representations be sent to England on the point in question by Mr. Sertima, that the explanation I made in Court for taking a part of the Slaves out of the *Virginie*, as also the remaining Seamen, will be satisfactory; Mr. Gregory, the British Judge, has not even insisted on any explanation being recorded in Court.

His Excellency Governor Mac Carthy having requested me to take him to the Gambia (a Copy of whose Requisition is also inclosed), I have considered it my duty to comply, and shall make every exertion to join you as early as possible. I have, &c.

Commodore Sir G. R. Collier, Bart. K. C. B. R. HAGAN.

(Inclosure 10.)—Captain Leeke to Commodore Sir G. R. Collier.

SIR, *H. M. S.* Myrmidon, *Sierra Leone*, 13*th Jan.* 1820.

HAVING obtained from several Persons at Sierra Leone, information of a number of Vessels being at anchor off the Rivers Gallinas, Manna and Lagesey, for the purpose of carrying on the traffic in Slaves, I immediately put to sea for the purpose of intercepting them. On the 10th December, at sun-set, being close in with the first-mentioned River, I dispatched Lieutenant Nash, first of this ship, with the Pinnace and Cutter, properly armed, and furnished with an extract of the late Slave Treaties, to examine any Vessels he might find there; and

I am happy to say, that the next evening he succeeded in getting alongside the largest Schooner, and the only one that had Slaves on board at the time, (the others having landed theirs on discovering the *Myrmidon* in the morning,) and after a slight resistance took possession of her: she proved to be the *Bella Dora*, a Spanish Schooner of 150 tons, 2 guns, a compliment of 25 men, and part of her cargo, consisting of 122 Slaves, bound to The Havannah.

As soon as the other Schooner observed her to be taken possession of, they fired their broadsides into her, and at the moment of her slipping her cable they did the same, and to the number of 5 hove up in a line, and each gave the *Bella Dora* 3 or 4 broadsides. I am happy to say, we lost no men in this little affair, and but 1 wounded, a musket ball having gone through his arm.

Considering the great disparity of force, and the determined conduct of the Renegadoes, now usually employed in illicit trading, I cannot refuse myself the satisfaction of bringing Lieut. Nash's conduct before you, and of expressing my high approbation of all those serving under him on this occasion. I have, &c.

Commodore Sir G. R. Collier, Bt. K. C. B. HENRY J. LEEKE.

(Inclosure 11.*)—Lieut. Belcher to Commodore Sir G. R. Collier.*

SIR, La Virginie, *Cape Sierra Leone, 1st Jan.* 1820.

HAVING proceeded by your Orders, to gain intelligence of the Boats of the *Myrmidon*, by keeping in-shore, and landing when an opportunity presented, I have to state, that on the morning of the 23rd December, finding myself close in-shore, with a heavy surf breaking to the northward, and the current drifting me fast towards it, I anchored in 5½ fathoms, within musket shot of the land, and sent Messrs. Baker and Evans to gain information, both as to the name of the place, being 7 deg. 30 min. North by account, and likewise respecting the Boats; at 3 the Boats returned with the information, that they had met a Mr. Kearney, Captain of the African Corps, and by instructions given by me, had stated to him the vessel was an American, come for Slaves, but had been driven from Gallinas by a man-of-war. As I expected they would be more communicative, I likewise directed them to say we wanted a cargo of Slaves. Mr. Kearney then deposed, he had landed the cargo of a Slave Schooner the day the *Myrmidon* hove in sight; that he had embarked 150 Slaves on board a French Schooner, bound to Martinique, and, by his own confession, was the greatest Slave-dealer on the Coast, having embarked almost every Slave bought between Cape Ann and the Gallinas; he further deposed, that for fear he should be detained, he employed a black Man who acts as Clerk, and purchases the Slaves in his name. He supplied us with stock, &c. promised to bring more in the morning; would then see our cargo, and in 10 days would supply us with a cargo of Slaves.

He had a small Schooner inside the bar, which, he said, contained part of a cargo he had received in return for Slaves. At 4, finding we could get no further information, and the tide had changed, I weighed and stood to sea, having previously ascertained the latitude of Cape Ann to be, by *Myrmidon* and double altitudes, 7 deg. 32 min. North, instead of 7 deg. 7 min. North, as given by Novie. On the 26th, being in latitude 7 deg. 30 min. North, I found the water shoal from 12 to 5 fathom, then to 3½, 5, 7, 12, 8, &c. continuing very irregular, and a strong current setting to the eastward; at 3 we saw the land on the lee-bow, which proved to be the Bananois, having made an E. N. E. passage over the shoals of St. Ann, from the latitude of 7 deg. 50 min. North, to 8 deg. 10 min. North. On the 28th, I anchored off the Carpenter, as per Instructions, should I part company. I have, &c.

Commodore Sir G. R. Collier, Bt. K. C. B. EDWARD BELCHER.

(Inclosure 12.)—Statement, being the substance of a Conversation held by Messrs. Baker and Evans with Captain Kearney, late of the Royal African Corps and now on half pay, residing chiefly at Cape Shilling on the Coast of Africa.

THE Undersigned having been ordered by Lieutenant Belcher to proceed round Cape St. Ann, to gain information respecting the Boats of the *Myrmidon*, &c. were met by Captain Kearney, to whom we represented ourselves as belonging to a Schooner from New York, come for a Cargo of Slaves; at which he expressed great pleasure, and said, that in 2 or 3 days, he would procure us 300 Slaves, which we might embark from the beach to the southard of Cape St. Ann. He took us on board his little Schooner, which he informed us he purchased at Sierra Leone; that he traded in her to all appearance for the produce of the Country; but, said he, "I buy nothing but Slaves; my object is to make a little more money, then I'll embark 300 or 400 Slaves on board a large Schooner, which I have at the Galinas, and go in her myself to The Havannah."

He then showed us the hold of the Schooner, which contained coarse handkerchiefs, rum, and tobacco. We inquired where he purchased these articles; he answered that he received them in part payment for 150 Slaves, which he sold at the Gallinas a short time before, to the Captain of a French Schooner, called the *Marie*, from Martinique.

He further stated, that the chief part of the Trade in Slaves between Cape St. Ann and the Gallinas, was carried on by himself and agents whom he employed; that he had information transmitted from Sierra Leone of every Man-of-War which sailed from that place, and that he never failed to apprise his friends of it, that they might escape capture; that the appearance of the *Myrmidon* off the Gallinas had completely alarmed the Slave Captains, who trusted in the

superiority of their Schooners' sailing, found that the *Myrmidon* could come up with most of them; and the Captain added, with a strong Irish brogue, that, "By Jasus the *Myrmidon* had given the Slaves a breakfast one morning, and returned the evening of the next day and gave them a ball and supper;" that, upon this occasion, he was up the Galinas, in his small Schooner, and assisted one of his Friends to land his Slaves, then immediately came up to Cape St. Ann for fear that the Captain of the *Myrmidon* might detain him on suspicion.

We observed, that he, as a British Subject, run a great risk in engaging in this traffic; to which he replied, that no one ever suspected him, as he was empowered, by a deputation from the Governor of Sierra Leone, to seize all Persons and Vessels carrying on the Slave-trade.

Given on board H. M. S. *Myrmidon*, Sierra Leone, this 14th January 1820.

JOHN BAKER, *Master's Mate.*
JOHN EVANS, *Clerk.*

(Inclosure 13.*)—Captain Leeke to Commodore Sir G. R. Collier.*

SIR, *H. M. S.* Myrmidon, *off Cape Mount, 15th Dec.* 1819.

I HAVE the honour to inform you, that I have this day fallen in with another Schooner, and after a chase of 3 hours, succeeded in driving her on shore; and I have the satisfaction to say, that she is totally destroyed. Her cargo of Slaves were driven on shore by the inhuman Crew, except 9, whom, I am happy to say, I was fortunate enough to save from being drowned, and they are now on board this Ship.

I have, &c.

Sir G. R. Collier, Bt. K.C.B. HENRY J. LEEKE.

No. 5.*—Commodore Sir G. R. Collier to J. W. Croker, Esq.*

SIR, *24th January,* 1820.

As I am on the eve of sailing to the Northward, with His Majesty's Brig *Thistle* in company, in the hope of checking a considerable Slaving Trade, which from the very best information, I understand is carrying on about the Rio Pongas and Nunez; I think it proper to leave under charge of the Governor, Duplicates of some Letters I had the honour to address to you, and which were forwarded by the *Mary* on the 22nd.

His Majesty's Ships *Myrmidon* and *Morgiana* sailed on the 26th for the Galinas and Cape Mount; I was induced to send these 2 Ships together that their Boats might be protected, in case of either of the Sloops being lead off in chase. The *Morgiana*, after having examined the Galinas, is to proceed to Cape Coast Castle and deliver Letters and Orders to Captain Kelly, who I have directed, in case of the *Pheasant* being sickly, to proceed to Ascension to recruit the health of her Crew; the *Morgiana* will return by the same route to this River.

The *Myrmidon*, after cruizing a few days, is to return to this

anchorage, and thence proceed by the Northern Coast as high as the Gambia, before she strikes off for Bona Vista, where I have directed her Commander to ship the stores still left at that Island, and return along the northern Coast to this anchorage, to complete provisions.

My reasons for not bringing away all the Crew's other remaining stores, I have already stated.

A few days will probably be sufficient to complete my purpose to the Northward, when I shall again return to this River, before I proceed down the Coast, which it is my intention to examine only by day, anchoring after dark.

The *Thistle* being in want of Crumen, will most likely go down about the same time. I have, &c.

J. W. Croker, Esq. GEORGE R. COLLIER.

No. 6.—Commodore Sir G. R. Collier to J. W. Croker, Esq.

SIR, *2nd February*, 1820.

THE belief I expressed in my Letter of the 24th January last, as to the Slave-trade being still carried on to a considerable extent in the neighbourhood of the Rio Pongas, will, in the Report I have now the honour to submit to the Lords Commissioners of the Admiralty, be fully verified.

I am, therefore, to request you will acquaint their Lordships, that I sailed from Sierra Leone on the 25th ult. having the *Thistle*, Lieutenant Hagan, in company.

The *Thistle* communicated as we passed with the Isles de Loss, and from the report of the Senior Gentleman at that Establishment, my former suspicions were corroborated, and I obtained the additional information, that a French Brig was supposed to be there, commanded by the former Master of the French Brig *Louis*, when captured by the Colonial Schooner, at that time commanded by Lieutenant Hagan. The declaration of this daring violator of his Country's Laws, appeared so well attested, and his threats against the *Thistle* were of so extraordinary a nature, that I considered myself justified in ordering the *Thistle* over the Bar of the Rio Pongas, in order to afford a protection and point of retreat for the Boats of this Ship.

The shoals off the River Pongas afford a strong security to the Slaver, and although the *Tartar* could barely see the passage of the sand-bar (which is the Southern entrance into the River), yet at low water she had only 4½ fathoms water.

Having anchored there, so as to prevent the escape of any Vessel by that passage, I dispatched the *Thistle* to the north-entrance, or mud-bar, about 10 or 12 miles, sending 3 Boats from this Ship, under Lieutenants Marsh, Knight, and Mr. Christie (late acting Lieutenant), accompanied by a party of Marines, and this day I was rejoined by Lieutenant Marsh and Party, as also by the *Thistle*, having in com-

pany a fine Spanish Hermaphrodite Schooner of 180 tons, with a part of her cargo of Slaves, and a Dutch Brig of the same tonnage, intended for a cargo outwards of 300 Slaves each, the Dutch Brig having, however, still fewer Slaves on board than the Schooner.

The anxiety of the Slavers is so great that perfect surprise is almost impossible; but the acquaintance Lieutenant Hagan has of the custom of the Slavers, and his knowledge of the River, and the different Slave Establishments maintained there, is so excellent, that I was aware all that could be done might be expected, and I am happy to say the decision of Lieutenant Marsh, in command of the Boats, was so prompt, and he was so well supported by the Officers and Petty Officers of the *Tartar* and *Thistle*, that both captures were made almost without blood shedding; the Slavers had the temerity, however, to receive our Boats with a fire of small arms, but the rapidity of our Boarding Party made it unnecessary to return them a discharge of more than one gun! I mention this, to show their Lordships that the Slavers in general, being Renegadoes, or the refuse of every Country, testify a contempt for all Law, and are, when approached, kept in awe only by the certainty of being overpowered; and if attempted to be boarded by apparent inferiority of force, their resistance is determined, and is esteemed the more glorious as it may have proved destructive.

From the Reports of Lieutenants Marsh and Hagan, I learn, that after the *Thistle* had anchored, and the Boats had succeeded in capturing the 2 Slave-vessels, *Marie* and *Francisco*, they proceeded to Kissing, a branch about 10 miles, and thence as high up as Bangolan, where the celebrated Ormond has his Town and factory. At the former place a band of near 200 Natives and Renegadoes had been hired and placed under arms to defend the Slaving craft in the River, and from some such force an irregular firing was occasionally made through the jungle on the Boats.

Near Kissing factory, an American built Schooner, and manned by a Crew of Americans, was then waiting a cargo of Slaves. At Bangolan, 2 other Schooners, both Americans, were also laying there, the one destitute of hands, and seized for an alleged debt by the late noted Slave Factor, Curtis, sen.; the other with the remnant of her Crew, who must in all probability, ere the approaching Tornadoes, follow their Companions who have fallen the victims of the climate, waiting a cargo.

Although the results of this little affair have not fully answered my expectations, yet I rejoice that upwards of 80 Slaves have been liberated: another day, and some hundreds more would have been embarked; but in all probability, the look-out at the entrances of the River would have been increased, and a total disembarkation might have been effected.

As I have already mentioned the names of the Senior Officers employed on this Service, it may not perhaps appear irregular by placing

the names of the Mates and Midshipmen in the several Boats, on a list, [viz. *Tartar*, M. B. Jones, J. A. Bainbridge, and R. W. Meeke; *Thistle*, R. Inman;] and in case at any future period of promotion, their Lordships should think proper to select any of the Junior Officers on the African Station, Mr. M. B. Jones, of the *Tartar*, and Mr. R. Inman, of the *Thistle*, who have passed their examinations some years since, may, I hope, appear not undeserving their Lordships' notice.

I have, &c.

J. W. Croker, Esq. GEORGE R. COLLIER.

No. 7.—Commodore Sir G. R. Collier to J. W. Croker, Esq.

SIR, *14th February*, 1820.

I BEG you will be pleased to acquaint my Lords Commissioners of the Admiralty, that since my return to this River, from off the River Pongas, my utmost exertions have been made to expedite the trial of the 2 Vessels mentioned in my Letter, (No. 6;) the *St. Francisco* has been condemned, and the Slaves, 69 in number, liberated and delivered with the Vessel to the proper Authorities.

The Brig *Marie*, under Netherlands Colours, is now on trial, the proceedings having commenced this day; but although I have urged the Court to allow the interests of the Officer detaining the Slave Vessel to be represented by some person duly qualified to act as Proctor, in order to do away the necessity of his waiting the conclusion of the trial, the Dutch Commissary Judge has decided against it, as well as against the Commander of the British Man-of-War being present during the trial.

I do not presume to say, that my proposal is perfectly consistent with the rules of all Courts, but I trust, it will appear evident to their Lordships, that the least possible delay should be given to the proceedings, and that the attendance of the Captain of a Man-of-War should not only be dispensed with, but that he may be allowed to employ a Proctor, or some such Person to attend to his interests during the trial; the very circumstance of his being liable to a severe penalty for demurrage, appears in my humble opinion, to warrant such an indulgence.

I have, &c.

J. W. Croker, Esq. GEORGE R. COLLIER.

No. 8.—Commodore Sir G. R. Collier to J. W. Croker, Esq.

SIR, *14th February*, 1820.

ALTHOUGH it is my intention to address you by a Schooner on the eve of sailing for England, yet as the Ship *Dowson* may sail before her, I have to acquaint you, for the information of their Lordships, that His Majesty's Ship *Myrmidon* arrived here on the 8th instant, bringing in with her the Vessels *La Marie*, French Schooner; *St. Salvador*, Portuguese Schooner; *L'Arrogante*, Independent Privateer Brig

under Artigas Flag; and 2 Spanish Schooners, her prizes, viz. *El Carmen, Anna Marie,* but as their cases appear involved in much uncertainty, I cannot express any particular opinion just now.

I inclose the Duplicate of a Letter I have addressed to you, on the subject of the difficulties and delays we meet with in the Courts of the Mixed Commission, and I regret to say, the plan now commenced by the Slavers, of declaring upon oath that the Men Slaves had been received as hired Men to navigate the Vessel, and the Slave Boys as Servants, is likely to encourage the Trade, and increase the difficulty of condemnation, it being almost impossible to effect the capture by such complete surprise as to prevent the escape of a large proportion of the Slaves; the contempt in which the Slave-masters now hold the Treaty is such as to induce them to boast of their evasions, and confess themselves waiting for the number of Slaves they have agreed for; and in some instances they have carried this so far as to point out their live cargo upon the beach, waiting only the absence of the Ship-of-War to load.

The Flags of France and America are now generally adopting, as the best cover to illicit Slaving, and the unpleasant situation this places His Majesty's Officers under, who are charged with preventing this traffic, must be evident to their Lordships, and will, I hope, induce them to give me some specific instructions upon this head.

The *Thistle* has arrived here, but without having succeeded in the object I had in view, of recovering a part of the *Marie's* Cargo at Kissing in the Rio Pongas.

I have, &c.

J. W. Croker, Esq. GEORGE R. COLLIER.

No. 9.—Commodore Sir G. R. Collier to J. W. Croker, Esq.

SIR, *H. M. S.* Tartar, *Sierra Leone, 15th February,* 1820.

THE *Union,* Merchant Schooner, being on the eve of sailing from this for England, I take leave to acquaint you, for the information of my Lords Commissioners of the Admiralty, that it is my intention to proceed to the southward immediately after the condemnation of the Dutch Brig *Marie,* and that from particular information I have received, I shall order the *Thistle* down the Coast, at least as far as Cape Palmas; and that the *Myrmidon* will, previous to her going to Bona Vista, reconnoitre the entrance of the Rio Nunez, where a Slaver is reported taking in a large cargo.

I inclose the Letters and Papers as per margin.*

I have, &c.

J. W. Croker, Esq. GEORGE R. COLLIER.

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* *Tartar,* list of Vessels detained, weekly account, and sick report; *Myrmidon,* ditto; *Thistle,* ditto.

(Inclosure 1.) —*List of Vessels detained for illegally trafficking in Slaves, by the Squadron under the Command of Commodore Sir G. R. Collier, between the 20th January and 16th February, 1820.*

By what Ship.	Date.	Name of Vessel.	Name of Master.	Name of Owner.	How rigged.	Number of Men.	Number of Tons.	Number of Guns.	Where. From.	Where. Bound.	Where. Belonging.	No. of Days out.	Cargo.	In what Latitude and Longitude, or what Place detained.	Under what Colours.	REMARKS.
Tartar and Thistle.	30 Jan. 1820.	Francisco.	—	—	Hermaphrodite.	—	—	—	—	—	—	—	69 Slaves.	Rio Pongas.	Spanish.	Vessel and cargo condemned by Court of Mixed Commission.
Do.	—	Marie.	Francisco Vigne.	—	Brig.	25	—	—	—	—	—	—	12 Slaves.	Do.	Netherlands	Under trial, but the Court refused to examine evidence to prove all the Slaves are such.
Myrmidon and Morgiana.	25 Jan.	La Marie.	Guidot.	—	Schooner.	16	140	—	—	Martinique	—	—	104 Slaves.	Riv. Galinas	French.	Slaves to be landed, and the Vessel sent on to Goree or Senegal.
Do.	—	St. Salvador.	Alvarez.	Martinez.	Do.	24	270	8	Bonavista.	Havannah.	Bonavista.	—	1 Slave.	Riv. Manna.	Portuguese.	Cargo of 200 Slaves ready at Manna.
Do.	30 Jan.	L'Arrogante	Sim. Metcalf	—	Brigantine.	38	241	1	Baltimore.	On a Cruize.	—	—	Privateer.	Do.	Artigas.	Pirate.
Do.	—	Anna Marie.	Partlow.	—	Schooner.	—	—	—	Matanzas.	For Slaves to the Galinas.	—	—	General cargo of goods.	Do.	Spanish.	Several Slaves ready at Galinas.
Do.	—	El Carmen.	—	—	Do.	—	—	—	Cuba.	Do.	—	—	Do.	Do.	Do.	200 Slaves ready to be embarked at Manna.

GEORGE R. COLLIER.

(Inclosure 2.)—List of Vessels detained for illicit Trading in Slaves, by the Squadron under the Command of Sir G. R. Collier, Commodore, on the Windward Coast.

By what Ship.	Date.	Name of the			How Rigged.	Number of			Where			Number of days out.	Cargo.	In what Latitude and Longitude, or what place boarded.	Under what Colours.	REMARKS.
		Vessel.	Master.	Owner.		Men.	Guns.	Tons.	From	Bound.	Belonging.					
Morgiana	10 Aug. 1819.	Nuestra Senora de Regla.	Don Santiago Mazomo.	Don Diego Benites.	Schooner.	18	2	54	Havannah	To the Southward of the Line	Havannah	79	Muskets, powder, cottons, &c.	Latitude 4d. 43m. N. Longitude 9d. 3m. W.	Spanish	One Slave found on board her, and the Captain on shore at Little Bassa.
Do. -	18 Sept.	Fabiana.	Don Juan Garcio.	Don Jose Nunes	Ditto -	24	4	117	Do. -	Do. -	Ditto -	87	Provisions, muskets, &c. &c.	Latitude 4d. 10m. N. Longitude 7d. 52m. W.	Do. -	13 Slaves found on board taken from Trade Town, where the Master and 2 men where left on shore.
Do. -	26 Oct.	Cintra - -	Juan Dupony	Antonio Joachim Mez.	Ditto -	15	2	137	Bristol, U. S.	Bonavista	Bonavista	78	26 Slaves	Latitude 6d. 29m. N. Longitude 11d. 12m. W	Portuguese	The Slaves were to have been taken to Trinidad de Cuba.
Do. -	10 Dec.	Esperanza -	Don Pedro Martin Pina	Jose Xavia de Aranzamendi	Ditto -	21	1	130	Porto Rico.	To the Southward of the Line	Porto Cavello	109	Tobacco, cloth, rum, knives, and tin ware	Latitude 5d. 49m. N. Longitude 9d. 57m. W.	Spanish	40 Slaves found on board, taken from Little Bassa, Grand Bassa, Grand Coro, & River Sestos.
Myrmidon	11 Dec.	Bella Dora -	—	—	Ditto -	25	2	150	—	Havannah	—	-	122 Slaves	—	Do. -	——
Thistle -	9 Oct.	Eliza - -	John Descombe	John Descombe	Ditto -	14	1	70	St. Thomas, West Indies	Trading voyage	St. Eustatius	82	Cottons, cloths tobacco, and beads	Latitude 4d. 38m. N. Longitude 9d. 40m. W.	Netherlands	Had 1 Slave on board: observed several others landed per Canoes.
Do. -	10 Oct.	Virginie -	Conesse - -	—	Ditto -	1	2	38	St. Eustatius	—	Ditto -	-	Cloths, muskets, tobacco, cutlery, and ivory	Do. - -	Do. -	Had 32 Slaves on board; the Captain and Crew, except 1 Man, had abandoned her, therefore could not ascertain further particulars.

GEORGE R. COLLIER.

(Inclosure 3.)—List of Vessels detained by H. M. S. Myrmidon, *between 26th November* 1819, *and 13th February* 1820.

Date of Detention.	Name of the Vessel.	Name of the Master.	Name of the Owner.	How Rigged.	Number of Men.	Number of Tons.	Number of Guns.	Where From.	Where Bound.	Where Belonging.	No. of Days out.	Cargo.	In what Latitude and Longitude or place detained.	Under what Colours.	REMARKS.
1819.															
10 December.	Bella Dora.	—	—	Schooner.	25	150	2	Havannah.	—	—	-	122 Slaves.	Riv. Galinas	Spanish.	—
1820.															
25 January.	La Marie.	Guidot.	—	Do.	16	140	—	Martinique.	—	—	-	104 Slaves.	Do.	French.	—
—	St. Salvador.	Alvarez.	Martinez	Do.	24	270	8	Bona Vista.	Havannah.	Bona Vista.	-	1 Slave.	Riv. Manna.	Portuguese.	Cargo of 200 Slaves ready at Manna.
30 January.	L'Arrogante.	Sim. Metcalfe	—	Brigantine.	38	241	1	Baltimore.	on a cruise.	—	-	Privateer.	Do.	Artigas.	Pirate.
—	Anna Marie.	Partlow.	—	Schooner.	—	—	—	Matanzas.	For Slaves to the Galinas.	—	-	General cargo of goods.	Do.	Spanish.	Several Slaves ready at Galinas
—	El Carmen.	—	—	Do.	—	—	—	Cuba.	Do.	—	-	Do.	Do.	Do.	200 Slaves ready to embark at Manna.

HENRY J. LEEKE.

No. 10.—*Commodore Sir G. R. Collier to J. W. Croker, Esq:*

SIR, *H. M. S.* Tartar, *Sierra Leone*, 16*th Feb.* 1820.

I BEG you will be pleased to lay before the Right Honourable the Lords Commissioners of the Admiralty the within Copies of Letters from Captain Leeke of H. M. S. *Myrmidon*, and Captain Sandilands of the *Morgiana*; and to the Statement made by those Officers I beg leave to add, that it appears that the Slaves detained on board the French Schooner *Marie* were shipped by, and, it is considered, from Documents found no board, partly on account of Mr. Kearney, a British Subject, residing at Kent Town, near Cape Shilling, in His Majesty's Dominions.

The Law Officers have recommended that, with respect to the Slaves, a prosecution be entered on immediately: in any case I shall desire Captain Leeke to give convoy to the Schooner herself to one of the nearest French Ports, there to be delivered over, with her Stores and Crew, to be proceeded against as the French Authorities shall think proper, taking for my guide their Lordships' orders, relative to the *Sylphe* French Slaver, formerly detained by Captain Hunn, of the *Redwing*; and I hope this line of conduct will meet their Lordships' approbation.

The want of a Portuguese Judge or Commissioner appears to threaten a bar to the proceeding against the Portuguese Schooner, unless Mr. Gregory shall feel the Orders he has received relative to the immediate trial of a Portuguese Slaver, detained last year by the *Pheasant*, as applicable in the present instance.

The circumstances of Piracy attending the Schooner under the Flag of the Chief Artigas, appear to be involved in so much doubt and uncertainty as to the proof of Piracy, and threaten so much difficulty, that I do not feel myself equal to afford their Lordships that information my desire to make them acquainted with all the transactions upon this Station would lead me to: I shall, however, desire Captain Leeke, whatever may be decided upon, to remove such Persons as by her Muster-roll appear to be British Subjects to the *Myrmidon*.

I have, &c.

J. W. Croker, Esq. GEORGE R. COLLIER.

(Inclosure 1.*)—Captain Leeke to Commodore Sir G. R. Collier.*

SIR, *H. M. S.* Myrmidon, *off Manna River*, 25*th Jan.* 1820.

IN pursuance of orders I had from you to put to sea in His Majesty's Sloop under my command, with the *Morgiana* in company, to cruize between Cape St. Ann and Cape Mount, for the purpose of intercepting Vessels carrying on an illegal traffic in Slaves, I beg to inform you, that this morning, at day-light, the river Galinas bearing E. S. E. 3 miles, I discovered 6 Schooners at anchor, 5 of which, upon our approach, hoisted Spanish Colours, the other French; the latter

having Slaves on board, and being in the midst of so many Spanish Vessels, gave cause for suspicion. The Boats, which were sent away before daylight, accordingly went alongside, and upon examination of the Documents found on board I have every reason to believe the Slaves to be the property of a British Subject residing on the Coast, by the name of J. O. Kearney. Upon mustering the Crew, few were found to be the Subjects of France, and those not sufficient to entitle her to the protection of that Flag; I have, therefore, in conjunction with Captain Sandilands, of H. M. S. *Morgiana*, thought it right to detain her, and send her into Sierra Leone for adjudication. She proves to be the *La Marie*, of 120 tons, with part of her cargo on board consisting of 103 Slaves.

From the information I have since received, I am positive the Slaves on board are the property of the said J. O. Kearney; and that almost every Slave that is shipped from the Galinas is procured by him, or his agents. I have, &c.

HENRY J. LEEKE.

Commodore Sir G. R. Collier, Bart. K. C. B.

(Inclosure 2.)—Captain Leeke to Commodore Sir G. R. Collier.

SIR, *H. M. S.* Myrmidon, *off Manna River, 25th Jan.* 1820.

I BEG to inform you, that this afternoon, while running along shore between the Rivers Galinas and Sagury, in company with H. M. S. *Morgiana*, I observed several Schooners at anchor off Manna; one under Portuguese Colours was observed to hurry several Blacks into a Boat. I immediately dispatched Mr. Smith, Acting Lieutenant, with the Cutter to board her. By this time the Boat had pushed off, and was pulling with great eagerness towards the shore; our Boat was fortunate enough to come up with her, and found one man who had been taken on board the Schooner, and sold as a Slave for four bars. He was on his passage to be confined on shore, with 200 Slaves, part of the above Schooner's cargo, and which I had seen her twice land, when chased by this Ship during our last cruize. The Crew of this Schooner consisted of 24 Men, all of whom, except 4 or 5, are Americans. Under all these circumstances I have thought it my duty to send her into Sierra Leone, to be tried for a breach of the Slave Laws. She proves to be the *St. Salvador*, of 260 tons, 8 24-pounders, and 24 men. I have, &c.

HENRY J. LEEKE.

Commodore Sir G. R. Collier, Bart. K. C. B.

(Inclosure 3 A.)—Commander Sandilands to Commodore Sir G. R. Collier.

SIR, *H. M. S.* Morgiana, *off the River Galinas, 25th Jan.* 1820.

BY desire of Captain Leeke I beg to acquaint you I have detained

and sent to Sierra Leone the French Schooner *La Marie*, with 105 Slaves on board, taken possession of by this Ship this morning. I have every reason to believe that the Slaves on board are the property of a British Subject, of the name of J. O. Kearney, resident at the River Galinas, where the Schooner was at an anchor with 5 Spanish Slaving Vessels, but without any Slaves on board. *La Marie* took the whole of her Slaves on board at this anchorage. I have, &c.

ALEX. A. SANDILANDS.

Commodore Sir G. R. Collier, Bart. K. C. B.

(Inclosure 3 B.)—*Mr. J. O. Kearney to the Captain of* La Marie.

SIR, *Galinas, 26th November* 1819.

YOU will please to get your Vessel nearer the Bar to expedite the landing of the cargo. You will then also put what quantity of goods the Boat and Canoes can safely carry in them, and send an Officer to deliver the goods to Mr. Cleveland, who will wait at Kroomen's Place to receive them. Yours, &c.

Captain Guiot, Schooner La Marie. J. O. KEARNEY.

Witness ALEX. A. SANDILANDS, *Commander.*
ALEX. REACH, *Purser.*

(Inclosure 3 C.)—*Agreement between Messrs. Kearney and Sheacke and the Captain of* La Marie.

Galinas, 25th November 1819.

ARTICLES of Agreement drawn up between J. O. Kearney and Mr. Sheacke, on the one part, and Captain Guiot of the Schooner *La Marie*, on the other part.—The said Mr. Sheacke and J. O. Kearney do agree to pay unto Captain Guiot 105 Slaves, none to be under 4 English feet, and to be as equally proportioned, Men, Women, Boys, and Girls, as can be. The said Captain Guiot does agree to pay the whole of his cargo for the said Slaves, as per *facture* (invoice). The whole of the above to be paid within 42 days from the date hereof. J. O. KEARNEY, *for Mr. Sheacke.*

VIN. GUIOT. J. O. KEARNEY.

(Inclosure 4.)—*Captain Leeke to Commodore Sir G. R. Collier.*

SIR, *H. M. S.* Myrmidon, *off Manna River, 30th Jan.* 1820.

I BEG to inform you, that this evening, at half-past 8, Cape Mount bearing S. E. by S. 5 or 6 miles, I observed 3 Sail, and a great deal of firing off the River Manna; and as it was then calm, I dispatched the Boats of this Ship, with those of the *Morgiana*, under the orders of Lieutenant Nash, to chase and examine the strangers. At 11 the Boats succeeded in getting alongside the largest; she proved to be a Patriot Privateer Brigantine of 240 tons, 1 long 24-pounder on a sweep a-midships, and a complement of 40 Men, under Artigas's Flag; the

other 2 strangers were Spanish Schooners, her prizes, that had been captured in the morning, after a sharp action.

I have obtained good information of this Vessel having boarded a French Schooner a few days before, and robbed her of great part of her stores, consisting of rope, pitch, tar, sails, and several smaller articles, and having treated the Captain and his Crew in a very inhuman way, by taking them out of their Vessel, and keeping them under hatches on board the said Privateer for upwards of 16 hours, whilst their own Crew were turned on board to plunder. In addition to this, an American complained to me, that the Pirate, with Spanish Colours hoisted, went alongside an American Schooner, and without hailing, fired a volley of small arms into her, and I am sorry to add, severely wounded one of her Crew. The Vessel I find was fitted out at Baltimore, and has not been to any Port in South America. The chief part of her Crew, and some of her Officers, are British Subjects, and I very much fear the above is not the only act of Piracy they have been guilty of.

I conceive that I should ill be doing my duty were I not to detain her as a Pirate. I have therefore sent her, with the 2 Spanish Schooners, to Sierra Leone, that she may be tried in the proper Court.

I feel great pleasure in again bringing Lieutenant Nash's conduct before you; and beg to express my thanks to him, and Lieutenant Head, of the *Morgiana*, with all those employed under them, for the spirited manner in which they boarded the Pirate, the Crew of which were all at quarters and prepared for resistance.

I cannot conclude my Letter, without mentioning the very great assistance I have received from Captain Sandilands, of His Majesty's Sloop *Morgiana*, during the short time he has been under my orders.

I have, &c.

Commodore Sir G. R. Collier, Bt. K.C.B. HENRY J. LEEKE.

No. 11.—*Commodore Sir G. R. Collier to J. W. Croker, Esq.*

SIR, *H. M. S.* Tartar, *Sierra Leone*, 21*st February*, 1820.

A VARIETY of circumstances have prevented my proceeding to sea so soon as I had intimated to their Lordships; and many of these circumstances have been so intimately connected with the Courts of the Mixed Commission, the Judges of which Court appear so generally disunited in opinion, that I am obliged to transmit to their Lordships the Copy of a Letter I have felt myself called upon to address to the Registrar of the British and Netherlands Court; and as I consider myself bound to appeal to their Lordships for a redress of the grievance, myself and the Officers of the Squadron consider they labour under, as connected with the proceedings of the Mixed Court

of Justice, I have felt it proper to accompany the Letter I allude to, with the Sentence of the Court, and depositions of 2 Witnesses, taken at my own expense; which evidence would have been still further corroborated by that of others, had the health of the Notary Public allowed him to examine them: the death of the 2 European Witnesses is also a circumstance of sincere regret to me.

I hope their Lordships will excuse the observation I make, that while either of the Judges shall become so decisively the advocate and friend of the Slave Dealer, and so long as no punishment awaits Europeans convicted of Slaving, it must be obvious that the trouble and expenses the Government is at to drive the Slave Dealer from the Northern shore of Africa becomes in a great measure useless.

The *Thistle* sailed to the Southward on the 19th, with orders to make the land near St. Ann's Shoals, as I dispatched my Boats in shore at the same time, in the hope of surprising Mr. O. Kearney, a British Subject, proved to be connected with the Slave-trade. The *Myrmidon* sails this day for the Northward.

I have been employed the last 24 hours heaving up a mooring chain with 2 anchors of 40 cwt each, which have destroyed many cables, and which no Person in the Colony knows when or by whom they were laid down; the whole is now landing, and I am getting under weigh.

I have, &c.

J. W. Croker, Esq. GEORGE R. COLLIER.

(Inclosure 1.)—Commodore Sir G. R. Collier to the Registrar of the Mixed Commission Court at Sierra Leone.

SIR, *H. M. S.* Tartar, *Sierra Leone, 19th February*, 1820.

I BEG to acknowledge the honour of the receipt of your Letter, accompanying the Sentence of the Court of the Mixed Commission in the late trial of the Brig *Marie*, by which it appears that this Brig has been condemned, with 2 Slaves out of 12 actually seized on board of her.

Until expelled the British and Netherlands Mixed Court of Justice in the trial of the Brig *Marie*, seized by me under Dutch Colours, I had always entertained the idea, that all Courts of Justice in the British Dominions were not only open to the Parties interested in the different Causes therein, but for all Persons in general.

I had also supposed, that a Party interested in any suit in any Court of Justice held within the British Dominions, might avail himself (at his own expense) of the assistance of such proper Persons as might appear to him most likely to prosecute or defend his Cause to the best advantage: this is not only denied, but the Parties to the Suit, whether Captors or Captured, are not allowed to prosecute or defend their own respective Causes; so that here is, I believe I may venture to say, the most extraordinary of all Courts of Justice I ever heard or

read of (different from that of the barbarous Nations of Africa, who are known never to condemn until the palaver, as they term it, is fairly talked, and in open Court too); in a Court of Justice with Judges, but without Parties, until such time as the Captor may find himself a Party by being arrested in person, and perhaps unable to pay the amount of damages awarded against him by the secret Sentence of this Court, from which there is no appeal.

But although, Sir, from this Sentence there is no Appeal, the right of protesting against the proceedings of the Court is not denied the Individual who feels injured by what I consider the illegal proceedings of the same.

The opinion expressed by one of the Judges, that the presence of the Captor is refused on the ground that he may intimidate the Captured during the examination of the latter, can only apply to cases where the Registrar, or Examiner by him deputed, takes such examination, which is usually the case, I believe, in Courts that follow the practice of the Civil Law; but when in Court the Judges in person choose to take such examination, would they not be acting unbecoming the trust reposed in them by their respective Sovereigns, if they allowed any Person whatever to intimidate another in the Court where they presided?

But, Sir, it is not the exclusion of the Parties during the examination of Witnesses that I complain of, but their exclusion altogether, either personally or by proxy; that the Causes are carried on altogether secretly; that the Sentence is given secretly, without either Party being allowed to be present to plead, or in any manner to interfere with his own Cause, and this in a Court without Appeal, and with power to confiscate property, and to award heavy damages, and without being obliged (as therein decreed) to cite, or even hear, the Parties interested.

I therefore claim, as the Commander of the British Squadron on the coast of Africa for the suppression of the Slave-trade, that the respective Commanders of the Ships of War under my command, who are bound by their orders to seize Vessels carrying on an illicit traffic in Slaves, and are in the execution of such orders liable to the payment of heavy damages, perhaps by the mere chance of the drawing a lot, may be allowed to employ and substitute in their stead proper Persons to take care of their interests, especially when obliged by duty to be absent from the place where the Court is held. Secondly, that the Court, during the time of examination of Witnesses, may be open, at least to the Parties interested. And, lastly, that the Parties be allowed to examine such Witnesses, and put such interrogatories to them, provided the same are not improper, as they may deem beneficial to their cause; and may be openly allowed to plead their own causes in Court, and have every reasonable facility allowed them in carrying on

the same; and until the same is allowed I protest against the proceedings of the Court as arbitrary and unjust, and as inconsistent with the established rules of Nations. I request these observations may not only be laid before the Court, but that an answer may be returned to the same.

Yet, Sir, I cannot close this Protest without remarking upon the extreme injustice of the Court towards me in the late Trial.

It is already before the Court, by public Documents, bearing the signatures of the Parties themselves to the agreement, that by a certain day 300 Slaves were to be furnished by the Curtis's, of Kissing Town, to Captain Francisco Vigne, as well as 5 or 6 prime Slaves payable on demand; all these Papers are in your possession.

From these Documents the fact of the 12 Africans being received on board the *Marie* as part of the cargo so long promised, could have been easily traced, had not the proceedings of the Court been closed in a hasty, unjust, and I may almost say, clandestine manner.

I was promised by the Court, that the Special Interrogatories I sent in should be put to the Master of the Brig, M. Vigne, and I was preparing others for the Seamen.

I was promised also, that the 2 Seamen, either American or English, found on board of her, should also be examined, and I had Special Interrogatories to be put to them likewise.

I was further promised by the Court, that some of the most intelligent of the Africans, if not the whole of them, should also be examined; and though these Men, with proper Interpreters, had been in attendance during the two days of the trial, yet no sooner had I quitted the steps of the Court-House door, than your Court of Justice decided it had not evidence enough to condemn the Vessel, and declined either a short delay to ascertain whether the Master was actually too ill to attend in person, or the indulgence, till I was informed that all it had promised and stood pledged for had been revoked.

In consequence of which most unjust decision, I am deprived from following up my claim on behalf of myself, Officers, and Crew, for the bounty which would have been granted for the remaining 10 Slaves.

A precedent has been established, authorizing a Slave Master to embark any number of his Slaves as the Crew of his Ship; thus claiming a Sentence in his favour, and perhaps recovering damages from the British Captain, if this Slave Master has the hardihood to swear, that he does not know the Africans he has bought are Slaves. And I would ask of the Court, where are the Slave Dealers who will not swear anything favourable to their own views and pursuits?

The legal Certificate of Emancipation usually granted and recorded, has been denied to these 10 unfortunate Slaves.

The opportunity was lost of proving wilful perjury against Mr. Francisco Vigne, as well as one of the Crew of the Brig; thus defeating the ends of justice, as well as depriving me of my natural right to a fair and impartial vindication of the motives which induced me to declare, upon my honour, that there were 12 Slaves on board the Brig when detained; and forcing me either to submit to the degradation of my own honour, or compelling me to the expenses and delay of desiring, that Affidavits through a Notary Public might be taken of the depositions of the Witnesses not examined by the Court, two of which being Men passing for Christians, have, unfortunately for the ends of justice, though most luckily for the Master of the Brig, died before their voluntary depositions could be taken in writing!

I offer no other apology for the time of the Court which I may now occupy, than my regret that its own measures should have compelled me to it. I have, &c.

GEORGE R. COLLIER.

The Registrar of the Court of the British and Netherlands Mixed Commission, Sierra Leone.

(Inclosure 2.)—Sentence of the British and Netherlands Mixed Court of Justice at Sierra Leone, in the Case of La Marie.

Tuesday the 15th day of February, 1820.

Marie Brig, Francisco Vigne, Master,

Our Sovereign Lord the King against the said Brig *Marie,* Francisco Vigne, Master, her tackle, apparel, and furniture, and the goods, wares, merchandise and Slaves on board the same, taken by H. M. S. *Tartar,* Commodore Sir G. R. Collier, Bart. Commander, and brought to Sierra Leone.

The Commissary Judges having examined the Paper Writings of the said Brig, and received the depositions of the said Francisco Vigne, the Master; Francisco Jourdon, the Boatswain; and Joseph Pearson, a Seaman on board the same; as well as the declaration of Sir George R. Collier, the Captor; and having refused to admit the Interrogatories exhibited by the said Captor, to put to the said Francisco Vigne, on the ground that the same were unnecessary, and that the said Francisco Vigne was too ill to be brought to the Court, or to be moved from the Hospital in which he was lodged; pronounced the said Brig *Marie,* her tackle, apparel, and furniture, and the goods, wares, and merchandise laden therein, to have been, at the time of the capture and seizure thereof, engaged in the traffic of Slaves, and as such subject and liable to confiscation, and condemned the said Brig, her tackle, apparel, and furniture, and the goods, wares, and merchandise laden therein as lawful prize, and as taken in such illegal traffic by His Britannic Majesty's Ship-of-war *Tartar,* Commodore Sir George R.

Collier, Bart. Commander; and moreover pronounced the said Slaves, natives of Africa, to be emancipated from Slavery, and to be employed as servants or free labourers; and also that it had been proved, that at the time of passing the said Sentence 2 Boys did compose the whole of the Slaves so decreed to be emancipated.

These are to certify, that the foregoing is a just and true Copy of the original Decree or Sentence, made in the British and Netherlands Mixed Court of Justice at Sierra Leone, in the Cause therein mentioned.—Extracted from the Registry of the said Court, this 19th day of February, in the year of our Lord 1820.

D. M. HAMILTON, *Registrar.*

(Inclosure 3.*)—Deposition of* 2 *Slaves on board* La Marie.

By this public instrument of Declaration, be it known, that on the 16th day of February, in the year of our Lord 1820, before me, Daniel Molloy Hamilton, Notary Public, duly admitted and sworn, residing and practising in the Colony of Sierra Leone, personally came and appeared, Tombo and Balfa, 2 male Natives of the Timmaney Country, who, through the interpretation of James Thompson, a native of the Timmaney Country, and a resident of the said Colony, (the said James Thompson being first duly sworn on the Holy Evangelists, truly and faithfully to interpret) declared; and first the said Tombo for himself declared, that on going to the River Scarces for the purpose of trade, he was seized by one of his Countrymen, on the pretence that Declarant's Father owed him money, when he was carried to the Rio Pongas, and there sold as a Slave to the late Benjamin Curtis. And the said Balfa for himself declares, that he was sold for adultery, and afterwards taken to the Rio Pongas and sold to the said Benjamin Curtis; and the said Tombo and Balfa declared, that they were each sold about 3 months since to the said Benjamin Curtis. That Tom Curtis, the son of the said Benjamin Curtis, sold them about 3 days before the death of the said Benjamin Curtis to the Captain of the Schooner *Maria*, now lying in the Port of this Colony, and in which they and 10 other male Slaves were brought to the said Port, 2 of which, being Boys, have been taken from the said Schooner within the last 2 or 3 days, leaving these Declarants and 8 others on board. That after they were sold, these Declarants, 2 of the said 8 other Men, and 2 other Men that were sent away in a boat for Ria, and were not captured with the Vessel, were chained together by their necks, and employed conveying the cargo, which they saw taken from on board the said Schooner *Maria*, to the stores of the said Tom Curtis (the said cargo being bartered for them and others, afterwards to be brought from the River Scarces); and that these Declarants, and the other 4 chained by their necks, were employed in rolling the rum, tobacco, and other articles of the said cargo that was heavy and in casks; while 2 others

of the said 8 Slaves were ironed together by their legs, and were employed in carrying the iron bars and other articles of inferior weight to those in casks; that the latter 2 men Slaves were first carried on board the said Schooner in one of her Boats; and after that these 2 Declarants, and the other 4 Men, were taken on board, they were chained together by their necks; that when these latter arrived on board, their heads were shaved, and they found 7 Slaves on board who had been shipped before them. That 1 Boy Slave was afterwards brought on board by a white Man unknown to these Declarants; that they were all, every evening, about 5 o'clock, put below, under the hatches, which were locked, and a tub was given them for receiving their natural evacuations; that they were all treated as Slaves, and not as Freemen, on board the said Schooner, being at times severely beaten, and generally kicked and knocked about; that the Boys before-mentioned to have been taken out within the last 2 or 3 days, and these Declarants, and the others, were all treated alike as Slaves.

In faith and testimony whereof, I have hereunto set my Hand, and affixed the Seal of my Office, the day and year first above written.

D. M. HAMILTON, *Notary Public.*

No. 12.—Commodore Sir G. R. Collier to J. W. Croker, Esq.

SIR, *H. M. S.* Tartar, *off Cape Mount, 28th February,* 1820.

I BEG leave to acquaint you, for the information of the Right Honourable the Lords Commissioners of the Admiralty, that His Majesty's Ship *Tartar* under my command sailed from Sierra Leone on the 21st instant, having first landed a mooring chain, with 2 anchors of 40 cwt. each attached to it, which had been hooked by the *Tartar's* best bower. When this chain was laid down is uncertain, but it has hitherto been a great nuisance to His Majesty's Ships.

This morning I was joined by the *Thistle,* Lieut. Hagan. The 3 Boats which had been dispatched from this Ship on the 19th, under Lieut. Marsh, joined in the night, but without having succeeded in gaining particular information of Mr. O. Kearney, the British Slave-dealer, who was lately resident at the new town of Kent, near Cape Shilling.

The alarm of the *Tartar's* coming to the Southward had been spread, and almost all the Slavers between Sherbro' and Cape Mount had put to sea.

The Boats of the *Tartar,* which had rendezvoused on board the *Thistle,* detained a Schooner under the French Flag, having 50 Slaves on board, procured at the Galinas, being part of her cargo of 200 and odd promised.

This Vessel, the *Catherine,* from and bound to Guadaloupe, was boarded in the belief that she was Spanish; and as she has a proportion of her cargo of Slaves on board, I conceive I cannot do less than follow my former decision, of sending her into Sierra Leone, in order to

be conveyed to the nearest French Port; and I am in hopes she may arrive in time to accompany *La Marie*, French Slaving Schooner, already under charge of Captain Leeke, of the *Myrmidon*, to be delivered over (as directed by their Lordships in the Case of the *Sylph*) to the nearest French Authorities; I shall, therefore, direct the *Thistle* to see her into Sierra Leone.

Of those Slaving Vessels who had put to sea on the first alarm, 2, the *Esperanza* Schooner, and *Anita* Brig, have been fallen in with and detained by this Ship; they are under the Spanish Flag, having an American, as well as a Spanish Master, and Crews as equally composed, from Matanzas, in the Island of Cuba; and by the engagement they are under to the Spanish Government they are not to Slave North of the Line, yet they came for this purpose in sight of the Coast occupied by His Majesty's Subjects. Parts of their cargoes are landed, and in charge of Mr. O. Kearney. It is my intention to give them convoy South of Cape Palmas, so far in their way South of the Line, and warn them of the danger of their returning to this part of the Coast; a measure which, I conceive, will tend very much to confound their projects, and embarrass those now under agreement to supply them with a cargo of Slaves.

There are still several Vessels in the small rivers upon the Coast waiting their cargo of Slaves.

In the Sherbro' the Boats boarded a Spaniard having her rudder unhung; she could not be brought out. The Master reports her having struck crossing the St. Ann's shoals, where she lost it. In Little Cape Mount River 2 Schooners were also lying, one French, the other Spanish, waiting their return cargo of Slaves. The Crew of the latter either were or pretended to be, all sick; and as the bar was difficult she was allowed to remain. Two French Vessels and 1 under the American Flag, were also at anchor between this and the Galinas; and a Spanish Schooner was warned off.

By this detail their Lordships will see that the Slave-trade is not only likely to increase on this Coast, but that the Flags of France and America will probably, in another year, cover the whole line of the Windward Coast, and be used for the worst purposes, unless their Lordships shall, by approving of my conduct in the detention of such as may actually have Slaves on board, countenance a perseverance in the line of conduct I have adopted. I have, &c.

J. W. Croker, Esq. GEORGE R. COLLIER.

No. 13.—*Commodore Sir G. R. Collier, to J. W. Croker, Esq.*

SIR, *H. M. S.* Tartar, *off Cape Palmas, 7th March,* 1820.

I BEG leave to acquaint you, for the information of the Right Honourable the Lords Commissioners of the Admiralty, that soon after day-light on the 2d instant, while in chase of 2 Schooners, to wind-

ward off Trade Town, near Grand Bassa, and evidently Slaving, though under French Colours, a third Schooner was seen to leeward, running under all sail to the S. W. As I had no doubt in my mind, but she had her cargo of Slaves, I immediately bore up in chase, and having been favoured by a fresh breeze, I closed with her at sunset; she proved to be the *Gazetta*, American-built Schooner, under Spanish Colours, from The Havannah, on a Slaving voyage upon the Windward Coast, having 82 Slaves on board, being a few more than half her intended cargo. Her Crew composed, as these Vessels' Crews invariably are, of a motley group of nearly all Nations; and as some of them appeared to be Men of the most daring character, I felt myself justified in removing a large number of the Crew to this Ship; though, indeed, independent of the safety of my own People, the general health of those remaining on board the *Gazetta* would alone have induced me to receive 16 of these renegadoes; for with the addition of the Prize Officer and his Crew, there would not have been a sufficiency of space for each Person to have stood, particularly as I had felt it an act not only of humanity but necessity, to release the Slaves, who were linked with irons by the legs and wrists in couples. The gratitude of these poor beings for this kindness is beyond description.

I offer this explanation to their Lordships by way of apology, in case (as was threatened at Sierra Leone, by some of the Foreign Commission), a complaint should be presented against me to their Lordships, to whom I feel confident the necessity of the measure will appear evident.

I dispatched the *Gazetta* the next morning for Sierra Leone, and stood myself in shore to rejoin the 2 Spanish Vessels I was convoying to the Southward, as well as one of this Ship's Boats and Tender.

On the morning of the 4th I made the Land, when I closed with the 2 Schooners I had previously been in chase of, and was also joined by Lieutenant Finlayson, who reported his having boarded these Vessels; and though there were Slaves on board of each, yet as they were under the French Flag, I could not spare a sufficiency of Men to send by Sierra Leone to Goree; but as there were circumstances of great doubt as to these Vessels' nationality, I felt myself justified in detaining them till I had duly examined their Papers, as well as into several circumstances which I feel it proper to detail to their Lordships.

From on board the Spanish Schooner *Gazetta*, I had, among other people, removed 3 American Seamen, who had been landed from the *Swift* Schooner, under Spanish as well as American Papers, said to have been taken by a South American Privateer, while these Men, with their Master (the late B. Richards, of New York), were on shore at Trade Town, and since armed and cruizing on this Coast as a Privateer. From the report of these Men I learnt that Mons. Sanguines, the Master of the *Jeune Estelle* French Schooner, had a few days be-

fore landed at Trade Town with part of his Crew armed, and taken by force from William Ward, the Mate of the *Swift*, 14 Slaves, which had been part of the *Swift's* cargo, and left him by the Master of the *Swift*, by will, previous to his death.

On the return of Lieutenant Finlayson, who had boarded the *Jeune Estelle*, I was much shocked to learn, that after the positive declaration of Mons. Sanguines that he had no Slaves on board, that while examining the platform and hold, his curiosity was excited by a cask carefully closed at the bung-hole by canvas nailed over it; on knocking the hoops off, 2 female Children were discovered almost suffocated, who had been headed up in the cask and stowed in the hold to avoid discovery. These Children were ordered on board the *Tartar* to be questioned, when the American Mate of the *Swift* declared solemnly they were 2 of the 14 Slaves seized by force from him at Trade Town, by Mons. Sanguines in person, being a part of those left him by the will of Captain Richards; and this was not only assented to in part by Mons. Sanguines, but corroborated by the Children themselves. Under these circumstances, I should have felt myself justified in sending the *Jeune Estelle* to Goree or Senegal; but her actual state and condition appeared so bad, as not to warrant the risk of the passage during the Tornadoes, which have already commenced. I therefore decided upon retaining the 2 Slave Children, and indorsed his Papers with a notification to that effect. In the belief that some other Slaves might be on board, I desired that all the casks in the hold might be examined, and sent Mons. Sanguines to his Schooner to attend, that no injury to the Vessel or cargo might occur. While this examination was taking place, Mons. Sanguines confessed he had 1 Slave still on board secreted between the casks; and in fact the plank on which they were standing being removed, a male Slave was found lying between the casks, and supporting on his back the plank forming the deck. The situation of this unfortunate being was deplorable; but as he did not appear to be one of those taken by violence from Trade Town, I felt rather glad at an excuse for leaving him, in the hope that in case of a future chase it might prevent Mons. Sanguines taking more effectual means of ridding himself of such evidence of his violation of all Laws, human and divine.

The other Schooner, the *Joseph*, Mons. Foucard, Master, evidently American as well as French property, having, though with 12 Slaves on board, declared solemnly, that he was not aware that he was acting contrary to the existing Laws of France, I warned him of his danger by indorsing his Papers; and in the evening of the 3rd instant, off Krew, she parted company, with, I doubt not, the full determination of beating again to the Northward to complete her cargo of 250 Slaves.

I have, &c.

J. W. Croker, Esq. GEORGE R. COLLIER.

No. 14.—*Commodore Sir G. R. Collier to J. W. Croker, Esq.*

(Extract.) *H. M. S.* Tartar, 17*th March* 1820.

THE *Morgiana* unluckily sailed 2 or 3 days prior to my arrival, taking with her the *Prince of Brazil* Packet, and her Tender, *Jane Nicol,* which it appears Captain Sandilands felt it necessary to do, in order to lay all the circumstances attending her detention before the Vice Admiralty Court at that place; a large number of Natives, who are stated to have been hired by Mr. Robertson, were on board, and as many of them had declared they were detained against their will, Captain Sandilands decided upon the measure he has taken. I have recommended Mr. Robinson, the Managing Owner, and now here, to follow in the *Snapper,* and I understand he will.

I am also sorry to state, that a large Portuguese Brig, full of Slaves, which had been detained by Captain Kelly, and dispatched for Sierra Leone many months ago, has never been heard of. The impropriety of retaining a large portion of the natural Crew in a detained Vessel, composed of the vilest possible class of People, is so evident that I cannot suppose her to have been cut off, but rather hope she may have been captured, by some one of the many Spaniards who infest the windward Coast under the various protections and disguises they assume, from America, Cuba, and Martinique, or the insurgent Chiefs in the Oronoko and the Plata.

J. W. Croker, Esq. GEORGE R. COLLIER.

No. 15.—*Commodore Sir G. R. Collier to J. W. Croker, Esq.*

SIR, *H. M. S.* Tartar, 17*th March* 1820.

THE circumstances which have led me to detain the British Schooner *Errato,* of Sierra Leone, will be best explained by the following detail; and which I beg leave to submit for the information of the Right Honourable the Lords Commissioners of the Admiralty.

I had proceeded to the River St. Andrews, to the Eastward of Cape Palmas, upon information that a large Vessel was to be there for Slaves. Some such Vessel was reported by the Chiefs of the Town to have been there some weeks before; but from the immense crowds of Children which lined the Beach on my landing, I had my doubts whether the *Tartar* had not been mistaken for the Vessel I was in quest of. She had been described as a Ship having French and Spanish Papers, and I believe her name *El Neptuno.*

Following up my inquiries I received a confused story of an English Schooner on the Coast, the Master of which, a Mr. Williams, had, a day or two before, shot two of his Crew, who had forcibly taken his Vessel.

On the 10th instant, off Lahon, this Schooner was seen, at which time she was crowded with Canoes, which were passing to and from the

Beach. It occurred to me she was re-landing Slaves, and a Boat was sent as soon as possible. The Officer who boarded, reported her to have been partly in the possession of the natives, who, however, abandoned her on the *Tartar* heaving in sight. As she proved to be the *Errato*, the Officer brought with him the Master and 2 of the Crew, 4 being all who remained on board.

Having ascertained that Mr. Williams, had a few days before, shot Samuel Hough, one of his Crew, on a charge of mutiny, and that he had afterwards allowed the Man to go on Shore at Lahon, where his Mate and 1 other Seaman, had also sought an asylum, conceiving their lives endangered by remaining on board, I considered I should best promote the ends of justice by detaining Mr. Williams, who described his intention to be that of proceeding to Cape Coast Castle; and that much of the mystery might be removed by recovering the Men from the Negro village of Lahon, as well as preventing them the opportunity of settling themselves as Slave-Factors, an event frequently brought about from similar accidental circumstances.

I therefore left 1 of my Boats under Lieutenant Marsh, with the *Tartar's* Tender to cover them from the weather, with instructions to demand the 3 English, as British Subjects; and last night this Officer joined, bringing the wounded Man and his Companions.

From all I can learn, the assertion made by Mr. Williams, that his Crew were in a state of mutiny, is unfounded. Off the Slave Town of Galinas Mr. Williams had, by his Crew, recovered the anchor and cable of a slave Schooner, chased and captured by H. M. S. *Myrmidon*, for which he had promised salvage, in the shape of grog, to his Crew, but which he afterwards declined acceding to, and an altercation took place. This over, Mr. Williams armed himself with a pistol, and on a Sailor again coming aft to ask the promised salvage, Mr. Williams fired his pistol. The bullet entering the left-arm, lodged in the breast. The bullet has been extracted by the Surgeon of this Ship, and if the fever does not increase the Man may yet recover.

From the depositions of the Crew it appears the Sailing-master of the Vessel, on a non-compliance with the agreement Mr. Williams had made at Sierra Leone, the Mate and 2 Seamen had also left her at the Galinas, not considering Mr. Williams (who now acted in some shape as the Master), bound on a legal Voyage, as well as from his not fulfilling his agreement; the Mate and 2 Seamen were however persuaded by Mr. Williams to return on board, and were promised that provisions and other points complained of should be rectified. In the mean time Mr. Williams had commenced an exchange of his cargo with several of the Foreign Vessels about the Galinas, and Tobacco and American Rum, and some other Articles, were exchanged for gunpowder.

Of the correctness of this transaction as regarding the Plantation Laws I am not prepared to speak; but as I consider Mr. Williams not

a proper subject to be at large till his conduct has been judicially inquired into, I have felt it proper to place him in security, without however removing him from his vessel; and as I found that neither was he, or any of his remaining crew, the least acquainted with navigation, I have been obliged to send proper Officers on board to take charge of the Schooner, and with them, from the weakness of the crew, a few seamen also; and so soon as some circumstances are more fully inquired into, I propose, if the facts I assume are supported by evidence, to send the Vessel to Sierra Leone, and lay the whole of the circumstances before the Vice-Admiralty Court.

The *Errato* is, I understand, the joint property of Mr. Williams and his brother now at Sierra Leone. I have, &c.

J. W. Croker, Esq. GEORGE R. COLLIER.

No. 16.—*Commodore Sir G. R. Collier to J. W. Croker, Esq.*

(Extract.) *22d. March,* 1820.

I HOWEVER regret to state, that the Portuguese Brig *Vulcano*, the last Vessel detained by the *Pheasant* (and as I understand from Captain Kelly, reported to their Lordships), has not been heard of since she was dispatched from the Bight of Benin; my belief therefore is, that she has been boarded by some Slaving Vessel in quest of a cargo, and captured. My opinion of these gentry being (and that founded upon strong authority), that they are capable of committing any crime or outrage, leads me to conclude that neither Mr. Cassel (the Midshipman in charge of the *Vulcano*), nor any of his crew, except the black men, will be heard of again. I have therefore directed Captain Kelly to discharge the whole from his books to the supernumerary list.

J. W. Croker, Esq. GEORGE R. COLLIER.

No. 17.—*Commodore Sir G. R. Collier to J. W. Croker, Esq.*

H. M. S. Tartar, *Port Antonio, Princes Island, 3d April,* 1820.

SIR,

As the Ship *Indian*, of Liverpool, will sail in the course of a few days for England, I avail myself of Lieutenant King's offer, who commands her, to report to you, for the information of their Lordships, my having anchored here in His Majesty's Ship *Tartar*, under my command, on the 1st instant, for the purpose of watering the Ship.

In running across the Bight of Benin and Biafra, I did not see a sail, though a small Slaving Vessel, with a cargo, arrived here while I was off the Island, waiting the breaking up of one of the heaviest tornadoes I have experienced.

From Lieutenant King I learn her cargo of Slaves was landed at the steps of the house of Senhor Ferrara Gomez, who is still Acting Governor.

I intend returning by St. Thomas to the Gold Coast, from whence I shall proceed by the southern passage, and touching at Ascension, for

Sierra Leone. I forward my preceding Letter by this opportunity, and I have the honour to transmit the state and condition of the Ship; also a sick Report. I have, &c.

J. W. Croker, Esq. GEORGE R. COLLIER.

No. 18.—*Commodore Sir G. R. Collier to J. W. Croker, Esq.*

SIR, *H. M. S.* Tartar, *Sierra Leone,* 13*th May,* 1820.

I AM to request you will be pleased to acquaint the Right Hon. the Lords Commissioners of the Admiralty, that His Majesty's Ship under my command left the Island of Ascension on the 2d instant, and arrived here on the 10th, having previously anchored the night before off the River's mouth.

I had left instructions with the several Commanders of His Majesty's Ships and Vessels to be at this anchorage on or about that day, in order to make the arrangements necessary previous to the setting in of the rains, and the departure of this Ship for England.

I found at anchor His Majesty's Ships *Myrmidon, Morgiana, Snapper,* and *Thistle;* and I soon learnt from Captain Leeke, in consequence of the unfortunate attack upon the Thistle's boat, in the Rio Pongas, detailed in Lieutenant Hagan's Letter (a Copy of which I herewith transmit), that, in conjunction with His Excellency Governor MacCarthy, he had decided upon proceeding immediately for that River, taking with him the Ships of War lying here, and a proportion of about 150 Soldiers of the West India Regiment, in garrison at this place, in the hopes of recovering some of the boat's crew, and either by securing the person of Curtis, sen. or by a prompt punishment on the offenders, preventing a repetition of the offence.

As I did not anchor till after dark, I could not immediately communicate with the Governor. His Excellency, agreeably to my request, transmitted me the next day a Copy of his Instructions to the Commanding Officer of the Troops, and I felt I could not do otherwise than concur in the measure Captain Leeke and himself had previously arranged; I nevertheless considered it proper to impress on the mind of Captain Leeke, that he was upon no account to authorize any inland operations, and not to extend his stay in the River beyond 2 or 3 days, as the rainy season is just commencing, which I think likely to be severe.

The extent of the shoal outside the Bar of the Pongas prevented the co-operation of large Ships; but the Bar is practicable for the Gun Brigs; the anchorage very good within, and I understand such Vessels can approach within gun-shot of Curtis's Factory.

I fear the whole of the boat's Crew (with the exception of 2 black men), as well as Mr. Inman, the Officer, have been killed; and I lament to add, that I learn through Mr. Wilson, who resides in one of the

branches of the Pongas, that every indignity, and the most barbarous mutilations, were exercised on those who fell.

Although I am sure Lieutenant Hagan's conduct proceeded from the best motives, yet I cannot but lament very much, that any representation should have led him to demand the restitution of the Vessel seized by Curtis; because the British Subjects, trading in the River, have been repeatedly cautioned on the risk they run of having their property seized by such persons as Curtis. This man as well as his late father, had long been known as the most active of Slave-dealers, although both had had tendered the oath of Allegiance through the Governor of this place. The former has lately suffered very considerably, by the activity of the Squadron in suppressing the Slave-trade; and his rancour against Lieutenant Hagan is unbounded; I believe it was under the impression of his being in the pinnace, that the boat was fired into.

I do myself the honour to transmit Copies of the several Papers relating to this distressing occurrence; and I think it proper to send them by the first Merchant Vessel, to guard against any misrepresentation reaching their Lordships.

I take leave to inclose a Copy of my Order to Captain Leeke, as well as of Governor MacCarthy's to Major Chisholm. I am, &c.

J. W. Croker, Esq. GEORGE R. COLLIER.

(Inclosure 1.)—Captain Leeke to Commodore Sir G. R. Collier.

SIR, *H. M. S.* Myrmidon, *Sierra Leone, 11th May,* 1820.

IN consequence of a communication made to me by Lieutenant Hagan, commanding H. M. Gun-brig *Thistle,* that an Officer and 6 of his Crew had been most cruelly and inhumanly murdered, by a man named Curtis, in the Rio Pongas; that 5 were severely wounded, and 2 detained, together with a Boat and some stores, belonging to His Majesty; I deemed it expedient, in your absence, to immediately consult with His Excellency the Governor of this Colony, as to the steps necessary to be taken, in order to have the Men and property restored, and to visit the perpetrators of such brutality with a severe punishment. It being his opinion, in conformity with mine upon the subject, that we ought immediately to proceed to the River Pongas, with as formidable a force as we could assemble, and demand restitution of the property and Men detained, as well as reparation for the insults offered to the British Flag; I had therefore given directions for the Boats of the Squadron to be prepared without delay, and His Excellency the Governor having assisted me with 150 of his Troops, and 2 Field-pieces, under the command of Brigade Major Chisholm, they were embarked last night, and it was my intention to have put to sea by day-light this morning, had you not arrived in this River last evening. I have now to report, that the Sloop I have the honour to command, together with

the *Morgiana, Thistle,* and *Snapper,* are in every respect ready for this service.

I trust the arrangements made by His Excellency the Governor and myself will meet your approbation, and that you will allow me to proceed and put into execution any orders you may be pleased to give me on this occasion. I have, &c.

Commodore Sir G. R. Collier, Bart. HENRY J. LEEKE.

P.S.—Inclosed are the Communications which I have received from Lieutenant Hagan on this subject.

(Inclosure 2.)—Instructions of Commodore Sir G. R. Collier to Captain Leeke.

(MEMO.) 11*th May,* 1820

IT is my direction you take under your command H. M. Ships, *Morgiana, Snapper,* and *Thistle,* and with the Troops you had embarked prior to my arrival, proceed off the Rio Pongas.

Having anchored H. M. Ship under your command near the principal entrance of that River, as circumstances will admit, you are to dispatch the 2 Gun-brigs, with the Colonial Schooner, across the Bar, sending all, or such a proportion of the Troops as you may find most convenient, and such boats as may be necessary.

You will either proceed yourself or send Captain Sandilands, to direct the measures which it may be necessary to adopt, to fulfil the wishes of the Governor of this Colony, and its Dependencies, against Curtis's Town.

As so much will depend upon accidental circumstances of tides and weather, general instructions only can be given. You are therefore to understand, that although my first wishes are, that perfect unanimity should prevail between the two Services, that I do not by any means desire that any part of the Ships Crews should be landed, that duty being entirely left to the Troops under Major Chisholm; but above all, should circumstances render it absolutely necessary for a short time, none of the crews are to sleep on shore.

Your object will be to endeavour to recover the Persons of any of the *Thistle's* Crew who may be alive, also her pinnace, and the British Vessels seized by Curtis; to secure the Persons of the Chiefs concerned in the murders, and to inflict such vengeance upon Curtis, by burning his Slave Establishment, houses and property connected with it, as may be practicable, and to return out of the River in the shortest space of time, using your utmost endeavours to prevent the property of innocent Persons from suffering, and by marking in the strongest manner possible, that the object you have in view is solely against Curtis and his property.

As covering from the weather for the People is of the first importance, the Brigs will proceed as high as possible up the River, as well

for this purpose, as to enfilade the turn of the River near Curtis's Town.

From the great local knowledge possessed by Lieutenant Hagan of this River, I recommend him strongly as a Person well fitted to afford you useful information; and I recommend the greatest caution to be observed in guarding against any ambush, that appearing to be the particular mode of defence adopted by the Natives. As to measures to be taken for landing, your own judgment, and a view of the banks of the River, will readiest decide; but although a Flag of Truce, under certain circumstances, might be useful, yet prompt and decisive measures will be the best to adopt.

Avoid any delay from agreeing to lengthened palavers; but promise security to any Chief but those actually engaged in the murders, who may be inclined to visit Sierra Leone for the purpose of entering into a more solemn promise of future good behaviour.

Bear in mind the advanced period of the season, and on no account be tempted to remain in the River beyond a few days.

You will dispatch the *Morgiana* as soon as possible to this River, and return yourself with the Brigs, without loss of time, unless you should feel it necessary to leave in the mouth of the River 1 of the Brigs, for some particular object, in which case the Schooner had better remain with her until over the bar.

You will assure those of the Chiefs not concerned in the attack on the Boat, that if they choose to remain friendly towards the English, their property and Vessels, if not engaged in the Slave-trade, will never be molested by any British Ship-of-War; but severe retaliation will always attend any insult or aggression on their part.

Given under my Hand, on board H. M. S. *Tartar*, at Sierra Leone, this 11th day of May, 1820.

GEORGE R. COLLIER.

Henry J. Leeke, Esq. Commander of H. M. S. Myrmidon.

P. S.—You are to communicate with the Isles de Loss for information in passing.

(Inclosure 3.)—Instructions for the guidance of Captain Chisholm, Brigade Major to the Forces, commanding the Troops intended for an Expedition in the Rio Pongas.

On a reference to the Letter I had the honour of addressing to Captain Leeke, a Copy of which is inclosed, you will understand the views under which the expedition is undertaken; and as circumstances may and will probably occur, which it is not in my power to foresee, I can only give you a general outline for your guidance, relying upon the exertions of the Officers and Men of the Royal Navy, your zeal and experience, and the discipline and bravery of the Troops, for a successful termination of operations.

You are aware that nothing will tend more to ensure success, than a mutual good understanding with the Officers and Men of the Navy; and you will not fail to impress that opinion upon the minds of the Troops under your command.

The approach in Vessels and Boats will of course depend upon Captain Leeke. I conceive that the covering the landing of the Troops by the firing of guns or carronades will insure a safe landing.

As great inconvenience, delay, and most probably accidents, would arise from making use of musquetry whilst the Boats are rowing towards the landing place, you will please issue the most positive orders that none shall fire together, or at random. In the event of a Party from the Natives firing from behind bushes, or open ground, it may be advisable to employ a few good marksmen to fire deliberately, one after the other, as they may be called on to do by name or number.

On reaching the shore, in order to prevent the danger of ambuscade, a proportion of the Troops are to be directed to extend to the front and on the flanks, and under the protection of the Skirmishers; the remainder will either advance in line or column, according to the nature of the ground, to seize on the principal buildings and such Persons as may be found.

You will protect the People unarmed, the old Men, Women, and Children, from any attack. In the probable event of the place being found deserted, you will issue directions to secure the property from plunder, and, according to the information you may obtain, you will immediately proceed to the Town of the head Chief in the interest of Curtis.

From such Chiefs as may be assembled or taken you will demand the immediate surrender of Curtis and his Associates, together with all his property in merchandize, Slaves, &c.

Should the giving up Curtis be obstinately refused, and should it appear also that his head Chief has participated in the murder of the Sailors of the *Thistle*, in that case you will seize upon that Chief and set fire to his house.

In your general conduct towards the Chiefs and Inhabitants, you will act with discrimination, treating all those who may have behaved friendly with kindness, and protecting their property from all manner of insult.

You will impress upon their minds the necessity, for their own future welfare, of giving up Curtis and all his Associates in blood; holding out to them, that in the event of their refusing so to do their River will be blockaded, and they will be debarred from any intercourse in and out.

From the advanced period of the year, it is necessary that every possible dispatch be used to bring the expedition to a close; and you will consider yourself as hereby authorized (provided the information we at

present possess should be found correct,) to take as Prisoners the whole of the principal Persons who participated in the attack of the Boats, or who afterwards mutilated the remains of the Crew, together with their property; and, on your retreat, to set fire to their habitations.

In the performance of these instructions you will duly consult with Captain Leeke, or such other Officer as may accompany the expedition on land. C. MAC CARTHY, *Governor.*

(Inclosure 4.)—Lieutenant Hagan to Commodore Sir G. R. Collier.

SIR, *H. M. B.* Thistle, *Off Isles de Loss, 8th May,* 1820.

HAVING visited the Rio Pongas, in conformity to your orders, but without success, and afterwards proceeded to leeward, without being able to detect any Vessels with Slaves actually on board, I returned to these Islands for the purpose of gaining information of certain Vessels supposed to be then ready; on my arrival I received a Letter from Michael Proctor, Esq. a Merchant here, complaining of the piratical seizure of his Vessel in the Rio Pongas, and this being fully substantiated by his protest, Copies of which are herewith inclosed, I considered it my duty to repair there and demand her release; for which purpose, and also to examine any Vessel in the River, I dispatched, on the 4th instant, Mr. Robert Inman, Admiralty Midshipman, in whose skill, bravery and local knowledge, I placed the firmest reliance; Copies of my orders to that Officer, as also my Letter to Mr. Curtis, are inclosed for your information; but with feelings of sincere regret I have to report, that Mr. Inman, in execution of his duty, fell a victim, with 5 or 6 others of the Boat's Crew, to the savage barbarity of the Natives, under the immediate orders and direction of Mr. Curtis, Senior. In the absence of positive information I am not able to detail the particulars attending this daring and atrocious violation of their wonted good conduct; but it appears too true, that after the death of the Officer, the Crew, finding a further resistance useless, laid down their arms, and then the loss which I have to lament took place. No quarter was given by these merciless savages, and not while one remained unhurt did they cease to pour in a most dreadful fire; 2 have I believe, escaped, and 11 have been killed or wounded; the wounded are in the hands of Mr. Curtis, and I hope Mr. Wilson, a British Merchant residing in the River, to whom I am indebted (although at the risk of his life) for this information, will be the means of restoring them to the Service. On gaining this information I had but one alternative,—our provisions being all expended, except 3 days, no Pilot to carry His Majesty's Brig across the Bar, and then without the means of carrying into effect my original intention, or of retaking the Boat from them, which together with her stores, are retained,—I considered it my duty to repair to Sierra Leone, to report these events to you, or, in your

absence, to the Senior Officer, for the purpose of obtaining a sufficient force to punish such a daring outrage.

I should do injustice to my feelings were I to neglect reporting, that the most savage and horrid barbarities were committed on the Bodies of the unfortunate Officer and Men who fell on this occasion; and I feel assured that unless a most prompt and severe punishment is inflicted, that in other parts of the River they will grasp the first opportunity for similar acts.

I have the honour to inclose Copy of a Letter I thought necessary to address the Chiefs on the subject, who, I believe, do not want inclination to repeat them, and for no other reason than our checking the Trade in Slaves in that and the neighbouring Rivers.

I trust, Sir, you will consider, that although this event has proved unfortunate, I have done my duty. I had every reason to believe, from Mr. Proctor's Report, and from my knowledge of the Natives of that River, for 4 years or more, that no resistance would be offered to the Boat, and in the absence of regular information I cannot report the cause of the attack, but I have no doubt that the Natives were the first aggressors. I have, &c.

Commodore Sir G. R. Collier, Bart. K.C.B. R. HAGAN.

(Inclosure 5.)—Lieutenant Hagan to the Traders and Chiefs of the Rio Pongas.

SIRS, *H. M. B.* Thistle, *Off Rio Pongas, 6th May,* 1820.

A RUMOUR has reached me that the Boat belonging to His Majesty's Brig under my command, which was sent to demand the release of a Sloop seized by Mr. Thomas Curtis, had been detained by him;—I could credit almost any act of insult reported to me as that of the Traders and Chiefs of the Rio Pongas, but I still cannot suppose, that, however inclined they might be, they dare take such a step. Should the Boat not return by to-morrow, I shall consider what now appears incredible, as having actually occurred, and act accordingly.

I take this opportunity to caution each of you, that this act will not be considered as the individual one of Mr. Curtis, but that of all; you will individually and collectively be considered responsible, not only for her detention, but for every act of violence and insult offered to the Nation in the persons of the Crew; and if you wish to avoid our just indignation, cause her to be instantly released, else your punishment will be equally great with the first delinquents.

In expressing my firm determination to inflict, if permitted, a punishment equal to your old, as well as present deserts, and that at no distant period, I remain, &c.

The Traders and Chiefs of the Rio Pongas. R. HAGAN.

P.S. Recollect your Towns and Vessels are at our mercy.

(Inclosure 6 A.*)—The Owner of the Sloop* Catherine *to Lieut. Hagan.*

SIR, *Crawford's Island, Isles de Loss, 5th May,* 1820.

I BEG leave to inclose you a public Protest, made by me before B. O'Bierne, Esq., Notary Public of these Islands, by which you will perceive, that on the 21st ultimo, while I was on shore transacting business, and endeavouring to collect debts which are due to me to a large amount, in the River Pongas, my Sloop was piratically seized and detained, with 3 British Subjects then on board, by 2 Sons of the late Mr. Benjamin Curtis.

As a British Subject, I conceive myself entitled to protection against such acts, and appeal to you for redress, hoping you will take immediately such steps as you think proper thereto, and to cause the Parties to be brought to justice.

I take this opportunity to observe, that unless some severe measures are adopted against the Parties and their connections in the River, it will be unsafe for any British Subject to transact any legitimate business in the Rio Pongas, where it seems no respect is paid to either persons or property. I have, &c.

Lieut. R. Hagan. M. PROCTOR.

(Inclosure 6 B.*)—Protest of the Owner of the Sloop* Catherine.

1st May, 1820.

BY this public Instrument of Declaration and Protest, Be it known, that before me, Brian O'Bierne, of the Isles de Loss, Notary Public by Royal Authority, duly admitted and sworn, and in the presence of Witnesses hereunder-mentioned, personally came and appeared, Michael Proctor, sole Owner of the Sloop *Catherine*, of the said Isles de Loss, of the burthen of 24 tons, or thereabouts, who declared and made oath, that on the 21st day of April last past, John Mills Curtis and David L. Curtis did violently and illegally, and, as it then appeared, by the advice and orders of Thomas G. Curtis, all of the Rio Pongas, seize and carry off the said Sloop *Catherine*, together with her Crew, cargo, &c. then on board; and the said Michael Proctor doth solemnly protest against the proceedings and parties therein concerned, inasmuch as the late Mr. Benjamin Curtis was indebted to the said Michael Proctor in the full sum of 600 dollars, and that the said Sloop was employed by him, Michael Proctor, to recover such debts; but on the alleged insufficiency of the said Thomas G. Curtis, not only the said sum was denied, but the said Sloop seized and detained from prosecuting her voyage, by which the said Michael Proctor has suffered in the sum of 3,500 dollars.

Sworn before me, at Crawford's Island, Isles de Loss, 1st May, 1820.

B. O'BIERNE, *Collector and Notary Public.*

Witness: R. HAGAN, *Lieut. and Commander, H. M. Brig* Thistle.

R. OLPHERTS, *Commandant, Isles de Loss.*

(Inclosure 7.)—Lieutenant Hagan to Midshipman Inman.

(Memo.) *H. M. Brig* Thistle, *off Rio Pongas, 2nd May,* 1820.

It is my direction you proceed up the Rio Pongas to Mr. Thomas Curtis, and present the accompanying Letter, demanding its fulfilment immediately. Should he refuse to give up the Vessel therein named, you will not only seize her, but all other property you can find, particularly Boats and Canoes, excepting those of the latter which may belong to the Beyoo Nation. Your particular attention is also directed to that part of my Letter demanding a Boat, Hawser, and other articles belonging to the late British Schooner *Matchless;* and she, if found, will be brought to this Vessel.

As our provisions are nearly exhausted, and the season far advanced, you will use every exertion to return as soon as possible. You will take with you a Kroo Canoe, which you can use in any way advantageous to the Service, dispatching her back as early as possible to me.

R. HAGAN.

Mr. R. Inman, Admiralty Midshipman, H. M. Brig Thistle.

(Inclosure 8.)—Lieutenant Hagan to Mr. Thomas Curtis.

Sir, *H. M. Brig* Thistle, *off Rio Pongas, 2nd May,* 1820.

Mr. Proctor, Merchant, of the Isles de Loss, having represented to me, by a Letter of yesterday's date, that his Sloop, having on board goods to the amount of 700 dollars, had been seized, together with her Crew, by your People, I have to demand their instant release, as well as a remuneration for the delay and loss which you have occasioned to Mr. Proctor. It appears necessary to caution you against piratical acts of this nature; be assured the time is very near when these and other acts of violence, oppression, and insult, will be punished, and on your head it will certainly fall heavy; while there is yet time, by a different conduct, to avert what will inevitably become your fate as well as others, I advise you to reflect; recollect your present system cannot possibly last, situated as your River is within 30 miles of a British Colony, and a Force equal on all occasions to redress wrongs and punish violence.

In further prosecution of my duty, I demand also the Boat, Hawser, and various other articles belonging to the late British Schooner *Matchless,* now in your possession, which Boat was also carried away in a piratical manner. As it may be still possible that you were actuated by better motives than can now appear to me, I pledge my honour, if you send any one to me to explain your reasons, and should you have any just cause to complain of the said Mr. Proctor, or his Agents, I shall do all in my power to have justice done; and the Person so sent shall have full liberty to depart at any time.

Any delay in the delivery of these things will be considered as a refusal. I am, Sir, &c.

Mr. T. Curtis, Rio Pongas. R. HAGAN.

No. 19.—Commodore Sir G. R. Collier to J. W. Croker, Esq.

SIR, *H. M. S.* Tartar, *Sierra Leone, 23rd May,* 1820.

I BEG you will acquaint the Right Honourable the Lords Commissioners of the Admiralty, that His Majesty's Ships, *Myrmidon, Morgiana, Snapper,* and *Thistle,* under the direction of Captain Leeke, and forming the naval part of the little expedition to the Rio Pongas, returned to this River during the course of the day, bringing back the Detachments of His Majesty's 2nd West India Regiment, under the command of Brigade-Major Chisholm.

From the accompanying Letter, forwarded me by Captain Leeke, their Lordships will have a perfect idea of every circumstance connected with the recovery of the surviving Seamen belonging to the *Thistle;* and on this occasion the assistance and friendship of Ormond, of Bangalan Town, a Dealer and Trader in one of the branches of the Pongas, was particularly useful and important. This Man is one of those engaged in procuring Slaves; yet his determined conduct in resisting the demand of Curtis, to deliver up the British Subjects who had fled to him for protection, offers, I humbly conceive, the opportunity of perhaps recovering this Man from the degraded state into which he has for some time fallen; or at all events, of proving to the Chiefs of that part of Africa, that all which is required of them by His Majesty's Government, is strict neutrality.

The severe example which has been made of Mungo Brama, the Chief under whose protection Curtis and his Brothers acted in the late affair, and who had himself disinterred the bodies of the unfortunate Men who had been killed, exercising indignities of the most barbarous kind, will I trust be attended with the happiest consequences, and certainly prevent, for a very long time, the repetition of any such conduct as marked the latter acts of the Curtis's and Mungo Brama.

The fate of Mr. Inman is by me sincerely lamented; and had Curtis and his Brothers contented themselves with making him a Prisoner only, I do not know that Mr. Inman's conduct, when examined, might have been considered entirely free from reprehension. After being wounded, while in the Pinnace, in two places, he was taken on shore, stript naked, and, supported by some of the Slaves or Brothers of Curtis, was then coolly and deliberately put to death.

If their Lordships shall feel disposed to approve the measures which were thought necessary to adopt for the recovery of the Seamen, I must beg to resign every pretension to merit on the occasion, in favour of his Excellency Governor MacCarthy, whose thorough know-

ledge of the disposition and minds of the native Chiefs gave the best pledge for the successful results; if, on the contrary, their Lordships shall think we were not authorized to employ the measures we have, I am far from wishing to shrink from the avowal, that I certainly had it in my power to prevent it; and if they shall, as I trust their Lordships will, approve of the prompt and decisive measures adopted in the execution of the chastisement so well merited by Mungo Brama and the Curtis's, that the whole of the praise and credit is due to Brigade Major Chisholm, Captain Leeke, and the respective Officers under their command; observing that the excellent local knowledge Lieut. Hagan has of the River and Country, and the zeal evinced by Captain Stepney and Ensign Spence of the 2d West India Regiment, Lieuts. Ryves, Head, Nash, Hagan, and Smith, of the Royal Navy, contributed very materially to the successful conclusion of this affair.

I take leave to mention, that Captain Leeke speaks in high terms of the good conduct of Mr. John Baker, Master's Mate; to which I add the name of Mr. John Hinchcliffe, a Volunteer from this Ship in the *Thistle*.

I have, &c.

J. W. Croker, Esq. GEORGE R. COLLIER.

(Inclosure.)—Captain Leeke to Commodore Sir G. R. Collier.

SIR, *H. M. S.* Myrmidon, *off the Rio Pongas, 19th May*, 1820.

AFTER receiving your Orders of the 11th instant, I immediately put to sea, with the squadron you did me the honour to place under my command, consisting of H. M. S. *Morgiana, Snapper* and *Thistle*, and proceeded off this River, where I arrived on the 15th, when, having anchored this ship and the *Morgiana* as close as possible to the bar, I embarked with the whole of the Troops and Marines, under the command of Brigade Major Chisholm, on board the 2 Brigs, and proceeded with the Boats of the Squadron as far as the upper works of this River, where, having obtained good information that Curtis, who had heard of the expedition, determined upon an obstinate resistance, and that he had received great reinforcements from the interior of that part of the Foulah Country immediately under his influence; we lost no time in taking up a position before his Town, and putting in execution the Orders I had received from you, with the view to obtain the release of the unfortunate Men who had been wounded and taken Prisoners from the Boat of H. M. Brig *Thistle*; previous, however, to any attempt at hostilities, I dispatched a Letter to the native Chiefs and Traders in the other branches of the River, (a Copy of which I inclose,) promising them protection and assistance, provided they were not in league with that Barbarian, Curtis, and that they would instantly evince a friendly disposition by meeting me on board H. M. Brig *Snapper*, otherwise I should proceed, in conjunction with the land Forces, to the destruction of their Towns and Factories. Upon our

arrival before Curtis's Town I could not but remark how correct the information was I had previously received, as every preparation was made to give us a warm reception; a mud-walled battery of 4 guns (9 and 6 pounders) was erected on a commanding height, and pallisades were thrown up at intervals to prevent the advance of the Troops, who, together with the Seamen and Marines, were by this time in the Boats approaching the landing-place. A Flag of Truce was, however, in advance of the headmost Boat at a proper distance; but this was totally disregarded, for the moment the Boat bearing this Flag touched the shore a heavy firing commenced, both from the Battery and Soldiers in ambush; this was instantly returned by the 2 Brigs and Boats, which, together with some well directed vollies of musketry from the Troops, soon silenced the Battery, and forcing the Enemy from their ambush, put them to flight. Our Men, with great spirit, pursued them to the Battery, and in a very determined manner took possession of it, together with 3 Towns belonging to Curtis, which were immediately set on fire and burnt to the ground.

Not having hitherto heard any tidings of the unfortunate Men we were anxious to release from a situation worse than death, and learning that there were several other Towns within two miles, belonging to Curtis and his family, where, perhaps, they might be concealed, I judged it expedient (in conjunction with Major Chisholm) that the Troops should proceed and destroy them likewise. This was so ably and coolly carried into execution, by that Officer and those employed under his command, that I had the satisfaction of seeing, in the short space of an hour, 4 more Towns in flames, which, together with all the property, consisting of a quantity of ivory, rice, rope and cotton goods, were totally consumed. By the time this service was completed, night was fast approaching, and the season of the year making it of the first importance that no one should remain on shore after dark, the whole party returned on board at sun-set. I now profited of an opportunity of dispatching a Messenger to Yondy Condy, the King of that part of the Country, and sent to him to say, that if he chose to exert his authority, and would cause the 2 wounded Men to be restored to us immediately, further devastation should be avoided; not, however, receiving any reply to this demand, by 6 o'clock the next morning, it was agreed by Major Chisholm and myself that the Troops, with the Seamen and Marines, should again land and destroy Mungo Brama's Town, (he being the Father of Yondy Condy, and the Co-partner and great supporter of Curtis.) This was executed with the same promptitude and coolness, which, I have great pleasure in saying, marked their proceedings on the former day. This Town contained property of great value, and it being the 8th already destroyed, the effect so necessary to be produced was now accomplished. King Yondy Condy becoming alarmed for his own safety, thought

proper at length to accede to our demand, and I had the happiness to recover, through his influence, what I considered the object of our wishes, the 2 wounded Sailors we were in search of, and which amply rewarded us for the fatigue we had undergone. I have further the satisfaction to add, that Mr. Ormond, a principal Trader in another branch of the River, having communicated to me, by a Letter through Mr. Wilson, that the 4 remaining Seamen belonging to the *Thistle* were under his protection, and that he would deliver them up to me, I immediately dispatched a Boat for them, and I feel great pleasure in saying, that they returned to us in perfect health. This circumstance, together with the severe punishment we had inflicted upon the cruel Murderers of their unfortunate Companions, completely, and, I trust satisfactorily, terminated our Expedition; and certainly with considerable less loss than, all circumstances considered, I had contemplated; 1 Man only, the Corporal of Marines, belonging to the *Morgiana*, having died from excessive fatigue; 1 Marine of this Ship badly wounded in the shoulder; and 2 Soldiers of the 2nd West India Regiment, slightly wounded by musket balls; formed our total loss. I am sorry to report, that, during the service, the *Snapper's* main-mast was badly wounded, a 9 pound shot having entered the heart of it, about 12 feet above the deck, and that she has also suffered in the hull. I trust that the steps I have taken, in pursuance of your Orders, will meet with your entire approbation; and when you take into consideration the many disadvantages of Country and Climate our Seamen and Soldiers had to contend with, you will, I trust, be assured they all well performed their duty. I take this opportunity of thanking Captain Sandilands, of the *Morgiana*, for the very great support he rendered me upon all occasions. To Brigade Major Chisholm, who commanded the detachment of Troops, and with whom I acted in conjunction, I beg to return my most sincere thanks for the very great assistance he gave me upon every occasion, and I cannot but remark his cool and determined conduct during the whole of our proceedings; as likewise to Captain Stepney, Ensign Spence, and Mr. M'Laughlin, of His Majesty's 2nd West India Regiment, who acted under his command; and it will afford me much satisfaction if you will mention them in the strongest manner to His Excellency Governor M'Carthy. I feel great pleasure in bringing before you the conduct of Lieutenants Frederick Ryves and H. Head, of H. M. S. *Morgiana*, who commanded the Boats during the operation of landing, and to their intrepid and cool judgment I attribute the little loss we sustained in so doing. They were afterwards employed in the Boats and on shore, and to these Officers I am likewise much indebted for the success which followed.

However grateful it would be to my feelings, I fear it would be trespassing too much on your time, were I to mention the conduct of every Officer who merits my warmest approbation; but I cannot omit

expressing, in very strong terms, the cool and steady conduct of Lieut. Nash, of the *Snapper*, and Lieut. Hagan, of the *Thistle*, who were employed for many hours, under a vertical sun, in removing the guns from, and destroying, the Battery, and frequently, in the absence of the Troops, were exposed to an irregular fire from numerous parties of the Enemy's Skirmishers. I cannot conclude this Letter without expressing my thanks to Mr. F. A. Smith, first and acting Lieut. of this Ship, for the great assistance he rendered me during the day. Allow me to take this opportunity of mentioning to you Mr. John Baker, Master's Mate of this Ship, who commanded the Barge, and was the first person who took possession of the Battery; he is a very zealous, active young Officer, and has several times before distinguished himself in the Boats belonging to this Ship. I have, &c.

Commodore Sir G. R. Collier, Bt. HENRY J. LEEKE.

No. 20.—Commodore Sir G. R. Collier to J. W. Croker, Esq.

SIR, *16th September*, 1820.

I BEG leave to transmit herewith my Second Annual Report upon the Settlements on the Coast of Africa, in obedience to the commands of their Lordships; and I trust the detail into which I have entered will not be considered irrelevant to the objects of my command.

I have, &c.

J. W. Croker, Esq. GEORGE R. COLLIER.

(Inclosure.)—Second Annual Report upon the Settlements on the Coast of Africa, by Commodore Sir G. R. Collier. 16th September, 1820.

THE Report which I have now the honour to submit, by command of my Lords Commissioners of the Admiralty, may be thought to embrace many subjects unconnected with the duties of a naval Officer. Nevertheless, as my remarks will, I trust, generally appear to be connected with the objects of my command, I shall hope for the same considerate indulgence I experienced upon a former occasion; and viewing the increase of our African Colonial prosperity as the best pledge for the freedom of Africa, their Lordships will receive every communication I make, and information I offer, however trivial, as embracing these combined objects, viz. the general improvement of our western African Colonies, and the completion of that desirable result, the abolition of Slave-trading, agreeably to the existing Laws of Europe.

The more effectually to do this, I shall feel it necessary to speak of some of the Foreign Colonies upon the seas and shores of western Africa, within the limits of the Station under my command; and in doing so, I shall endeavour to avoid, as much as possible, all other matter than what may appear to be immediately connected with the now universally forbidden (by the civilized world) trade of Slave carrying, North of the Equinoctial.

The increasing prosperity of the Canary Islands appears to me to give the best proof that Slavery upon the Coast of Africa is unnecessary. Fettered as these Islands have been by harsh Laws, and governed as they are by those who appear to me only to have studied the multiplying of the severity of these Laws; yet, the enterprize of British industry and capital give a stimulus to trade which neither the bigotry of custom nor the tyranny of power can entirely subdue. Cultivation increases under many disadvantages, and, I believe, unaided by Slavery. Nevertheless it is at these Islands that Vessels frequently change their nationality; and the Spanish Flag and Papers have here been purchased as at The Havannah and St. Jago de Cuba; and Vessels certainly destined for the Slave-trade are at the Canary Islands frequently to be found refitting, though, I believe, principally on the outward bound voyage.

The cluster of the Cape de Verds which immediately follow the usual line of route to Africa, present, however, a very different scene to the foregoing. Slavery here forms the basis upon which every speculation is founded, and it is the link on which every feeling hinges.

The convenience and the security this cluster affords to the Slave-dealer, have long made the Harbours of the Cape de Verds a focus for Vessels of all Nations; and though I am willing to give Admiral Pusiche, the Governor, credit for his good intentions, yet I can never believe, that the numerous small craft, which run from Senegal and Goree to these Islands, go there for the mere purpose of legal traffic. In all these Vessels, small Schooners and Sloops, under the French Flag, I observed Slave Children. It is true there were others on board who were, though Slaves, acting as part of the Crew; and they were sent alongside the *Tartar* with some trifling article, or some weak excuse, for the purpose of lulling those suspicions they found had been excited. But the Children of 8 and 9 years of age could never have constituted a part of the Vessel's Crew; and I am now satisfied that those Children are sent from Goree and Senegal to fill the hold of some Vessel whose cargo has been contracted for, the run from the Coast being always certain in 3 or 4 days, and the unfrequency of navigation between the main and the cluster gives a security to the commerce hardly to be met with any where else. A Spanish Schooner, of 200 tons and 50 Men, was at Porto Praya when I was last there in my passage out; I was credibly informed she had arrived the day before with a number of Slaves, though I was told by the Governor she came from The Havannah. His Excellency had, however, since his arrival, exhibited different feelings to those of his Predecessor, having seized a Vessel with Slaves, protected by a Passport from the former Governor, on the plea that it had been illegally granted. The

Party holding the Pass maintained it had been regularly paid for, and that, therefore, the circumstance of the Governor's being superseded ought not to invalidate the power he formerly held. This I think shows that Slave-carrying may be connived at; but I am fully warranted in my assertion, that Slaves are continually brought over from the French Settlements, under the French Flag, and frequently by the French themselves, but still more commonly by the Portuguese from Bissagos and the Rio Grande. Whether this commerce will be persevered in after May, 1820, I cannot say; but a clipper Schooner, under the American Flag, was undergoing a transfer of name and nationality at the moment I refer to.

From the Capę de Verds I would pass over to the French Presidency of Senegal; but not having been there I should only give the reports of others, and my distinct object is now to report what I can substantiate myself.

At Goree every circumstance combined to show, that although the Laws of France appeared to have forbidden the dealing in Slaves beyond the necessities of the respective Colonies upon the Coast, yet the Slave-trade was in full force. Throughout the Town of Goree, within the walls of every plot of ground, Negro huts were established, and I soon learnt the Slaves I saw were the property of Individuals dealing in them. The extraordinary disproportion of Women and Children to Men, induced me to inquire the cause. The Males, I was told, were employed in agricultural purposes on the Main, and the Women and Children were merely retained for domestic objects; a circumstance not credible, because their numbers and occupations evidently contradicted it. Besides, the orders which have been frequently discovered on board Slave Vessels, always advised the securing, first, a large proportion of Children, then young Women, and lastly Men.

Goree, the most barren of all the sterile parts of Africa, does not produce even water for the consumption of the Inhabitants, and the wells there are upon the Island afford it of so brackish a quality that it can only be used for culinary purposes. No vegetation thrives on the Island, and the little soil there is has been imported with difficulty and expence. The Garrison is, however, healthy, the troops well disciplined, and the Governor attentive and obliging; and the Inhabitants are acknowledged in their hearts to be English.

In viewing the defensive works of Goree, there was nothing to create surprise at the circumstance of this Island changing Masters so frequently as it did during the Revolutionary War. Indeed, the Nation possessing the Naval superiority upon this Coast can always summon this spot, whilst its Inhabitants depend upon the opposite shore for their supply of water. That tanks, as upon the Gold Coast,

should not have been built and covered in, appears to me extraordinary, as the store by water-casks must necessarily be confined and always uncertain.

Upon the whole I consider Goree, were it possessing water and provisions, a spot capable of making a tedious and protracted defence against a very superior force. In the public works, either repairing or constructing, I particularly noticed the appearance of a party of about 50 Moors employed as Slaves. At the moment they rested, an involuntary exclamation of joy burst forth from the group, on some among them discovering us to be English. I stopped for a moment, and in the pause, 2 or 3 appeared to address me in somewhat different dialects; *Sabaan, Sahoorlgs,* was distinctly uttered by one, and the Turkish mode of salutation was adopted. The Person who thus appeared to address me seemed a Man of polished manners, and evidently anxious to engage my attention. The French Commandant did not appear inclined to sanction this, and the black Superintendent, with the insignia of authority usually carried by Overseers in Slave Colonies, gave the word to reload, which was obeyed, though with evident reluctance.

I inquired of His Excellency the Governor of Goree, how these Men came so situated; and I learnt that they were part of a caravan taken by the Troops of Governor Schmaltz on the banks of the Senegal, for *trading with a Native District then at war with the French.* Their camels had been sold at Senegal, and they were transported for security to the Island.

What these People may have been reserved for I do not presume to conjecture; but if the system of retaliation shall be pursued by the Moors, (and for this they will have abundant of opportunity on the long line of the banks of the Senegal), the French Government will then only have to thank the mistaken policy of the Governor in Chief for all the misery that may arise to themselves. It has been asserted that other such Prisoners have been shipped off for more distant Settlements than Goree.

Of the fact, however, that cargoes of Slaves are so disposed of there can be no doubt, and the swarms of American Vessels with (among others) French Flags and Papers, from Martinique, upon this Coast, will best prove how little the consequences from detection are dreaded, and with what confidence and security Slave-dealers under the French Flag act.

Of the political conduct of the Governor-General of the French Settlements in this part I have no right to offer an opinion, so long as this shall not militate against the honour of my own Country, or against the natural rights of British Subjects. But the insolent Communication Governor Schmaltz lately made to the Governor of Sierra Leone, as it may hereafter involve the Squadrons of the two Services

in controversy, may, perhaps, be considered proper for me to notice, in order to prevent future misunderstanding.

With the Reply, lately, to a communication addressed to Governor Schmaltz, came a Notification to Governor Mac Carthy, of Sierra Leone, forbidding any British Vessels to appear within the limits of the shores of the French Territory, from the Senegal to the Gambia, under the penalty of a capture. As the trade of the Gambia is increasing every season, it seems to me an occurrence almost impossible to prevent, that a British Vessel, while in her way to the Gambia, shall not be occasionally found within the limits prescribed. Indeed the possession of St. Mary's Island and Bird Island, at the entrance of the Gambia, appears a paradox if such pretensions are permitted.

That the trade of the Gambia shall be, as in the Senegal, exclusively French is no more my intention to discuss than to examine the right the British Flag has to be flying on the shores of its entrance. But if ever an infant Colony deserved well of the Mother Country, Saint Mary's in the Gambia is the one.

The long established possession of Saint James's Island, about 25 miles up the River, gives, I consider, equal pretensions to the British Merchant as to the French. The one Power has had an establishment on a small Island for many years; the other in a small town (Albreda, below Fort James), built in an unhealthful Country, which, though all but abandoned, appears reclaimed only to restore the miseries of the Slave-trade once more.

Of the right the British possessed to seize Vessels under the French Flag, fitted for the trade, and having Slaves on board, while passing the British Fort, I do not presume to judge; but if the act was unauthorized, the recovery of the Vessel again by an armed force appears equivalent; I sincerely hope these differences will be so adjusted by the respective Governments, and the several duties of British Naval Officers so defined, that in bringing public Offenders to justice, neither the Servants of one or other Nation may risk any other imputation than a commendable zeal in the cause of humanity.

The great width of the entrance to the Gambia appears at present one of the greatest objections to a successful and permanent commerce; the shoalness of the water to so considerable an extent from the Coast, and the lowness of the land, both of St. Mary's and the opposite Coast, have very properly been shewn to Navigators, by erecting Flag Staffs of vast height both on St. Mary's and Bird Island. But although these may answer the purpose of leading marks and warning to the stranger, (which upon so flat and level a Coast is very convenient), yet the middle ground and western flat should be buoyed off without delay, and where the revenue is increasing so rapidly as at Bathurst, the expence would scarcely be felt. At present a Vessel unacquainted is obliged to seek a Pilot to windward, and those from

Goree are either so ignorant or so negligent that the greatest risk is incurred in trusting to them. With the precaution of the western flat buoy, as I recommend, I have no hesitation in saying the navigation of the Gambia will not only become safe, but practicable for Men-of-war. Within the river the anchorage is excellent, the water deep, the ground good, and the landing perfectly secure and convenient.

The Island of Saint Mary's, upon which Bathurst, the Capital, is rising with the same rapidity that the most healthful climate and most fruitful and productive Country could ever desire, is a barren sandy spot, in many places scarcely above the level of the sea; indeed, a large proportion of it is evidently thrown up by the force of the surf on the sea shore, and appears composed of large beds of shell, principally of the African cockle. The Island of St. Mary's is divided from the main by 1 or 2 swampy creeks, which overflow during the season of heavy rains. A dyke, however, thrown up to the N. W. of the Town (and which I understand is proposed), may effectually protect the Residents from the unpleasant, if not dangerous, predicament they must, in the present rains, be subjected to. Of the healthfulness of St. Mary's, I am not disposed to say any thing; nor would I wish to crush the enterprise of those whom circumstances have led to establish themselves upon so singular a spot. When an attempt shall be made to clear away the mangrove, which bounds one side of the Island, and the dyke proposed shall be completed, it is probable that sickliness of climate may be considerably reduced.

In the mean time, buildings combining neatness and beauty are appearing, and though every necessary is obtained from the opposite shore, yet population is rapidly increasing, and St. Mary's bids fair to rival every spot upon the lengthened line of coast of Western Africa, in commerce and industry.

The selection of such an Officer as the present Governor (Captain Grant), appears the best security to the attainment of all desirable objects which can be hoped for from this new Establishment.

The whole Country South of the Gambia, until you pass Cape Roxo, and enter the spacious mouth of the Bissaos or Bissagos, is intersected by branches of different rivers and creeks, connecting the mazy windings of the Gambia with the unexplored sources of the Rio Grande and Geba, whose entrance is divided into a northern and southern channel, by the cluster of low and dangerous islands of Bissagos.

The grand entrance of Bissaos has lately been surveyed by order of the French Government, and I believe it has been executed with that correctness which has usually marked such undertakings. The object beyond the general benefit to mankind I do not apprehend was any; nevertheless, I considered it proper to obtain a copy of the same, a duplicate of which I shall furnish for their Lordships' information.

Upon the island Bissaos, which gives name to this channel, and indeed river, the Portuguese have long carried on an exclusive Slave-trade. The Fort and Settlement I have had no opportunity of acquiring any satisfactory information of. All that I know is, that it is the grand depôt whence Slaves in thousands are now shipped under the Flags of Portugal, Spain and France; and I am credibly informed, that English and American Vessels have been purchased by Individuals of the above Nations; and, thus provided with duplicate and indeed triplicate sets of Ships' Papers, they enter this as well as the Southern entrance of the Rio Grande for cargoes of Slaves, protected from the vigilance of any Naval Power, and claiming, when at anchor, the rights of Portuguese Subjects. Thus it was that a French Cruizer, two years since, was said to have captured 3 Vessels slaving under the British Flag, for having their original Papers on board, and observing a Man-of-War under French Colours, the best security apparently left was to assume the Flag whose Nationality might, in some degree, be corroborated by the build and original Papers of the Vessels. And so it is, I have no doubt, with many of the Vessels upon which the French and American Flags alternately wave.

A British Trader was lately placed under blockade in the Rio Grande by a Schooner of 18 guns, and the Master was threatened to have his Vessel sunk if he attempted to move till the Schooner, then under Spanish Colours, had sailed; (from a combination of circumstances, I have no doubt this identical Vessel was at the Cape de Verds when I was last there.) To make sure of the detention of the British Trader, the Spaniard unbent every sail on board her, and assured her Master the threat he had made should be executed if he bent a sail while the Spaniard remained there. It is scarcely necessary to say she sailed with a full cargo, amounting to 420 Slaves.

The facility afforded to this traffic in the Rio Grande, and indeed in the River Nunez, which is closely connected with it, may easily be judged of from the innumerable intersections the Charts of the Rivers expose: the Rio Geba and the Grande are, in all probability, only branches of the same River, and ranging over an extent of 5 or 600 miles of a populous Country, afford facilities to the Slave-trade difficult to be reduced, so long as the Flag of Portugal, at Bissaos, protects Miscreants of every Nation.

To check this part of the Slave-trade, either a close blockade by small Craft, anchoring within the Bissagos shoals, or a Cruizer kept off the entrance and Cape Roxo, will be necessary; but this latter plan would materially interfere with the application of the Naval Force upon other points of the windward coast.

Had the Settlement formed at Bulam, under Lieutenant Beaver, been established at a more favourable time of the year, and had Krew-men been employed, aided by some hundreds of the redeemed Negroes,

instead of the motley group of Europeans collected from the worst parts of London, and composed of the most unfortunate description of people, that Company would long since have established a firm footing upon this Coast, and would now have been conspicuously instrumental and useful in destroying the Slave-trade, which still flourishes around it. That Bulam was unhealthy is certain, and the Natives hostile to the British Settlers no less so; but the former may be accounted for by the reasons I have given already, and the latter is now well understood to have been produced by the agency of the Portuguese, and the influence of the Slave-dealer.

The intricacies of the Channel leading to the Establishment are accurately described by Lieutenant Beaver; but they appear to have been easily surmounted by those who felt interested in the success of the enterprise; and though it may be long before Bulam shall become a place of trade, yet as a point from which the rivers on each side of it can be best watched, it becomes desirable for a Native Force under the British protection. Indeed it seems to me to form a connecting link from the Gambia to the Isles de Loss and Sierra Leone, and as such will, I hope, be re-possessed.

In the country of the Bogos, and nearly North by compass from the Isles de Loss, from 35 to 40 miles distance, are the mouths of the Rio Pongas, a river long celebrated for the facilities it has afforded to the Slave-trade, and no less remarkable for the dearly-bought success of these Adventurers by its deadly climate; death frequently arresting the progress of the Principals, at a moment when their object has been all but completed, and the cunning and villainy of the European Settlers and their Descendants, sacrificing those of the Survivors by a disguised poison, given with much art, and whose subtle powers the Natives are well acquainted with, and against which the miserable Sailor (who in some instances has engaged in the traffic, really not knowing the extent or nature of the voyage he entered upon at The Havannah) has no resource. Thus the entire Crew of a Vessel has disappeared almost at once, and thus the property, confided in an unguarded moment to Miscreants of all Nations, has been claimed and disposed of by the Chiefs of the Factory to whom it had been bartered, and the Slaves reserved for the next Comers.

In the month of February, when the *Tartar's* Boats were in the River, 3 Vessels, under Spanish and American Colours, were circumstanced as I have just described. Of the Masters, Supercargoes and Crews of two, not one Person remained; and of the third, the skeleton of her Crew lived only because the Supercargo, who had recently sailed for The Havannah, had promised to return with an assorted cargo and efficient Crew to redeem his pledge and recover his Vessel.

The principal entrances to the Rio Pongas are three; the northern one is little used; the most southern has a sand bar, making it dan-

gerous to cross, but as a point for escape, in moments of danger, or as a nearer road of communication for Boats and Canoes, with the smaller Slaving Creeks and Rivers laying between it and the Sierra Leone. The middle entrance is the one used by Slaving Vessels, and it is known by the name of the Mud Bar; but the shoals which guard these entrances, extending in flats of some miles before the water deepens to 4 fathoms, make it dangerous for Ships of War, and give a security to those engaged in this traffic not to be met with in any part of the windward coast south of the shoals of St. Ann.

This Bar can be crossed, however, with safety by His Majesty's Gun-brigs, and classes of Vessels not drawing more water than 10 or 12 feet. Sloops of War have entered the River, but the undertaking is not only dangerous to such a Vessel, but the difficulty of retreating again makes it extremely hazardous to the Crew from the great chance of fever, if detained in the River more than a few days.

On each side of this River, and on all the Islands which the various Creeks within intersect, the mangrove-tree continues its slow but sure progress, and as the torrents of rain pour down, the rapidity of the stream brings mud and branches of other mangrove-trees, which, depositing and entangling themselves on the banks, gradually increase the size of these Islands, and consequently diminish the width of the Creeks. There is, however, a considerable depth of water within the Bar, the sides of the Creeks are steep and bold, and the navigation, which extends several miles, not dangerous.

The principal Creeks in the Rio Pongas are those leading to Curtis, Lawrence, and Ormond's Slave Factories: there are many other establishments of the same kind, but it will be sufficient that I name these.

When I was at anchor in the *Tartar*, off the mouth of the Pongas, Curtis the father died, and his Family and Friends were performing certain idolatrous ceremonies, which in Africa are expressed by a corruption of the English word "custom," which is now adopted generally, and the performance of all ceremonies are described or termed by the Natives as making of custom.

While the numerous progeny and friends of Curtis the father were "making custom" over the remains of this miscreant, His Majesty's Gun-brig *Thistle* entered the River, attended by all the Boats of the *Tartar*. Of the various French, American, Spanish and Dutch Slaving Vessels in the Creeks, one of each of the two last Nations only were surprised, having a proportion of their Slaves actually on board, so that the others were left to pursue their illegal traffic, but of these only one or two had their Crews on board.

In one of the Vessels here detained by the Boats of the *Tartar* and *Thistle*, was a French gentleman of Goree and Senegal; and though his visit was, as he stated, purely friendly, there was evidence enough

to show the connection he had with the ultimate destination of Mons: Vigne, the Master of one of the captured Vessels, whose papers of naturalization, as a Dutchman of the Island of St. Martin, were scarcely clear of the sand which had been applied to the Dutch Governor's Certificate. The Dutch Brig, with 14 Slaves on board, and the Spanish Schooner, with 69, were both taken into Sierra Leone, where the most liberal construction was put on the good intentions of the Master, now Senor Vigne (and formerly of Gibraltar); and though the Slaves were brought in irons to the Vessel, and their heads shaved by one of the Crew, as is the custom in Slave Vessels, and that the Slaves were locked under hatches for the first night, and that these poor wretches confessed to their being sold by Curtis, the father, a few weeks before; yet such was the influence the French visitor had over the mind of the Dutch Commissary Judge at Sierra Leone, that the Judge declared the Slaves could not be so considered, because Mynheer Vigne asserted they were, to his belief, only hired. It did, however, happen, that in the calculation they had made, this Captain had forgotten 2 Slave Boys who were also on board; the consequence was, that this Vessel was condemned, though the wretched excuse of the Mate having sent the Slaves on board contrary to the wish, and *without the knowledge,* of Mynheer Vigne, was professed to be believed. Thus was a wretch protected through the friendship of the Dutch Commissary Judge, and the imbecility of the British, while the odium was thrown on the Mate, who had been left at Kissing Town (Curtis Factory), waiting the remainder of 300 and odd Slaves; the contract for which, with the several documents relating to the transaction, in the hand-writing of Curtis and Vigne, had been found in Mynheer Vigne's writing-case, and lodged in the Dutch Court of the Mixed Commission.

Not only was Vigne acquitted of any participation in the intention of Slaving, but a trial for perjury, which crime I could have proved, was quashed, and for the infamous Slave-dealer, *a safe conduct back to the Pongas* was demanded and obtained by the same Dutch Commissary Judge. And the recent cruel and cold-blooded murders since committed at Kissing, or Curtis Town, in the Pongas, on the Officer and Crew of the *Thistle's* Boat, have, upon the affidavits of some of the Survivors, been traced to the lawless and merciless wretch Vigne, who was authorized by the Dutch Commissary to proceed to the Pongas, for the purpose of protecting his property in that River, instead of being sent for trial, as a Dutch Subject, for a violation of the Laws of his Country, to the Kingdom of The Netherlands.

By I now pass by Mynheer Vigne, and proceed to the subject from which I unavoidably digressed.

In the several branches of the Pongas, the remains of the former Slave Factory Establishments are still kept up by individuals, who

originally acting as Agents, became, on the general abolition of the Trade by the British Legislature, Principals. These persons, the surviving few of some hundreds of original Adventurers, of hardy constitutions, rude habits, and little education, were well calculated for the task they had undertaken; they assimilated themselves to the manners and customs of the Country, and soon became powerful as Chiefs. By marriage with the native Women they had large families, a guarantee for their respect to the customs of the Country, and a pledge for their personal continuance in it; thus consolidating their interest, and uniting their fate with that of the Country.

With the exception of Curtis (the Father), it is of the descendants of these People I speak. They are of course mulattoes; but when the commercial resources of England were thrown open to Sierra Leone, these Individuals, as well as their Parents, came over, claimed the protection of British Laws, and the indulgence of British generosity; their misdeeds were forgotten, and their errors forgiven, and in return, they swore allegiance as British Subjects to the King, and promised duly to observe the existing Laws;—how far they complied is not necessary to observe.

Lawrence, the eldest Son of these Persons, is now King or Chief of the People called Soozes, or Sosoos. He has a large Slave Establishment on one of the Creeks, named from his Father, Lawrence Factory. He is a Man of acute penetration, deals in Slaves, as he states, in virtue of the right of the Laws of his own Country; but at the same time does not disown the right which every European Nation has to discourage Slavery in their own Country and Colonies, and discovers more information and intelligence than might be expected from a Man in such society, and of such pursuits. Curtis, in power, follows Lawrence, and by connecting himself in marriage with the family of Mungo Brama, another Chief, (and King of the Country at the back of Curtis Town), and by the wealth he has acquired in Slaving, nearly as powerful as Lawrence. Of the 50 Children this Man has left behind him, by various Women and Slaves, those by his first Wife only appear to pretend to any of the power and consideration of the Father; there are several Brothers all connected in the same pursuits, and established at one Factory.

The crimes of this horde have, however, been lately visited by an unexpected punishment, brought about by an accidental circumstance, which I sincerely deplore, and which the satisfaction I feel that their Slaving Factory no longer exists, cannot compensate for the melancholy death of a gallant young British Officer, and the principal part of his Boat's Crew. But as the detail of the circumstances attending the cause and result of this affair have been laid before their Lordships and His Majesty's Ministers, I feel it necessary only to introduce the Affidavits of 4 of the Survivors, who were rescued from an untimely and barbarous

death by the promptitude and decision of those intrusted with the execution of the Rio Pongas expedition.

Personally appeared before me, Charles Mac Carthy, Esq. Captain and Governor-General of Sierra Leone and its Dependencies, John Albert and John Powell, Seamen of H. M. Brig *Thistle*, who, being sworn on the Holy Evangelists, depose and make oath, that they composed part of a Boat's Crew sent from H. M. Brig *Thistle* up the River Pongas, for the purpose of demanding the release of a certain British Vessel, which, together with her Crew and cargo, had been forcibly seized in the Rio Pongas by order of Thomas Curtis; that these Deponents having been wounded, they with 7 others, including the Officer, were dragged on shore, stripped and exposed to a vertical sun for a considerable time; but after a consultation between Mr. Curtis, Mr. Vigne, late Master of a Slave Vessel, and 2 others, Mates of Slave Vessels, it was agreed that the Europeans should be put to death; but in consequence of the interference of a Person, to the Deponents unknown, and being Men of Colour they were destined for Slavery. The Officer, Seamen, and Marines, were shot by order of Mr. Thomas Curtis, in the presence of these Deponents, amidst the exulting cheers of many hundred Persons. These Deponents were detained in irons until the arrival of the Squadron, when they were released and delivered over to the Commanding Officer of the expedition. These Deponents also make oath, that the bodies of the deceased were disinterred by order of Mungo Brama the King of the Country, and carried away by wolves and birds.

JOHN ALBERT, ⋈ his mark.

JOHN POWELL, ⋈ his mark.

Sworn before me this 2nd June 1820, C. Mac Carthy, *Governor*.

Witness, R. Hagan, Commander of H. M. Brig *Thistle*.

Personally appeared before me, Charles Mac Carthy, Esq. Captain and Governor-General of Sierra Leone and its Dependencies, &c. Henry Richardson and Justice Williams, who depose and make oath, on the Holy Evangelists, that they composed part of the Boat's Crew of H. M. Brig *Thistle*, who was sent up the Rio Pongas for the purpose of demanding the release of a vessel belonging to a British Merchant, which together with her Crew and cargo, had been seized by order of Thomas Curtis of that place, and that no satisfactory answer having been given, the Officer, Mr. Inman, persevered in demanding her release; that the said Crew having gone on board the said Sloop, for the purpose of refreshing themselves, they were violently assaulted by the Natives, under the direction and superintendence of Thomas Curtis and Brothers, and the whole of their arms, with the exception of one pistol, having been taken from them, they were in the act of pushing the Boat off, for the purpose of returning to the *Thistle*, when they were again assailed with warm water and stones, and subsequently by several severe discharges of small arms, which wounded in a few

seconds, 8, and killed the Coxswain; that, having no means of defence, and apparently no hope of escaping, but by swimming, these Deponents with 2 others, leaped overboard, and having swam across several Rivers or Creeks, they were, with the greatest difficulty, enabled to escape to the factory of Mr. Wilson, of that River; and Mr. Curtis having demanded their delivery, as being his Prisoners, they were given over to the care of Mr. Ormond, whose greater influence enabled him to preserve them for the service.

HENRY ⋈ RICHARDSON.
JUSTICE ⋈ WILLIAMS.

Sworn before me at Free Town, Sierra Leone, this 2nd June 1820,
C. MacCarthy, *Governor*,
Witness, R. Hagan, Commander of H. M. Brig *Thistle*.

The opportunity for declaring the Rio Pongas in a state of Blockade appears to me to have now offered so advantageously that I would strongly recommend the measure. It would of all others tend most effectually to destroy the Slave-trade in that River, and not in any degree interfere with the natural Trade of Civilized Nations.

This opportunity lost of crushing so unexpensively a large and thriving branch of the Slave-trade may not again offer; nor can any other Nation take umbrage at a measure frequently adopted in times of War. For this purpose it will only be necessary to station a small Schooner at the Isles de Loss, as Head-quarters, of which spot, as I have but little more to add till I reach the shores of Sierra Leone, I shall next speak; and though I paid but an imperfect visit to these Islands, yet this short inspection fully convinced me of the necessity that existed for our obtaining possession of them. The anchorage round the Isles de Loss varies much, but the protection afforded by the cluster gives security to any Ship refitting at any period of the year, when the same is practicable, for I am not supposed to include the rainy season. The healthfulness of the Harbour must be evident, as the Sea-breezes blow without check, and apprehension from the land-wind ought to be trifling.

Crawford's Island, upon which the Government Establishment is fixed, is, however, again rapidly returning to its original state, and the same indifference to the growth of bush and underwood is here as visible as in some parts contiguous to Free Town itself. The fact is, the underwood in Africa once cut down, and the large trees felled or burnt, the work of clearing the Land is too frequently considered as finished; whereas, the same operation must again be more carefully performed the ensuing spring, or the bush-wood rises with a rapidity of growth exceeding its natural powers, and spreads with an increase hardly to be believed. Nor, in many cases, will the second application of fire totally destroy the life of the tree. In this case, blasting the root by the assistance of an augur hole and gunpowder, is the most effectual and the least expensive method.

The Isles de Loss are 5 in number; 3 only are of any consideration. Crawford, in the centre, is the one occupied by Government, but it is at present little better than the most wretched banishment, and the wants and necessities of those upon it ought to claim the greatest attention from the parent Government in the Sierra Leone. Tamara is the most extensive, and supplies the only good water. Factory Island is, however, the best calculated for the Trade with the Natives on the main, and some Establishments have been formed by individual enterprise; but while the Slave-trade receives the encouragement it has during the last 12 months, all other trade will linger, aud even the common necessaries of life become uncertainly supplied. Off Factory Island is, however, an excellent station for a small Cruizer to watch or blockade the Slave-dealers from the Nunez and the Pongas, to the Kessey and the Scarcies.

As, in my former Report, I intruded some remarks upon the Colony of Sierra Leone, I may perhaps have their Lordships' excuse in again venturing a few more upon the same subject. Indeed, the Colony of Sierra Leone has been so differently represented, so much has been urged against its rising prosperity, and proposals said to have been made for its abandonment, that I consider myself, as an impartial Person, the one from whom opinion and remarks may be expected; and when I declare that I shall not swerve in any degree from the plain and simple matter of fact, I trust I shall have full credit with their Lordships, for I can have no local interest to bias me in any way.

I do not presume to suppose that much useful or novel information will be thus laid before their Lordships, yet I cannot be ignorant, that, as some of the suggestions I have before offered have been adopted, by direction of His Majesty's Government, along the whole line of Western Africa, others may possibly be here found not altogether unworthy of notice, if not of adoption.

The climate of Sierra Leone is, like all other tropical climates, divided into a sickly season, and one not positively so; for it may be considered too much to speak of Sierra Leone as ever absolutely healthful. Nevertheless, the month of December is here hailed with joy and delight by all classes of the population, whether Native or imported, and whether Whites or Blacks. The mortality on my last return to it I found not by any means such as had been represented, and certainly not what in the same period had been experienced at Jamaica, in proportion to its population. Of the Non-Commissioned Officers, however, arriving from the West Indies, I believe few escaped; they presumed falsely upon what they considered a preparation for the climate of Sierra Leone, and the liberties they took with their constitutions hastened an event which great care and attention only can guard against.

Of the Crews of the timber Ships visiting Bance Island many died; for these People are unaided by that relief their Lordships so properly and so liberally afford His Majesty's Ships, by the invaluable services of our Kroomen, and are unprotected by those humane Laws which were formerly in force, when exposed to the same climate, in carrying on the Slave-trade, by which the Master was compelled to hire a certain number of Kroomen, or Native Africans, to relieve his Crew, alike from the effects of the sun as from the pouring rains. The Sailor in the Merchant Service is now frequently compelled to work at all hours, on all days, and in all weather; and lastly, unfurnished, (as the King's Seaman is,) with a blanket dress, perspiration is suddenly checked by a Tornado, or the periodical rains; fever is thus generated and death ensues; for though medical aid is within the reach of Merchant Ship-Masters, the cases of disease amongst their Crews are seldom sent to the Sierra Leone hospital, till the crisis has arrived and leaves no longer any hope. This is a subject I do presume most earnestly to recommend to the consideration of their Lordships. Merchant Seamen have appealed to me, not only at Sierra Leone but to leeward, for redress to well-founded complaints of hard usage and over-work; but with the injunctions of their Lordships before me (in conformity with the petition of the Ship-Owners of London,) I could only refer the cases of these Men to the consideration of the Magistracy of Sierra Leone, where it has seemed to me that private connection or interest with the Trade had no small influence in the judgment given.

The complaint of a Sailor is too frequently considered frivolous, as well from his own imperfect manner of stating it, as from the frequency of mixing unimportant matter with the actual cause.

The want of a regular hour of meal, as well as of stipulated rations, is in Africa one almost universal source of complaint, and the brutality of a Merchant Ship-Master has been such, as to induce the entire Crew to desert and seek protection in the uncertain friendship of an African Savage, rather than place their lives at the mercy of Individuals possessing neither honour nor justice.

I turn now to a more desirable subject, in speaking of the continued and increasing improvements of Free Town, which attracted my particular notice, and added to my respect for the Governor, whose perseverance and indefatigable exertions, though almost unaided and unassisted in the great and laborious duties he has to perform, had effected more than I had thought possible. For it is not merely to the improvements of Free Town, nor to the comforts of the Residents, that Governor Mac Carthy's mind is given, but likewise to the general increase of the Colony, by attending to the population from one extremity of this Peninsula to the other, by protecting the untutored and ignorant African, and giving the most patient consideration to his most minute grievances and wants.

If I were to find any fault, it would be with Colonel Mac Carthy's excessive anxiety for improvement, which I think induces him to undertake more than either his means or the Colony can at the same moment accomplish, and his measuring the ability of others by his own extraordinary good health and powers of application in this climate.

In my former Report I observed, that in public improvements the Persons under surveillance of the Law might I thought be employed. I was glad to see these People engaged in clearing the ground in the immediate neighbourhood of Free Town, and in removing the grass and indigo from the streets of the Town; a measure which, if persevered in with care and attention, cannot fail to be highly beneficial to the general health of the community; for after a heavy fall of rain, and the sun striking on the ground with its vertical power, the vapours from the vegetable matter over-running the streets is so perceptible, that in drawing breath I have felt I was inhaling a vapour which I could but compare to gas from coal.

I cannot better mark the rapid vegetation of Sierra Leone than by noticing the following circumstance illustrative of it. When at Sierra Leone in January 1819, in an unoccupied lot of ground in Free Town, where 2 or 3 small trees had just sprung up, seedlings of the last year, I was induced from curiosity to measure and mark them in a particular way. On my return this year I observed the trees thus marked still standing, but their extraordinary increase made me doubt my own correctness; my initials on the bark, however, removed all doubt; they had grown up large trees, and were at least four times their former diameter.

Thus as almost every lot of ground possessed by an African is at first generally fenced in with stakes cut from a soft bush, known on the Gold Coast as bearing the physic-berry, which striking root, and vegetating with the same ease as the willow does in England, one half of these lots assume the appearance of garden ground. The increase of trees within the limits of Free Town, in the space of 1 year, convinces me that if this practice of fencing be continued, though it may add very much to the beauty of the Town, it will increase, in a very high degree the unhealthfulness of its climate, and add to that troublesome insect the mosquito, which last year in Free Town was hardly felt, but which, from the shelter it has received from the mode of fencing in that Town, I now found as annoying as in parts of the world where it is most troublesome. My opinion was confirmed by the same remark from a very intelligent French Surgeon long resident in Sierra Leone.

To obviate this extension of vegetation, which I consider one of the causes of unhealthfulness at Sierra Leone, I would recommend that no trees but fruit trees be permitted to grow in Free Town, and even of those none but the orange; nor should any lot be fenced round with stakes having vegetable life.

In every direction round the entire amphitheatre of hill and mountain by which Free Town is surrounded, the clearing of the wood has commenced; and though the season was too far advanced to do much, yet sufficient has been done to show that the Governor is in earnest. But while this is doing, the hill on which the powder magazine stands ought not to be permitted to resume its original appearance: bush and underwood are again making rapid strides; and the labour expended a few years since, if a check be not given, will have been all applied without permanent benefit.

But while these checks are given to prevent the bad effects from miasma, improvements of another nature, though for a similar object, ought to be adopted, and buildings of a simple, but very necessary nature, should be constructed and attached to every house. Nor does this to me appear the least of the evils deserving attention; for very few of the houses of Free Town possess this comfort but in the rudest way, and many are entirely without any such accommodation, the possession of which, in climates where exhalations are so offensive, and the black population is so increasing, may properly be considered of the class of healthful improvement.

Stone and brick buildings are now succeeding the wooden houses and crazy huts, of which in former days Free Town was composed; and the improvement by bridges of stone over the rough and craggy watercourses which the torrents have formed, is very considerable.

A reservoir is now forming for affording a more ready supply of water to Men-of-War and Shipping, without interrupting the demand for the Town. This, as in my former Report I observed, was much wanted. Still an additional conductor to this supply from the Town must be prepared, if Free Town continues to increase as rapidly as it has done since I have had opportunities of making any observations upon it.

The defensive works have been put into an excellent state, and some of the houses for the accommodation of the various Servants of the Colony are nearly completed, and not only with a marked attention to neatness, but to the personal comforts of the Individuals destined to occupy them.

The church, though a work of great labour, is going on with spirit and perseverance, but some time must elapse ere it can be opened. The barracks of the Officers have been much improved, and a commissariat-store is constructing which will shortly be finished, and ought to relieve the Colony of a considerable annual expence; but a public building for the Officer in Chief of this department, on a Government lot of ground, should follow, rather than allow the caprice of Individuals to be exercised in the way I observed it very lately was.

On a late melancholy accident, terminating in the sudden death of the late Commissary-General Le Fevre, the first exercise of duties de-

volving on his Successor was to discharge the office and store, held at a very moderate rent by his Predecessor, and to engage one at, I understand, a very advanced rate, sacrificing public conveniency and economy to what I consider either the feeling of friendship, or else to those of party, which latterly has shown itself in this Colony. I have heard the present rent to be between £300 and £400 a year, and the late rent was £120, and in my judgment the latter is not inferior in accommodation, security or convenience to the former.

If an arrangement could be made, so that one of the main cross-streets of Free Town could be dedicated to houses for the class of public Servants who are either entitled to houses, or allowances for them, an eventual saving to Government would follow, the readiness of communication between Individuals whose business must bring them together would be increased, and an example for symetry and neatness established, likely to be pursued by every other class of Society. In the season of tornadoes, as well as of the rains, the communication is now from necessity partially abandoned, or, if maintained, is under constraint, fear, and alarm, from the distance and little connexion there is between those who ought to be at least near neighbours.

Before I conclude my observations upon the improved state of Sierra Leone, it is justice only that disposes me to notice the indefatigable exertions of the Chief of the Medical Department, Dr. Nicoll. No part of the establishment of this Colony reflects more credit upon the Heads of Departments, or does more honour to the Mother Country, than the liberal manner in which this branch of public duty is supported in England, and conducted at Sierra Leone. And it is not merely in his professional duties that Dr. Nicoll shows his zeal for the public Service. His unwearied researches as to the localities of the Country, its capabilities and productions, as well as a close investigation into the causes of disease, and the best mode of treatment, make his life a most valuable one, and his death or removal would be an irreparable loss to the Colony. Talent and science, industry and application, are in him conspicuously blended.

The comforts and conveniences of the hospital are very great, the site is well chosen, but the original construction was bad, and the decaying state of the building promises its speedy dissolution. Every repairing seems to me a doubtful remedy; the rot of timber, if not originally well chosen and properly grown, is here increased by the nature of the climate; and as it seems to me that a new Military Hospital, or the principal parts of a new one, will be necessary, I would suggest, as an experiment, that the supporting pillars, and some other parts, be made of cast iron prepared and sent from England, which, being frequently painted, would not only prove more durable, but I am confident economical as to the first expence.

The incessant employment here given to Mechanics, Carpenters

and Joiners in particular, may be accounted for in the never-ending demand for houses, and the necessity of getting over certain parts of the work before the setting in of the periodical rains, so that the price of labour, which to mechanics is generally from 3 to 4 shillings a day, rises frequently to something most extraordinary.

There is, however, in my conception, an error in the general construction of many of the public works.

From the particularly hilly nature of the ground of this Colony, scarcely 20 houses stand on a level spot, and it frequently happens that many of the foundations are sapped, or the walls disturbed, from the want of the precaution of having either an underground drain, or a channel cut to lead off the waters which come pouring down the declivities, sapping or destroying the stability of the buildings. The Hospital, as well as the Church at Regent's Town, are strong proofs of this.

The manner in which the public schools are here conducted reflects the greatest credit upon those concerned in their prosperity, and the improvement made by the Scholars proves the aptitude of the African, if moderate pains be taken to instruct him.

I have attended places of public worship in every quarter of the globe, and I do most conscientiously declare, never did I witness the ceremonies of religion more piously performed, or more devoutly attended to, than in Sierra Leone.

I wish I could speak equally of the Court of Justice in this Settlement. The circumstances which induce this remark are those connected with the trials of 2 Individuals; of whose private characters I shall only observe, that one was compelled, as a revolting Maroon of the West Indies, to quit his Country in obedience of the Laws; the other, a British Subject, did so to escape the Laws. The former, in a fit of well-grounded jealousy, ordered his wife out and shot her, for which he was tried by a Jury, equally composed of Whites and Blacks, and received the sentence of the Law, which, for example alone, was at least necessary, independent of the atrocity of the act. The other Prisoner, for an imaginary crime, presumed to have been committed by one of the Sailors, went in search of his pistols, loaded them, and coolly waited the repetition of a threat, which certainly was not committed, and deliberately shot a Seaman, under a pretence of mutiny, while the Cook of the Vessel was following his duties, and the other part of the Crew were employed in their customary avocations.

The first felony was gloried in by the unhappy wretch who had perpetrated it, under the mistaken notion that he was authorized by Law, but he nevertheless stood his trial with calmness, and bore his Sentence with meekness. The second felony was no sooner committed, than fear operated in turn, and the show of kindness to the unfortunate sufferer proved conviction on the mind of the culprit of the

atrocity of his own act; but by way of smothering the cries of justice, and destroying the proof of his own malignant spirit, the wounded Sailor was permitted to land in a savage neighbourhood, where neither the aid of surgery, nor the benevolence of Christianity, could have a chance of operating in his favour.

But overtaken by the hand of justice, a bill of indictment was presented and found by a Grand Jury at Free Town, and the Master of the *Errato* was put upon his Trial. The lenity of the Judge was here as conspicuous as the insolence of the culprit was audacious. As the Master of a Merchant Ship, he desired that his Jurors should be so selected, and some of the Masters of African Traders were actually, in consequence, introduced to the Jury, contrary to the express words of the Act, which declares it shall be composed of "Inhabitants of Sierra Leone."

Insolence and blasphemy were so interwoven in the defence and general conduct of the white Prisoner, that the contrast with the conduct of the unfortunate black Maroon must have struck every considerate Person; and the apology offered by the by-stander for the forbearance of the Judges, was the belief that it was permitted only to convince his Jury that insanity was not temporary. And here a scene occurred, which, if I was not convinced it would be noticed by those whose duty and province it so eminently is to uphold the purity and awfulness of our most *sacred and binding forms* of religion, I should enter upon more at large.

It will be sufficient to state, that a Negro, himself charged with robbery by the Prisoner, was put on his oath, and an Interpreter (a Krooman) likewise. The Negro confessedly could not speak *a single word of English, nor did either understand the sacred obligation of a Christian Oath,* nevertheless the form was executed, and, as might be expected, in a manner not only to throw ridicule upon the ceremony, but to bring contempt upon the sacred obligation it is meant to impose. The Interpreter proceeded to declare, that the Prisoner had been threathened in language and terms the most violent, repeating the actual words, "so as threaten to take his life;" and though the impression this made upon the Jury ought to have been set aside by a remark from the Judge to the Interpreter, that as the Witness *could not speak a single syllable of English, it was not possible he could understand the conversation he pretended to detail;* nevertheless the Jury thought otherwise, and availing themselves of the charge from the Judge on the Bench, that if they believed the African, in preference to the corroborated evidence of the other Persons on board, as well as the wounded Man, they would acquit the Prisoner,—they did so accordingly! Had I not witnessed this transaction I could never have believed an English Judge could have delivered such a charge to a Jury; for it must be

remembered, that the Negro, it was acknowledged, knew not one word of the language he professed to have heard.

That justice should always incline to mercy must ever be proper; but that a Jury of Englishmen should, either from friendship or fear, forget the situation in which they stood; or that a Judge, from whatever motive, should permit a Prisoner, when under trial, to attack him with invective and abuse, is what, if again permitted, cannot fail to bring the dignified station he holds into contempt, and the professed equality of British Law into disgrace.

I mention the case, in the hope that, if nothing else results from it, the religion of our State may not be insulted by a custom which could not I had supposed have been tolerated in the most infantine condition of any Colony; and that as Children and Idiots are not permitted to take an Oath, in the understanding that they cannot be acquainted with its nature or sanctity, neither will an African Negro be sworn in any other way than agreeably to the custom of his Fetish, until his mind shall be enlarged, and his comprehension sufficiently cleared to understand something of the duty an Oath enjoins, and that even then such evidence will be received with caution.

The custom which I observed in the present instance, of permitting the Prisoner to carouse with his friends, among whom were some of the Petty Jury who were to decide his fate, in a room adjoining the Court, at the very time the Grand Jury were deliberating upon his Indictment, appears so indecent a distinction between Whites and Blacks that I cannot avoid noticing it, because I consider it the most effectual way of reaching the ear of the Judge.

The sudden and accidental death of the late Deputy Commissary-General of Sierra Leone, affords to the Government the opportunity of accomplishing what I had presumed to suggest in my last year's Report. As this Gentleman died in less than an hour after the accident, it may naturally be supposed that some parts of his accounts may appear in an imperfect state, particularly when it is considered that the establishment under him, from climate and other circumstances, was very incomplete. This Officer had fixed his private residence at Faura Bay, upon the point of land formerly alluded to by me; and since the charge of the naval provisions had devolved upon him, he had, conformably, as I understood, with the wishes of the Victualling Board, in order to keep the military and naval stores distinct, converted an exceedingly dry and well-built house contiguous to his own dwelling into a naval Victualling Store, thus making our supplies quite distinct from the military and garrison, a measure, I consider, the most likely to ensure the fair distribution of the provisions actually intended for the Navy; and which, in the articles of wine and spirits particularly, is a measure of absolute necessity, or the Squadron will be in the pre-

dicament of receiving American rum of a most inferior and pernicious quality, which, though not affecting Native Troops, is well known to be highly injurious to European health.

As, in the event of any deficiency in the public accounts, and indeed, conformably to the dying words of Mr. Commissary Le Fevre, that his house, farm, and land, should be held at the disposal of Government till his accounts should be settled, it appears to me desirable that the same should be retained by His Majesty's Government; I presume to suggest that a valuation of the whole buildings and premises be taken, with a view of forming a small Naval Victualling Establishment there, which, under the direction of a Lieutenant, with a Purser or Clerk, might, in addition to a few Kroomen, paid in the Country custom (in goods instead of money) be all that would be required, and, I am confident, prove not only a material saving to the Government, but a check upon other branches of expenditure.

To accomplish this arrangement, certain trifling improvements would be required for the greater facility of removing and receiving provisions. The roadway leading to the landing being on a declivity must be improved, and if 40 yards of iron railway were laid this would be cheap and lasting. The wharf requires to be finished, and should be carried out so as to be useful at all times of tide. A well has been dug at a considerable expence, from which excellent water was procured, and may require a very trifling sum to make it quite perfect. Indeed the expence of all I have recommended must be of very small amount.

In addition to this spot being held as a victualling depôt, I would strongly recommend its combining also that for a small supply of naval stores, and for which the buildings I have mentioned are in every way sufficient. I recommend this as a deposit for naval stores also, from having observed on my arrival that those saved from the *Erne* had been placed in a hired store in Free Town, the expences of which would soon have exceeded the value of the stores themselves, but they have since been removed at my request to a part of the building occupied as a jail. There are many articles of naval stores which might be deposited in this proposed depôt, and thus prevent the necessity of purchase, which, as their Lordships may suppose, cannot at Sierra Leone be procured but at a very advanced rate, and to which I was lately obliged to submit.

Such an establishment as I recommend need only be on the most reduced scale, though it might hereafter, if necessary, combine the advantages of a small naval hospital, the point of land of Faura Bay appearing to me well calculated for such a purpose. A large proportion of the ground has been cleared, and if the productions (which were I believe principally meant experimentally) are not required, fruits, roots and vegetables (under the superintendance of a qualified person) highly important to Ships returning for supplies, might thus be had at

a very small charge. The Officer commanding, if their Lordships thought proper, might be rewarded after a 3 years residence by promotion; and this for 3 years service in such a climate would not, I humbly apprehend, be held too large a remuneration. Whether these suggestions shall be adopted *in toto*, or in part, I think some such arrangement, till a settlement of the commissariat accounts takes place, would be advantageous to Government. The experiment would cost so little, and the intermediate benefit prove so much in preventing the decay and ruin so likely otherwise to ensue, that if it were only placed as a victualling depôt, under charge of the Senior Naval Officer, public benefit would result.

During the time His Majesty's Ship *Tartar* was watering and wooding at Sierra Leone, I availed myself of the opportunity thus afforded, by devoting 2 or 3 days in inspecting the Lagoon in which Bance Island is situated. The Channel of this branch of the River I found by no means dangerous, and that it was navigable for Ships of considerable burthen in great safety. Between Tagareen Point and Tasso's Island, there is a rocky reef which dries very rapidly with the ebb tide, and from Tasso another runs off narrowing the Channel here, and though there may be a passage between the north side and Nambannas Town, it is not used, nor did I pass through it in my Boat.

Rounding Tagareen Point, which is the south-east of the Bulam shore, the River opens to a considerable expanse; and while the Island of Tasso intersects the main stream of the Sierra Leone, the River Bunce or Bunch on the right gives a deceptive appearance to an actual small branch of the River; at the same time a Creek on the left, though almost closed up by mangroves, affords a ready communication with other Creeks leading to Rivers which empty themselves (as the Scarcies) into the Sea in Bulam Country, north of Sierra Leone, the application and conveniency of which for Slave-trading I shall presently notice.

Of the River Bunce it is merely necessary to state, that after tracing its course a few miles over mud-shoals, impassable to Canoes at low water, and bounded by swampy banks on each side, to the South East it loses itself in a swamp, on the verge of which the new Town of Waterloo is in active progress. It is necessary I should observe, that on the right bank of this arm of the Sierra Leone, upon a sickly and dreadfully miasmatic spot, named Gambia Island, a French Establishment once stood; and from the extraordinary measures lately threatened, and partially adopted by the French Governor Schmaltz, of Senegal, with respect to the River Gambia itself, I have no doubt but one of the motives which has induced Governor Mac Carthy to extend the redeemed Negro population of Sierra Leone to the source of the Bunce just noticed, was to confine the claim (if it ever should be revived by such a Man as Governor Schmaltz) to the mere speck im-

properly marked, Gambia Island. For by as good right might the Governor of Senegal erect an establishment here, and issue his Decrees against the free Trade of the British Adventurer on either bank of that great and invaluable River the Gambia; the keys to which, Bird Island and Point St. Mary's, being in British possession, at least authorize an equality of right to uncontrolled navigation of the Gambia.

Passing to the west of Tasso, and between a few small Islands on the Bulam shore, the two small Islands marked in the chart "Bob's Islands" appear, and immediately after that of Bance. Off the two former good anchorage is obtained; and those Vessels not intended to ship timber from either Bance or Timboo usually prefer this anchorage, as establishments are about being formed by other individuals who have caught at and are following up the ideas of Mr. M'Cormack, a Person of great enterprise and talent, and with whom, as I have understood, the shipment of timber from Africa originated.

The Islands of Bance and Timboo, the present rival establishments for the timber trade in the Sierra Leone, are distant from each other 3 to 4 miles. The latter is seen immediately you round the west point of Bance, or, as I call it, Slave Factory Point; 4 of the large pullom or silk-cotton trees, situated on that point, having been permitted to attain their utmost growth, to mark, as is the custom to this day along the whole Coast of Africa, that Slaves are there to be bought and sold.

These Islands, with Tasso and both banks of the River, give this part of it the appearance of a lake, while the Devil's Rock has here a central situation; the high land of Sierra Leone is seen at a distance over Tasso, and the majestic Sangcree mountains to the north relieve the eye of the sameness of scenery formed by uncleared clumps of mangrove, palm, and pullom, and present a grandeur of scenery difficult to imagine.

Above Timboo the river narrows again, being intersected by mangove Islands; but though it does not appear to be navigable for Ships beyond this limit, yet large Boats pass up some hundred miles; indeed the Gentleman of whom I have already spoken, (Mr. M'Cormack) in quest of timber, and for the purpose of removing palavers, which the Native Chiefs instituted upon various pretences, told me he had himself frequently passed up more than 100 miles.

Bance Island is an extremely small one, but was, during the period of the Slave-trade, so well fortified as to offer resistance to a combined attack from both sea and land forces under the French. A very few huts now remain upon it, and the smallest part of the old buildings only are habitable, and these are occupied by the Agents to the former bankrupt Proprietors. In slaving days the factory was not only well fortified, but its magazines were well adapted to that commerce for which the Island had been originally cleared, and the security afforded by stone and iron proves not only how fearfully life was held by the

Servants of this African Company, but the loop-holes for the blunderbuss and musket, opening upon the female as well as male Slave yards, even from the banqueting hall (as it is still termed) of the factory, show that the convivial hours of the Superintendents and Slave-dealers were not free from the dread of insurrection. All was barricadoed, every window had its iron grate, every door had its iron bar, while the passages were so constructed that only one person could be admitted at a time, and the avenues so commanded that a single discharge of grape and langridge must have overwhelmed all who were exposed to it. And though to this it may be added, that the walls of the Slave yards still prove the whole to have been so contrived as to prevent the chance of escape to the most resolute and infatuated of the miserable victims they inclosed, yet with all these precautions, insurrections, as on board the Slave Ships, were not uncommon; and on one occasion the white Managers were threatened in the very moment they had dedicated to revelry and licentiousness; for which the unhappy Slaves were all held responsible, and condemned to an atonement by undergoing indiscriminate butchery, or suffering dreadful scarification from the *Cawkin*.

Armed only with the irons and chains of those who were so confined, the Slaves audaciously attacked the lock-up Keeper, at the moment he made his *entré* to return them to their dungeons after a few hours basking in the sun; but thus bringing upon themselves the close fire of musketry through the loop-holes before mentioned, which they probably neither saw nor contemplated, though for which purpose a stand of arms was always kept ready and marked "loaded;" and it is understood that upon this occasion many obtained their only wish, a relief from their misery by the hand of death, for it can scarcely be supposed that much value was attached to the life of these beings, when a few rusty muskets or 3 or 4 bars of iron was the cost per head.

At Bance, a little below the Fort, there is an excellent wharf running from the landing place, which gives it a present advantage over its rival Timboo, of which I shall next speak.

With the exception of a few orange and lime trees, nothing now appears cultivated on Bance Island, though the soil which covers a granite rock seems highly capable of affording every tropical production. Indeed the rapid growth of vegetation promises once more to restore this Island to its primitive state, as every thing useful is abandoned.

A few Timaneese occupy the 2 or 3 straggling huts on Bance; but in what manner they are employed, or whether they form a part of Williams's establishment, I do not know. Water of an indifferent quality is found on the Island, but tanks were formerly established.

After the total abolition of the African Slave-trade by the British Legislature, Bance Island fell into rapid decay. Its magnificent buildings, as well as its gloomy prisons, equally felt the destructive

powers of climate and of seasons, against which the incessant and watchful care of Man could alone protect them. For the time they were totally abandoned, and for a time they afforded protection from the deluging rains of Sierra Leone to a party of Troops stationed there to prevent any clandestine continuance of the Slave-trade, through the Rivers Scarcies, the Berriera, the Quapart, or any of those Creeks navigable for Canoes, on the right bank of this river; and it is much to be wished that an over-awing power of some sort were still extended thus far, as it is a circumstance lately of my knowledge, that the factories in the Pongas still hold communication with their Agents in the interior of the Country, from the facilities afforded by the various creeks and smaller branches of the Sierra Leone, connected with the rivers on the Bulam and Soozee shores.

From Timboo Island, which is not more than 4 miles from Bance, timber, denominated African teak, as well as several other species, can be obtained from 20 to 40 feet long, and 14 to 24 inches square. Of this quality, and of such dimensions, from 1000 to 3000 loads might for the next 3 or 4 years be furnished, either by contract, or in such other way as Government might wish, and I should think upon advantageous terms. And if ever such a measure should be decided upon, I would recommend a Correspondence upon the subject with Mr. M'Cormack, now a resident at Timboo. I have had much communication with him in reference to a supply of timber; I have found him the best informed and the most intelligent of any person connected with or in any way engaged in the Trade. He has seen more of the shores from whence timber is to be had, and I am of opinion is a better judge of its quality, than any one I have met engaged in commerce in Africa; his experience has been great, and having obtained that by heavy imposition in the early part of his speculations, he is I think a person so much the less likely to be deceived again. In a few words, my opinion is, that in the judgment and integrity also of Mr. M'Cormack confidence may be placed.

There are other small Islands in this Lagoon which may at some future period prove valuable; but the connection which Timboo and Bance have with the upper branches and streams of this river, give them a decided preference in respect to the timber trade, and which still further predominates in favour of the latter in point of anchorage and wharfage.

Nevertheless, when Timboo shall be cleared of timber and underwood or jungle, its competition with Bance will be great.

The Island of Tasso, which divides the streams of the Sierra Leone above the Town, is one, the right of possession to which ought to be decided, and if it is the property, as I believe, of Government, ought to receive an establishment of captured Negroes. Its soil appears good, its plains would also supply cattle; and to those, especially of

the redeemed Negroes, whose inclination might be directed towards agricultural pursuits, Tasso Island offers very many advantages.

The same motive which induced me to visit Bance Island, a desire to obtain as correct information as possible, had also led me to visit the Bulam shore, immediately opposite to Sierra Leone.

The row across is frequently lengthened from the flatness of the middle ground, and the difficulty of landing is more generally so from a long extended flat, which, drying at half ebb, leaves your boat among rocks and shoals. The day was however fine, and the hospitable reception from Prince Alla Dalamoudy, the present Chief of Medina, removed all regret at my visit.

The Country appears raised considerably above the level of the sea, and the entrance to Medina is from the beach, up a steep winding path, which seems to have been so planned to secure it from attacks by water.

Dalamoudy's Village, for such it is, offers a picture of neatness and cleanliness to the eye, which might serve as a copy to ourselves; not a blade of grass is to be seen within the walls of the Village and fences, the ground is beat hard, it is dry and smooth, and so laid out that water will not lodge during the rains. The houses are perfectly round, or oval, neatly thatched in a pyramidical form, making a circular veranda; granary, armoury and mosque, are all so many separate houses, but undistinguished.

Delamoudy's residence alone is noticed by being raised 1 story above the ground-floor. In Person this Chief is a fine tall athletic black, bearing a strong resemblance to a Congo Negro, but a much more dignified manner and address.

He speaks English fluently, and appears to know well the value of the British Governor's friendship. He is not only a follower of Mahomet, but as Chief of the Country, officiates as the High Priest. I attended their Mosque, and noticed that his followers appeared not merely devout, but enthusiastic.

I learn that, within a short distance of Medina, our Government has a plot of ground of 1 square mile. At present it produces some orange trees, and is otherwise overgrown with thicket.

The Trade in Slaves, which has of late been so much encouraged in the Rio Grande, Nunez and Pongas, has not failed of spreading its attractions even into the Province under Delamoudy, and a Slave Boy, taken in the Dutch Brig *Maria*, by the *Tartar*, was found to have belonged to Medina. His Parents claimed him, declaring he had been stolen when sent to the Banks of the River Scarcies for some domestic purpose, and thence carried and sold in the Pongas. Whether the Parents had been concerned in this affair I do not know, but there were circumstances which induced me to believe it had not been purely accidental.

Rice is largely cultivated here, and gives full employment to the Natives; and if the price were always maintained at Sierra Leone, it would be one of the measures productive of industry likely to destroy the still lurking inclination for the Slave-trade; but as this cannot be assured, the quantity grown varies so much, that an abundance in one year is almost sure of being followed by a scarcity the next. Of other productions I am not prepared to speak; but I observe that the Market of Free Town, among other articles, is supplied entirely from hence with the gooroo nut, which must have been so frequently described, that it is only necessary that I should name it; I believe it to be the boozee of the Ashantee. Indeed it is known over all parts of Africa, from the shores of the Red Sea, where I have seen it at Kosier, to the Bight of Benin. It is not only valued for the pleasant bitter it communicates to the palate, but likewise as being considered an excellent stomachic. Among the Mandingoes it is always a present, or a complimentary offering to Visitors or Strangers, and is considered in all cases a pledge of peace. I have reason to believe this nut grows on the Mountains of Sierra Leone, from seeing a pod containing the seeds near Regent's Town, though I could not ascertain the fact. The pod I saw contained 8 nuts nearly the size of a chesnut, and was about 16 inches in length, and I apprehend is the same that is in such repute in the States bordering on the great desert of Zahara.

I was led to remark the excellent substitute Delamoudy's Women were preparing as flax, and I procured a specimen, with the branch of the tree, which I was afterwards pleased to find growing on the Mountains of Sierra Leone. An intelligent Native, who had been educated in England, named George Ferra, but who I believe has by no means proved grateful for the benefit, told me the Mandingo name for the tree was bamadjee. The flax is produced from the bark taken from the young shoots, which run out a considerable length. The leaf of the tree is broad and large, and the bark is macerated in water, and then beat and dried in the sun. The fishing-nets and net-hammocks used by the Mandingoes (as in the Brazils) are made from this flax, and appear equally strong with the best hemp.

Before concluding my remarks upon the River and Settlement of Sierra Leone, it is proper I state, that, in addition to the Town of Waterloo, the New Town of Kent, near Cape Shilling, is likely to terminate the southern boundary to the settlement of Sierra Leone. The Banana Islands, a small cluster lying within the shoals of St. Ann and that Cape, now become necessary to consolidate the Settlement of Sierra Leone; and I hope that Governor Mac Carthy, with his usual foresight, will perceive the necessity of immediately occupying them. They are claimed by certain Individuals descended from European and Native Parents, and from whom the fair purchase may be easily made.

The Town of Kent is quite in its infancy, and I did not visit it on that account. But I lament to say the late Resident there, Captain O'Kearney, formerly an Officer in His Majesty's late 4th West India Regiment, (or else African Corps), has not only disgraced himself, but his Country also, by becoming a Co-partner and an active Agent for the French Slaves about the Gallinas and Cape Mount. Happily for the credit of Sierra Leone, and fortunately for the honour of the British name, his practices were discovered by the activity of His Majesty's Cruizers; and though this Person has fled from the British Settlements, it is only to reside at the Gallinas, a few miles southward, where he is laying a foundation for a system of Slave-trading, under the protection of the White Flag. And here I should observe, that if the interruption which has been given by His Majesty's Cruizers to this evasion of the Law by the Slave-trader, be not approved of by His Majesty's Government, it were better to desist altogether from offering any annoyance to the Trade, to re-call our establishment from Sierra Leone, and abandon Africa to its fate.

America has indeed set an example, but America has not the same kindred affection to the Slave-trade, which France must naturally feel.

An American Vessel of War has arrived upon the Coast, and disturbed the nest of Slavers of that Country, which swarmed between the River Gallinas and Cape Mount; 4 of these Vessels have been seized by Captain Trenchard, and I understand sent to America. They were, as all this class are, provided with 2 sets of Papers, and, mistaking the American for a British Cruizer, were easily detected. Among the Crews a few said to be English were on board, 5 of which have been delivered to me through the means of the *Snapper* Gun Brig. This most seasonable check to the Trade will I doubt not have the happiest effects, as soon as it shall be publicly known at The Havannah and Martinique. But the alarm will, I fear soon subside, and the White Flag will then be resorted to with more energy and boldness than it is even now.

From Vessels I have spoken with, bearing the Flag of France, though of American build, and openly Slaving, protected by real or forged Passports from those high in authority, from the reports of His Majesty's Cruizers, and from a variety of other sources of information, I have no hesitation in estimating the amount of Slaves carried off from the windward coast, under the Flag of France, within the last 12 months, at 10,000.

Rejoicing as I do in the measure at last pursued by the American Government, I lament the little respect they paid to the opinion most disinterestedly given by Governor Mac Carthy, on the impropriety of the spot chosen for the site of the intended Colony of American Blacks in Africa. Had they traced the Coast from north to south,

and thence east to west, they could not have fixed upon a spot every way so unsuited to their purpose as the River Sherbro.

Every disadvantage which it appears possible to enumerate can be produced against its success, and scarcely any other benefit than that the landing may be more convenient for Boats, is to be offered in its favour, and the distance the Ship must anchor off, would I presume, even destroy the value of this advantage.

What I predicted, on first hearing of the attempt has been fulfilled, though in a much shorter space of time than I could have calculated; and if it be true that to the death of the Rev. S. Bacon I may add that of Doctor S. A. Crozier, an officiating Physician, then I may say, every individual connected with the establishment is no more.

The consequences may be that the imported Blacks, will mix with the neighbouring Chiefs, and instead of aiding in the freedom of Africa, will probably be the means of fixing an additional rivet, by becoming themselves Factors for those engaged in the Slave-trade.

Cape Mount, or Mesurado, would have held out different prospects, and would also have removed those feelings of jealousy so naturally excited from choosing a spot so closely connected with Sierra Leone. If ever the Sherbro shall become more healthful, it can only be useful to Sierra Leone.

From the River Sherbro, and the banks and shoals of St. Ann, which hermetically seal an approach from the southward, except to very small Vessels, I have little to add to my former observations upon the Coast, till I draw near to the Kroo Country and Cape Palmas. I must, nevertheless, express my regret, that the hope I ventured to cherish that the Slave-trade was diminishing upon the Windward Coast, should prove to have been mistakenly formed, for this most abominable traffic upon that Coast is actually increasing in a very great degree.

To establish this fact, with reference to the shores of the part of Africa I now allude to, I had taken considerable pains to examine most minutely the various rivers emptying themselves on the Windward Coast, and a fast sailing Vessel was procured, at the joint expence of myself and some of the Officers, for the purpose of affording a covering to the Crews of the several Boats employed in the Service, where Frigates and Sloops of War could not approach, thus protecting them as well from the effects of sun and tornadoes, as from the injurious consequences of the night-dews and common rains, the *Tartar* keeping under sail in the offing, and in sight of signal. This arrangement, so far as the health of the Officers and Ship's Company was concerned, proved a most material benefit, and though the Vessel was purposely unarmed to avoid the chance of any deviation from my

instructions, yet her utility in the object I had in view was so pre-eminently conspicuous, that the Officers likely to be occasionally employed in Boats requested to be allowed to take a proportion of the expence. Had there been a chance of any pecuniary emolument arising from this measure, as in time of actual War, I should not have felt it necessary to have noticed this circumstance; but the desire springing from the best feelings of the heart, and which has been roused in this instance into an active benevolence, by the dreadful scenes occasionally witnessed in the suffering misery of the unfortunate Captives from the African Shores, I have felt it due to the character of my Officers to show, that the same philanthropic feelings which actuate the conduct of so large a proportion of our Countrymen, are not confined to those resident on shore. Indeed, were it necessary, I could prove that on some occasions, where I have had doubts as to the further detention of Slaving Ships, from the chance of incurring heavy damages, and perhaps entire loss of fortune, and whilst the Slaving Vessels have been under examination by myself and Officers, the whole Crew of the *Tartar* have come forward, and in the most decorous, but urgent manner, have added their entreaties to the measure, offering their growing pay as a security for their proportion of the expence, in case of the non-condemnation of the Vessel by the Mixed Court at Sierra Leone; though it was explained to and fully understood by them, that, as the Law now stood, no pecuniary benefit could arise to any one from head-money as formerly, even though the condemnation should actually take place. It therefore strongly proves what the misery and sufferings of the Slave must be, until he may reach his point of destination, when they could produce such a strong effect upon so many unlettered and uneducated minds as the Crew of a Man-of-war may be supposed to be composed of.

The result of a most careful examination of the Rivers Cape Mount, Half Cape Mount, Junk, St. John's and Sesters, by the Boats of the *Tartar*, under the command of Lieutenant, now Captain, William Finlayson, and Lieutenant Digby Marsh, and protected by the Vessel above mentioned, not only served to establish my present assertion, of the great and extraordinary increase of the Slave-trade upon the shores of the Windward Coast, but confirmed the opinion I gave in my first Report to their Lordships, "that the great pullom or silk-cotton trees are solely preserved in the margin of each river, the more readily to acquaint the Slave carrier, ranging along the Coast, where he may be supplied with human beings."

Had America, which, excepting Great Britain, appears more in earnest than any other Nation, established her lately attempted Settlement, at Cape Mesurado, or even at Cape Mount, she would, at least, have secured a more healthful, and by far more convenient, spot than

her late ill-chosen one in the Sherbro. And an establishment by America, either at Cape Mount or Cape Mesurado, would have afforded to the friends of humanity the most rational hopes that, in the immediate neighbourhood of the American Colony, the demand for Slaves would have been checked, and thus a Settlement would have been formed useful to the purposes of future civilization ; and from its actual, though distant, intercourse with the Frontiers of Gaman and Ashantee, have opened the line for lucrative speculation to the American Merchant, and with the additional advantage of doing so, without interfering in any way with the increasing prosperity of the British Colony of Sierra Leone.

Indeed, an American Establishment at either of the points I have mentioned, with one by the British at Cape Palmas, would have formed a sufficient connecting link to have realized the hopes of the Philanthropist, that Christianity would have been soon propagated North, South, and East, and Slavery gradually abolished.

I, however, trust it is not too late for America to remove the remnant of her establishment to one of the places I recommend, or else the Sherbro will only become a rendezvous for the Contrabandist and Slave-trader, to the injury of Sierra Leone, and the probable source of future disputes between the two Countries.

From the extraordinary and lamentable mortality which has attended these Transatlantic Settlers, on the woody and swampy shores of the Sherbro, my argument may be, I think, fairly supported, that, as the land about Sierra Leone shall be cleared of a large portion of its forest and underwood, as well as the mangrove, which covers the neighbouring marshes and fosters the deadly miasma incidental to all tropical swamps, the Colony of Sierra Leone will then cease to bear the reproach it does, of being the untimely grave of all European Adventurers.

Indeed I believe, and from the observations I have made in other tropical climates, from the same cause, there are years when, on a comparison with respect to relative numbers, a greater proportionate mortality will be found to have occurred, at some of our oldest established tropical Colonies, than at our very infant one of Sierra Leone, with all its disadvantages.

Although I consider the Gold Coast more healthful than Sierra Leone, yet the deaths of Europeans on that Coast have been nearly proportionate to those at Sierra Leone ; but it must be remembered, that the Servants of the African Company have not the same indulgences as those of the King's on the Windward Coast, and not being permitted to retain any portion of pay in case of quitting the climate from ill health, every advantage ceases the day they embark, and thus it may happen that they remain so long as to make removal impossible.

On the Gold Coast, every new comer must undergo the ordeal of what is termed a *seasoner*, which is an attack of intermitted fever, and escaping that, he considers he has undergone inoculation against a repetition for at least the next 6 or 7 years to come, but at which time, I confess, the constitution appears to have undergone a change which, though not visible to those accustomed to the sallowness of each others complexion, is but too apparent to the stranger.

On the contrary, at Sierra Leone, several escape all attacks from fever the first year, though the second and third in this case usually prove fatal. If this period be survived, years pass on, and temporary attacks of intermittent are no more thought of than a March cold in England. Nevertheless, recruiting the health by a trip to a Northern climate every 3 or 4 years, appears to me a plan, of all others, most likely to be beneficial to the Individual, and at the same time useful to the prosperity of the Colony, and ought not to be discouraged.

Agues are, however, more or less the lot of those enjoying the best of health during the rainy and latter season. I quit this subject, though I fear not without the imputation of having engrossed more time than either my observations or professional pursuits entitle me to, and I again trace the line of the Windward Coast.

Cape Mesurado, the Junk River, as well as St. John's and the Sesters, are now celebrated for the conveniency they afford particular Vessels engaged in the Slave-trade. These 3 last rivers are passable for small craft and boats, and the whole intermediate space, comprising a coast of 100 miles, is fully engaged in the Slave-trade.

The anchorage off Mesurado is good, the land as high as at Cape Mount, and, if cleared, must prove as healthful a situation as the generality of the Coast could afford. Kroomen may as easily be procured to assist in this primary and absolutely necessary undertaking, before a Population (taken from the lowest and worst orders of Society, as I apprehend that the 200 People of Colour were chosen in America) should be turned adrift on the shores of Africa.

The intermediate points between the North Sesters and Kroo, are peopled by the Tribes called Fishmen, and from the readiness they evinced in giving information of the Spanish Slave-traders, are, I consider on the whole, inimical to the trade. Their natural habits, however, I know little of, but their dislike to the People of Kroo is proverbial.

From the conviction in my own mind of the great utility the service of the Kroomen are to the British Cruizers, in contradiction to the opinion of many of the Colonists of Sierra Leone, I this year made a point of personally visiting the Kroo Country, and though I lament that the result has proved unfortunate to a favourite opinion of my own, I rejoice that I made this visit, because it has given me a better understanding of the Country, and the habits of the People, than the

reports of others could have afforded, and certainly materially changed the opinion I had formed previously of both.

The Kroo Coast itself is so dangerous from sunken rocks lying off in various directions, and this danger increased by the strength of the current and swell, that no Ship of War should anchor in less than 14 fathoms, which places her 5 or 6 miles in the offing.

The Towns of Kroo and Settra Kroo lie on each side of a small bay, and are divided by a small bar-river, over which an impassable surf continually breaks. The beach is so flat that none but the smallest of canoes, and only capable of containing 4 Persons, can land, and these merely by a dexterity peculiar to the nature of this part of Africa, the beach being so flat that the canoes are dragged up by hand, and every thing on board exposed to be wet by the surf.

A rocky point projects a small distance on the south side, which serves as a breakwater to the swell, which would otherwise tumble in with considerable force on the shore. The shore within this point appears flat a considerable distance, and within the beach it scarcely seems to be above the level of the sea; little cultivation is, therefore, to be expected in the neighbourhood of the Town; but, I understand, corn, rice, yams, and various productions of tropical climates, are produced in abundance.

The land on which the Kroo houses are erected is in the most neglected state, being overrun either with long grass, or a creeping weed, growing at the top of high water mark, which is preserved to consolidate the bank of sand, thrown up by the sea on the margin of high water. Palm and cocoa-nut trees are common; pine-apple, banana, guava, and melon, the only fruits I saw; chillig and cotton bushes interspersed in every direction, add to the wild and uncultivated appearance the Country has.

The King, who was an old Man, had, like the other Petty Chiefs along the Coast, assumed the Christian name of George, appeared to me devoted to spirits and tobacco, and may be considered scarcely a remove from the brute species; his Chiefs and Head-men were, however, much superior; and as all but His Majesty spoke English with sufficient accuracy, much might have been gleaned of their actual state and condition, and the resources of the Country, had the weather authorised my remaining longer on shore.

I found some of the Kroo People acquainted with the virtues of many wild plants which grew around, and some of which I learnt, as *tysans*, were considered a cure for complaints introduced by their constant intercourse with Europeans.

Of all the native houses I had seen on any part of the Coasts of Africa, those of Kroo carried the strongest marks of improvement; but I fear that this, after all, is the chief point in which they excel their Brethren. The houses are much larger, being about 24 by 36

feet, and more lofty than any of the native huts. They are built of split cane, covered or thatched with a long dry grass, and protected by a projecting shade, every way capable of resisting the heavy equinoctial rains.

To guard (as I presume) against the effects of the swampy ground, which the Kroo houses are built upon, a flooring is raised about 3 feet above the ground, neatly and tastefully matted all over with split reed or cane, excepting immediately at the entrance, where a space is left as a ladder to ascend the raised flooring, on which the pillow and the dinner are alike placed. A cooking apartment is screened off, and a fire-place raised upon the mat, composed of lime and stone, the smoke from which tends much to the healthfulness of the place, and prevents the intrusion of the mosquito which abounds. Around are ranged trunks and band-boxes containing all the riches, saved probably in 5 or 6 years' servitude, either as labourers at Sierra Leone, or as Assistants on board ship. Above, again, on shelves, crockery ware of every colour, sort, and description, is placed, with the same neatness and regularity as the best class of labouring People of England would bestow. Looking-glasses, spears, muskets, and powder horns, with cooking utensils, have each their several allotted places, and decency and good order appear to reign within. A granary is formed over the ceiling, and every family seems dependent on their own care and frugality for their supplies, as neither place of market, nor any object for sale or barter, appeared to be exposed to public view. Tea and coffee were served up at the house of a Chief; and had I chosen to have waited, a dinner was in preparation which would have done credit to our host; for at Sierra Leone many of the best cooks are Kroomen, and none are ever known to emigrate, excepting those who, from having committed some crime, are fearful of the consequences.

There is a particular sort of treatment by Europeans necessary, to ensure the faithful services of the Krooman; and harshness and severity never fail to give this People such an aversion to any particular employ, that they will sacrifice every thing rather than risk, for any purpose of gain, a repetition of severity or improper chastisement.

Nothing can overcome a dislike once formed against serving in a particular Ship; nor can they bear the confinement sometimes imposed upon them when in Port. After the work of the day is over, they usually expect to spend the evening on shore, in the Kroo Village established near Sierra Leone; and the punctuality with which they attend their morning's duty proves them not unworthy this consideration.

Accustomed heretofore to regularity of pay at the expiration of a few months, they cannot bear to serve beyond that period, without there being some proof of good faith intended towards them; and

as the Head-men are expected to produce double the return of the common Man, as tribute to their King, they cannot understand the little distinction now made between their own pay and the common Man's.

Viewing, as I have done, the utility of the services of these People, in relieving my own from duties unavoidably producing sickness and disease, and observing the sudden alteration in their former eagerness to serve on board His Majesty's Ships, I judged it best to attempt experimentally a remedy, in case my fears the ensuing season should prove correct; and I directed some of the captured Negroes, whom the Dutch Commissary Judge refused to consider as Slaves (because the Slave Master said he had only hired them), to be received on board one of the Gun-brigs as Kroomen, explaining to the Negroes, as well as I could, that they would be considered and paid as Africans, if attentive and obedient, and ultimately landed at Sierra Leone. These Men when I left the River had improved, not only in appearance but in mind and manner also; their docile and good behaviour was by no means inferior to their activity and willingness; and I trust hereafter that they will become most useful on the River as Boatmen, or on the Coast in small Craft. Their registry must, however, be granted, or they may be again liable to seizure by Curtis, that wholesale Dealer in human blood, whenever an opportunity may offer to him or his Followers.

Of the religion of the Kroo People I am sorry to say I cannot, to my former Report, add any thing more favourable. Fetishism is so strongly their belief, that nothing can at present induce any of them to reject its influence; and though the more sensible of them acknowledge that the God of the White Man must be the best, yet they add, "he is too great for Krooman."

The strong hold retained upon the feelings and affections of these People when quitting Kroo, or Settra Kroo, also opposes a barrier to any successful change. Polygamy is allowed to any one who has acquired independence, almost to any extent his means of support affords; but, by the Laws of Kroo, no Man can carry his Wife or Children away, when he offers himself for hire to an European. He may indeed take with him so many Lads, either Slaves or Apprentices, but if any one should chance to die, he must on his return to Kroo bring with him another Boy or Slave, and thus it is I fear that many of the redeemed Negroes at Sierra Leone are entrapped by the cunning of the Kroomen, who, on a promise of restoring him to his Friends, the Negro Boy deserts the village he is educating in at Sierra Leone, and, receiving the Kroo mark on the nose and forehead, becomes immediately identified as one of the same Country.

I mention this from having seen in the Kroo village, near Free Town, a Boy upon whom the operation of tattooing was performing;

this was done in a very simple way, by scratching with a pen-knife from the forehead a direct line to the end of the nose, on each side of which small diagonal lines like the barb of an arrow, as close as possible to each other, scarcely drawing the blood, and besmearing the whole over with a compound of soot, or bruised gunpowder and grease, upon which a piece of plantain leaf was afterwards applied. The Lad was said to have been too young to receive it in Kroo, but I confess I had no belief, though he reported himself one of that Country, but that he was a redeemed Slave, preparing the mark as a passport; and my opinion is, that, unless every Krooman arriving in the Colony, or landed from a Ship, be registered by name and number, such a practice will increase, to the detriment of the infant Colony.

The strong tie of Wife and Family that connects the Krooman with his Native Town, always gets the better of any desire he may have to remain at Sierra Leone; and the necessity there exists for his bringing some proof of his industry, to repay the keep and protection afforded his Wife and Family in his absence, frequently induces those who have been idle and dissipated, to commit robbery a few days previous to their intended emigration from Sierra Leone; for during his absence from Kroo, if the Man be not of some consequence, his Wife and Family are held to work for the State, and the Chief directs the supply of their wants.

Upon the return of any Krooman who has carefully husbanded his earnings, after paying a proportion to the State or King, he becomes entitled to a lot of ground to cultivate and build upon; and in proportion as his riches increase, so he is permitted to increase the number of his Wives. After which he generally ceases to embark himself, but makes a transfer of his accumulated certificates of good behaviour and honesty to another, (together with his assumed name,) and these certificates thus descend from one generation to many.

The wealth or riches the Kroo People acquire by their constant intercourse with the English, unfits them, however, in some degree, for the savage life of their Neighbours, north and south; and their independence has also produced a decided aversion to the general custom of selling Slaves to Traders; and although they purchase them very readily, when they have the means, they do not barter them again; the consequence is, they are by no means so expert in many of the customs and habits of savage life as the Fishmen, their northern Neighbours, who live almost entirely by their success on the sea, and who are at constant war with any Kroo Canoe or People afloat.

The canoes of the Fishmen are much larger than those of Kroo, and are managed with the same extraordinary dexterity. It not unfrequently happens that, in their anxiety to dispose of fish, or a few yams, when alongside a Ship passing the Coast, their canoe is upset, which they restore with more ease than a common boat is launched

into the water, and then, with an elasticity peculiar to the African, vault into her again without giving her the least motion, or the smallest inclination from one side to the other; the water in the canoe having been previously displaced by one or two sudden jerks given at one extremity of the canoe, before the African has regained his seat, though the pullom or silk-cotton tree, of which the canoe is made, being so light and buoyant, that, even when full of water, it is nevertheless capable of bearing up a deeply laden cargo.

But although the Kroomen are, from want of practice, far from being so expert in the management of their canoes as their neighbours, north and south of them, yet in proof that is only from the cause I have stated, I will relate a circumstance which happened in my presence:

The *Tartar* having made the land of Sierra Leone, late in the evening, I was anxious to get within the shoals before dark, and therefore, after taking a canoe alongside, bringing a letter, continued my course as before; the Ship's velocity through the water, being 8 or 9 knots, proved too much for the skill of the 2 Negroes left in charge of her by the Head-man, and, as she upset, they caught hold of the rope by which she had been towed, and were soon up the Ship's side. The evening was dark, but the circumstance was no sooner made known, than the Head-man leaped overboard to share the fate of his canoe. From the press of sail upon the Ship, and a Schooner close a-stern of us, some little time elapsed before the *Tartar* was brought to, and a boat dispatched to pick up the Person said to have fallen overboard, and the canoe was probably a mile a-stern.

After some difficulty she was discovered by the boat sent in quest of her, and, to the astonishment of those in her, the canoe had been righted, and the Krooman in her, paddling towards the Ship.

In addition to the lateness of the evening, and the Ship's rate of sailing, the sea abounds with sharks of a very large size, and of a most ravenous description.

While the hostility of the northern neighbours of the Kroo People is exercised in piratical acts afloat, the cupidity of their southern neighbours of Wappon threatens them much more severely; their attacks are, however, carried on by small marauding Parties, and skirmishes; stratagem and cunning appeared from their statement to me to be the great perfections of a Warrior. Such of the Kroo People as are thus taken by surprise are made Slaves, and as the demand is great, notwithstanding the proof they bear of being Kroomen, they are sold to the first Slaver that will offer a musket or a few rolls of tobacco. Two taken by the Fishmen were found on board the *Gazetta*, Spanish Schooner, when captured by the *Tartar*, on the 2d of March last.

From the rock of Wappon, over which the sea breaks with prodigious force, and which lies 5 or 6 miles from the Coast, the shore is so bounded with rocks that little encouragement is afforded to Slaving Vessels, till arrived at the anchorage of Cape Palmas. Last year (1819,) a French Brig was lying there, professedly for rice and pepper, and I then fully believed that statement; but I afterwards learned that she completed, as well from Cape Palmas, as from the Slaving Towns to Windward, a full cargo of 350 Slaves for Martinique. As I consider it most desirable that an establishment should be made on some part of this Coast, as a connecting point with the Gold Coast, and as I no longer view the Kroo Country as affording any such conveniency, I am induced to follow up the suggestions of Mr. G. Alexander Robertson, who was formerly much employed in trading upon the African Coast; and, although I do not enter into his views with all his enthusiasm, yet if the nook at the extremity of the Cape offers the safe and convenient anchorage, or rather harbour, he describes, I certainly would humbly recommend an attempt, on a very small scale, at an establishment at this extremity. I have no doubt the right of possession might be purchased from the Chiefs for a few trifles, or an annual payment of the customary articles of traffic. The Country abounds in rice, and the small grained spice, called malaguette pepper, here grows in the greatest perfection.

Mr. Robertson, whose knowledge of the Interior I am not at all inclined to dispute, never contemplates difficulties when anxious for any favourite scheme, which holds out the prospect of the timber being serviceable to Great Britain; but while the shores of the Sierra Leone continue to offer the abundant supplies they promise, it will be a long time before this either can or ought to be a consideration for the formation of any new Settlement.

The facilities of transport cannot be compared, and the difficulties to overcome would be great, in the shipment and transport of timber.

As an intercourse between Sierra Leone and the Gold Coast would be useful, so would Cape Palmas be serviceable; and if the Harbour has the capabilities the sanguine Author I mention speaks of, its possession by Great Britain would prove a check to Slave carrying, and highly useful and important to Vessels captured off the more southern parts of Africa.

The encouragement already given to the growth of rice would be a stimulus to fresh industry; and though I doubt that an intercourse has ever taken place, direct between the kingdom of Ashantee and the Windward Coast, yet I am far from considering it impracticable, but that one with Gaman may be hereafter established. Ivory is certainly more abundant in this neighbourhood than on any other part, and the Natives being jealous of their officious neighbours of Kroo, would

sacrifice much to supplant them. Indeed, men are here frequently hired as the Kroo People are, but whether they are not mostly the Slaves of the Head-man I am not prepared to say.

The trial I propose may be made without scarcely any increase of expense; a block-house might be in frame at Sierra Leone, and a half Company of the 2d West India Regiment, with a few redeemed Negroes as artificers or labourers, conclude the work of operations before the rainy season should commence, instead of being so engaged at Sierra Leone; for though I am not persuaded the nook of Cape Palmas is as eulogized by Mr. Robertson, yet I have no doubt but it affords snug and secure anchorage for small craft.

Not having had the opportunity of examining it closely myself, I am waiting the Report of one of His Majesty's Cruizers, as to its capabilities, which, had they equalled the statement I have alluded to, would not, I think, have escaped the notice of that intelligent Officer, the Honourable Captain Irby, or his able Assistant, Mr. Demayne. On the banks of the River Cavally, east of Cape Palmas, the principal seat of Sovereignty is established. Slaves are occasionally procured from this River; but St. Andrew's River, 20 leagues still farther to the eastward, is the greatest emporium for Slaves on the Ivory Coast.

On my anchoring there in March last, the Natives were completely surprised; they had been promised a large Ship from The Havannah, and I apprehend an engagement had been entered into, by some Spanish or French Supercargo, to have a full cargo in readiness. Indeed, the information I had received from the Canaries authorized my finding such a Ship there, capable of carrying off from 900 to 1,000 of these unfortunates; and I lament to say, the crowds upon the beach, and in the King's Village, (as His Majesty's Ship had been seen the evening before, by those on shore,) confirmed my opinion, that the *Tartar* had been mistaken for the Slaver which must have been long expected.

The bay of St. Andrew's is one of the best I have seen upon the Coast; the anchorage is excellent and safe; and though the landing upon the beach is the most dangerous I have seen, yet close in with Swarton Corner, the S.W. point of this bay, our jolly-boat landed, as I understand, without difficulty or danger, and under the lee of the point of the rocks, where the surf did not break.

On the east of a small sandy Isthmus, upon which 2 Slave-towns are built, a channel opens to a beautiful and extensive River, named Sanander, but corrupted, to the dishonour of the tutelar Saint of Scotland, St. Andrew.

The entrance, however, to this River is difficult; a bar, or patches of sand, extends nearly across; and though I believe a passage might be found for small Ships near the eastern shore, my time did not allow me

to examine that part correctly. I ascertained good anchorage was to be had under the Swarton Corner, and that fresh water might be procured on a stream of the River branching to the N.E. I had been promised a canoe to examine it, but either the jealousy or distrust of the Natives as to my motive, and the smallness of my present to the King, created difficulties and delay which did not promise to be overcome by sun-set, and I did not deem it safe to risk the night surf in returning to the *Tartar*.

Of the extent of this River inland, the accounts differed so much that I could not depend upon any. My own opinion was, that it is deep and navigable for small Vessels at least 100 miles, and that its shores must not only be populous, but abounding in fruits, grain, and poultry. Cattle had been brought down and were tied under a tree ready for embarkation, had the *Tartar* proved to be the Slave-vessel expected.

The 2 Towns or Villages upon the sandy promontory I have mentioned, were not in the best style of African huts, but they were both fenced round with cane or bamboo wicker-work, and a very small aperture for a Person to creep out of, the opening being raised so high above the sand as to prevent child ren getting over without assistance; this precaution I found to be also a guard against the ferocity of the leopard, which infests the whole Country round Tabou. No appearances of vegetation around the Villages authorised the belief that the numbers with which they were now crowded were not the actual residents. The whole number of houses did not exceed 12 or 14 in each Village, and each one distinctly surrounded by its own fence; and when I state the little children, of 8 or 9 years of age to 12 or 14, to be more than 500, and that the females bore the proportion to the males 10 to 1, and so far out-numbering the accommodation afforded, my conjecture that the People I saw, with the exception of a very few indeed, were here brought for sale, may be considered correct. But in proof of this I professed to barter, and a Slave Proprietor was ready to sell, and fixed his price at once. On each side of the bay of St. Andrew the land is high; on the western side, from its steep declivity, large masses of granite appear, affording security to the roots of all the variety of tropical timber and fruit-tree. On the east side, high red cliffs, gradually sloping till united with a sandy plain, denote a soil extremely different; the back ground continues woody till united with the towns of Lahou.

Along this Coast the English had commanded a successful traffic in ivory, which the baneful effects produced by the Slave-trade is as rapidly destroying.

The Natives of Lahou are considered as fair and honest dealers with the British and Americans, but they require honesty and good

faith in return; and, as in the Case of the *Errato*, owned by Mr. Williams, of Sierra Leone, they are ready to take advantage of any misconduct or attempt at fraud or deceit.

Their canoes are very superior to those on several other parts of the coast, and are frequently paddled by a Crew of 18 to 24 Men. Indeed this improvement in the canoes appears gradually to increase, as you run eastward from Cape Palmas past the Gold Coast. The population of Lahou on both sides of the River appears very numerous; but the nature of the bar, and the tremendous surf which beats upon the beach, will ever oppose difficulties to a more general intercourse, which none but a Slave-trader would think it worth while to overcome. On each side of Lahou, from Cape Palmas to Three Points, several Rivers intersect the line of beach. Tabou and Asinee are frequented by coasting English Traders for purposes of legal commerce; while all those intermediate, from St. Andrew's to the Ancobra, are devoted entirely to the base purpose of transporting their brethren from their native soil. I lament that, with the opportunities afforded the African Company, little or nothing can be gleaned of the River Asinee. A Sloop belonging to the African Company has frequent communication with the banks of this River, and, from what I can learn, a little industry or encouragement given to some of the African Company's Servants, might very much add to the geographical knowledge of this part of Africa; for there are among these Gentlemen those perfectly qualified, by talent as well as disposition, for such researches.

I now approach that part of the Coast upon which the African Company, in common with the Subjects of other European Nations, have, since the year 1747, been in what may be considered precarious possession, of certain tracts of ground upon which the forts and factories were established, prior to the existence of their own Charter; I say, not in the *quiet* possession, because the ambition of certain States in the Interior has been roused, not only by those Nations who are naturally jealous of British commerce, but even by those Persons, whose duty it appears to me to have been rather to have checked this growing and blood-thirsty ambition, than have fed it in the way the Gentlemen composing the late Mission (Mr. Dupuis's), to the Kingdom of Ashantee, unfortunately have done.

Appolonia, upon which I offered an opinion in my last Report to their Lordships, as short as it was true, had, I learnt, just been abandoned; that is, the Company's Servants withdrawn, agreeably to instructions from England, and its warehouses made over, for a time, to the use of a private Individual, unconnected with the African Company; a measure, however, though it may relieve the Company of expence, and prove useful to a private Individual, will not beget one iota more of respect for the British Nation than was paid before, for

the Individual must thus become more under the power of Yansaka, the insolent Chief I formerly mentioned.

In consequence of this abandonment, the Fort of Dix Cove becomes for a time the western extreme of the African Company's Settlements.

In my last Report, I stated that I had not the opportunity of visiting and reporting upon the condition and capabilities of Dix Cove; but I shall now take leave to do so very largely, having made it a particular object in this year's service, to acquire all the knowledge I could of this Settlement.

Dix Cove, or, according to the native name, *Enfourma*, appears one of the most extraordinary features along the whole line of the Gold Coast, which, with the exception of the Dutch Presidency of Elmina, is more or less encircled with a surf, beating at times on the shore with such violence as even to deter the skilful Natives, in their bold and daring attempts to conquer its superiority. I do not mean to say, that at accidental moments there are not places, as Commenda, where Europeans may land in their own boats; but, with the exception of Elmina, it is at all times hazardous, and generally attended with considerable danger.

Dix Cove is situated to the N. E. of the east point of Cape Three Points, about 9 or 10 miles. It is easily discovered when passing within a reasonable distance of the land, and the whiteness of the Fort marks it an object not easily mistaken. It should have been fixed upon as the capital of Ahanta (which is I believe the true name) Country, in which it is situated. The anchorage outside the Cove is good, and for large Ships in 10, 12, or 14 fathoms (according to the season of the year); for, during the variable and tempestuous season of the tornadoes, it is necessary to take up a more distant situation from the land, or, in our own language, to secure a better offing than at other times. These tornadoes, like the hurricanes of the Isle of France, have been ridiculed by some, because the tornadoes they have encountered have been trifling, of short duration, and little felt. Of these I may, perhaps, be induced to speak more at large hereafter.

These tornadoes sometimes blow rather, on this part, on the land, and it would be dangerous at such times to be near in with the shore, from the fear of accidentally parting a cable, a circumstance, from the extraordinary effects of climate and damp upon ground-tackling on the shores of Africa, more common than in most of the Countries I have served in. The consequence is, an accumulation of anchors in the different rivers or roadsteads of Africa. Indeed, upon some occasions, where I have been applied to by the Masters of Merchant-ships for an anchor, I have desired the Master to creep for one, and success has never failed him; nay, at Sierra Leone, it is by no means

an uncommon event to bring up 1 or 2 anchors (buried perhaps for years) whilst weighing your own. The value of chain cables can never be better shewn than on this Coast; in truth, no Ship here should be without one, and a chain hawser also.

But to proceed: Dix Cove itself is so small that only sloops and small craft of 50 or 60 tons can, at the present day, lie there in safety. It is, notwithstanding, a valuable spot, and capable of much improvement. There are several mounds of rocks in the Cove which have the appearance of so many discharged cargoes of stones ready formed for building. There are also in the passage or channel several detached rocks, and the rapid growth of the common sea-coral (a circumstance no less remarkable), makes, at some time of tide, caution necessary.

Notwithstanding the smallness of the Cove, I consider that it forms a Port extremely valuable to the small craft of the Country; and I purpose to shew that its value ought not to be confined to the resources it affords to the European establishment on this Coast, by furnishing timber and lime for their buildings.

Ahanta is the State or District in which Dix Cove is situated. The difficulty of fixing boundaries, even by the best informed European Resident in this Country, will not allow me to be very exact in defining its geographical extent; but this is not material for my purpose. The eastern line is Chama, where the Fantee language first begins to be spoken, and I believe the unexplored River of Ancobra, to the west of Axim, may be considered the western limit; so that the whole Country, forming the peninsula of Three Points may be denominated Ahanta. The language is essentially different from the Fantee, and from the Appolonia; but many of the prejudices of the Fantees exist. I am not aware what Chief possesses the African Company's Notes, that is, the acknowledgment to pay the ground-rent on which Dix Cove Fort stands, yet I am perfectly confident it was not the King of Ashantee. Nevertheless the actual possession of these Notes, does not convey any proof of Sovereignty, because the Notes, as they are called, are sometimes held by a Person in power, and at others by another, and are obtained in the most iniquitous manner, and they have been frequently made over to a despotic Chief as the price of peace, without any acknowledgment, at the same time, of cession of Territory, but rather as a dash or present to avert war.

With the exception of Dix Cove, Axim and Appolonia, I believe the King of Ashantee is, at this moment, in possession of almost the whole of the Notes of every company or establishment, whether English, Dutch or Danes, from Accra westward. The Notes have been extorted ever since the affair of Annamaboe, so minutely described in Mr. Meredith's Memoir. Indeed, the posthumous work of this Gentleman, the Journal of Winterbottom, with the assistance of

Dalzel, appear to me to have laid the foundation (and I doubt not will continue so some time longer) upon which many facts are described in the late publications, upon Western Africa, even from Mr. Bowditch, and Mr. Robertson, to the copyist Mr. Bold.

Having mentioned these Gentlemen, and happening to know some of them, it may be proper that I should say, I do not mean to speak of them with any want of personal respect, but it is as writers on Africa I mention them only. I will therefore observe, that credit is due to Lieutenant Bold for withdrawing his name from the copies of plans of African harbours or rivers by Dalzel, lately published at Liverpool, which, taken at the period they were, by that indefatigable character Dalzel, were valuable, and the entire credit was to him due. And Mr. Robertson should also have withheld some of the circumstances stated in his Memoir, or, in the preface, he should have mentioned whether his scenery, and general description and character, were drawn for the year 1819 or 1809, or at least mentioned the periods he refers to. In justice to the enlightened views and policy of Governor Mac Carthy at Sierra Leone, and to the praiseworthy endeavours at improvement of Governor Smith of Cape Coast, so much was due. In which case the variance between the Reports I have the honour of submitting to their Lordships, and the notes Mr. Robertson has swelled to a book for the information of the public, would not, perhaps risk the credit of either. To relieve Mr. Robertson's friends therefore, and from the respect I bear to his industry, and from the success I wish to his speculative plans, I will merely mention, what I believe to be the fact, that it is now nearly 9 years since Mr. Robertson was in Africa; and that I fear his allusions to Cape Coast, and the African Committee, bear strong marks of coming from a disappointed man; and, as he has great personal animosity to some of the Company's Servants, his remarks and animadversions should be received with caution.

The little Port of Dix Cove is capable of improvement, and though the landing is very good, on a smooth sandy beach, yet a wharf or jetty might be made, without any other expence than the labour of the African Company's few remaining Slaves, or of a few Kroomen from either of His Majesty's Ships, assisted by one mason, when stores and provisions might be landed or received by the King's Ships, without more danger of damage or injury than is common in the transshipment of all goods in Men-of-war's boats in any other part of the World.

The Fort of Dix Cove has been built in a very properly-chosen situation, upon a hill affording a commanding view. This Fort, though small for the purposes of a Naval depôt, and a Company's factory, answers the purpose of the one very well, and might, with a trifling expence, be made to answer the other still better. It is one of the best maintained and regulated (and the cleanest next to the Presidency) of

any of the Out-forts I have seen. From the length of time, however, it has been constructed, I am not prepared to speak of the actual state of its walls; they appear sound, but the great neatness and cleanliness from white-wash, may in this point be deceptious.

The guns have suffered very considerably from the extraordinary and destructive effects of climate, and the carriages as well; almost all require to be replaced with iron, and cases or covers ought then to be supplied, to preserve them not only from the exhalations of the sea, but from the dews and rains. Indeed, this practice should be general along the whole Continent, for many of the guns examined last year (1819) appeared to have lost all the character of the metal they were cast from.

This has probably been also reported by Governor Smith, since his being appointed to the Chair as President for last year. I remarked many of the guns and carriages to be new, and I observe now, with increased pleasure, that at the Presidency itself nearly all the wooden carriages have been substituted by iron.

Below the Fort of Dix Cove, towards the rocky margin of the Coast, there are some houses for the accommodation of the Company's Labourers, still their Slaves; the ground on which they are built, as well as a walled space intended for a garden, belongs to the Fort. This, in case of the proposal I shall shortly make receiving the approbation of their Lordships, might become useful. In the garden is a well, but either the water was bad, or the difficulty and trouble attending this mode of supply, were such, as to lead to its abandonment.

Outside the Fort, a few yards at the back of the Town, is a small pool, originally a well, dug either by the Master of a Merchant-ship, or else experimentally by one of His Majesty's Naval Officers. This well, or mud-tank as it has become, now supplies the Inhabitants of Enfourma with their only water. It is not pure, and the circumstance of every Individual washing their persons, as well as their clothes, in it, cannot tend to its improvement. Formerly the Natives were supplied from a small pond of stagnant water a few yards beyond the road leading to the Fort. It is now a loathsome puddle, generating reptiles and musquitos, and filling the air with pestilential vapours. Fortunately it is very small and confined, and the height of the Fort above, with the strength of the breeze in general, are in some degree a protection from the nuisance; nevertheless it is one of those evils which ought to be conquered. There are, however, difficulties in the way, and prejudices, perhaps troublesome to overcome.

Tando Cuajo who was last year Cabaceer, and probably uniting religious offices to his civil power, died a short time previous to my visit, at a very advanced age. In early life he had procured an alli-

gator, which, whether from the prejudices of his religion, or attachment to the reptile, became fetish or sacred.

The stagnant pond I allude to was allotted to this reptile, and Cuajo became his feeder. In the course of time the beast, taught by the regularity of his keeper, attended at stated periods the sides of the pond, and then not only received his accustomed meal, but acquired such docility as to attend the call of his master, and wait with a degree of patience (known only to domestic animals) for the fowl or duck intended for his repast. Thus to the ignorant and untutored African the alligator became deified, and I believe Tando Cuajo his High Priest. Neither Native nor European were exempt from tithes in support of the favourite fetish. The late Sir James Yeo and his Officers witnessed this exhibition.

In February last I enquired after the sacred alligator, and learnt from Mr. Fountaine, the Governor, that Tando Cuajo had just died, and, what appears at first a little extraordinary, the alligator also died within 3 or 4 days after his patron. The consequence has been, that the Natives of Enfourma are persuaded, that Cuajo could not do without the services of his faithful alligator, who is now, in return, rendering his kind offices to his patron in another place. Other alligators have been procured to replace that so long venerated, and there are now 4 or 5 in the pond; they are very small, being only a few months old, but they exhibit none of the mild manners of their predecessor, and were extremely shy, hiding themselves in the mud of the pond, the minute they either heard my footsteps or caught my eye. I thought the Caboceer was not displeased at this early proof of discrimination. I asked him for one, in order to give it to the Fantees of Cape Coast, but he refused, observing, they had their own fetish.

The keeping a squadron upon the African station, divided upon the windward and leeward Coast, during the year, appearing to be necessary by His Majesty's Government, it forms a part of my duty, as the Commodore, to suggest the best means of ensuring the safety of the supplies, and their delivery at the least expence to the Crown.

In my former Report I anticipated the possibility, from public report, of the measure since adopted; and stated that the arrangements made might answer for a time, but I was then, as I am now, decided against Cape Coast Castle being the fixed depôt; and although I could not then bring myself to decide, until I had made further observations upon what appeared a better spot, I do now, with all due submission to the judgment of their Lordships, recommend Dix Cove as the most convenient, all circumstances considered, along the whole range of the Gold Coast.

Having stated that Dix Cove possesses the advantage of a place of shelter for boats and small craft, where stores and provisions can be landed on the beach, either by boats of European construction, or Native canoes, without risk of being damaged or lost (a circumstance not available on any other part of the Gold Coast), I think I establish the first great reason for the adoption of my plan. In the next place, instead of the necessity of hiring the service of native labourers, Kroomen of His Majesty's Ships would be sufficient, for the work of landing and removing the provisions, and thus at Dix Cove I avoid a very considerable charge, which, on the lowest calculation, I estimate at 15 shillings the ton, for every such quantity landed and re-shipped, from and to any Ship laying in any other place upon the Gold Coast, that is 7s. 6d. for every single trip, and this without taking into consideration the increased expence of labour here, in removing the provisions backwards and forwards, which of course must, I apprehend, form a charge.

In order to make their Lordships as well acquainted with this subject, as I can, I shall presume to detail the mode of payment at large.

A full sized canoe, such as is used for trade, is capable in fine weather, and when the surf is not very high, of landing or taking off about 1 ton, provided the casks are small enough to be stowed within the thwarts of the canoe, which are formed from the trunk of a single tree; 15 Men are required to paddle the canoe. An ackey of gold is equal to 5s. the currency, but in trade there is a difference of 25 per cent. The usual pay of canoe hire is the eighth part of an ackey to every man for each trip, and ought to be paid in trade, and for what is called custom, a bottle of spirits, as working-liquor. If to this the 10 per cent difference between gold dust (which is always valued at 4l. per ounce), and sterling money be considered, it brings the pay of each canoe-man for every trip, to 6d. per head, as near as can be, for every ton of weight carried to or from a Vessel in the roads. But as, from the state of the swell and surf in these roads, it frequently happens that canoes can only carry half, or two-thirds of the above burthen, the expence may probably exceed my calculation; as it must be remembered that, along the whole line of Coast, the Vessels roll so deep as frequently to dip their main deck guns in the water; add to which, at particular times, the surf breaks on the shore so violently as to defeat the skill even of the Natives, who swim through the surf, abandoning their canoe to the surge; the consequence, as may be expected, is damage to the dry provisions on landing; and it was, therefore, that I recommended the bread, sent out to the station under my command, should be in casks, water-tight; yet, notwithstanding this precaution, I observed a very considerable quantity of bread at Cape Coast quite unfit for Men to eat, and a large proportion so mouldy that nothing

but the necessity which existed induced me to allow of its being retained in store.

Although the store-houses at Cape Coast Castle are large and roomy, and, when the buildings now in hand shall be complete, will be still more so, yet I apprehend that the demand for warehouse-room, by private Merchants, and for Company's provisions, as well as for the King's service also, will more than occupy the whole space. At present some species of provisions intended for Cape Coast Castle are obliged to be landed at Annamaboe, the houses at Cape Coast not being sufficient; this I need not observe increases both expence and difficulty, and adds much to loss of time.

The tanks at Cape Coast at present are not sufficiently capacious to preserve supplies of water for the King's Ships and the Garrison, and although this is not of the first importance, nevertheless it would be convenient could Ships receive all supplies at once. The Governor, who appears most desirous of making every thing subservient to the demands of the King's service, is now transforming the black hole into a tank, which must increase the deposit for water very considerably. But I see no reason why an extended tank may not be made at Dix Cove, from which, if an iron pipe led from the Castle over the rock to the wharf I proposed making in the Cove, Boats might fill their water without removing the casks from the Boat.

Observing that the Natives were supplied at Dix Cove by a well, dug by some European's directions, I desired Captain Kelly, who was going there for some of the *Erne's* stores, to employ a few Kroomen in digging for water. He did so, and found water at no great depth; but he reported it was so small in quantity as not to promise much success or utility. Now although I do not mean to insist that it may be found in any quantity, yet if it is found, I am convinced, by shifting the ground and increasing the depth, the chances are that supplies may be eventually found.

When it was understood that one of His Majesty's Ships wanted fire-wood, the Natives of Dix Cove were easily induced by Mr. Fountaine to procure a quantity from a place contiguous to Cape Three Points; but as the Ship could not wait, and the trouble and expence were both lost, no further supply has been procured. Nevertheless, wood may be obtained at any time by due notice, or a store might be laid up to answer the wants of any Vesssel not wishing to go to the Portuguese Islands, or Fernando Po, for a supply. Here then is another important point gained, not attainable either at Cape Coast, Annamaboe, or Accra.

Such are my reasons for proposing Dix Cove to the notice and consideration of their Lordships, as a place best calculated for a Naval depôt for the Ships stationed on the leeward coast.

To accomplish and complete this, from the local knowledge I may

be supposed to possess, I would strongly urge this place being, either by Act of Parliament, or by the free will of the African Company, made over, at least for a time, to His Majesty's Government, and the Fort put under the direction of the Naval Commanding Officer, or such other person as their Lordships may be pleased to recommend, to act as Commandant. But as I am aware of the difficulty an Officer appointed to command there would labour under, from a total want of acquaintance with the native manners and customs, I would suggest that one of the Company's Servants should be placed under him, as an Assistant or Secretary, and not dispossessed of his claim to rise in the natural line of his own pursuits, as one of that body; that the Commandant so appointed, after a certain period of service, should be taught to expect, if a Lieutenant or Commander, promotion. Under him, an Officer of Marines, with a Serjeant and Corporal, to be replaced from the Squadron in case of sickness. Instead of the present Garrison, or of having Europeans, I would recommend a Serjeant's guard of Sepoy Marines, either enlisted from His Majesty's 2d West India Regiment, or raised from among the liberated Africans at Sierra Leone; these, with half a dozen Kroomen as labourers, to attend the drying and airing of provisions, a couple of Boats, of particularly flat construction, for the usual purposes of landing stores and provisions, an Assistant Surgeon, and a Captain's Clerk or Purser, would complete the establishment; and I have no hesitation in saying, a considerable saving to Government would be the result in one year. But to accomplish this, it would be necessary to increase the store-houses; and a spot should be fixed upon for a simple building, to receive certain provisions and stores, surrounded with a wall, the better to keep it sacred from the Natives. Lime and stone being so plentiful at Dix Cove, this might be done at a very moderate expence; but this expence might not be entered upon, until by further examination it should prove, as I have stated, that the present building within the Fort is neither sufficiently roomy nor convenient for all the purposes required. Mr. Fountaine, the Governor, appeared to consider that the expence of such buildings as might be required could be well ascertained, and that in amount the cost would be small.

In the Ahanta Country, gold is probably much more easily worked than in any other part of the coast, for that there are mines of the precious metal is beyond all doubt, though the ignorance of the Natives, and other circumstances combined, have prevented any very successful result. I have procured some small specimens of the Ahanta rock-gold, found a short distance in the rear of Dix Cove, imbedded in the soil, and nearly on the surface; and I shall have great pleasure in producing them, in proof of the possibility of so rich a trade being thrown open, one day or other, to the enterprising spirit of Englishmen.

The abandonment of the smaller Forts upon the Gold Coast, between Dix Cove and the Presidency, by the African Company, makes it unnecessary my offering any remarks on them. The measure has been one, in my mind, of prudence, if not of necessity; and if the trade of the Country shall at any future time increase, they may be re-occupied with very little comparative expence, and in the interim Cape Coast Castle and Accra may increase in power and respectability.

The improvements I formerly noticed, as proceeding with at the Presidency at Cape Coast are, I am happy to say, increasing, and the zeal and activity of those in authority at the Castle offer the best assurance for their continuance. The guns are in an improved state, and almost the whole of the wooden gun-carriages have been replaced by those of iron; the walls of the Castle have been strengthened, and the defences made more perfect.

The tanks within the Castle are not only enlarging but much improved, and the pavement so laid as effectually to prevent any thing but the pure water being conducted into the tanks.

The death of the Clergyman, and other untoward circumstances, appear to have operated in some measure against the completion of an elegant pile of buildings, in which the chapel is placed on the north wall of the castle. When this shall be finished, and the store-houses and prison below the chapel completed, Cape Coast Castle may certainly be esteemed the most commodious castle upon the whole range of coast. It is, in the present day, kept in the neatest state of any Fort I have seen in Africa; and the good order and discipline maintained by the Governor, appear to me in no way to have lessened, since I had the honour of making my former Report. And here I may be permitted to indulge a feeling of respect towards the Governor in Chief, and pay a compliment to his merit, which he is fully entitled to, by holding forth the Military Government of Cape Coast Castle, not only as an example to the African Forts in general, but, for its discipline, as being not unworthy of imitation throughout the whole of our Colonies.

At Cape Coast Castle, punishment beyond confinement is unknown; and I dwell upon this circumstance with the more pleasure, in order to contradict reports which have been circulated at the expence of British honour, and which may perhaps continue as long as Goree shall possess European Troops.

In a Garrison circumstanced and situated as Cape Coast Castle is, it must be obvious that military discipline must be supported; the Officers are respectable, but composed entirely of the Company's Servants; the non-commissioned Officers, though Europeans, are of that class of Men who have been, probably, drafted from or turned out of regiments for bad behaviour or irregular conduct, and the Natives principally form the Troops of the Garrison. The connections

they have in the Town of Cape Coast, and their idolatrous prejudices, make it, to my mind, one of the most difficult things to comprehend, how such excellent discipline is maintained, and so much order amongst the Soldiers preserved. I confess I at one time considered that severe punishments must be resorted to; and my surprise was great, when I learnt that confinement was the extent of punishment ever inflicted by the present Governor Smith; and during the 2 years of my command upon the coast, the punishment of the black hole, as it is rather improperly called, has never been resorted to more than once, and that in the case of a drunken and mutinous non-commissioned Officer.

The prison, which appears only a temporary one (till the chapel building is completed) is through a dark casement under the sea-line wall; its dimensions are very considerable, and as it is about to be transformed into a tank, it would be hardly worth my while noticing it, were it not that I was applied to by Governor Smith for my opinion upon it. The entrance to this prison, and the manner in which its doors are secured, may better entitle it to the name of dungeon; and had it never been appropriated to other than its present uses, we should not have to blush in the recollection at the thousands of Slaves it may have immured, for the benefit of the late loyal African Company.

This dreary range of apartments receiving light from 2 or 3 grated apertures, which do not permit the Person in confinement to see the passing events in the Castle, nor of exploring the extent of his prison, becomes still more gloomy from its inmate being in general solitary; but the Prisoner's confinement never exceeds his own unruly conduct, and seldom, if ever, the 24 hours.

The political state of the Fantee Country, since our close connection with the King of Ashantee, has become so alarming, that the measure I recommended in my last Report has been decided upon; and ere this I hope the martello tower, in construction upon one of the hills at the back of the Town, will be found to offer, not only a protection to the Natives of Cape Coast Town, but a security to the Castle itself.

Indeed the necessity of increased defence becomes every day more apparent; and since the acknowledged cession of the whole Fantee and neighbouring States to the King of Ashantee, by the British Consul Dupuis, the Company keep their tenure so precariously, that I can only attribute to the spirited and determined measures of the Governor in Council, the warding off the threatened blow. Indeed I may with great truth assert, that more mischief has been done by Mr. Dupuis to the cause of Africa, by one dash of his pen, than his life would repair.

Without entering into the subject, whether just cause for complaint existed, either on the part of the Consul Dupuis at Cammassie, or the

Governor and Council at Cape Coast, it is to be lamented, that either Party should have carried personal animosity so far, as to have allowed its interference in any way with the best interests of humanity, or with the honour of our Country.

The King of Ashantee can only be considered as an ambitious, most brutal, and merciless Chief, whose hopes of the restoration of the Slave-trade have been secretly fanned, by a want of energy and resolution on the part of the Consul Dupuis, who, by way of retaliating the supposed insult on the part of the Council at Cape Coast, reduced them in the estimation of the Ashantee Chief, by describing the President and Council as rogues and cheats; thus founding his own claims to honour and respect, even from such a monster as the Black Chief, and raising himself higher in the estimation of the tyrant. But by lowering those placed, as the Ashantee ruler before conceived, in authority by the King, Mr. Dupuis laid himself open to the cunning of the sanguinary Chief, who naturally said, "If these People had not the power of entering into engagements with me, annul those I have already subscribed to, and let us treat again."

By acceding to this demand, Mr. Dupuis, soon found he had reduced himself to the dilemma of subscribing to all that the Ashantee Chief dictated, and returned to Cape Coast, after having cancelled a Treaty which really engaged for an object of value, consenting in substitution to receive, in behalf of the British Monarch, pompous and high sounding promises of allegiance and fealty from a murderous Black, for pledges given by Mr. Dupuis, in the name of the King of England; thus actually outwitted by an ignorant Ashantee, and abandoning a whole Nation, on whom the claim, on the part of the Ashantee Ruler, was at least problematical; but over whom the British Consul must have known the King of England neither had, nor perhaps did His Majesty's Ministers wish to have, the power of transferring both their Territory and Persons.

The concession thus extorted may not be viewed so seriously in England as it is by me; but I have no hesitation in saying, it has laid the foundation of an exterminating warfare in the Fantee Territory, and that neither the Company, nor the free Merchants, will, for some time to come, have confidence to undertake any mercantile speculation, unless measures be adopted to remove the evil Mr. Dupuis's indiscretion and temper have produced.

But before I conclude my remarks on the Settlements on the Gold Coast, I shall, I am sorry to say, have abundant proofs of the frightful interpretation the Ashantees give to the concessions made by Mr. Consul Dupuis. In the interim, I will, however, relate an anecdote, which may serve to shew, that these aspiring People are as cunning as they have always shewn themselves sanguinary.

During the time I was at Cape Coast, one of the Ashantee Chiefs

had expressed great desire to see the Commodore: in consequence of understanding this, I invited him to see the Frigate. During the time he was on board, he noticed, with a curious eye, the state of the Marines' muskets, the carronades, and long guns on the main deck;—a desire was expressed to know what the longest range of our cannon was; this was explained, but, perhaps, a little exaggerated; the Chief was, however, told that the Frigate could approach the beach much nearer.

Upon a request of his to verify the precision of our firing, some of the main-deck guns were cast loose, and he begged to see how near a ball could be thrown to a Sloop laying at the back of the surf. The Chief witnessed all the operation of loading and priming with great attention. Congreve's sight was then applied, and he was told to keep his eye on the mast of the Sloop, then, however, laying so far off (being considerably more than a mile), that I had little expectation of hitting it; she had only one ship-keeper on board, who was abaft.

The shot, however, was more exact than I had conceived possible, and the roll of the Ship only prevented the mast being struck, as it lodged in a direct line, and entered at the water line of the Vessel. A circumstance so extraordinary struck the Ashantee with astonishment; and on the return of the Carpenter, who had been sent with a plug, bringing the shot, covered by a sheet of copper it had carried in with it, the Ashantee Chief requested the copper as a war cap, which, as it was already formed in shape to his skull, I put on, and, in his language, made him a dash (present) of it, desiring him to shew it to his King, and thus make him comprehend the danger of approaching the British cannon. This he promised to do, observing, "that they often heard at Commassie, what Englishmen could do with their big guns, but that it would not be believed at Commassie, that they could do execution at such a distance; that he was glad he had seen it, as it would make his King very cautious how he came near those great English guns." Upon this, I desired him to take the 18 pound shot also, which he did, and promised to deliver it, as the Commodore's dash, to his King.

I was then requested, by one of the Company's Servants, to throw a shot the farthest possible distance, which, burying itself in the jungle on shore, appeared to create as much astonishment by its range, as the former had done by its precision.

On an interview with the King of Ashantee's Nephew (Amoso Adoom), some weeks afterwards, I found this circumstance had been detailed, and I believe it has produced more good effect than any of the Missions or Embassies to the Capital.

The Sovereignty which the Chief of Ashantee has claimed over the whole of the Fantee Country, and which has been guaranteed to him by the Treaty of Consul Dupuis (in my opinion so imprudently), in

the name of the British Government, gives this Tyrant, at least the right to such part of the Coast, and to those of its unfortunate Population, who do not live within the range of British cannon. That the concession will not be lost sight of, we have an instance in the case of Sam Brue, of Mauree, the present Chief in this part of his newly acquired territory.

Sam Brue is something more than a mulatto, though not entirely Fantee: for a length of time he had resided at Cape Coast Town, and carried on the usual business of a broker between the Fantees and Ashantees, and had also connected himself deeply in the Slave Trade. As this was proved against him, after the abolition of the Trade by Great Britian, and its being ascertained that Sam Brue had been even accessary to the purchase and secretion of Slaves for the market, he was banished by desire of the Governor in Chief, and declared unworthy of British protection.

Since which, the temporary right the Spaniards claimed, till the time prescribed by Treaty had expired, of Trading in Slaves upon the Gold Coast, Sam Brue had opportunities, not only of continuing his traffic, but of allying himself closely and intimately with the Ashantee King, "Sai Tootoo Quamina." For this purpose Brue visited Commassie, and, having afterwards established himself at Mauree, became the Agent to the Ashantee King, from whose dominions he obtained constant supplies of Africans, who had either been taken in some of the lawless enterprizes of Sai, or had been purposely condemned for some imaginary crime. These People were shipped in great numbers, and no less than 5 Vessels have been seen taking in Cargoes at the same time, almost within gun-shot of Cape Coast Castle, during the latter period of Commodore Sir James Yeo's command.

On the period arriving that the Slave Trade north of the Line was to cease, Sam Brue's plans were in a great measure rendered abortive, and on his visit to Commassie he explained the reason, and attributed it, very justly, to the English. Since this he has not lost any opportunity of revenging himself upon the Governor of Cape Coast, as well as the natives of Cape Coast district, which, though not extending beyond the range of our cannon, has given security to a considerable Population, which has always felt sufficiently independent to reject every overture made by the King of Ashantee, unless approved of by the Governor in Council at Cape Coast Castle. This independence has been formally acknowledged by several Treaties, and the Natives live in a comparative state of happiness. Protected by the British Flag, they were gradually becoming more accustomed to British manners, and I have little doubt, if measures are taken to insure them a continuance of the protection hitherto afforded, that the fervour for their idolatrous customs, which was visibly on the decline when Mr. Dupuis arrived, will entirely subside. The education of the

Children of many of those gross Idolators had commenced, and, though not under the most favourable circumstances, I had seen enough of the progress made by these Children to convince me it was the best way of arriving at that important desideratum, the quiet and silent introduction of Christianity into that part of Africa. I am ready to allow, that before the present Governor took the chair, as much had not been done to obtain this important point as might have been expected; but in Governor Smith I view as active a partisan as the best friend to African emancipation could desire.

It is undoubtedly true, that the Schools at Sierra Leone are on a far more enlarged and improved scale than those of Cape Coast; but it must be recollected how great is the difference between the Scholars. At Sierra Leone the Children are removed from the loathsome holds of a Slave Ship, and sent to a Village, without any other feeling than what a Slave experiences on a change of Masters; and it is probably only after a time that he begins to comprehend, that the motives by which we are actuated are not those imputed to us by French, Spanish, and Portuguese Slave-dealers. At the School at Cape Coast, on the contrary, the strong prejudices of the Parents are to be overcome, the jealousy of the fetish Men and Women is to be shaken, and the probable dislike the Children have to confinement and restraint, to be soothed by the promise of some future benefit.

Of the Fort of Annamaboe, which has lately been used as affording additional warehouse-room for naval provisions sent to that Country, I have little to add to my former Report; I fear, however, that its Garrison will soon require to be increased, and as it appears to me one of the best defensive keys against an Ashantee Force, I hope its defences will not be allowed to moulder and decay as those of Accra.

It is much to be regretted that the Victualling Depôt should be divided between the 2 Forts of Cape Coast and Annamaboe; and though the distance is only 9 or 10 miles, still the inconvenience it creates to the Naval Service is very considerable.

Accra, now the next and last of our Forts upon this Coast, is, as I formerly stated, one requiring all the activity and vigilance of the African Committee. Its mouldered walls and useless cannon, alike invite the insolence and contempt of the Natives; its Garrison is too weak to check insult, much less to repel aggression, and the situation of Accra, from being so much nearer Ashantee, becomes the point, of all others, from whence offence may be first expected. The Natives consider themselves sold to the dominion of an arbitrary Chief, whom the British no longer possess the power of restraining; and although the district in which Accra is situated, has ever been considered a Kingdom distinct from Fantee, yet since the Ashantee Despot has possessed himself of the Notes of the different Forts in Accra (the price of peace with the former Cabaceers of the Country), he has made little

reservations in his claims, when suiting his own views or ambition. That Accra proper has been distinct from Fantee, is evident from the practice of circumcision, which is performed on the Children of the district at a very early age; whereas neither the Fantees nor the neighbouring Nations acknowledge this ceremony as connected with their religious customs. In many other religious ceremonies they follow the Fantee, and their dead Parents and Friends share the same spot they enjoyed during life, their bodies being deposited a few feet underground, in the same apartment they formerly occupied; but the Accra and Fantee languages differ in several points, as the People do in several of their customs.

They will, however, soon be intimately blended with the Ashantees, who have already begun to exercise the power claimed by their Sovereign. In proof of this, I need only state, that the first messenger which arrived from Commassie, after the late negociation with Mr. Consul Dupuis, demanded, in his King's name, from Mr. Bannerman, one of the first and most respectable British Free-traders, but a Native born, that all the Workmen and Artificers in his service at Accra, should be sent to the Capital immediately, with their implements of trade, to commence the intended new palace of Sai, and that some one, well skilled in taste and symmetry, should accompany them, to dispose of the ornamental skulls and jaw-bones of his enemies, agreeably to the Ashantee custom. Mr. Bannerman excused himself by pleading, that he had already sent his Workmen to the Presidency, to be at the service of the Governor in Chief, during his temporary absence from Accra. How this answer will be received, by one who has never known his wishes to be delayed by those he considers Subjects, I know not, but an estimate may be formed from what has, since my leaving Accra, in March last, occurred there.

A Mr. Hanson, born in Africa, but educated in England, brought up in the Christian religion, and living in the Town of British Accra, had been cited to appear at Commassie, for what particular reason my report did not mention; but he declined obedience to the command, the consequence which followed, was an enormous fine of gold, to avoid which I learn he fled from the Fort of Accra to Cape Coast Castle, or had sent a canoe to the Presidency, detailing the circumstance, and claiming, as an Englishman, protection of his person and property against the rapacity of the Ashantee. As the claim is made by the King, in the belief, that, by Mr. Dupuis's Treaty, all are now his subjects, and that their property becomes his also, and having sworn by his own head (the sacred oath of the King,) there can be no doubt the demand will be followed up.

A martello Tower will here I fear hardly protect the Town or Fort; and should such a measure of defence be decided upon, the construction will be retarded by the periodical rains, after which a horde of free-

booters may be poured in, anxious to glut themselves with the blood and treasures of the unoffending natives.

The country around Accra is, for a considerable distance, level, and overrun with a coarse grass, giving cover to numerous deer, hares, &c.

There are some buildings in the neighbourhood constructed with taste, and intended to relieve the Residents from the confinement of the Fort and Town, but the destructive ant of that country renders them alike uncomfortable and insecure.

The great River, as it is called, which divides the Fantee States from Accra, is I understand resorted to by the natives for a supply of water. Its distance is, however, so considerable, that I observed women carrying in preference water from the head of a stagnant lake, about 3 miles N. W. of Accra, of so foul and brackish a taste that I could only compare it to Harrowgate water, and I much doubt if its effects would not to an European be similar. Yet I do think if wells were sunk, water of a tolerable quality might be had, though certainly not within the walls of the Fort, where the supply can be secured only, as it is now, by tanks.

Of British Accra, I was greatly in hope that I might have had the power of reporting some improvement during my absence; but although there are additions making which may add to the personal comforts of some few of the inmates of the Fort, neither its respectability, as a British Fort, has been considered, nor the protection it was intended to afford the trader and merchant been thought of.

The guns bear any thing but the character of cannon, and the carriages are naturally worse than twelve months since. But there are eight or ten guns of large calibre apparently in an excellent state, but laying dismounted on the turf without the sea wall; and these might have been fitted and mounted, or at least preserved from the destructive effects of the salt spray. Probably the best excuse which can be given is, that the state of the walls is such as to render it unsafe to mount them, and, what I have no doubt may be true, that a continued fire would be more dangerous to the besieged than destructive to the besiegers. Indeed, so much appears to be wanting to put this Fort into a respectable state of defence, that I was induced to spend some time in making a plan of its actual condition, as the best means of explaining, by a corresponding plan, my ideas of the readiest improvements which could be made, and the least expensive; and these plans will accompany my Report.

But even the garrison of Fort Accra has degenerated since last year, and the force now within (or at least in April last) is hardly competent to fire a common salute. And as I consider the value and importance of the Fort of Accra little inferior to Cape Coast itself, so am I the more

anxious that immediate measures may be taken to recover its respectability.

It is to Accra that our settlements on the Gold Coast are principally indebted for supplies of live stock, and indeed, in several instances, grain; and it is there where the little comforts this part of Africa affords to the sailor are best procured. It is also a point best adapted for the interruption of Slavers, and its contiguity with the Bight of Benin, Biafra, and the Portuguese Islands, increases its importance to the British man-of-war.

It was fully my intention to have carried on these remarks, followed up by some suggestions relative to the Islands in the Bight of Biafra including Fernando Po, as well as those of St. Thomas, Princes, and Anna Bona; but as I was, by particular circumstances, prevented from visiting the former, I shall defer including them till my next year's Report; and though I shall, notwithstanding, have to notice them as connected with the Slave Trade, yet it will be in a very imperfect manner.

Of Anna Bona, I am, however, compelled to offer one observation,—that it is any thing but the little Garden of Eden so lavishly extolled by Mr. Robertson; and so far from being worthy the praises he bestows on it, as the site for the temple of Hygeia, strangers ought to guard against it (at least in its present state) as giving birth to the most deadly and fatal fevers.

To a person long immured within the planks of an African trading ship, I confess its appearance is bewitching and inviting; but neither its present state, nor the manners of its miserable natives, can allow me to conclude my remarks, without cautioning those in authority against permitting any description given by Mr. Robertson to weigh upon their minds one moment. The anchorage is extremely dangerous, being close to rocks and to the beach, and also from having foul ground.

The productions of this spot are of the most common and degenerate kind, and these by no means abundant. Its inhabitants appeared to the Officers of the *Tartar* and myself as the worst description of the lowest race of human beings, eating raw food, scarcely possessing the least covering to their bodies, and with as little means of satisfying the common wants of nature as the most half-starved savage I ever saw. They knew a little English, and considered that the want of water was our reason for appearing, and this they promised us abundance of, if the *Tartar* would but anchor.

The melancholy fate of a small vessel, captured by the *Cherub*, which was driven on shore from the foul ground she anchored in, ought, however, alone to be sufficient to deter any British ship from doing so. When Sir James Yeo called there for the relief of the remains of the vessel's crew, he found the survivors in a state of starvation; their numbers reduced by the most fatal yellow fever to less than half; and

so strong was the poison of infection, that every sailor or marine who had been taken on board, died within a few days of each other.

My public Letters, reciting a variety of atrocious facts, will, I trust, have satisfied their Lordships, that this more than ever cruelly conducted Slave Company's trade is, contrary to their anxious expectations, far from being on the decline. I therefore feel it my duty, before I conclude this Report, to give some general understanding of what the Slave Trade really is at present; and I humbly hope I shall the more readily be excused this, as the Naval Force of His Majesty, which their Lordships have been pleased to place under my command, is fitted expressly for the object of suppressing this abominable traffic. England certainly, the whole World must acknowledge, has most faithfully abandoned the trade. America may be considered next in good intention. She has passed Laws forbidding the trade by her Subjects, and has decreed heavy punishments on those who shall engage in it. She has also sent an armed force to the coast of Africa, and this force has captured vessels, the property of American Subjects. Still her measures are not yet complete, and American Vessels, American Subjects, and American capital, are unquestionably engaged in the trade, though under other Colours and in disguise; but it may be hoped, time will effect in America, as it has in England, a total discontinuance of this traffic, as the Government of America appears to have engaged in its suppression with great sincerity.

Spain, by her Decrees, in consequence of her engagements with Great Britain, has relinquished the trade; but her Colonies still carry it on in defiance of these engagements; and as a Spanish Vessel is not subject to capture, unless she shall have Slaves on board, although, as I have frequently observed, landing those embarked on the appearance of a British man of war. She will, by her Colonies, continue the traffic, though not with the same security she formerly did, yet certainly to a great extent. If Spain be sincere, she can shew it only by *compelling* her Colonies to observe her engagements.

Holland, it is true, has entered into engagements similar to those of Spain; but in her Colonies also the trade is encouraged, and Vessels under the Flag of the King of The Netherlands are frequently met on the Slaving Coast, and some have been sent into Sierra Leone, which, after much opposition by those whose duty it was to have acted otherwise, have been condemned.

Portugal, though restricted by her Treaties, to the continuance of the trade south of the Line, permits her Subjects of St. Thomas's and Princes Island to carry on the traffic to a very considerable extent; and in the month of February last, no fewer than 6 Vessels arrived at Princes Island with cargoes, ultimately for the West Indies.

But France, it is with the deepest regret that I mention it, has countenanced and encouraged the Slave-trade almost beyond estima-

tion or belief. Under pretence of supplying her own Colonies, and furnishing only the means required for their cultivation, she has her Flag protected, and British Cruizers can only retire when they shall see her ensign; for search being forbidden, power and force become unavailing. Under this security, France is engrossing nearly the whole of the Slave-trade, and she has extended this traffic beyond what can be supposed, but by one only who has witnessed it. In truth, France now supplies the Foreign Colonies north of the Line with Africans. I exaggerate nothing in saying, that 30 Vessels, bearing the Colours of France, have nearly at the same time, and within 2 or 3 degrees of distance, been employed Slaving, without my daring to offer interruption but at considerable risk; yet I was induced, under some circumstances, to detain Vessels bearing the French Flag, in the hope of checking the bold and frequent outrages committed by the French on our own Coast. I will add, that in the last 12 months, not less than 60,000 Africans have been forced from their Country, principally under the Colours of France, most of whom have been distributed between the Islands of Martinique, Guadaloupe, and Cuba. The confidence under which Vessels navigate, bearing the French Flag, has become so great, that I saw at The Havannah, in July last, no fewer than 40 Vessels fitting avowedly for the Slave-trade, protected equally by the Flags and Papers of France and Spain. France has certainly issued her Decrees against this traffic, but she has done nothing to enforce them. On the contrary, she gives to the trade all countenance short of public avowal.

Piracy upon the Coast of Africa is increasing, for a Vessel so engaged has only to show the Flag of France, and search by a British Officer incurs a penalty; and unless His Majesty's Ships employed on that Coast in suppression of Slavery, shall, against Slaving Vessels, have the full powers of a Belligerent, all prohibitory Laws against this trade will become a mockery.

On this distressing subject, so revolting to every well-regulated mind, I will add, that, such is the merciless treatment of the Slaves, by the Persons engaged in the traffic, no fancy can picture the horror of the voyage,—crowded together so as not to give the power to move, linked one to the other by the leg, never unfettered while life remains, or till the iron shall have fretted the flesh almost to the bone, forced under a deck, as I have seen them, *not* 30 *inches in height*, breathing an atmosphere the most putrid and pestilential possible, with little food, and less water, subject also to the most severe punishment, at the caprice or fancy of the Brute who may command the Vessel. It is to me a matter of extreme wonder that any of these miserable People live the voyage through; many of them indeed perish on the passage, and those who remain to meet the shore, present a picture of wretchedness language cannot express.

I now close my Report to their Lordships, trusting that, voluminous as it may appear, I shall still be acquitted of all intention to be troublesome, and confidently assuring their Lordships, that I have given no coloured representation of any event or circumstance, and that, varied as this detail may be, it is supported in all its parts by truth.

GEO. R. COLLIER.

B.—*Instructions issued by the Lords Commissioners of the Admiralty to Naval Officers.*—1819-1821.

LIST OF PAPERS.

No.		1819.	Page.
1.	The Lords Commissioners of the Admiralty to Commander Kelly	Admiralty Office, 25th Mar.	900
2.	John Barrow, Esq. to Commander Kelly	Admiralty Office, 6th April.	901
3.	The Lords Commissioners of the Admiralty to Commander Strong	Admiralty Office, 24th Apr.	901
4.	The Lords Commissioners of the Admiralty to Commander Leeke	Admiralty Office, 15th July.	902
5.	The Lords Commissioners of the Admiralty to the Commanders of H. M. Sloops *Pheasant* and *Morgiana*, stationed on the Coast of Africa	Admiralty Office, 15th July.	904
6.	J. W. Croker, Esq. to Rear-Admiral Sir Home Popham, Commander in Chief on the Jamaica Station, and to Rear-Adm. Campbell, Commander in Chief on the Leeward Island Station	Admiralty Office, 26th July.	904
7.	The Lords Commissioners of the Admiralty to Lieutenants Henderson and Hagan	Admiralty Office, 27th July.	905
8.	John Barrow, Esq. to Admiral Plampin, Commander in Chief on the Cape of Good Hope Station	Admiralty Office, 28th July.	906
9.	John Barrow, Esq. to Rear-Adm. Sir R. King, Commander in Chief on the Indian Station	Admiralty Office, 28th July.	907
10.	The Lords Commissioners of the Admiralty to Commodore Sir T. M. Hardy, Commander in Chief on the South American Station	Admiralty Office, 2nd Sept.	907
11.	The Lords Commissioners of the Admiralty to Commodore Sir G. R. Collier, Senior Officer of H. M. Ships and Vessels employed on the Coast of Africa	Admiralty Office, 3rd Nov.	908
12.	The Lords Commissioners of the Admiralty to Rear-Adm. Lambert, Commander in Chief on the Cape of Good Hope Station	1820.] Admiralty Office, 21st Mar.	911
13.	John Barrow, Esq. to Commodore Sir G. R. Collier, Senior Officer on the Coast of Africa.	Admiralty Office, 20th May.	912
14.	The Lords Commissioners of the Admiralty to Rear-Admiral Sir C. Rowley, Commander in Chief on the Jamaica Station	Admiralty Office, 30th Oct.	912
15.	The Lords Commissioners of the Admiralty to Commodore Sir G. R. Collier, Senior Officer of H. M. Ships and Vessels employed on the Coast of Africa	Admiralty Office, 29th Nov.	913

16. Letter to the Commanders of all such of H. M. Ships and Vessels as have been ordered, from the 27th of March, 1819, to the 21st March, 1821, to proceed to either of the following Stations, viz. Jamaica, Leeward Islands, South America, Cape of Good Hope, and East Indies. Admiralty Office, 21st Mar. 1821. Page. 914

No. 1.—The Lords Comm^rs. of the Admiralty to Commander Kelly.

(Extract.) *Admiralty Office, 25th March,* 1819.

So soon as the Persons whom you are ordered to receive on board shall be embarked, and the Sloop you command shall in all respects be ready, you are to put to sea, and to proceed with all convenient expedition to Cadiz, where you are to receive on board the Spanish Judges and Arbitrators destined to join the Court about to be established at Sierra Leone for deciding on Slave Causes.

So soon as these Persons, together with their Families and Servants, shall have embarked, you are then to make the best of your way to Sierra Leone, there to land the aforesaid Persons; and having so done, you are to proceed to cruize on the Leeward Coast, in the neighbourhood of the Bights of Benin and Biafra, for the purpose of preventing as far as possible any illicit traffic in Slaves; the better to enable you to perform which service, you will receive herewith Copies of the Treaties which have been entered into with Portugal and Spain, the Acts of Parliament relating to them, and the necessary Documents to authorize your searching Ships bearing the Flags of those Nations; and you are to be careful in so doing, as well as in the whole of your conduct towards such Vessels, to be governed by the said Treaties, and the Instructions attached to them.

You will likewise receive herewith, Abstracts or Copies of the Acts of Parliament, prohibiting the traffic in Slaves by His Majesty's Subjects.

You are to continue on the said service, in the neighbourhood above specified, (if not otherwise directed by Commodore Sir George Collier, or other your superior Officer,) so long as the weather shall not affect the health of your Crew to such a degree as to make it necessary in your opinion to change the climate; when, after completing your water, and getting such refreshments as you can procure at Princes Island, St. Thomas's Island, or Fernando Po, you are to proceed to Ascension, to recruit and refresh your People; and after having done so, you are to return to such part of the Coast as may at that period be supposed to be free from the rains; always preferring to return to the Station above assigned to you, if supposed to be equally open with regard to the state of the weather there.

Such Ships as you may capture for illicit trafficking in Slaves, you are to send for adjudication to Sierra Leone, The Havannah, or Rio

de Janeiro, as may be most convenient, according to the situation where such capture may be made.

You are to consider yourself as under the orders of Commodore Sir George Collier, from the time of your arriving to the southward of the latitude of Madeira, and to the eastward of the meridian of St. Anthony, one of the Cape de Verd Islands; but until you may fall in with the Commodore, or other your senior Officer, you are to be governed by these Instructions; taking every opportunity of communicating to us, through our Secretary, your proceedings, and such information as you may deem it advantageous for us to be made acquainted with, to enable us to give any further directions, necessary for the more complete destruction of the Slave-trade north of the Line.

B. M. Kelly, Esq. Commander of H.M.S. Pheasant.

No. 2.—John Barrow, Esq. to Commander Kelly.

SIR, *Admiralty Office, 6th April,* 1819.

HAVING laid before my Lords Commissioners of the Admiralty your Letter of yesterday's date, referring to the Instructions which you have received, respecting Spanish and Portuguese Ships engaged in the Slave-trade, and requesting to be informed how you are to act with regard to Vessels of other Powers, particularly those belonging to the Subjects of His Most Christian Majesty, and the United States of America; I am commanded by their Lordships to acquaint you, that you are not to interfere with such Vessels.

I am, &c. JOHN BARROW.

B. M. Kelly, Esq. Commander of H.M.S. Pheasant.

No. 3.—The Lords Commr. of the Admiralty to Commander Strong.

(Extract.) *Admiralty Office, 24th April,* 1819.

YOU are hereby required and directed to put to sea in the Ship you command, if in all respects ready, and proceed with all convenient expedition to Sierra Leone, where, having communicated with the Governor, and obtained every information as to what has recently occurred on the Coast of Africa, particularly with relation to the illegal traffic in Slaves, you are to proceed to cruise on the windward coast, between Sierra Leone and Cape Coast Castle, for the purpose of preventing, as far as possible, any such illicit traffic in Slaves; the better to enable you to perform which service, you will receive herewith Copies of the Treaties which have been entered into with Portugal and Spain, the Acts of Parliament relating to them, and the necessary Documents to authorize your searching Ships bearing the Flags of those Nations; and you are to be careful in so doing, as well as in the whole of your conduct towards such Vessels, to be governed by the said Treaties, and the Instructions attached to them.

You will likewise receive herewith Abstracts or Copies of the Acts of Parliament, for prohibiting the traffic in Slaves by His Majesty's Subjects.

You are to continue on the said service, within the limits specified, (if not otherwise directed by Commodore Sir George Collier, or other your superior Officer,) so long as the weather shall not affect the health of your Crew to such a degree as to make it necessary in your opinion to change the climate; when, after completing your water, and getting such refreshments as you can procure at Cape Coast Castle, Princes Island, St. Thomas's Island, or Fernando Po, you are to proceed to Ascension, to recruit and refresh your People; and, after having done so, you are to return to such part of the coast as may at that period be supposed to be free from the rains; always preferring to return to the station above assigned to you, if supposed to be equally open with regard to the state of the weather there.

Such Ships as you may capture for illicit trafficking in Slaves, you are to send for adjudication to Sierra Leone, The Havannah, or Rio de Janeiro, as may be most convenient, according to the situation in which such capture may be made.

You are to consider yourself as under the orders of Commodore Sir George Collier, from the time of your arriving to the southward of the latitude of Madeira, and to the eastward of the meridian of St. Anthony, one of the Cape de Verd Islands; but until you may fall in with the Commodore, or other your senior Officer, you are to be governed by these instructions; taking every opportunity of communicating to us, through our Secretary, your proceedings, and such information as you may deem it advantageous for us to be made acquainted with, to enable us to give any further directions, necessary for the more complete destruction of the Slave-trade north of the Line.

C. B. Strong, Esq. Commander of H. M. S. Morgiana.

No. 4.—The Lords Comm^rs. of the Admiralty to Commander Leeke.
(Extract.) *Admiralty Office, 15th July,* 1819.

You are hereby required and directed to receive on board the Sloop you command His Excellency the Algerine Envoy and suite, and, so soon as they shall be embarked, and the Sloop shall be in all respects ready, you are to put to sea, and proceed with all convenient expedition to Algiers, where you are to land his said Excellency the Algerine Envoy and suite; and having so done, you are to make the best of your way to Sierra Leone, on the west Coast of Africa, where you are to communicate with the Governor, for the purpose of obtaining information as to what has recently occurred on that part of the Coast of Africa, particularly with relation to the illegal traffic in Slaves.

You are then to proceed to cruize on the windward coast, between Sierra Leone and Cape Coast Castle, for the purpose of preventing as

far as possible any such illicit traffic in Slaves; the better to enable you to perform which service, you will receive herewith Copies of the Treaties which have been entered into with Portugal, Spain, and the Kingdom of the Netherlands, the Acts of Parliament which relate to them, and the necessary Documents to authorize your searching Vessels bearing the Flags of those Nations respectively; and you are to be careful in so doing, as well as in the whole of your conduct towards such Vessels, to be governed by the said Treaties, and the Instructions attached to them.

You will likewise receive herewith Abstracts or Copies of the Acts of Parliament, prohibiting the traffic in Slaves by His Majesty's Subjects.

You will probably find within the limits above assigned to you, cruising for the same objects, His Majesty's Sloop *Morgiana;* in which case you will put yourself under the orders of Captain Strong; but should you not fall in with her, nor receive other orders from Commodore Sir George Collier, or other your superior Officer, you are to continue on the said service, within the limits specified, so long as the weather shall not effect the health of your Crew to such a degree as to make it necessary in your opinion to change the climate; when, after completing your water, and getting such refreshments as you can procure at Cape Coast Castle, Princes Island, St. Thomas's Island, or Fernando Po, you are to proceed to Ascension, to recruit and refresh your People; and after having done so, you are to return to such part of the coast as may at that period be supposed to be free from the rains; always preferring to return to the station above assigned to you, if supposed to be equally open with regard to the state of the weather there.

Such Ships as you may capture for illicit trafficking in Slaves, you are to send for adjudication to Sierra Leone, The Havannah, or Rio de Janeiro, as may be most convenient, according to the situation in which such capture may be made.

You are to consider yourself as under the orders of Commodore Sir George Collier, from the time of your arriving to the southward of the latitude of Madeira, and to the eastward of the meridian of St. Anthony, one of the Cape de Verd Islands; but until you may fall in with the Commodore, or other your superior Officer, you are to be governed by these instructions; taking every opportunity of communicating to us, through our Secretary, your proceedings, and such information as you may deem it advantageous for us to be made acquainted with, to enable us to give any further directions, necessary for the more complete destruction of the Slave-trade north of the Line.

H. J. Leeke, Esq. Commander of H. M. S. Myrmidon.

No. 5.—The Lords Commissioners of the Admiralty to the Commanders of H. M. Sloops Pheasant *and* Morgiana, *stationed on the Coast of Africa.* 15th July, 1819.

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c. &c.

In reference to that part of our Order to you of the 25th of March last, which relates to the conduct to be observed by you towards Spanish or Portuguese Vessels engaged in an illicit traffic in Slaves; we send you herewith a Copy of a Treaty concluded between His Majesty and the King of The Netherlands, for preventing their Subjects from engaging in any traffic in Slaves, with a Copy of an Act of Parliament for carrying the same into effect, and the Document required by the Treaty to authorize your searching Vessels under the Dutch Flag; and we hereby require and direct you, in so doing, as well as in the whole of your conduct towards such Vessels, to be strictly governed by the said Treaty and the Instructions thereto annexed.

Given under our hands the 15th of July, 1819.

J. OSBORN.
G. COCKBURN.
H. HOTHAM.

B. M. Kelly, Esq, Commander of H. M. Sloop Pheasant, *on the Coast of Africa.*

By command of their Lordships, JOHN BARROW.

A similar Order, referring to a former Order of the 24th of April, was issued on the same day to Commander Strong, of His Majesty's Sloop *Morgiana,* also on the Coast of Africa.

No. 6.—J. W. Croker, Esq. to Rear Admiral Sir Home Popham, and to Rear Admiral Campbell.

Sir, *Admiralty Office, 26th July,* 1819.

I have it in command from my Lords Commissioners of the Admiralty, to transmit to you herewith 7 Sets of Treaties, which have been concluded between His Majesty and the Kings of Spain and Portugal, for the prevention of any illicit traffic in Slaves, with the like number of Copies of 2 Acts of Parliament passed for the purpose of carrying the same into effect, and Instructions signed by their Lordships, and addressed to the Captains and Commanders of His Majesty's Ships and Vessels under your orders, authorising them, agreeably to the terms of the Treaties, to search vessels bearing the Flags of the Nations abovementioned; and I am to signify their Lordships' direction to you, to issue the same to the said Officers; enjoining them, in the search of the vessels alluded to, as well as in the whole of their conduct towards such vessels, to be strictly governed by the Treaties in question, and the Instructions thereto annexed.

I am also to transmit to you 2 copies of a Treaty with the King of The Netherlands, and of an Act of Parliament relating to it, with the same number of the stipulated Instructions from their Lordships, of which the Address is left in blank, (the number of His Majesty's Ships which may be furnished therewith being limited by the Treaty;) and it is their Lordships' direction, that you address these Instructions to the Commanders of such of the Vessels of your Squadron as you may think proper to select; and give them similar directions to the above, in regard to vessels under the Dutch Flag, reporting to me the names of these Commanders, and taking care, that, in the event of their leaving the station, the said Instructions and accompanying Papers be transferred to other vessels, of which you will likewise report the names as the transfers take place. I am, &c. J. W. CROKER.

Rear Admiral Sir Home Popham, K. C. B. Jamaica.
Rear Admiral Campbell, Barbadoes.

N. B. The word *three* substituted for *seven* in the letter to Rear Admiral Campbell.

No. 7.—The Lords Commissioners of the Admiralty to Lieutenants Henderson and Hagan.

(Extracts.) *Admiralty Office, 27th July,* 1819.

You are hereby required and directed to put to sea in the Gun-brig you command, as soon as she shall be in all respects ready, and proceed with all convenient expedition to Sierra Leone, on the Coast of Africa, where, having communicated with the Governor, and obtained every information as to what may have recently occurred on the Coast of Africa, with reference particularly to the illicit traffic in Slaves, you are to proceed to cruise in the Bight of* , on the leeward coast, for the purpose of preventing, as far as possible, any such illicit traffic in Slaves; the better to enable you to perform which service, you will receive herewith Copies of the Treaties which have been entered into with Portugal, Spain, and the Kingdom of The Netherlands, the Acts of Parliament relating to them, and the necessary Documents to authorise your searching Ships bearing the Flags of those Nations; and you are to be careful in so doing, as well as in the whole of your conduct towards such Vessels, to be governed by the said Treaties, and the Instructions attached to them.

You will likewise receive herewith Abstracts or Copies of the Acts of Parliament prohibiting the traffic in Slaves by His Majesty's Subjects.

You are to continue on the said service, in the neighbourhood above specified, (if not otherwise directed by Commodore Sir George Collier, or other your superior Officer,) so long as the weather shall not affect

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* This blank was filled up with the word "Benin," in the order to the *Snapper*; and with the word "Biafra," in the order to the *Thistle*.

the health of your crew to such a degree as to make it necessary in your opinion to change the climate; when, after completing your water, and getting such refreshments as you can procure at Princes Island, St. Thomas's Island, or Fernando Po, you are to proceed to Ascension, to recruit and refresh your people; and, after having done so, you are to return to such part of the Coast as may at that period be supposed to be free from the rains; always preferring to return to the Station above assigned to you, if supposed to be equally open with regard to the state of the weather there.

Such Ships as you may capture for illicit trafficking in Slaves, you are to send for adjudication to Sierra Leone, The Havannah, or Rio de Janeiro, as may be most convenient, according to the situation in which such capture may be made.

You are to consider yourself as under the orders of Commodore Sir George Collier, from the time of your arriving to the southward of the latitude of Madeira, and to the eastward of the meridian of St. Anthony, one of the Cape de Verd Islands; but until you may fall in with the Commodore, or other your senior Officer, you are to be governed by these instructions; taking every opportunity of communicating to us, through our Secretary, (until you shall so join a senior Officer) your proceedings, and such information as you may deem it advantageous for us to be made acquainted with, to enable us to give any further directions, necessary for the more complete destruction of the Slave Trade north of the Line.

Lieutenants Henderson and Hagan.

No. 8.—*John Barrow, Esq. to Rear Admiral Plampin.*

SIR, *Admiralty Office, 28th July*, 1819.

I HAVE it in command from my Lords Commissioners of the Admiralty to transmit to you herewith 7 sets of Treaties, which have been concluded between His Majesty and the Kings of Spain and Portugal, for the prevention of any illicit traffic in Slaves, with the like number of Copies of 2 Acts of Parliament passed for the purpose of carrying the same into effect, and Instructions signed by their Lordships, and addressed to the Captains and Commanders of His Majesty's Ships and Vessels under your orders, authorising them, agreeably to the terms of the Treaties, to search Vessels bearing the Flags of the Nations above-mentioned; and I am to signify their Lordships' direction to you, to issue the same to the said Officers; enjoining them, in the search of the Vessels alluded to, as well as in the whole of their conduct towards such Vessels, to be strictly governed by the Treaties in question, and the Instructions thereto annexed. I am, &c.

JOHN BARROW.

Rear Admiral Plampin, Commander in Chief on the Cape of Good Hope Station.

No. 9.—John Barrow, Esq. to Rear Admiral Sir R. King.

SIR, *Admiralty Office, 28th July,* 1819.

I HAVE it in command from my Lords Commissioners of the Admiralty to transmit to you herewith 7 sets of Treaties, which have been concluded between His Majesty and the Kings of Spain and Portugal, for the prevention of any illicit traffic in Slaves, with the like number of copies of 2 Acts of Parliament passed for the purpose of carrying the same into effect, and Instructions signed by their Lordships, and addressed to the Captains and Commanders of His Majesty's Ships and Vessels under your orders, authorising them, agreeably to the terms of the Treaties, to search vessels bearing the Flags of the Nations abovementioned; and I am to signify their Lordships' direction to you, to issue the same to the said Officers; enjoining them, in the search of the Vessels alluded to, as well as in the whole of their conduct towards such Vessels, to be strictly governed by the Treaties in question, and the Instructions thereto annexed.

I am also to transmit to you a Copy of the Treaty with the King of The Netherlands, and of an Act of Parliament relating to it, with the stipulated Instructions from their Lordships, of which the Address is left in blank, (the number of His Majesty's Ships which may be furnished therewith being limited by the Treaty;) and it is their Lordships' direction, that you address this Instruction to the Commander of such one of the Vessels of your Squadron as you may think proper to select; and give him similar directions to the above, in regard to Vessels under the Dutch Flag, reporting to me his name, and taking care, that, in the event of his leaving the Station, the said Instructions and accompanying Papers be successively transferred to other Vessels, of which you will likewise report the names as the transfer takes place.

I am, &c. JOHN BARROW.

Rear Admiral Sir R. King, Bt. K. C. B.
Commander in Chief on the Indian Station.

N. B. In consequence of the transfer of the Isle of France from the Indian to the Cape of Good Hope Station, Sir Richard King was directed, on the 14th December 1819, to return the abovementioned set of Documents, relating to Vessels under the Dutch Flag; and the Admiral on the Cape Station was furnished therewith, as mentioned in No. 12 of these Papers.

No. 10.—The Lords Commissioners of the Admiralty to Commodore Sir T. M. Hardy.

(Extract.) *Admiralty Office, 2d Sept.* 1819.

ART. 8. WE transmit you herewith Copies of the Treaties which have been concluded between this Country and the Kings of Spain and

Portugal, for the prevention of an illicit traffic in Slaves, with Copies of the Acts of Parliament which have been passed to give effect thereto, and Instructions, signed by us, authorising the Commanders of His Majesty's Ships and Vessels under your orders, agreeably to the stipulations in the said Treaties, to search Vessels bearing the Flags of those Nations. You will furnish the said Commanders with these several Documents, and, instructing them to be strictly governed by these Treaties and Instructions in their conduct towards such Vessels, you will direct them, if they should meet with any that are acting in violation of the Treaties, to seize them; and to send such as are under Portuguese Colours to Rio de Janeiro for adjudication, a Court being established there, under the said Treaties, for the trial of offences of this description by Vessels of that Nation. The Vessels under Spanish Flags you must cause to be sent to The Havannah, where there is also a Court for the trial of similar offences, committed by Vessels of that Nation; but Vessels under English Colours may be sent to and tried at either place.

Commodore Sir T. M. Hardy, Bt. K. C. B.,
Commander in Chief on the South American Station.

No. 11.—*The Lords Commissioners of the Admiralty to Commodore Sir G. R. Collier.*

(Extract.) *Admiralty Office, 3d November,* 1819.

You are hereby required and directed to put to sea in the Ship you command, so soon as she shall in all respects be ready, and return with all convenient expedition to the Coast of Africa, to carry into further execution our Instructions to you of the 19th September, 1818, (an Extract of which is enclosed) for affording countenance and protection to the British Settlements and commerce, and preventing, to the utmost of your power, any illicit traffic in Slaves, on the parts of the African Coast therein specified.

And whereas we have thought proper, subsequently to the date of our aforesaid Instructions to you (of the 19th of September, 1818,) to send to the same Station, for the more effectual execution of the same objects, His Majesty's Vessels, *Pheasant, Morgiana, Myrmidon, Snapper,* G. V., and *Thistle,* G. V.; you are on your return to the Station, to take the said Vessels under your command, their respective Commanders having been directed by us to place themselves under your orders; and we herewith transmit for your information, Copies or Extracts of the Instructions from us under which these Vessels severally sailed from England; but you are to understand, that our said Instructions to these Vessels were only intended for their governance until they should fall in with you, and that you are to con-

sider yourself at perfect liberty, on your joining them, to give them such other Instructions or Stations as the information you may receive, or circumstances on the spot, may induce you to consider likely to prove more efficacious, towards effecting the general purposes particularly set forth in our aforesaid Instructions to you of last year.

And whereas, subsequently also to the date of those Instructions, we have issued to the Commanders of Vessels employed on the Coast of Africa, the following Documents, viz.

Two Acts of Parliament passed to carry into effect the Treaties concluded with Portugal and Spain, for the prevention of an illicit traffic in Slaves, (Copies of which Treaties were transmitted with our said Instructions to you;)

The necessary Orders, signed by us, to authorise the Commanders of His Majesty's Ships to search Vessels bearing the Flags of the said two Nations;

And a Treaty concluded for the same object with the King of The Netherlands; with the Act of Parliament and signed Instructions relating thereto.

We now send you Documents of the descriptions here mentioned, and strictly enjoin you to be governed by them in your conduct towards all Ships bearing the Flags of the Nations alluded to; observing, that any of these Ships which may be captured for illicit trafficking in Slaves, are to be sent for Adjudication to the following Places, as may be most convenient, according to the situation in which the capture may be made, viz.—

Ships of *any of the three Nations* to Sierra Leone, or *Portuguese* Ships to Rio de Janeiro, *Spanish* Ships to The Havannah, and *Dutch* Ships to Surinam; Courts having been established at these places for the trial of offences of the above description, committed by Vessels of those Nations respectively, as above detailed.

Vessels under English Colours may be sent to and tried at either of the places enumerated.

You are to continue on the Coast, in the execution of the duties entrusted to you, (visiting, as you may see occasion, St. Thomas's, Princes, or Ascension Islands, as explained in your Instructions,) until the rainy or unhealthy season of next year, when you are to receive on board the Ship you command, any Officers and Men belonging to the Squadron, &c. &c.; and having so done and given the necessary Instructions to the Officer next in command to you, for the guidance of the Squadron during your absence, you are then, without loss of time, to return from the Coast of Africa, to Spithead, &c. &c.

On your arrival at Spithead you are to report the same, and your proceedings to our Secretary, for our information, with all such obser-

vations as you may deem it advantageous for us to be made acquainted with, in regard to the Station entrusted to your charge, and to the suppression of the Slave-trade north of the Line.

Commodore Sir G. R. Collier, Bart. K. C. B.
Senior Officer on the Coast of Africa.

(Inclosure)—The Lords Commissioners of the Admiralty to Commodore Sir G. R. Collier.

(Extract.) *Admiralty Office, 19th September,* 1818.

You are hereby required and directed to put to sea in the Ship you command, as soon as she shall in all respects be ready to sail, and proceed without delay to the Coast of Africa, for the purpose of visiting the several British Forts and Settlements on the Coast, and rendering them, and the British trade thereon, such assistance and protection as you may find to be requisite.

You are to repair, in the first instance, to Sierra Leone, to communicate with the Officers in charge of the Government, and to confer with them as to the best mode of effecting the objects you have in view.

After which you are to proceed along the coast to the Southward, from British Settlement to Settlement, as far as Benguela, staying such time at or in the neighbourhood of each, as, from the intelligence you receive, you may deem most advisable for effectually affording protection to the trade, and giving the necessary countenance and assistance to the said Settlements; but, observing, however, not to stay at any of those places longer than you find to be absolutely necessary for the purposes before stated.

In proceeding down the coast, you are diligently to look into the several bays and creeks on the same, between Cape de Verd and Benguela, particularly on the Gold Coast, Whidah, the Bight of Benin, and Angola, in order to your seizing such Ships or Vessels as may be liable thereto, under the authority of the several Acts of Parliament prohibiting the Slave-trade (Abstracts or Copies of which we herewith inclose for your information and guidance;) and you are to use every other means in your power to prevent a continuance of the traffic in Slaves, and to give full effect to the Acts of Parliament in question.

With regard to the conduct to be observed towards the Portuguese Ships and Settlements, and towards Spanish Ships, we send you herewith Copies of the existing Treaties between this Country and Portugal, and between this Country and Spain, upon this subject; and we hereby strictly require and direct you to govern yourself according to the Instructions and stipulations contained therein.

And you are so to continue acting, until the approach of the rainy and sickly season of next year renders it advisable for you to quit the Station.

Commodore Sir G. R. Collier, Bart. K. C. B.
Senior Officer on the Coast of Africa.

No. 12.—The Lords Commissioners of the Admiralty to Rear Admiral Lambert.

(Extract.) *Admiralty Office, 21st March, 1820.*

ART. 2. THE Isle of France being now within the limits of your command, you are to take care always to keep at least one Post Ship on that part of your Station; and if you find that you can conveniently spare one of the small Brigs under your command for the same service, you may occasionally place one of them there in addition to the Post Ship.

You will particularly direct the attention of the Officer commanding the Ship or Ships stationed at the said Island, to the affording to the Governor all the assistance in his power towards the prevention of a traffic in Slaves.

For the more effectual performance of this service, you are, in addition to the Papers and Documents he will have received, in common with the other Ships on the Station, respecting Spanish and Portuguese Ships trading in Slaves, also to furnish him with the Treaty, Act of Parliament, and signed Instructions, herewith inclosed, relative to Vessels engaged in such trade under the Dutch Flag.

The number of His Majesty's Ships which may be furnished with the last mentioned Instruction, being limited by the Treaty with the King of The Netherlands, it can be issued to one only of the Commanders of the Squadron under your command; and upon any change of the Ship assigned to the service of the Isle of France, you will accordingly direct that this Instruction, with the DutchTreaty and Act of Parliament, be successively transferred to the Commander of the Ship arriving to replace the former, with an alteration of the address of the Instruction.

You will observe and signify the same to the Captains and Commanders under your orders, that Vessels of the three Nations abovementioned, captured for illicit trafficking in Slaves, are to be sent for adjudication to the following places, at which Courts have respectively been established for the trial of offences of that description, viz.—

Ships of *any of the three Nations* to Sierra Leone; or *Portuguese* Ships to Rio Janeiro; *Spanish* Ships to The Havannah; and *Dutch* Ships to Surinam.

We send you likewise some Copies or Abstracts of Acts of Parliament, prohibiting the traffic in Slaves by His Majesty's Subjects,

with which you will furnish the Commanders of the Ships sent to the Isle of France.

Rear Admiral Lambert, Commander in Chief
on the Cape of Good Hope Station.

No. 13.—*John Barrow, Esq. to Commodore to Sir G. R. Collier.*

(Extract.) *Admiralty Office, 20th May,* 1820.

HAVING laid before my Lords Commissioners of the Admiralty your Letter of the 28th of February last, I am commanded by their Lordships to acquaint you, that you appear to be under a partial misconception, as to the motives which induced His Majesty's Government to order the restoration of the French Schooner *La Sylphe*, and are probably not aware that Rear Admiral Plampin was directed to signify to the Officer by whose order that Vessel was detained, the displeasure of His Majesty's Government at his conduct.

I am to signify to you their Lordships desire, that you will abstain from detaining Ships of any Nation, excepting such as you are authorised under your Instructions to detain; observing, however, that it will be desirable that their Lordships should be apprised of any instances which may be reported to you of French Ships trafficking in Slaves, in order that the French Government may be informed of such contravention of their own Regulations.

Commodore Sir G. R. Collier, Bart. K. C. B.
Senior Officer on the Coast of Africa.

No. 14.—*The Lords Commissioners of the Admiralty to Rear Admiral Sir Charles Rowley.*

(Extract.) *Admiralty Office, 30th October,* 1820.

ART. VII. WE transmit to you herewith, for your information and guidance, Abstracts or Copies of the several Acts of Parliament which have been passed, for the prevention of a traffic in Slaves by His Majesty's Subjects, and also Copies of the Treaties which have been concluded between this Country and the Kings of Spain, Portugal, and The Netherlands, for the prevention of such traffic by the Subjects of the respective Countries, with Copies of the Acts of Parliament which have been passed to give effect thereto, and Copies of Instructions which, in conformity with the respective Treaties, are issued under our signatures, to the Commanders of His Majesty's Ships and Vessels on the Jamaica and certain other Stations, to authorise them to search Vessels bearing the Flags of the three before mentioned Nations. You will take care that these Acts, Treaties, and Instructions, be strictly adhered to by the Commanders of the Ships and Vessels under your orders: and you will observe, that Vessels of the said Nations which may be detained for illicit trafficking in Slaves, are to be sent for adjudication to the following places, as may be most

convenient, according to the situation in which the detention may take place, viz.—

Vessels of any of the three Nations to Sierra Leone; or Portuguese Vessels to Rio de Janeiro; Spanish Vessels to The Havannah; and Dutch Vessels to Surinam; Courts having been established at these Places for the trial of offences of the above description, committed by Vessels of those Nations respectively, as above detailed.

Vessels under English Colours may be sent to and tried at either of the places above enumerated, and of course at any British Port, where proper Courts of Judicature exist, as explained in the several Acts of Parliament.

With respect to the Dutch Vessels, we have further to observe to you, that the number of His Majesty's Ships, which may be authorised to search those Vessels, being limited by the Treaty, Instructions to search Dutch Vessels have only been issued to two of the Squadron under your command; and you are therefore to take care, that whenever any Ship or Vessel furnished therewith, shall be about to leave the Station, the Dutch Instructions and the Papers relating to them, be transferred to another Vessel, the name of which is to be reported at the time to our Secretary.

Rear Admiral Sir C. Rowley, K. C. B.,
Commander-in-Chief on the Jamaica Station.

No. 15.—The Lords Commissioners of the Admiralty to Commodore Sir G. R. Collier.

(Extract.) *Admiralty Office, 29th November* 1820.

You are hereby required and directed to put to sea in the Ship you command, so soon as she shall in all respects be ready, and to return with all convenient expedition to the Coast of Africa, to carry into further execution our Instructions to you of the 19th of September 1818, and 3rd of November 1819, for affording countenance and protection to the British Settlements and Commerce, and preventing, to the utmost of your power, any illicit traffic in Slaves, on the parts of the African coast therein specified.

You are to observe, in regulating the duties on the African Station, that, by our Treaty with Spain, the period for which that Nation reserved to herself the right of trading in Slaves to the south of the Equator is now expired, and consequently all Spanish Ships which shall in future be found trafficking in Slaves in any part of the Coasts of Africa, whether north or south of the Equator, will be liable to be dealt with for condemnation, as directed by the said Treaty.

On the approach of the rainy season next year, you are again to act as directed by our last-mentioned Instructions to you of the 3d November 1819, &c. &c.; and you are in all other respects to be

guided, with regard to your return to Spithead, &c. as directed by our aforesaid Instructions to you of the 3d. November 1819.

Commodore Sir G. R. Collier Bt. K. C. B.
Senior Officer on the Coast of Africa.

No. 16.—Letter to the Commanders of all such of His Majesty's Ships and Vessels as have been ordered, from the 27th of March, 1819, to the present date, to proceed to either of the following Stations, viz. Jamaica, Leeward Islands, South America, Cape of Good Hope, and East Indies.

SIR, *Admiralty Office, 21st March, 1821.*

IN reference to the Order of my Lords Commissioners of the Admiralty, directing you to proceed to the ——— Station, I am commanded by their Lordships to transmit to you Copies of the Treaties which have been entered into with Spain and Portugal, for the prevention of an illicit traffic in Slaves, with Copies of two Acts of Parliament relating to them, and Instructions, signed by their Lordships, authorising you to search Vessels bearing those Flags; in doing which, as well as in the whole of your conduct towards such Vessels, you are to be strictly governed by the said Treaties, and Instructions attached to them.

You will likewise receive herewith Abstracts or Copies of the Acts of Parliament prohibiting the traffic in Slaves by His Majesty's Subjects.

MEM: The foregoing Letter, with the Documents therein referred to, have been issued between the 27th of March 1819, and the 21st of March, 1821, to the Commanders of the following Ships and Vessels:

Nautilus	sloop.	*Shearwater*	sloop
Heron	—	*Conway*	
Rosario	—	*Creole*	
Owen Glendower		*Cygnet*	sloop
Leander		*Alacrity*	—
Brazen		*Blossom*	
Raleigh	sloop	*Beaver*	sloop
Vigo		*Esk*	—
Falmouth	sloop	*Surinam*	—
Tribune		*Forte*	
Tamar		*Satellite*	sloop

COMMUNICATIONS received at the Colonial Office from the Governor of Sierra Leone, on the subject of the Slave-Trade.—1819, 1820.

LIST OF PAPERS.

No.		Page.
1.	Governor Mac Carthy to Earl Bathurst....Sierra Leone, 25th February, 1819.	915
2.	Governor Mac Carthy to Earl Bathurst....Sierra Leone, 22nd June, —	915
3.	Governor Mac Carthy to Earl Bathurst....Sierra Leone, 24th August, —	916
4.	Governor Mac Carthy to Earl Bathurst....Sierra Leone, 6th September, —	917
5.	Governor Mac Carthy to Earl Bathurst....Sierra Leone, 17th February, 1820.	917
6.	Governor Mac Carthy to Earl Bathurst....Sierra Leone, 6th March, —	921
7.	Governor Mac Carthy to Earl Bathurst....Sierra Leone, 8th March, —	922
8.	Governor Mac Carthy to Earl Bathurst....Sierra Leone, 27th May, —	923
9.	Governor Mac Carthy to Earl Bathurst....Sierra Leone, 13th June, —	932

No. 1.—*Governor Mac Carthy to Earl Bathurst.—Sierra Leone, 25th February,* 1819.

[See State Papers, Vol. 1821, 1822, Page 225.]

No. 2.—*Governor Mac Carthy to Earl Bathurst.*

MY LORD, *Sierra Leone, 22nd June,* 1819.

I HAD the honour of receiving, on the 16th instant, your Letter of the 16th of April, transmitting Copies of the Acts of the 58th of the King, and Treaties with Spain and Portugal; and I have to inform your Lordship of the arrival in this Harbour, on the 7th instant, of Messrs. Thomas Gregory, and his Nephew, and 2 Spanish Commissioners, Messrs. Francisco Lefer and Joseph Campo. These Gentlemen having communicated to me their Instructions, on the 8th, they were duly sworn into Office on the 9th; and I humbly trust that I anticipated, by the marks of consideration I paid to their public characters, and also to them individually, the receipt of your Instructions.

It afforded me very great satisfaction to intimate to Chief Justice Fitzgerald, and to King's Advocate Hamilton, the very flattering manner in which your Lordship has been pleased to mention their respective Appointments; and I am most fully confident that they will continue to prove themselves deserving of His Royal Highness the Prince Regent's confidence.

No time was lost in securing as convenient a building as the Colony could afford, for an office to the Commission, although I regret to state, it could not be obtained but at the rate of £300. per Annum. I

shall duly transmit, by an early opportunity, a plan and estimate for such a Residence as I conceive would be necessary for the Commission.

I have the honour to be, &c.

Earl Bathurst, K. G. C. MAC CARTHY.

No. 3.—Governor Mac Carthy to Earl Bathurst.

(Extract.) *Sierra Leone, 24th August,* 1819.

I HAVE the honour to inform your Lordship, that Captain Kelly, commanding His Majesty's Sloop *Pheasant*, returned here on the 17th instant, and a *Portuguese* Schooner of 11 tons, taken in the Bight of Biafra, the property of Don Joze Fereira Gomez, Governor of the Portuguese Island of Princes. When the Schooner was taken, she had 71 Slaves on board; and, owing to the extreme care and attention of the Captain and Officers of the *Pheasant*, only lost 1 on her passage. I enclose herewith an Extract of the Declaration of Captain Kelly, as to the state in which he found the Schooner. As the Portuguese Commissioners have not yet arrived, we had it not in our power to adopt any other measures, but to take the usual depositions, and land the unfortunate Africans. I have sent the whole of them to the Negro Town of Bathurst. Captain Strong, commanding the *Morgiana*, arrived on the 10th with a Schooner of 50 tons, under Spanish Colours, taken near Little Bassa, having only 1 Slave on board. The Master was on shore, and refused coming here. One or two days before, a large Schooner, in attempting to get inside of a ledge of rocks near Grand Bassa, to avoid being taken by the *Morgiana*, got into the surf and was lost. Captain Strong saw the masts washed over-board, and many unfortunate Slaves running to the woods; there is every reason to believe that many must have lost their lives in the hold, where they are generally kept in irons. The Schooner showed no colours; but, from the circumstance of the Officer who was sent with Boats to attempt to intercept some Canoes loaded with Slaves, prior to the loss of the Schooner, hearing distinctly the Master of her giving the word, "fire," which was actually carried into effect, on the Boats of the *Morgiana*, (without any loss, however,) there is reason to believe that she was either an American or English. Captain Strong, whose cruise did not extend farther than Accra, met 8 Slave Vessels ready to trade, but as they had no Slaves on board, he did not interrupt them.

Earl Bathurst, K. G. C. MAC CARTHY.

(Inclosure.)—Declaration of Captain Kelly.

(Extract.)

I DO further declare, that the state in which these unfortunate Creatures were found, is shocking to every principle of humanity; 17 Men shackled together in pairs by the legs, and 20 Boys, were on the

hatches in the main hold, a space measuring 18 feet in length, 7 feet 8 inches main breadth, and 1 foot 8 inches in height, and under them the yams for their support. One of these unfortunate Creatures was in the last stage of dysentery, whose natural evacuations ran involuntarily from him amongst those yams, creating an effluvia too shocking for description. On their being released from irons, their appearance was most distressing; scarcely any of them could stand on their legs from cramp and evident starvation. The space allowed for the Females, 34 in number, was even more contracted than that for the Men, measuring only 9 feet 4 inches in length, 4 feet 8 inches main breadth, and 2 feet 7 inches in height; but not being confined in irons, and perhaps allowed during the day to come on deck, they did not present so distressing an appearance as the former. B. M. KELLY.

No. 4.—Governor Mac Carthy to Earl Bathurst.

My Lord, *Sierra Leone, 6th September,* 1819.

I had the honour of receiving, on the 4th instant, by His Majesty's Gun-brig *Snapper,* your Lordship's Letter of the 29th of July, signifying to me the commands of His Royal Highness the Prince Regent, that I should take immediate steps for conveying the French Schooner *Sylph,* if within the limits of my government, to the nearest French Port; and I have to state, in answer, that Captain Hunn, on being informed that no Instructions had been received here as to the trial of French Vessels trading for Slaves, deemed himself authorized to land here the greatest proportion of the Crew of that Vessel, who solicited to be permitted to avail themselves of such opportunities as might offer, to return to Guadaloupe or the West Indies; and took under his charge the *Sylph,* with the Master, and, I believe, a few Sailors. The Officers and Men landed here have long since returned to the West Indies. No proceedings were taken in the Court of Admiralty; the Slaves, only, were disposed of in the manner stated in my Letter of the 25th of February. I have the honour to be, &c.

Earl Bathurst, K. G. C. MAC CARTHY.

No. 5.—Governor Mac Carthy to Earl Bathurst.

My Lord, *Sierra Leone, 17th February,* 1820.

I beg leave to inform your Lordship, that Captain Leeke, of His Majesty's Sloop *Myrmidon,* arrived in these Roads on the 8th instant, from a cruize to the Gallinas, and brought with him 5 Vessels, taken in or near that place, viz. a Privateer or Pirate, under the Venezuelan Flag, with 2 Spanish Slave Vessels, plundered by the Pirate; a Portuguese Vessel, with 1 Slave; and a Schooner under French Colours, with 104 Slaves. I received at the same time a Letter from Captain Sandilands, commanding His Majesty's Sloop *Morgiana,* who had taken

the latter Vessel. I have the honour to transmit herewith enclosed, Copies of the Letter alluded to, and of the 2 Documents to which it refers, proving that these Slaves were procured and sold to the Master of the French Vessel, by a Man of the name of Kearney, who has resided in this Colony since the evacuation of Senegal, and carried on his trade under the British Flag.

I also enclose Copies of a Letter addressed to me by Capt. Leeke, and my Answer to the same; and lastly, the Copy of a Letter written to me by the Mate of the French Schooner (the Master having remained at the Gallinas) protesting against the detention of his Vessel.

Commodore Sir George Collier appearing to concur in opinion with Captain Leeke, it is at present proposed, though not finally decided, that the Slaves be landed here, and the Vessel sent with all the necessary proofs to Senegal.

I humbly trust that, under all the circumstances of the case, your Lordship will approve of the measure.

I have further to observe, that by information I obtained 10 days ago, from one of the principal Inhabitants of the Colony, lately returned from the Rio Nunez, there are now 2 Vessels trading for Slaves under the French Flag, in that River: that several have been employed in the same traffic, in the Rio Pongas: that it is well known in the Gambia, that several small Craft from Goree are continually employed in that illegal manner, between Cape de Verd, Bissagos, and Cacheu, and as none of His Most Christian Majesty's Men-of-war are either stationed or cruizing in these Latitudes, the French Slave-trade is increasing and must increase.

For further information on that subject I beg leave to refer to Capt. Strong, lately promoted to the rank of Post, from the command of the *Morgiana*, who returns to England, and who was particularly zealous and successful during the time he served on this Coast.

I have the honour to be, &c.

Earl Bathurst, K. G. C. MAC CARTHY.

(Inclosure 1.)—Captain Sandilands to Governor Mac Carthy.

SIR, *H. M. S.* Morgiana, *off the Gallinas, 25th Jan.* 1820.

BEING informed that a Person of the name of J. O. Kearney, resident at the Gallinas, is in the habit of visiting Sierra Leone, I have the honour of transmitting to your Excellency, the Copy of a Contract entered into by him and others, with the Captain of the French Schooner *La Marie*, detained for adjudication by His Majesty's Sloop *Morgiana;* also a Letter of Instructions issued by him to the said Captain, which will, I have no doubt, clearly point out to your Excellency the interest he has in the Vessel, and the active and direct part he has taken in

procuring and putting her Slaves on board, thereby subjecting himself to all the penalties of the Acts of Parliament prohibiting His Majesty's Subjects being engaged in the Slave-trade.

I have the honour to be, &c.

Governor Mac Carthy. ALEX. A. SANDILANDS.

(Sub-Inclosures.)—Contract between Mr. J. O. Kearney and the Captain of La Marie, *and Instructions from Mr. Kearney to Captain Guiot.* (See page 811.)

(Inclosure 2.)—Captain Leeke to Governor Mac Carthy.

SIR, *H. M. S.* Myrmidon, *Sierra Leone*, 13*th Feb.* 1820.

HAVING arrived in this River with several Vessels detained by me, and having communicated with Sir George Collier, upon the subject of the motives which induced me to examine, and ultimately detain, the Schooner *La Marie*, under French Colours, with a cargo of Slaves shipped by Mr. Kearney, a British Subject, at the Gallinas, I have, in conformity to his opinion, to request your Excellency will assist me with the opinion of His Majesty's Law Officers, upon the propriety of landing the Slaves immediately, in order to guard against disease and contagion, several of them being very ill.

In order to enable your Excellency to form a proper opinion of the Case, I beg leave to submit to you the following facts, observing, that in the Case of the *Sylph*, French Schooner, captured by His Majesty's Sloop *Redwing*, His Majesty's Government has directed the Vessel and stores to be sent for adjudication to the nearest French Port, together with such proofs as can be produced of her having violated the Laws of her Country, in order to her being tried for the same, thereby implying the illegality of the proceedings of the French Master of the *Sylph*, a line of conduct I understand intended to be pursued by the Commodore.

The Schooner *La Marie* being at anchor off the River Gallinas, in the midst of 6 Spanish Vessels, fitted for the traffic in Slaves, naturally gave cause for suspicion that she was intended for the same purpose; and as I had been twice before deceived by Spanish and other Vessels making use of the French Flag to evade their being searched, I was induced in consequence to give orders that she should be boarded, and upon examination she was found to have a cargo of 104 Slaves on board; and her Documents clearly proving that they were the property of a British Subject, J. O. Kearney, now residing at the Gallinas, as I have before stated, was the reason for my having deemed it necessary to detain her.

I have the honour to be, &c.

Governor Mac Carthy. HENRY S. LEEKE.

(Inclosure 3.)—Governor Mac Carthy to Captain Leeke.

SIR, *Government House, Sierra Leone, 14th Feb.* 1820.

I HAD the honour of receiving your Letter of the 13th instant, requesting me to assist you with the opinion of His Majesty's Law Officers, with respect to the landing of the Slaves from the Schooner *La Marie*, taken under French Colours, with a cargo of Slaves, shipped by Mr. Kearney, a British Subject, at the Gallinas.

I have to state in answer, that, understanding that the King's Advocate (the only Law Officer to whom I could apply for an opinion on that Case) has been retained by you as Proctor, I conceive it might be irregular of me to ask of him a legal opinion on that point; but, at the same time, I have no hesitation in stating, that I fully concur in the propriety of those Slaves being immediately landed, not only to prevent disease and contagion, but to release them from that state of suffering and misery under which they now labour.

I will further observe, that in the case to which you refer, of the *Sylph*, taken by Captain Hunn, of His Majesty's Sloop *Redwing*, on an application from that Officer, I readily consented to the Slaves being landed, and that under my directions they were placed in one of the Towns established for that description of People; that having reported to Earl Bathurst the line of conduct I had followed, his Lordship signified to me the commands of His Royal Highness the Prince Regent "to take immediate steps for conveying the said Schooner *Sylph*, if within the limits of my government, together with her Crew, and such effects as she might have on board, to the nearest French Port, in order that, on her arrival there, she might be delivered over to the French Authorities, together with such proofs as might be necessary to enable them to proceed against the Parties who might have been found guilty of having violated the Laws of their Country; and to transmit Home, Copies of the proofs which I might have delivered to the French Authorities respecting those Persons."

The Case of the *Sylph* was comparatively innocent when compared to that of the *La Marie*. The *Sylph* had taken her Slaves near Benin; the *Redwing* fell in with her near the Cape de Verd Islands. The Master of the *La Marie* framed his engagement with a British Subject for Slaves, in the month of November last, well knowing at the time, I have no doubt, that J. O. Kearney had an established residence at Kent, near Cape Shilling; that he was provided with Colonial Papers for navigating his Craft; that those very Slaves were to be procured, if not from this Colony, at least from the very borders of it, and by a British Villain, exerting the means afforded him from his residence at Kent.

I have the honour to be, &c.

Captain Leeke. C. MAC CARTHY.

(Inclosure 4.) — The Mate of the French Schooner La Marie *to Governor Mac Carthy.*

MONS. LE GOUVERNEUR, *Sierra Léone, le 14me Février,* 1820.

J'AI été à Galinas par la Corvette Anglaise la *Morgiane,* et conduit ici par la Corvette le *Myrmidon,* Capit^e^ Leeke, malgré mes protestations; depuis mon arrivée on est venu prendre le nombre des Noirs qui sont à bord, et il m'a été dit qu'on les descendroit à terre pour les garder, et qu'on m'enverroit avec la Galiote en France ou à Gorée pour être jugé.

Votre Excellence n'ignore pas que les Batimens François ne peuvent point être visités, et que le Commandant de la Corvette, qui m'a nuit a agi contre les Traités qui existent entre les deux Gouvernemens; elle n'ignore pas non plus que je ne suis pas justifiable des Autorités Angloises; et qu'en supposant qu'on m'ait dit vrai à l'égard de descendre à terre des Noirs, et au renvoi de la Galiote, je ne vois pas pourquoi on feroit une différence entre ces deux objets.

Si la Cour de Justice de Sierra Léone est incompétente pour juger la Galiote, il s'ensuit qu'elle ne peut pas non plus juger la cargaison, car je ne peux pas que maintenir arbitrairement les Noirs.

Un retard prolongé pouvoit préjudicier encore aux intérêts des Armateurs; je prie votre Excellence de faire exécuter à mon égard les Traités qui existent entre Sa Majesté Britannique et Sa Majesté le Roi de France. J'ai, &c.

S. E. Le Gouverneur Mac Carthy. A. LEPILLITIER.

No. 6.—Governor Mac Carthy to Earl Bathurst.

MY LORD, *Sierra Leone, 6th March,* 1820.

REFERRING to the Letter I had the honour of addressing you on the 17th ultimo, reporting the circumstance of Captain Leeke, of His Majesty's Sloop *Myrmidon,* having brought into this Harbour a Schooner under French Colours, the *La Marie,* with 106 Slaves, which Vessel had been taken by him in company with His Majesty's Sloop *Morgiana* off the Gallinas; I have to state that the Slaves were landed here, and sent to one of the new towns (Waterloo). As it appears that the Slaves were procured by a British Subject of the name of Kearney, late a Resident of this Colony, Captain Leeke has entered an action against the Master in the Court of Vice Admiralty; and on his return from a cruize off or in the Rio Pongas, for which place he sailed on the 23rd past, he proposes taking the French Vessel under his escort to Senegal, there to be disposed of agreeably to the French Laws.

I have employed some trusty Persons in order to apprehend, if possible, the Ruffian Kearney, and should I succeed, I will send him for trial to England. I cannot but regret that a Commission is not established here, for the trial of such British Subjects as are found in Slave Vessels, or may hereafter be taken in the adjoining River. I

am sorry to say, that I have the most positive evidence that 3 British Subjects were actively engaged in that manner very lately in the Rio Pongas; 2 in the Rio Nunez, and J. O. Kearney in the Gallinas.

I have the honour to be, &c.

Earl Bathurst, K. G. C. MAC CARTHY.

No. 7.—Governor Mac Carthy to Earl Bathurst.

My Lord, *Sierra Leone, 8th March,* 1820.

I HAVE the honour of transmitting herewith enclosed, the Copy of a Letter I received this day from Commodore Sir George Collier, stating his having detained the French Schooner *La Catherine,* with 50 Slaves on board; that Vessel has arrived in this Harbour under the convoy of His Majesty's Gun-brig *Thistle,* and I propose, agreeably to the request of the Commodore, with whose opinion I fully concur, to have the Slaves landed to morrow. On the arrival of the *Myrmidon,* which I expect daily, I hope her Commander will take charge of her as well as of the *La Marie,* alluded to in my Letter of the 6th instant, and deliver both to the French Authorities at Senegal, with all documents relating to them. I have the honour to be, &c.

Earl Bathurst, K. G. C. MAC CARTHY.

(Inclosure.)—*Commodore Sir G. R. Collier to Governor Mac Carthy.*

SIR, *H. M. S.* Tartar, *off Cape Mount, 28th Feb.* 1820.

As I consider it highly important to check, as much as possible, the increasing Slave-trade now carrying on under the Flag of France, almost upon the shores of this Coast under your Government, I have detained and sent into the Port of Sierra Leone the French Schooner *La Catherine,* (having on board a part of her cargo, 50 Slaves, procured in the vicinity of the Gallinas) in order to her being conveyed to the nearest French Authorities, to be proceeded against for a gross violation of the Laws of her Country.

I am therefore to request your Excellency's assistance, together with the opinion of His Majesty's Law Officers, in order that steps may be taken to ensure the liberation of the Slaves now on board the *Catherine.*

The many Vessels under the French Flag openly Slaving upon this Coast, render it absolutely necessary that these violaters of the Laws of their Nation should be sent to answer for the same before the proper French Authorities; I am therefore to request that any additional proofs against them which can be procured, through the means of your Excellency and His Majesty's Law Officers, may be transmitted to Captain Leeke, who has my instructions to deliver the *Catherine* over to the French Authorities in Africa. I have &c.

Governor Mac Carthy. GEORGE R. COLLIER.

N.B. I have every reason to believe that Mr. J. O. Kearney has been concerned in this transaction, as well as in many others. G.R.C.

No. 8.—Governor Mac Carthy to Earl Bathurst.

My Lord, *Sierra Leone, 27th May* 1820.

I HAVE the honour to inform you, that Lieutenant Hagan, commanding His Majesty's Gun-brig *Thistle,* returned to this Harbour, from a cruize, about 7 P. M., on the 9 instant, and that Captain Leeke having communicated to me on the same evening the Report of that Officer, detailing the horrid atrocities and murder committed upon the person of a Midshipman, and several of the Crew of 1 of his Boats, whom he had dispatched in the Rio Pongas, for the purpose of claiming the property of a British Merchant, settled at the Isles de Loss (Copies of Lieutenant Hagan's Letters are enclosed) I deemed it my duty to offer every assistance in my power to rescue from captivity the unfortunate survivors of that Boat. The outrage was committed by a Mulatto Man, of the name of Curtis, a principal Slave-dealer in that River. That man, his Brothers and late Father, have, since I held the Government of Sierra Leone, taken the Oath of Allegiance, and repeatedly declared that they would give up Slaving.

I herewith enclose a Copy of my Letter to Captain Leeke. On his having expressed his concurrence in my opinion, no time was lost in embarking the Troops, and the Expedition was held in readiness to sail on the 11th. Sir George Collier arrived on the evening of the 10th, after a short passage from Ascension; and I have great satisfaction in his expressing, after a full and mature consideration on the subject, his approbation of the measures adopted in his absence: the Expedition accordingly sailed on the 12th, and returned here on the 23rd instant, after performing with promptitude and ability, the principal object we had in view.

I feel it a pleasing part of my duty to state, that, in that instance, and in every other that has occurred to promote the good of the service, I have obtained from Sir George Collier the most effectual assistance and good advice.

Captain Chisholm, who commanded the Land Forces, bears the most flattering testimony to the zeal and gallantry of Captain Leeke, and the whole of the Officers and Men belonging to the Royal Navy engaged in the Expedition, and I sincerely hope, that the conduct of Captain Chisholm, (whose Report I herewith enclose), and the Officers and Men of the Second West-India Regiment will meet with your approbation.

I cannot conclude without expressing my most sincere regret at the cause which, in my opinion, imperiously called for such an Expedition. I deemed it a duty incumbent upon me to offer the assistance of British Soldiers to rescue British Sailors. I shall not fail to convey to Mr. Osmond my approbation of his conduct; and to assure him that, in consequence of his humanity in the present case, I shall

readily forget that he had sworn allegiance before, and yet carried on the Slave-trade.

I enclose Copy of my Instructions to Captain Chisholm.

I have the honour to be, &c.

Earl Bathurst, K. G. C. MAC CARTHY.

(*Inclosure* 1.)—*Lieutenant Hagan to Captain Leeke.*

SIR, *H. M. B.* Thistle, *Sierra Leone, 9th May*, 1820.

IN the absence of Commodore Sir George Collier, I beg to inclose the Copies of certain Letters and other Documents connected with the proceedings of His Majesty's Brig under my command, and I have no doubt you will see the necessity of an early interference on the points in question, not only for the honour of His Majesty's Flag, but for the recovery of the property therein named.

I have the honour to be, &c.

Captain Leeke. R. HAGAN.

(*Inclosure* 2.) *Lieutenant Hagan to Commodore Collier.*

SIR, *H. M. B.* Thistle, *off Isles de Loss, 8th May*, 1820.

HAVING visited the Rio Pongas, in conformity to your orders, but without success, and afterwards proceeded to leeward without being able to detect any Vessels with Slaves actually on board, I returned to these Islands for the purpose of gaining information of certain Vessels supposed to be then ready. On my arrival I received a Letter from Michael Proctor, Esq. a Merchant here, complaining of the piratical seizure of his Vessel in the Rio Pongas; and this being fully substantiated by his Protest, I considered it my duty to repair there, and demand her release; for which purpose, and also to examine any Vessel in the River, I despatched, on the 4th instant, Mr. Robert Inman, Admiralty-midshipman, in whose skill, bravery, and local knowledge, I placed the firmest reliance. Copies of my Orders to that Officer, as also my Letter to Mr. Curtis, are enclosed for your information; but, with feelings of sincere regret, I have to report that Mr. Inman, in execution of his duty, fell a victim, with 5 or 6 others of the Boat's Crew, to the savage barbarity of the Natives, under the immediate orders and direction of Mr. Curtis, sen. In the absence of positive information, I am not able to detail the particulars attending this daring and atrocious violation of their wonted good conduct; but it appears too true that, after the death of the Officer, the Crew, finding a further resistance useless, laid down their arms, and then the loss which I have to lament took place:—no quarter was given by those merciless Savages, and not while one remained unhurt did they cease to pour in a most dreadful fire; 2 have, I believe, escaped, and 11 have been killed or wounded; the wounded are in the hands of Mr. Curtis; and, I hope, Mr. Wilson, a British Merchant, residing in

the River, to whom I am indebted (although at the risk of his life) for this information, will be the means of restoring them to the service.

On gaining this information, I had but one alternative; our provisions being all expended, except three days; no Pilot to carry His Majesty's Brig across the Bar, and then without the means of carrying into effect my original intention, or of retaking the Boat from them, which together with her Stores are retained; I considerit my duty to repair to Sierra Leone to report these events to you, or in your absence to the Senior Officer, for the purpose of obtaining sufficient Force to punish such a daring outrage.

I should do injustice to my feelings, were I to neglect reporting, that the most savage and horrid barbarities were committed on the bodies of the unfortunate Officer and Men who fell on this occasion; and I feel assured, unless a most prompt and severe punishment is inflicted, that, in other parts of the River, they will grasp the first opportunity for similar acts.

I have the honour to enclose the Copy of a Letter I thought necessary to address to the Chiefs on the subject, who I believe do not want the inclination to repeat them, and for no other reason than our checking the Trade in Slaves in that and the neighbouring Rivers.

I trust, Sir, you will consider that, although this event has proved unfortunate, I have only done my duty. I had every reason to believe from Mr. Proctor's Report, and from my knowledge of the Natives of that River, for 4 years or more, that no resistance would be offered to the Boat, and, in the absence of regular information, I cannot report the cause of the attack, but I have no doubt that the natives were the first aggressors. I have the honour to be, &c.

Commodore Sir G. R. Collier, Bart. K. C. B. R. HAGAN.

(Inclosure 3.)—Governor Mac Carthy to Captain Leeke.

SIR, *Government House, Sierra Leone, 9th May,* 1820.

HAVING read the Report of Lieutenant Hagan, which you did me the honour to communicate to me,—at the same time that I must declare my inability of expressing, in appropriate terms, my painful feeling on a transaction as surprising to me as it is horrid,—I deem it a joint duty to the Public Service, with you and the Naval Force under your command, to propose that we adopt prompt and adequate measures, in the first instance, to release from a situation worse than slavery the unfortunate surviving Sailors in the hands of that villainous wretch Curtis, and to bring that Culprit, and all those who have been implicated in his murderous deed, to Trial.

I most sincerely regret the absence of Commodore Sir George Collier, being thoroughly convinced of the great advantage the service would have derived from his experience and transcendant abilities; but I confidently believe that the urgency and importance of the

occasion, the necessity of administering relief to British Sailors, to uphold the honour and dignity of our Nation, and the uncertainty as to the day of his return here, joined to the persuasion that we possess ample means to meet the occasion, will appear to him and His Majesty's Government sufficient cause to act, even in his absence: with these views I have the honour to offer you all the Military assistance I can spare from the duties of the Garrison, that is, 4 Officers, and about 150 Bayonets. The command of that Force I will entrust to Captain Chisholm, Brigade-major to the Forces, an Officer in whom, from long experience, I repose great confidence.

The object of the expedition being already understood, I would propose that Instructions be given to the Sea and Land Officers accordingly; that is, securing, by every means that can be devised, the seizure of the Persons of Curtis and all those who were implicated in his crime, with the whole of the Slaves in their possession; and, at the same time, that it may be fully declared and made public, that British protection will be granted to the persons and property of the Natives, or other persons residing in that River, who were not engaged in the attack on the Boat of the *Thistle*.

This public declaration may be rendered the more necessary, as from the inimical perseverance of the Natives and persons alluded to, in the traffic in Slaves, notwithstanding the repeated promises held out, both to my predecessor Governor Maxwell, and myself, of turning their views to an honest industry, they might be led to suppose that the object of the expedition was to chastise them for the violation of their oath.

Curtis and his late Father and Brothers, came into this Colony in 1815 and 1816; they claimed the rights of British Subjects. The Father was born near Boston, N.A. in the year 1774, prior to the revolution; they all took the Oath of Allegiance, and therefore, are to be considered as murderers, in arms against their Country.

I have the honour to be, &c.

Captain Leeke. C. MAC CARTHY.

(Inclosure 4.)—Instructions for the guidance of Captain Chisholm, Brigade-Major to the Forces, commanding the Troops intended for an Expedition in the Rio Pongas. (See Page 828.)

(Inclosure 5.)—Captain Chisholm to Governor Mac Carthy.

H. M. Brig, Snapper,

SIR, *Rio Pongas, 19th May* 1820.

THE 3 Companies of the 2nd West-India Regiment ordered for service in this River, and which you did me the honour to place under my command, embarked on board His Majesty's Sloops *Myrmidon* and *Morgiana*, and Brigs, *Snapper* and *Thistle*, at Sierra Leone, on

the 10th instant. Captain Leeke having received his Instructions from Commodore Sir George Collier; on the morning of the 12th, the Squadron put to sea, and arrived off the mouth of this river on the 15th.

As there was not a sufficient depth of water to float the Ships over the Bar, their boats with the Marines and Troops on board of them, were removed to the Brigs, and those Vessels continued approaching the Bar until the lateness of the evening rendered it necessary to come to anchor. We entered the River on the following morning, and on our arrival at the Forks, a Canoe was dispatched with a letter (a Copy of which is annexed,) to the native Chiefs and Traders, declaratory of our wish to treat with them for the release of the surviving Crew of the Boat of His Majesty's Brig, *Thistle*, and the restoration of the said Boat, her arms, stores, &c. This letter was sent to Mr. Wilson, lately residing at Sierra Leone, und now trading in this River, with a request that he would deliver it, or communicate its contents, to Persons of influence in the vicinity of his factory; and as the man who was intrusted with its conveyance did not arrive on the succeeding morning, although positively instructed to return to the Vessel without delay, Captain Leeke and myself thought a longer stay for an answer from the Chiefs would be improper; we therefore made arrangements for proceeding direct to the Town, where the attack was reported to have been made on the boat of the *Thistle*.

We received information that Curtis had obtained considerable aid in men and arms from the neighbouring Chiefs, and that he was prepared to offer an obstinate opposition to our landing. Captain Leeke, in consequence of this intelligence, brought the Brigs as near his Town as possible, and armed most of the Boats with carronades to cover the landing of the troops. He also directed the Marines of the Squadron to act under my orders, and placed parties of Seamen in the Boats under their respective Officers. It was originally his intention to have conducted in person the movements of the Boats to the landing-places; but on discovering a body of Curtis's men preparing to fire at the farthest advanced Brig, from a mud fortification mounting several guns and advantageously situated on a commanding height, he intimated to me that he would continue on board of her to superintend her firing, with that of the other Brig, against the fort, observing that he hoped by doing so to engage the attention of a considerable number of men, and thereby facilitate our landing.

Supposing that the appearance of so considerable a force as now approached Curtis Town, would induce the natives to enter into a negotiation for the release of the Seamen in their custody, and the surrender of the person of Curtis, the Boats advanced under a Flag of truce, and precautions were taken to prevent firing, or other acts by which the natives could be alarmed; and from their having (on our

hoisting the truce) exhibited a white Flag at their Fort, we had reason to believe that they comprehended its signification. The signal and our forbearance were however totally disregarded, for immediately on the arrival of the Boats at the landing-place, a heavy fire commenced from the fort, and from parties of men posted in very thick mangroves close to the wharf; this was instantly returned on our side, and the whole of the men being landed, the Enemy was compelled to retire to a palisade erected in front of the Town. From behind this covering they continued to oppose our advance, but were soon dislodged, and, being closely pursued, retreated through the Town to a wood in its rear.

Having taken possession of the Town and Fort, and waited some time, in expectation that some of the natives would attempt to save their property from destruction, by making advances towards an accommodation, Captain Leeke (who landed immediately on the Fort being silenced,) and myself, determined on destroying the stockades and palisades surrounding the Town, burning the houses, razing the Fort, and removing the Cannon from it to the Vessels of war; and on this being done, it was agreed that the troops should proceed to the attack of the adjoining Towns in alliance with Curtis. During the execution of this service, I made frequent attempts to invite the natives to a conference, but my endeavours proving fruitless, their towns were burnt, agreeably to the arrangements made in conjunction with Captain Leeke, and the troops returned to the Ships.

The Gentleman (Mr. Wilson) to whose care we intrusted the Letter addressed to the Chiefs and Traders, on the 16th came on board of this Vessel, soon after our re-embarkation, and it appearing by his statement that Mungo Braima, a Chief of considerable power, residing about 4 miles from Curtis Town, was the principal encourager of the attack on the *Thistle's* Boat, and the person at whose command the wounded prisoners were so inhumanly treated at their surrender, Captain Leeke and myself thought it probable that the few surviving Seamen might be still in his Town, and it was therefore determined that the troops should visit it early in the morning, with the view of demanding their release; and in the event of the people acting hostilely towards us, it was decided that they should be considered as Confederates of Curtis, and their persons and property be dealt with accordingly.

The town is situated in the middle of an extensive wood, and as we were exposed during our march to a very heavy fall of rain, and being without guides, we found much difficulty in discovering it. We saw but few of the Inhabitants; but from their being armed, and having attempted resistance, I have great reason to believe that they expected, and fully depended on, the co-operation of a considerable body of men, much more numerous and powerful than themselves; they suffered considerably from our fire, and when we occupied the Town they withdrew into the woods. As it was not possible to get any intelligence of

the men we were in quest of, I directed the houses, &c. to be set on fire, and a large quantity of merchandize (principally the property of Curtis,) was destroyed.

In the course of the operations of this day, and those of yesterday, a Corporal of Marines died of excessive fatigue, and one private of marines, and 2 privates of the 2nd West-India Regiment, were wounded.

Shortly after our return to the Ships, we had the satisfaction of obtaining the release of 2 of the Seamen of the *Thistle*, through King Yanda Coney, who, becoming anxious for the safety of his Town, insisted on their liberation. The 4 remaining Seamen were secured from the power of Curtis, through the good offices of Mr. Wilson; and the protection of a Mr. John Ormond, one of the principal traders in a distant part of the River. A boat was despatched for them by Captain Leeke, and we had the pleasure of receiving them on board at an early hour this morning. The principal object of the expedition being accomplished, by the restoration of these men to the service of their country, and the punishment of the Savages who so barbarously put their comrades to death after their surrender, the Squadron is to return to Sierra Leone without delay.

I feel great pleasure in reporting to you, that the behaviour of the troops has been highly satisfactory to me. The conquest of a large district of woody country, defended by an armed body of men, which the neighbouring inhabitants say exceeded 3,500, and the destruction of several towns, with an inconsiderable loss on our side, is to be ascribed to the resolute conduct of the conjoined forces in the attack on Curtis Town.

I cannot close this Report, without expressing my sense of the advantages which the expedition derived from the zeal and experience of Captain Leeke. His arrangement for the landing of the troops, and the co-operation of the Boats' crews, are highly creditable to him, and the firing from the Ships of War, under his immediate directions, produced the effect he anticipated.

It is but justice to Captain Stepney, and the other Officers, who acted immediately under my orders, to state that I received great assistance from them; and the Officers of the Navy who acted in conjunction with me on shore merit my warmest thanks for their zealous support.

I annex Copies of a Letter received from Mr. Ormond, and its Inclosures, and Copies of Letters addressed by Captain Leeke and myself to King Yanda Coney and Mr. Ormond; and I deem it my duty to bring to your notice, the praiseworthy conduct of the latter person, in affording protection to the 4 Seamen when pursued by Curtis.

I have the honour to be, &c.

Governor Mac Carthy. JAMES CHISHOLM.

(Inclosure 5 A.)—Captains Leeke and Chisholm to the Chiefs and Traders of the Rio Pongas.

H. M. B. Snapper, *in the Rio Pongas, 16th May,* 1820.

THE Commanding Officers of His Britannic Majesty's land and sea forces in the Rio Pongas, promise their most sacred words of honour that they will guarantee the protection and safety of the persons of as many of the Chiefs of this Country as will immediately show a disposition to meet them on board one of His Majesty's Ships now in this River, for the purpose of bringing to a speedy conclusion the misunderstanding between His Majesty the King of Great Britain and the persons concerned in the late atrocious attack upon the Boat of His Majesty's Brig *Thistle.*

HENRY J. LEEKE,
JAMES CHISHOLM.

The Chiefs and Traders of the Rio Pongas.

(Inclosure 5 B.)—Mr. Ormond to Captains Leeke and Chisholm.

SIRS, *Bangalang, 17th May,* 1820.

YOUR'S I have just received through the hands of Mr. Wilson; have only to say that it is out of my power to appear on board agreeable to your wish, in consequence of having protected the 4 men which made their escape from below, as I must be at present on my guard from those who demanded the men from me (the letter of which you will receive inclosed).

I hope you are informed that I have no animosity against the British Government, and do assure you that there is no person or persons in my quarter that is ill disposed towards you; and I hope you will excuse me from making my appearance according to your request, for the 4 men that is now under my protection is at your command whenever you please.

Remain, Gentlemen, yours, &c.

The Commanding Officers of His Britannic Majesty's Land and Sea Forces in the Rio Pongas.

JOHN ORMOND.

(Inclosure 5 C.)—Mr. Curtis to Mr. Ormond.

SIR, *Kissing, 12th May,* 1820.

BY the Bearer I expect you will deliver the 4 men which I understand are in your possession. I want no further hesitation than their immediate release, as I wish no dispute with you; but in case of your refusal expect what your deserts merit. Further, you need not expect to clear yourself by another's actions; look back to your own, and reflect. If the detention of these men will be sufficient to evade former transactions you are best able to judge. I cannot conclude without reminding you of your temerity and unfriendly behaviour in this affair; and again, compliance to my former desire is immediately requested.

Mr. John Ormond.

THOMAS G. CURTIS.

(Inclosure 5 D.)—Captains Leeke and Chisholm to Mungo Yanda Coney, Chief in the Rio Pongas.

SIR,

THE greatest proof you could have given of your friendly disposition towards His Majesty the King of Great Britain, was received by us this morning, in the persons of two of his subjects who were wounded, taken, and cruelly treated, by that infamous villain Curtis. We came into this River for the express purpose of releasing from a horrid captivity the surviving Crew of the Boat of His Majesty's Brig *Thistle*, and were proceeding to destroy the rest of the Factories and Towns, when your kindness restored those men to us, and prevented the destruction which must have ensued. As a further proof of your friendship towards our Nation, we have to request that you will have the person of Curtis seized and sent to Sierra Leone, without loss of time; as well as the whole of the Stores belonging to His Majesty; together with the Sloop and Property belonging to Mr. Proctor, which was seized by the said Curtis. We hereby promise, on the behalf of the British Government, that the whole of the Expenses incurred by you in executing these our wishes will be instantly repaid by the Governor of Sierra Leone.

Mungo Yanda Coney, Chief in the Rio Pongas.

HENRY J. LEEKE,
JAMES CHISHOLM.

(Inclosure 5 E.)—Captains Leeke and Chisholm to Mr. Ormond.

SIR, *H. M. Brig* Snapper, *Rio Pongas, 18th May,* 1820.

WE feel the greatest pleasure in returning to you our thanks for the kindness shown by you, to the 4 men who were taken by that merciless scoundrel, Curtis, from the Boats of His Majesty's Brig *Thistle*. It was our intention to have proceeded up the River, for the purpose of destroying some of the Towns and Factories in your neighbourhood; but the timely arrival of Mr. Wilson, and his favourable report of your kindness and protection to these unfortunate men, determined us, instead of acting hostilely towards you, to have paid you a friendly visit, with a view of making known our acknowledgments in person for your good offices towards them, and to assure you, at the same time, of the friendly disposition of the British Nation towards the Native Chiefs and Traders of Africa. We have sent this by an Officer of His Majesty's Sloop *Myrmidon*, accompanied by Mr. Wilson, who will receive the 4 men; at the same time you will oblige us by sending an account of the Expenses incurred by you for their maintenance.

HENRY J. LEEKE,
Mr. John Ormond. JAMES CHISHOLM.

P. S. Will you have the goodness to make known to the Native Chiefs and Traders of this River, our wish to remain on the most friendly terms with them; and that we are desirous to assist their legal trade in every possible way. It is gratifying to observe that none of the Chiefs in your part of the Country have taken the part of those

cowardly wretches the Curtis's. We should have extreme pleasure at seeing them on board, where we could explain our wishes to a greater extent.

HENRY J. LEEKE.
JAMES CHISHOLM.

Mr. J. Ormond.

No. 9.—Governor Mac Carthy to Earl Bathurst.

My Lord, *Sierra Leone, 13th June,* 1820.

I have the honour of transmitting herewith, inclosed, the Copy of a Letter addressed to me by the Honourable Edward Fitzgerald, Chief Justice of the Colony, and Judge of the Vice-Admiralty Court, with the Paper to which he alludes, as also the Documents referred to in the same, I have the honour to be, &c.

Earl Bathurst, K. G. C. MAC CARTHY.

(Inclosure.)—Edward Fitzgerald, Esq. to Governor Mac Carthy.

Sir, *Sierra Leone, 2d June,* 1820.

The Paper which accompanies this Letter is a Statement of a Case lately tried in the Vice-Admiralty Court of this Colony, upon the prosecution of Captain Leeke, of His Majesty's Sloop *Myrmidon*, and Captain Sandilands, of His Majesty's Sloop *Morgiana*, proceeding against 106 Slaves, as liable to forfeiture to His Majesty, under the Act 46 Geo. 3. Cap. 52. Sect. 2, having been embarked by one John Ouseley Kearney, a subject of His Majesty and a resident of this Colony, on board the French Schooner *La Marie*, destined to the Island of Martinique.

The transaction took place at the Gallinas, a place not subject to any authority of this Colony, or of the British Crown.

The Master of the Vessel having bartered the whole of his Cargo, for 105 Slaves, to Kearney and another, and having made a delivery of the whole, prior to the embarkation of the Slaves, my opinion was, that the Slaves, when delivered in return, were, with all the liabilities affecting them, the property of the Master of the French Vessel, and therefore not capable of being judicially forfeited to the British Crown, according to the tenor of the information in this Case, and of the Statute upon which it is founded.

This decision was, as the Statement of the Proceedings will show, resisted very strongly by Captain Sandilands, on the part of the prosecution; and continues to be unsatisfactory to him, as well as, probably, to most others of those interested; although from the circumstance of having no other party opposed to them, and therefore having to encounter all the costs of an Appeal, without the prospect of relief, they are not disposed to adopt such a measure.

I am extremely concerned that any difficulty should stand in the way of the reconsideration of any Judgment of mine, or of its correction, if it should be erroneous; and therefore, as the only remaining course to attain that object in the present matter, I have to request, Sir, that you transmit the Statement to Earl Bathurst, in the hope that

his Lordship will be disposed to place it before the Lords Commissioners of His Majesty's Treasury, with a recommendation that their Lordships, if they should be advised that the Judgment is erroneous, would take measures to have it reversed by consent, or otherwise to cause the Prosecutors to be admitted to the benefit of the bounties from which they are excluded by it. I have the honour to be, &c.

Governor Mac Carthy. EDWARD FITZGERALD.

(Sub Inclosure 1.*)—Introductory Statement, respecting the French Schooner* La Marie.

THE French Schooner *La Marie,* Guiot, Master, was found at anchor off the Gallinas, on the 25th of January, 1820, by His Majesty's Sloops *Myrmidon,* Captain Leeke, and *Morgiana,* Captain Sandilands. *La Marie* had on board at the time 106 Slaves; and it was ascertained, by inspection of the Papers belonging to her, that these Slaves had been sold and put on board by one John Ouseley Kearney, a British Subject, and an Inhabitant of the Colony of Sierra Leone. The Schooner was in consequence detained, and sent to Sierra Leone, where the Slaves were landed, and placed in the Establishments for liberated Negroes in the interior of the Colony. The Schooner was subsequently conveyed to Goree, the nearest French Settlement, for the purpose of delivering her to the Authorities of that place.

Case and Proceedings.

The Slaves landed at Sierra Leone from *La Marie,* 106 in number, were libelled in the Court of Vice-Admiralty of the Colony, as seized and prosecuted by Captains Leeke and Sandilands, by D. M. Hamilton, their Proctor, for forfeiture under the Act 46 Geo. III. Cap. 52, Sec. 2. The information consisted of 3 Counts:

The first Count alleged that the said Slaves were, "by one John Ouseley Kearney, a Subject of His Majesty, and a resident of the Colony of Sierra Leone, being then and now a Territory belonging to and in the possession of His said Majesty, unlawfully shipped, embarked, and put on board the said Schooner or Vessel, with the intent of exporting, transporting, carrying, conveying and sending them, the said Slaves, to St. Pierre, in the Island of Martinique; the said Island of Martinique being an Island, Colony, Plantation, Territory or Place, under the Dominion of His Most Christian Majesty, the King of France, or some other Foreign" &c.

The second Count was, that the said John Ouseley Kearney did cause and procure the said Slaves to be embarked.

The third Count was, that the said John Ouseley Kearney did unlawfully aid and assist in embarking, &c.

No claim was given in.

The cause came on to be heard on Friday the 28th day of April.

In support of the prosecution, a number of Papers were exhibited belonging to those found on board the Schooner at the time of her detention. These Papers were the latter part of a series beginning with No. 12, continued with No. 13, deficient of No. 14, resumed with No. 15, No. 16, No. 17, and No. 18, with which the series closed.

The Papers No. 15, No. 16, No. 17 and No. 18, were the only Papers brought distinctly under the notice of the Court, being those alone which were material to the case of the prosecutors. These 4 Papers were proved by the oaths of Joseph Reffell, Esq., Sheriff of the Colony of Sierra Leone, and of Thomas Carew, Esq., Justice of the Peace of the Colony, and one of the Aldermen of Free Town, to be either in the whole or in every material part, (that is, with the exception of the numbering and indorsement, and with the exception of an inventory on the back of No. ,) all in the hand-writing of John Ouseley Kearney.

The same Gentlemen proved Kearney to be a British Subject.

In the succession of Papers proved by those Gentlemen, of which Copies are annexed;

No. 15 is an acknowledgment of a debt of 3 prime Slaves to Captain Guiot, for 26 musquets, and of 1 other for 2 *(espingoles.)*
17*th December*, 1819. J. O. KEARNEY.

No. 16, dated Gallinas, 3d December, 1819, contains an inventory of the goods composing the cargo of the Schooner *La Marie;* with an estimate of the value, calculated in the African trade-currency, of bars. The whole written in bad French, with a Receipt in the following terms: Reçu, pour Mr. Sheacker,
J. O. KEARNEY.

No. 17, Articles of agreement, by which Kearney and a well-known Slave-dealer called Mr. Sheacker, agree to purchase the whole of the cargo of the Schooner *La Marie* for 105 Slaves; Guiot the Master agreeing on his part to pay the whole of his cargo for the said Slaves. The whole of the above to be paid in 42 days. Signed J. O. Kearney; and signed for Mr. Sheacker, J. O. Kearney, V. Guiot.

This Paper is written in English, and dated Gallinas, 25th November, 1819.

No. 18, Is a Note or Letter written by Kearney to Captain Guiot, inviting him to place the Schooner in a situation more convenient for landing the cargo, and giving further directions on that subject. This Paper is written in English, and dated 26th November, 1819.

The other proofs on the part of the prosecution were contained in answers to interrogatories administered to Charles Gilman, a German Sailor, late Boatswain on board the Schooner *Marie*. The substance of his evidence was, that the Slaves had been embarked by Kearney, who had personally brought some of them in his own Boat; that they were the property of Kearney, of a Mr. Williams, and of the King at

the Gallinas. That the Deponent believes Mr. Kearney and Mr. Williams are Partners, and that Mr. Kearney is the principal. The Person named Mr. Williams is a Native Slave-dealer, well known on this part of the coast.

Here the evidence closed.

The case of the Prosecutors was not sustained by any statement or argument. The King's Advocate, D. M. Hamilton, Esq., who acted as Proctor for the Seizors, and drew up the information, and assisted with his advice out of Court, was disabled from attending in Court by indisposition. Mr. R. B. Fitzgerald, one of the junior Proctors of the Court, attended in Mr. Hamilton's place; but he also had been disabled by indisposition, and prevented from making the necessary researches to enable him to do any thing beyond the mere formal duty of moving for Judgment of forfeiture against the 105 Slaves. He made this motion, in the first instance, on the ground of the absence of defence, and of claim; and, on intimation from the Bench, that it was expected some further ground would be shown, he adverted to the unlawful acts of Kearney in embarking the Slaves, by means of which acts, he conceived, the liability of forfeiture was fully established, under the provisions of the Act of Parliament, 46 Geo. III. cap. 52, sect. 2, as specified in the libel.

The Judge said, he could not regard this as a Case in which Judgment of forfeiture should pass, as a matter of course, in the absence of claim or defence; more especially as a claim could not be attended with any beneficial result to the Claimant; for, in no event, would he be disposed to allow the Slaves to be restored into the hands of a private Individual, as private property: while, on the other hand, such a claim must have the effect of fixing on the Claimant, by his own confession and declaration, if not by his oath, an act highly criminal and severely punishable; for the act of trading in Slaves was now highly criminal, and severely punishable, by the Law of France as well as by the Law of Great Britain. He could not pronounce the Slaves to be forfeited, unless he found himself warranted by fact and by Law to do so; and in this Case he found, in the particular circumstances of the fact, as they appeared on the face of the Papers by which the prosecution was supported, as well as in the Law as applied to those facts, difficulties standing in the way of a Judgment of forfeiture, which should be removed before he could pronounce that Judgment.

Mr. R. Fitzgerald said, he was wholly unprepared, even to hear of any difficulty in the Case; his indisposition had prevented him from giving, until very lately, even the ordinary passing attention to it; and being just sufficiently recovered to venture into Court, he had come prepared only to make, on behalf of Mr. Hamilton, the motions of course, which alone were thought likely to be required.

The Judge said he would state the difficulties that he felt, and ap-

point another day to consider such information or argument as may be brought forward to remove them.

This proposal was accepted on the part of the Prosecutors.

The Judge said he had to remark, first, that there was great irregularity in the manner of bringing in the Papers in this Case, and in the way in which those Papers were at this time before the Court. The proper way of bringing them in, and carrying on the preliminary proceedings connected with them, was pointed out in a very brief and very plain manner by a very high Authority, by Sir William Scott, in pronouncing his Judgment in the Case of the *Louis;* and the instruction ought to be the more forcible in the Vice-Admiralty Court of Sierra Leone, and the more invariably attended to by those who practised there, as it was an instruction conveyed in the way of reprehension upon prior irregularity in that respect, in the practice of that very Court. The exalted Judge to whom he referred, observed, as it was stated in Dodson's Report of the Case of the *Louis:*

"What was the natural as well as legal course:—surely simple and obvious enough; for the Proctor, after lodging in the registry all the Papers found on board, and citing by monition the Party to appear, to give in a libel answering to the bill of indictment in criminal cases, stating the facts imputed, and the Law that is charged to be violated, and praying the examination of his witnesses thereon, and the Judgment of the Court upon the effect of the Documents and Testimony to be produced." In the present Case, no Papers were furnished for a long time after the libel was given in; and, when some were at length obtained, they were but a part of a defective series, beginning with No. 12, and ending with No. 18; No. 14 also being deficient. They were not accompanied by any list, nor authenticated by any Affidavit. Those which were most material, as affecting Kearney, were identified with him; but they were not identified with the Ship, either by the usual and regular proofs, or by any other. He could easily suppose that most of those Papers which were deficient, if not all of them, had been sent with the Vessel, in order to furnish proof of her violation of the Law of France, and particularly the log-book, which he conceived had the specific dates of the several distinct shipments of the Slaves, as enumerated in the information. It was desirable that any of those deficiencies, which could be remedied, should be remedied even now; and where no remedy remained, at least such explanation might be given as the nature of the case required, and as the circumstances might afford. The principal difficulty which he found, however, was in the circumstances of the property of those Slaves, such as that property was. The Papers read in support of the forfeiture bore, on the face of them, evidence of a regular bargain and sale, and of a subsequent transfer of property and possession. There were articles of agreement, viz. dated 25th November; according to which, the Master of the

Vessel sold the whole of his cargo pursuant to invoice, to Mr. Kearney and Mr. Sheacker, for 106 Slaves, to be paid in 42 days from that date. There was a Letter from Kearney, dated the 26th of November, desiring the Master to bring the Vessel nearer to the Bar, to facilitate the landing of the cargo. There was an acknowledgment of the receipt of the goods, dated the 3d of December, subscribed to a detailed inventory signed "for Mr. Sheacker, J. O. Kearney;" and there was a Paper (No. 15,) of 9th of December, by which Kearney acknowledged a debt of 3 prime Slaves for 26 musquets, and of one other for 2 (espingoles) due from Kearney himself to Captain Guiot. From this succession of dates and facts, he conceived that Kearney had received judgment in advance for 106 Slaves, and subsequently for 4 others, and consequently the property of the Slaves, when embarked by Kearney, was in the French Purchaser, and therefore they could not be liable to become forfeit to the British Crown for a violation of British Laws committed by a British Subject. The whole of the transaction, down to the seizure inclusive, having taken place beyond the range of British Colonial Authority. The Prosecutor, Captain Sandilands, expressed much dissatisfaction at the tendency of the opinion here intimated by the Judge. He was informed from the Bench, that it would be open to him to show, in the subsequent sitting on the Case, that Kearney had some actual interest in the Slaves still remaining at the time of the seizure. It would also be open to him to show, that the construction of the Act of Parliament, 46 Geo. III. Cap. 52, Sec. 2, on which the information in this case was founded, required that all Slaves embarked by British Subjects should be condemned as forfeiture, with whomsoever the property might be at the time of seizure; and that the restrained and limited condemnation, "so far as any of His Majesty's Subjects, or any Person resident as aforesaid, have or hath any property, share or interest therein," is to be considered as applied only to the Ships in which the Slaves should be unlawfully embarked.

Captain Sandilands being under orders to proceed to sea on service, without loss of time, requested that the earliest day, consistent with the convenience of the Court, should be appointed for the further hearing and Judgment. The Judge said it was a rule with him to make the convenience of parties his convenience, so far as his duty would admit; and to expedite the course of justice in every way that he could do so, consistently with the research and deliberation requisite to inform himself properly on the matter in question. In the present case, the further proceeding might be to-morrow, if the Prosecutors desired it.

On consultation, the Prosecutors thought the further Papers would not be ready before Monday: that day was accordingly fixed for the further hearing.

On Monday the 2nd of May, the consideration of the case was resumed, when some further Documents and proofs were exhibited. These were:

The original List of the Papers found on board the French Schooner *La Marie*, as they were numbered and marked by Alexander Reach, Purser of the *Morgiana*, when they were brought on board that Ship from the Schooner, at the time of her being detained. The list, beginning with No. 1, and ending with No. 19, was authenticated by the Affidavit of Alexander Reach. The Papers exhibited in Court, and others in the Registry not exhibited, corresponded, in the numbering and marking with the descriptions affixed to the same numbers in the list. Those exhibited contained all that could be supposed material to the Case of the Prosecutors.

An Affidavit, sworn by Charles Gilman, late Boatswain of the French Schooner, *La Marie*, stated that, to the best of his knowledge and belief, all the Slaves that were brought on board the French Schooner *La Marie*, were brought on board in the Boats belonging to John Ouseley Kearney, and that upon one occasion he actually conducted them himself; and that the Boats so employed were the actual property of the said John Ouseley Kearney; and he further declares, that the said John Ouseley Kearney was frequently on board the Schooner.

An Affidavit, sworn by John Thomas, a Negro, lately serving as a Seaman on board the Schooner, stated "that he frequently went for the Slaves that were procured for the French Schooner *La Marie*, for which purpose a Boat belonging to John Ouseley Kearney was employed; and that he believes the Boat was marked with the name of the said John Ouseley Kearney on the stern, outside; and that with the exception of 2 small Boys, all the Slaves were so brought on board.

In answer to Interrogatories put by order of the Judge, Charles Gilman abovementioned, stated, on his oath, that he had opportunities of conversing with John Ouseley Kearney, and did converse with him, which conversation related principally to the Slave-trade and to the coast. He does not know whether John Ouseley Kearney was aware that the Schooner *La Marie* was bound to Martinique, but he believes that the said Schooner was known to him to be a French Vessel. The Men on board the Schooner shipped at Martinique to return thither; and it was matter of conversation and opinion on board that such was her destination. Captain Sandilands argued, that these Papers strengthened the Case of the prosecution, and gave a fuller title to the condemnation and forfeiture of the Slaves. The List of Papers given by Mr. Reach, and authenticated by his Affidavit, remedied the deficiency on that head remarked upon by the Judge in the former sitting. The Affidavits of Gilman and Thomas connected Kearney

with the shipment of the Slaves in so forcible and particular a manner, as to render the whole, or very nearly the whole, his act.

The Judge said he considered Kearney's illegal and highly-criminal concern in the whole of the business to be fully and unquestionably established. The great and only difficulty that he felt was in the situation of the property, and in his persuasion that the Law could not attach forfeiture to the Slaves in Foreign Possession, beyond the range of British territorial jurisdiction, further than as British property or interest should appear, or be shewn to exist. But it was open to the Prosecutors to shew that the due construction of the Law required the forfeiture of the Slaves embarked by British Subjects, in the hands of whatsoever Persons, or the property of whomsoever they may be.

Captain Sandilands observed, that the Act of Parliament had in fact been construed in the sense of declaring all Slaves liable to forfeiture who should be embarked by British Subjects. A Case had been so decided here by Mr. Thomson, Governor and Judge of the Vice-Admiralty of this Colony. A number of Slaves had been embarked in the Rio Pongas, on board a Swedish Vessel, by a British Subject named Samo, who had been previously paid for them in goods. These Slaves Judge Thomson distinguished from the other Slaves put on board by different other Persons, and condemned them, restoring those put on board by the other Persons, together with the Ship.

The Judge said he had heard of the Case referred to, and, in the anxious desire to improve and direct his judgment by all available means of information and authority, he had made every inquiry and research, with a view to obtain some authentic intelligence respecting it. If he had been able to find any record, or any printed or written statement, he would have given his best consideration to the facts and circumstances, and to the grounds of the decision; and if he saw sufficient reasons to make it his duty to do so, he would have corrected his own judgment accordingly; but unfortunately, he had not been able to give himself the benefit of any thing more than mere verbal accounts, founded on distant recollection, similar to that now adduced. These naked and unvouched statements, unaccompanied by any of the grounds or motives of the decision, could not outweigh or controul the reasoned impression of his own mind, founded upon the facts and circumstances of the present Case, and upon his conception of the Law as applicable to those facts and circumstances. All that he could do, would be, as his decision was not likely to give satisfaction to the Prosecutors, to refer it for further consideration to England, in the way which would most effectually prevent further offence, stating the doubts and difficulties which he had felt in forming that decision, in respect to fact, and in respect to Law; and

his further doubts arising from the knowledge of the existence of this opposite judgment.

Captain Sandilands would not say any thing in opposition to this course, if the Judge had made up his mind to it; but he must express his persuasion, that the results of the immediate decision, as affecting the Naval operations against the Slave-traders on this Coast, would be to restrain much of the activity now exercised, and to leave free range to several branches of the traffic.

The Judge was aware that the instances of the insufficiency of existing Laws, to meet the exigencies of particular cases, were of daily occurrence; but that, however, though it might be a reason for further enactments to supply the deficiency, would not justify an attempt to meet the exigency of the moment by forced and unwarranted constructions. He must also be allowed to say, that he had too good an opinion of the British Navy to allow him to suppose that those engaged in its service would be rendered less zealous in the discharge of so noble a duty, as that of the liberation of their fellow creatures from bondage, by the consideration that no premium could attach to it in this or that case. It would be matter of the greatest gratification to him that this reward should be extended, not only to cases like the present, but to every other case of the deliverance of human Beings from the holds of Slave Ships, and from the hands of Slave-dealers. This wish was congenial to the attachment with which he regarded the British Navy, and still more with his view of the particular nature of the service on which the British Flag was employed on the Coast of Africa, without any distinction as to the cases which might come under the control of the Commanders in the course of their duty; for whether the unlawful Slave-dealer was, according to the circumstances, subject to this or to any other Law, the deliverance of the victim of the illegal and criminal traffic was the great object sought by Great Britain; and as largely as it was the object of desire and of duty, it ought to be the object of remuneration when that duty was performed. But when this reward was sought in a particular form, under a special Act of Parliament, to be made operative to that purpose by a Judgment of this Court, the Judge could not conscientiously give access to the boon, unless the Law and the facts combined to give a legal title to it. He had now only to express, with a little formality, the opinion already pronounced. The object of the present prosecution was substantially to obtain the bounties, or head money, allowed by the liberality of the British Government for the seizure of every Slave condemned as forfeiture under British Law.

Captain Sandilands interposed, that this was not the only object of the prosecution. The Judge complained of this interruption. While the Case was under argument, every opportunity and every facility had been given to the Prosecutors to state all that they might conceive mate-

rial to their interests; but the Judgment, when in course of delivery, must not be deranged by interpositions of this nature. The prosecution was, in reality, for the bounties, because, although the condemnation of Slaves, as forfeiture, was designed to be the means of the consignment of them to the benefits of the provisions established for the maintenance and instruction of Negroes so liberated; and although that condemnation was, generally speaking, a primary step to found a title to those benefits, the fact was, that in the present Case those benefits had been already attained, without that previous form, by the admission of the Negroes comprehended in this Information, to the full enjoyment of the advantages of the institutions established for liberating Negroes, in the interior of this Colony.

The condition of those Negroes might possibly be still open to some arrangement between the Governments of Great Britain and France; but he was quite sure that no arrangement could be made or thought of which would go to deprive the Negroes themselves of the benefits which they were now enjoying. This prosecution was, therefore, in effect for the attainment of the bounties; but, in saying that, he did not mean that those bounties were sought under the impulse of any other than the fairest and most honourable motives. The Prosecutors, he was sure, sought them not for themselves alone, but for the Officers, employed subordinately under them, to whom they were naturally to be supposed to be of greater consequence, and for the Seamen of their Ships, to whom, although he was far from thinking them deficient in that noble spirit, which prompted and enjoined the performance of duty without the impulse of pecuniary advantage, pecuniary reward must still be supposed matter of greater consideration, inasmuch as their sentiments were less refined by education, and their condition stood more in need of the comforts that a little money could supply. He had already expressed his wish that the bounties granted for the deliverance of Slaves, from the hands of those who unlawfully trafficked in them, should be equally granted, and paid in all instances in which that deliverance was accomplished; but as the Law stood at present, and according to his impression of the due sense and meaning and intention of the Act of Parliament upon which this prosecution was founded, he could not declare those Slaves liable to condemnation as forfeit to the British Crown. Looking to the time when this Act of Parliament was passed—to the circumstances in which the Slave-trade stood at the time,—he thought it impossible that the Legislature could have contemplated the forfeiture of Slaves in the possession of Foreign Proprietors, and previously paid for by those Proprietors, merely because they had bought them from British Subjects, even though these British Subjects should be resident beyond the range of any British territorial Authority. That Act was passed at a time when the great general measure of the abolition was yet in a state of

arduous contention, and when it was matter of importance to clip and pare down, to scrape and nibble away, the evils of the traffic gradually, and by small portions, till the attainment of the great general measure should be matured. In these views, and under these circumstances, the Act 46 Geo. III. cap. 52, was passed, for the purpose of preventing British Capital, British Shipping, and British Agency, from being employed in supplying Slaves to Foreign Possessions: but this was to be done, so far as regarded the forfeiture of Slaves, by the forfeiture of Slaves being British property, for to render Slaves which were Foreign Property, liable to forfeiture, merely because they had been previously sold or embarked by British Subjects, the transaction not being implicated with any territorial violation, appeared much too bold a stride to be meditated by the Framers of the Act, and much too bold to be admitted by the Legislature, inasmuch as it went altogether to overstep the bounds of national right. He was, therefore, of opinion, that a Judgment of forfeiture could not be pronounced in this case, as the Slaves, although sold and embarked by a British Subject, were, after the embarkation, altogether the property of the French Master, and as the transaction did not comprehend any territorial violation in any part of it. Perceiving, however, that this decision was not satisfactory to the Seizors, who might yet be deterred from seeking to reverse it by appeal, from the circumstance of not having any opposite Party, and, therefore, being themselves, liable to pay all the costs, without any prospect of relief by throwing them eventually upon others, he would take a course which would have the effect of bringing his Judgment under revisal, with every fact and argument urged in opposition to it, and with every consideration which had occurred to himself to render it doubtful, while he was making up his mind upon it; not omitting the existence of the contrary decision by Mr. Thomson. The Superior Authorities at home would then have the most ample means of discerning whether his decision was correct or incorrect; and he should accompany the reference with a request, that, in the event of the Judgment appearing erroneous, proceedings may be taken to have it reversed by consent, so that the Seizors may be let into the possession of the bounties without any additional expense.

The grounds of doubt were these:

First.—Because the facts and circumstances of the present case were so very near what the Judge would have himself considered sufficient grounds for pronouncing a forfeiture incurred; that the determination could not, even in his own mind, stand on the clear and unquestionable foundation that could be wished.

Second.—The Act of Parliament, 46 Geo. III. cap. 52, is, in the second Section, expressed in terms that might be construed to intend that all Slaves shipped by British Subjects should be forfeited absolutely and unconditionally; and that the limitation contained in the

words, "so far as any of His Majesty's Subjects, or any Person resident as aforesaid, have or hath any property, share, or interest therein," is applicable only to the Ships or Vessels in which the said Slaves shall have been embarked.

Third.—Because this last-mentioned construction is judicially sanctioned by the decision of Mr. Thomson in the Case alluded to; and because the Record of that decision having been found since the trial and judgment above recited, is considered by the Prosecutors to give strength to their case, although the Judge has not seen any thing in it to induce him to revise his Judgment.

(Sub-Inclosure 2.)—List of Papers found on board the French Slaving Schooner, La Marie.

No. 1 Log-book.
2 Register.
3 Register.
4 List of the Crew—Rol d'Equipage.
5 Manifest of the cargo.
6 ——— from St. Pierre's.
7 ——— from St. Thomas's.
8 Receipt for payment of duties upon Goods. Sundry Papers.
9 Instructions dated 21st August, 1819.
10 ——— dated 24th December, 1819.
11 Invoice of the cargo received at Martinique and at St. Thomas's.
12 Account of Schooner's cargo, delivered to J. O. Kearney, per agreement.
13 List of divers articles delivered to Mr. J. O. Kearney.
14 Disbursements at St. Thomas's.
15 Acknowledgment from Mr. J. O. Kearney to pay in Slaves for articles delivered by Captain Guiot.
16 Receipt for divers articles of merchandise delivered to Mr. J. O. Kearney for Mr. Siacca.
17 Articles of agreement on the part of Mr. J. O. Kearney and the Captain of the Schooner.
18 Letter from Mr. J. O. Kearney to the Captain of the Schooner, Mr. Cleveland, to superintend landing cargo.
List of Papers found on board, but do not seem to belong to the Vessel. No. 1 to 11 inclusive.
19 List of Schooner's Papers.

Alexander Reach, Purser of His Majesty's Sloop *Morgiana*, maketh oath, that the Paper attached to this, intitled "A List of Papers found on board the French Slaving Schooner *La Marie*, captured by His Majesty's Sloop *Morgiana*, on the 25th January, 1820, at anchor off the Gallinas," is his writing, the whole and every part

thereof. The said Deponent further saith, that the List hereunto annexed is the rough List made out by him; and he further saith, that he, the said Alexander Reach, saw every Paper mentioned therein,

ALEX. REACH.

Sworn before me, this 21st of May, 1820.
EDW. FITZGERALD, *J. V. C.*

(Sub-Inclosure 3.)—(No. 15.)—Acknowledgment of Mr. J. O. Kearney, for 3 Slaves received from Captain Guiot.

Gallinas, 9 Décembre, 1819.

JE doit au Capitaine Guiot 3 prime Esclaves pour 26 fusils; et un autre pour 2 Espignole.

J. O. KEARNEY.

(Sub-Inclosure 4.)—(No. 16.)—Inventory of the Cargo of the French Schooner La Marie.

1,300	Galls. Rum.....	1 G. pr 1 B...	1,300
313	Bar de fer de 4 or 6 pd.....	1.....	313
1,683	Livres de tabac en feuille..... 3lb.....	1.....	561
150	Marmittes..... 3	2.....	100
145	Fusils.....	12.....	1,740
20	Douzaine Miroir.....	3.....	60
20½	——— Coutelas..... 1	1.....	246
148	Pièce Mouchoires de 12 à la pe.....	6.....	888
53	——————— 8.....	6.....	318
984	Aune de Colonade... 3aune	1.....	328
1,000	Pierre a fuzil.....100.....	1.....	10
61	Douzaine Couteaux Flamand, la douzaine.	3.....	180
44	Barils de Poudre de 25lb.....30.....		1,320
140	Piece de Nicannes 12yds	5.....	840
50	Ditto Camboys.....12	6.....	300
100	Custas de Chine.....8⅓	3.....	300
200	Check Chillas.....6¼.....	2.....	400
80	Guinees blues.....20à 2.....	9.....	720
100	Ditto ditto .....12.....	4.....	400
100	Ditto Gingham..... 9.....	3.....	300
125	Ditto Mouchoir Sooty	5.....	625
70	Kermitches .....10.....	3.....	210
150	Gillas..... 8.....	6.....	900
400	Livres Corries..... 2 livres pr.....	1.....	200
			12,559

(Sub-Inclosures 4 and 5.)—Nos. 17 and 18.—Contract between Mr. J. O. Kearney, and the Captain of La Marie; *and Instructions from Mr. Kearney to Captain Guiot.*—See p. 811.

(Sub-Inclosure 6).—Interrogatories to be put to Thomas Carew, Esq. on the part of Seizors.

1st. What are you?

2nd. How long have you resided in this Colony?

3rd. Where did you reside before?

4th. Are you acquainted with J. O. Kearney?

5th. How long have you known him?

6th. Have you seen him write?

7th. Are the 4 Papers now shown you, of the hand-writing of the said J. O. Kearney, or which of them, or what part or parts of them?

8th. Was not the said J. O. Kearney a Commissioned Officer in the Royal African Corps some time since?

9th. Is the said J. O. Kearney a British Subject, and where was he born, to the best of your knowledge and belief?

D. M. HAMILTON.

Free Town, Sierra Leone, 12th March, 1820.

(Sub-Inclosure 7.)—Examination of Thomas Carew, Esq. of Sierra Leone, on Special Interrogatories, a Witness produced and sworn on the part of Seizors.

1st Answer. A British Merchant.

2nd. Two years and 4 months.

3rd. In the Island of Goree.

4th. Yes.

5th. About 2 years.

6th. Yes.

7th. The 3 Papers, numbered 15, 16, and 17, are, to the best of my belief, his hand-writing, to the exception of the numbering and indorsement thereon; and his Letter addressed to Captain Guiot, in No. 18, is also his hand-writing,—of which Paper the Invoice inserted is not his hand-writing.

8th. I believe he was.

9th. He is a British Subject; and I believe he is a Native of Ireland.

THOMAS CAREW.

Taken and sworn before me, this 13th day of March, 1820.

T. O. WALSH, *Registrar, V. A. C.*

(Sub-Inclosure 8.)—Interrogatories to be put to Joseph Reffell, Esq. on the part of the Seizors.

1st. What offices do you hold in this Colony?

2nd. Are you acquainted with J. O. Kearney?

3rd. Was J. O. Kearney employed subordinate to you in the Captured Negro Department?

4th. When, and for what length of time?

5th. Did you correspond with him relative to the official business of the Department; and have you seen him write?

6th. Are the 4 Papers now shown you of the hand-writing of the said J. O. Kearney, or which of them, or what part or parts of them?

7th. Is the said J. O. Kearney a British Subject, and where was he born, to the best of your knowledge and belief?

8th. How long has the said J. O. Kearney resided in this Colony? D. M. HAMILTON.

13th March, 1820.

(Sub-Inclosure 9.)—Examination of Joseph Reffell, Esq. of Freetown, Sierra Leone, on Special Interrogatories, a Witness produced and sworn on the part of the Seizors.

Answer 1st. Chief Superintendant of Captured Negroes; that of Sheriff for this year, and a Magistrate of the Colony.

2nd. Yes.

3rd. Yes.

4th. During the years 1817, 1818, and 1819, altogether perhaps 2 years.

5th. Yes, I did, and have seen him write.

6th. The Papers numbered 15 and 16, to the exception of the numbering and indorsement, I believe to be his hand-writing; the Paper numbered 17, I believe also to be his hand-writing, to the exception of the signature "Vin. Guiot," and the numbering and indorsement thereon; the Paper, number 18, containing a Letter addressed to Captain Guiot, is also his hand-writing, but the invoice on the same is not written by him.

7th. He is; was born in Ireland. JOSEPH REFFELL.

Taken and sworn before me, this 13th day of March, 1820,

T. O. WALSH, *Registrar*.

(Sub-Inclosure 10.)—Interrogatories to be put to Charles Gilman.

1st Interrogatory. Do you belong to the Schooner *La Marie?* If yes, in what capacity, and how long have you belonged to her?

2nd. Were you present at the taking and seizing of the Schooner *La Marie?*

3rd. Upon what pretence, or for what reason, was she seized?

4th. Were all the Slaves put on board at one time, and by whom were they put on board?

5th. To whom did the Slaves belong?

6th. Are Mr. Kearney and Mr. Williams in partnership, and which is the principal?

D. M. HAMILTON, *King's Advocate and Proctor.*

(Sub-Inclosure 11.*)—Answer to Interrogatories put to Charles Gilman, late a Sailor on board the Schooner* Mary, *in the matter of certain Slaves, Natives of Africa.*

Answer 1st. Yes, as Boatswain about 5 months.

2nd. Yes.

3rd. For having 106 Slaves on board.

4th. Not at one time; they were brought on board in small numbers at each time; some were brought on board the Captain's Boat, and others by John Ouseley Kearney in his own Boat.

5th. Believes they belonged to John Ouseley Kearney or Mr. Williams, and the King, at the Gallinas.

6th. Believes they are, and that Mr. Kearney is the principal.

CHARLES GILMAN.

Taken and sworn before me, this 10th day of April, 1820,

T. O. WALSH, *Registrar.*

(Sub-Inclosure 12.*)—Deposition of Charles Gilman, late Boatswain of the French Schooner* La Marie.

PERSONALLY appeared Charles Gilman, late Boatswain on board the French Schooner *La Marie,* who, being sworn on the Holy Evangelists, maketh oath and saith, that to the best of his knowledge and belief, all the Slaves that were on board the French Schooner *La Marie* were brought on board in the Boats belonging to John Ouseley Kearney; and that upon one occasion he actually conducted them himself, and that the Boat or Boats so employed were the actual and real property of the said John Ouseley Kearney; and he further declares that John Ouseley Kearney was frequently on board the Schooner.

CHARLES GILMAN.

Sworn before me this 1st day of May, 1820,

JAMES WOOD, *Dy. Regr. V. A. C.*

EDW. FITZGERALD, *J. V. C.*

(Sub-Inclosure 13.*)—Deposition of John Thomas, a Seaman on board the French Schooner* La Marie.

PERSONALLY appeared, John Thomas, a Seaman on board the French Schooner *La Marie,* who, being duly sworn upon the Holy Evangelists, maketh oath and saith, that he frequently went for the Slaves that were procured for the French Schooner *La Marie,* for which purpose a Boat belonging to John Ouseley Kearney was employed,

and that he believes the Boat was marked with the name of the said John Ouseley Kearney on the stern, outside; that, with the exception of 2 small Boys, all the Slaves were so brought on board.

his
JOHN ⋈ THOMAS,
Mark.

Sworn before me, this 1st day of May, 1820,
EDW. FITZGERALD.

(Sub-Inclosure 14.*)—Special Interrogatories put to Charles Gilman, late Boatswain of the French Schooner* La Marie, *by desire of the Judge.*

1st. Had you, as Boatswain of the *Marie,* opportunities of conversing with John Ouseley Kearney, and did you hold conversation with him?

2nd. Do you know, from what passed from that conversation, or have you reason to know from other sources, that John Ouseley Kearney was aware that the Schooner *Marie* was a French Vessel, or that she was bound to Martinique?

3rd. What reason have you to believe that the Schooner *La Marie* was bound to Martinique?

(Sub-Inclosure 15.*)—Answers to Special Interrogatories put to Charles Gilman, after having been duly sworn.*

To the 1st interrogatory, saith,

That he had opportunities of conversing with John Ouseley Kearney, which conversation related principally to the Slave-trade and to the Coast.

To the 2nd interrogatory, saith,

That he does not know whether John Ouseley Kearney was aware that the Schooner *La Marie* was bound to Martinique; but believes that the said Schooner was known to him to be a French Vessel.

To the 3rd interrogatory, saith,

That the Men on board the Schooner shipped to return to Martinique, and that it was matter of conversation and opinion on board, that that was her destination. CHARLES GILMAN.

(Sub-Inclosure 16.*)—Sentence of the Court of Vice-Admiralty, in the Case of the Schooner* Penel.—12*th August,* 1809.

ALEXANDER MACAULAY, Master of the Brig Letter of Marque the *Minerva,* of London,

Qui Tam against the Schooner *Penel* and Slaves, Boats, Guns, Tackle, Apparel, and Furniture; before Thomas Perronet Thompson, Governor of His Majesty's Colony of Sierra Leone.

Be it remembered, that, on the 11th day of August, in the year of our Lord 1809, Alexander Macaulay, Master of the Brig Letter of Marque the *Minerva*, of London, being a Person duly and legally authorized to make seizures, and to prosecute the same; who, as well for our Sovereign Lord the King as for himself, in this behalf prosecutes, comes here, into the said Court of Vice-Admiralty, and gives the said Court to understand, and be informed that, after the 1st day of May, 1807, to wit, on the 30th day of July, in the year of our Lord 1809, he, the said Alexander Macaulay, did, on the High Seas, and within the jurisdiction of this Court, seize the Schooner or Vessel, called the *Penel*, of which Jesse Porter was Master, with all the boats, guns, cargo, tackle, apparel, and furniture, and also 11 Slaves and Natives of Africa, in the said Schooner or Vessel, treated, carried, kept, dealt with, or detained as Slaves, for this, to wit, that the said Vessel and Slaves, or a part thereof, were at the time of the said seizure the property of a British Subject or Subjects of His Majesty, or were purchased from a Subject or Subjects of His Majesty; and moreover, that a greater quantity of arms were on board than are allowed to Vessels of Neutral Powers: Whereupon he, the said Alexander Macaulay, as well for our Sovereign Lord the King as for himself, prays the advice of this Court in the premises, and due proof against the said Schooner or Vessel, and that the said Schooner or Vessel, her boats, guns, cargo, tackle, apparel, and furniture, may, by the definitive Sentence of this Court, remain and be adjudged, forfeited, and to be divided in such a manner as is accounted and reputed liable and subject to confiscation, and to be adjudged and condemned as good and lawful Prize to our Sovereign Lord the King, and that the same be adjudged and condemned as good and lawful Prize to our Sovereign Lord the King, taken and seized by the Brig Letter of Marque the *Minerva* of London, Alexander Macaulay, Master, by this our definitive Sentence or final Decree, which we read and promulge by these presents. And forasmuch as we have not found or clearly discovered that the Proctor of the said Court hath proved the remainder of his intention, to wit, that the said Vessel and Slaves, or any part thereof, were the property of any Subject or Subjects of His Majesty, at the time of the said seizure, or that a greater quantity of arms were on board than are allowed to the Vessels of Neutral Powers, therefore, we, Thomas Perronet Thompson, Governor of His Majesty's Colony of Sierra Leone, the Judge aforesaid, first calling upon the name of Christ, and having God alone before our eyes, and having heard Counsel, learned in the Law, thereupon, do hereby pronounce, decree, and declare, that it does not appear to us that the said Vessel, or Slaves, other than the 11 Men, 2 Women, and 5 Children, herein above mentioned, purchased from Samuel Jame, a British Subject,

were, at the time of the said seizure, the property of a Subject or Subjects of His Majesty, or were purchased of a Subject or Subjects of His Majesty, or that a greater quantity of arms were on board the said Vessel than are allowed to the Vessels of Neutral Powers, and that the said Vessel, and the remainder of the said Slaves, other than the said 11 Men, 2 Women, and 5 Children, herein above mentioned, purchased from Samuel Jame, a British Subject, as such ought not to be accounted and reputed liable and subject to confiscation; and that the said Vessel, together with the said remainder of the Slaves or Natives of Africa, carried as Slaves, other than the aforesaid 11 Men, 2 Women, and 5 Children, purchased from Samuel Jame, a British Subject, be adjudged to be restored to the Owner or Claimant by this our definitive Sentence and final Decree, which we read and promulge by these presents.

This Case was directed by the Statutes in such cases made and provided; and that the said Slaves, Natives of Africa, may, by the definitive Sentence of this Court, remain and be adjudged forfeited to the use of our Sovereign Lord the King, according to the Statutes in such case made and provided; and the aforesaid Jesse Porter, being in that behalf duly monished and cited, for that purpose by Kenilworth Macaulay, Gentleman, Marshal of the said Court of Vice-Admiralty, comes forthwith into the said Court of Vice-Admiralty, and saith, that for any thing above alleged, deduced, pleaded, propounded, or set forth by the said Alexander Macaulay, as aforementioned, the said Schooner or Vessel ought not in any wise to be detained, forfeited, or otherwise hurt, for that the above reasons so alleged, deduced, pleaded, propounded, or set forth by the said Alexander Macaulay, are altogether and in every respect false, and without due and legal proof; therefore he the said Jesse Porter also prays the advice of this Court in the premises, and that the said Schooner or Vessel, with her Slaves, boats, guns, tackle, apparel, and furniture, may, by the definitive Sentence of this Court, be released and restored to him, the said Jesse Porter, for and in the behalf of the said Owner or Owners of the said Schooner: Whereupon we, Thomas Perronet Thompson, Governor of His Majesty's Colony of Sierra Leone, and in the Court of Vice-Admiralty for the time being Official President and Chief Judge thereof, having heard and seen and understood, and fully and maturely discussed the merits and circumstances of the aforesaid cause or business respecting the seizure of the Schooner *Penel*, whereof Jesse Porter was Master, her Slaves, boats, guns, tackle, apparel, and furniture, seized and detained by the Brig Letter of Marque, the *Minerva*, Alexander Macaulay, Master, and brought to the Bay or Road of Sierra Leone, which was lately and still is pending before us, on the part and behalf of the said

Alexander Macaulay, against the said Vessel, her Slaves, boats, guns, tackle, apparel, and furniture, and against all Persons in general who have, or pretend to have, any right, title, or interest therein; and we rightly and duly proceeding therein, and the Proctor of the said Court of Vice-Admiralty, appearing before us, and praying Sentence to be given, and justice to be done, having first inquired into and duly considered the whole proceeding had and done before us in the said business, and having observed what by law ought to be observed in this behalf, have thought fit, and do think fit thus to proceed to the giving and promulging this our definitive Sentence, or final Decree, in the said business, in manner and form following, that is to say: Forasmuch as we have by the Acts enacted, deduced, alleged, pleaded, propounded, and proved in the said business, found and clearly discovered that the Proctor of the said Court of Vice-Admiralty hath in part founded and proved his intention, to wit, that 11 Men, 2 Women, and 5 Children, of the aforesaid Natives of Africa, carried, conveyed, treated, dealt with, kept or detained as Slaves, were purchased from Samuel Jame, of the Rio Pongas, the said Samuel Jame being a natural born Subject of Great Britain, and that nothing has been alleged, excepted, pleaded, deduced, propounded, or proved by any Persons whatsoever, which may or can in any way defeat, prejudice, or weaken the intention of the said Proctor herein; therefore we Thomas Perronet Thompson, Governor of His Majesty's Colony of Sierra Leone, the Judge aforesaid, first calling upon the name of Christ, and having God alone before our eyes, and having heard Counsel learned in the Law thereupon, do hereby pronounce, decree, and declare, that the said 11 Men, 2 Women, and 5 Children, Slaves or Natives of Africa, treated, carried, kept or detained as Slaves on board the said Schooner *Penel*, were, as far as appears to us, purchased from one of His Majesty's Subjects, and as such ought to be

was read, signed, and promulged by the Judge aforesaid, upon the 12th day of August, in the year of our Lord 1809, in the Canvas House, in George Town, in the Colony of Sierra Leone, being the place where the General Quarter Sessions of the Peace for the said Colony are wont to be holden, in the presence of the two credible Witnesses named in the Act of Court.

T. P. THOMPSON, *Governor.*

Which we attest,

G. S. CAULKER, *Dep. Reg^r.*

K. MACAULAY, *Marshal.*

(Sub-Inclosure 17.*)—Reasons for Judgment, in the Case of a Swedish Vessel.*

THERE appears to be no proof that the Vessel and cargo are British property. The Owner, John Imlay, is stated to be an American by birth, and a Burgher of Saint Bartholomew; and this is not contradicted in the bill of sale. Also John Imlay is stated to be a Burgher, Merchant, and Inhabitant of the Island of Saint Bartholomew. Under this bill of sale appear the seals and signature of 2 Public Functionaries in the Island. The Master has stated that 18 of the Slaves were bought of Mr. Samo, in the Rio Pongas; and it has been proved that Mr. Samo has declared himself to be by birth a British Subject. The 18 Slaves bought from Mr. Samo are therefore liable to be forfeited by the 2nd Clause of the Non-Importation Act. I apprehend that in that Clause the words, "As far as any of His Majesty's Subjects, or any Person or Persons resident as aforesaid, have or hath any property, share, or interest therein," do refer to the Ship or Vessel, boats, guns, tackle, apparel, and furniture only, and not to the Slaves unlawfully exported, transported, &c.; for the words "exported, transported," &c. do of themselves imply that the Slaves had been removed, and are found at sea; in which circumstance it is to be supposed, that the Slaves are the property, and at the sole risk of the Owner or Owners of the Vessel conveying them to some Foreign Plantation. The Clause also plainly implies a tenderness for the Neutral Owner, inasmuch as it directs the forfeiture of no part of the Vessel or furniture, but such as belong to His Majesty's Subjects; and hence it may be concluded that no part of the Slaves found on board are forfeited, except such as were purchased from a British Subject at the Port of sailing.

(Sub-Inclosure 18.*)—Answer to the* 12*th Standing Interrogatory.*

Answer 12.—Slaves put on board by Mr. Sabb and Mr. Samo, who have Factories in the Rio Pongas. Believes Mr. Sabb to be an American. Does not know what Countryman Mr. Samo is. Mr. Samo, he thinks, has lived there 10 years. Slaves delivered on account of John Imlay to the Supercargo. Mr. Sabb and Mr. Samo have no further interest in the Slaves. Slaves were paid for. Cargo, if arriving at destined Port, would belong to John Imlay, and no one else.

CONVENTION between Prussia, Austria, Saxony, Hanover, Denmark, (for Holstein and Lauenburg,) Mecklenburgh-Schwerin, Anhalt Bernburg, Cœthen and Dessau, and Hamburgh, relative to the Free Navigation of the Elbe. —Signed at Dresden, the 23d of June, 1821.

(Translation.)

THE Act of the Congress of Vienna, of the 9th of June, 1815, having established the general bases for the Navigation of Rivers, the States bordering on the Elbe, animated with the desire of obtaining, as soon as possible, the advantages and facilities stipulated by that Act, in favour of Commerce and Navigation, have directed that a Commission should assemble at Dresden, for the purpose of regulating, by a mutual Agreement, the different points respecting the Navigation of the Elbe.

In order to carry this object into effect, Commissioners Plenipotentiary have been appointed; viz. on the part of

His Majesty The King of Prussia, Johann Ludwig Von Jordan, His Privy Councillor of Legation, Envoy Extraordinary, and Minister Plenipotentiary at the Court of Saxony, &c.

His Majesty the Emperor of Austria, King of Hungary and Bohemia, Joachim Edward Baron Von Münch Bellinghausen, His Government Councillor, &c.

His Majesty The King of Saxony, Günther Von Bünau, His Privy Councillor of Finance, &c.

His Majesty the King of Great Britain and Ireland, as King of Hanover, Carl Friedrich Baron Von Stralenheim, His Councillor of Legation and Chargé d'Affaires at the Free City of Frankfort, &c.

His Majesty The King of Denmark, as Duke of Holstein and Lauenburg, Mathias Friis Von Irgensbergh, His Councillor of Legation and Chargé d'Affaires at the Court of Saxony, &c.

His Royal Highness The Grand Duke of Mecklenburgh-Schwerin, Joachim Christian Steinfeld, His Chamberlain, &c.

His Highness The Reigning Duke of Anhalt Bernburg, His Highness The Reigning Duke of Anhalt Cöethen, and His Highness the Reigning Duke of Anhalt Dessau;—the Aulic Councillor, Ernst Ludwig Casimir Albrecht Reich; and

The Supreme Senate of the Free and Hanseatic Town of Hamburgh, the Senator Christian Nicolas Pehmöller:

Who, after having exchanged their Full Powers, found to be in good and due form, have agreed upon the following Articles:

ART. I. The Navigation of the Elbe, from the point at which that River becomes navigable down to the open Sea, and *vice versâ*, (as well in ascending as in descending,) shall be entirely free with respect to Commerce. The Coasting Trade, however, which may be carried on between the States bordering on the River, shall be exclusively

confined, along its whole course, to the respective Subjects of those States; and no Individual shall be permitted to be exempt from the Regulations established by the present Convention, in regard to Commerce and Navigation.

II. Every exclusive privilege whatever, relative to the transport of Merchandize on the Elbe, and any advantages resulting from such privilege, which may have been granted, up to the present time, to Companies of Boatmen and other Bodies, or to Individuals, are, by the present Convention, entirely abolished; and such privileges shall not, in future, be granted to any Person.

This Stipulation, however, is not applicable to Ferries and other established modes of conveyance from one Bank of the River to the other; nor to Boatmen in the exercise of their business, within the Territory of their respective Sovereigns, so long as they conduct themselves agreeably to the Regulations of Police, which each State bordering on the River exercises in virtue of its Sovereignty over the same, and obey the Authorities of the Country in which they exercise their calling.

III. All Storehouse and Forced Harbour Duties are, without exception, for ever suppressed. No Boatman shall, for the future, in contravention of this Stipulation, be subjected to a forced unlading of his Vessel.

IV. The exercise of the Navigation of the Elbe shall be permitted to any Individual, who, being provided with a suitable Vessel, may have obtained, after a previous examination, a License for that purpose from the Authorities of his Country. The Authorities shall take the necessary measures, before granting the same, in order to satisfy themselves that the Person, to whom they deliver such License, be properly qualified. The License to be delivered by the competent Authorities to the Boatmen, will give them the right of exercising Navigation throughout the whole extent of the River, from Melnick down to the Sea, and from the Sea up to Melnick; it being understood, that the Boatmen and Vessels that may be employed in navigating the Elbe to the Sea, or *vice versâ*, must possess the qualifications necessary for River Navigation.

The State, within which is situated the abode of the Boatman, shall alone possess the power of withdrawing his License. This Stipulation, however, shall in no respect deprive other States bordering on the River, of the right to call to account, and to inflict punishment upon, Boatmen, accused of offences committed within their Territories, provided they can be apprehended in such State;—or, according to the nature of the circumstances, to demand the withdrawal of their Licenses by the Competent Authorities.

V. The charges of freight, and all other conditions attending the transport of Merchandize, shall entirely depend upon a free agreement between the Boatman and the Owner, or his Agent. These charges shall, from time to time, be printed and published.

VI. Two or more Commercial Towns may establish amongst them-

selves a "Tour de Rôle;" (an Agreement for the regular rotation of Vessels) that is to say, an Arrangement, by which they may contract, for a stipulated time, with a certain number of Boatmen, whom they may deem necessary to their reciprocal Commerce; by which the charges of freight, the time of the departure and arrival of the Vessels, and other matters connected with their interests, shall be determined: these Contracts, however, must in no respect derogate from the Laws of their Countries, nor from the stipulations of the present Convention; and they shall be brought to the knowledge of the Public, after having received the sanction of the respective Governments.

VII. All Tolls hitherto collected on the Elbe, as well as all other Duties and Charges, of whatever denomination, with which the Navigation of the River has been burthened, are abolished; and, in lieu thereof, a general Duty on Navigation shall be established, upon all Vessels, Floats of Timber, and Cargoes, and shall be collected at the Toll Houses designated in the present Convention. These Duties, which shall never be farmed out, either wholly or partially, shall be levied partly upon Cargoes, under the denomination of "Elbe Toll," and partly upon Vessels, under that of Duty of "Reconnoissance."

VIII. In order to facilitate the mode of collection, the Duty upon Cargoes shall be regulated, at every place, according to weight. In weighing, the Quintal of Hamburgh of 112 pounds, which is nearly equal to 116 pounds of Prussia and Leipzig, or to 96⅛ pounds of Vienna, shall be established as the general basis. And, in admeasurement, the Hamburgh foot, which is equal to 100-91⅑ of the Prussian, 101⅓ of the Leipzig, and 90⅔ of the Vienna, foot, shall be employed. With respect to the articles which cannot conveniently be weighed, mentioned in the Table No. 1, the rates of measure therein contained shall be observed, until a further mutual stipulation shall be agreed upon.

IX. There shall not be levied more than 27 Groschen and 6 Pfenings, Convention Money, per Hundred Brutto weight, upon the passage from Melnick to Hamburgh; viz.

	Gros.	Pfen.
in Austria	1	9
Saxony	5	3
Prussia	13	0
Anhalt	2	8
Hanover	2	6
Mecklenburgh ...	1	8
Denmark	0	8
Total	27	6

The annexed Table, No. 2, describes the distribution, according to distance, of this Tariff.

X. In order, however, to promote internal industry, and the exportation of the products of the soil, to favour the trade in Articles of the first necessity, as well as to facilitate the traffic in merchandize

of great bulk, but of little value, there shall be, in respect thereof a proportionate diminution of Duties.

The following Articles shall, in consequence, pay only one-fourth, viz: Anvils, anchors, wood-ashes (that have not been deprived of their lixivium), beer (Foreign excepted), lead, lead ore, beans, boles, bombs, bristles (hogs), iron (sheet), iron (cast), pease, ore, barrels (empty,) fruits (dried in the oven), poultry, barley, glass (empty bottles), glass—gall, peeled barley, grits and groats of all kinds of grain, cast iron wares (rough), oats, millet, charcoal, cannon, lamp-black, chests (empty), corn (rye), chalk (white and red), balls (iron), gun-carriages, lentils, tan (oak bark, Hungary galls), marble (rough), flour (of all kinds of grain), metallic mineral earths, mineral waters, mortars (bombs), ochre, oil cakes, pitch, slabs (marble and the like), cattle-horns and feet, seeds of all kinds, salts (kitchen and rock), sauerkraut, ship's tar, whetstones or grindstones (fine), spelt wheat, iron bars (hammered), rotten-stone, tuns (empty), wheat, and tares.

The following kinds of wood, only *one-fifth*, viz:—Apple, pear, cherry, nut, plumb, aspen, birch, beech, oak, alder, ash, hornbeam, pine and fir, lime, poplar, elm, and willow; likewise the great blocks of wood for cooperage, also ladders, trays, shovels, winnowing fans, and such like field utensils, as well as the coarser sorts of baskets for the binding of tree roots.

The following articles, only *one-tenth*, viz:—Blood (of cattle), fuel, eggs, iron (old), bones, lees, milk, butter and cheese (fresh), crockery and potters' ware (common).

The following articles, only *one-twentieth*, viz:—Blue cabbage, acorns, fascines (bushes of all kinds), fruits (fresh), vegetables (fresh), grass and hay, gypsum, chalk, reeds (for thatching, sedge,) straw, turf, faggots (bundles of wood), roots (edible).

The following articles, only *one-fortieth*, viz:—Alum and vitriol in lumps, ashes (washed), dregs of wine, manure (compost, marl, stubble, &c.), calamine, sledges, gutters, and troughs, &c. (of stone), gravel (common stone), canal horses (if they return by water) mortar for tiles and cement, mill-stones, pipe-clay, paving-stones, sand, free and quarry stones of all kinds, slate (for roofs,) coals, clay, potters' and fullers' earth, cement, bricks (burnt and dried), brick cement.

XI. The Duty to be levied upon Vessels, or the Duty of "Reconnoissance," shall be divided into 4 classes, and collected agreeably to the annexed Tariff, No. 2.

This duty, throughout the whole course of the River, shall be:—for the 1st class of Vessels, under the tonnage of 10 Hamburgh lasts (the last, at 4000 pounds), 3 rix-dollars and 16 groschen; for the 2nd class, of from 10 to 25 lasts, 7 rix-dollars and 20 groschen; for the 3d class, of from 25 to 45 lasts, 11 rix-dollars and 12 groschen; and for the 4th class, of 45 lasts and upwards, 14 rix-dollars and

16 groschen. Vessels without cargoes shall, everywhere, pay only a fourth part of these duties.

XII. The Elbe Toll and the Duty of "Reconnoissance" shall be calculated in Convention money, at the 20 Florin-foot, in Rix-dollars, Groschen, and Pfenings; the payments, however, may be made in the current coin of the respective States bordering on the River, agreeably to the Rates contained in the Tariff of Reductions, No. 3.

XIII. No other Duties than those agreed upon in the present Convention shall henceforth be levied on the Elbe; the High Contracting Parties formally engaging not to augment them but by mutual consent.

XIV. In the Duties mentioned in Articles VII to XIII are not comprised;—

a. The customs (land and town Tolls) and the duties of entry and consumption, which each State has the right of levying, agreeably to its own commercial policy, upon merchandize, so soon as it has been removed from the River, in order to its being imported into the Territory of such State.

b. Crane, weighing, and storehouse Duties, in the commercial Towns; under the express condition, however, that the Foreigner shall not pay more than the Native.

c. Drawbridge and sluice Duties:—the existing Duties, however, shall not be augmented but by mutual consent; and, in the event of the erection of new bridges, nothing shall be exacted for the passage under the same.

The Rates of Duties mentioned in *b.* and *c.* shall be fixed and published, and they shall be exacted from those Persons only who may have occasion to avail themselves of the existing Establishments, or may actually pass the Bridges and Sluices. With respect to the service of Pilots and Steersmen, the regulations and duties already existing, or which may hereafter exist, in the respective States, (the collection of which they may have a right to demand under the existing system), shall be observed; under the condition that the Foreigner shall not pay more than the Native.

XV. Without deviating from the general principles contained in the Act of the Congress of Vienna, respecting the bases of River Navigation, it is agreed, with reference to the Brunshausen tolls, to renounce all ulterior modification,—Hanover having formally engaged to lay the tariff of the same before the Commission, and not arbitrarily to augment it, without the consent of the States interested therein, and especially of that of the Free City of Hamburgh; but should it be hereafter deemed necessary to adopt any alteration in the tolls, the reason for so doing must be declared by Hanover.

His Majesty the King of Denmark, and the Senate of the Free City of Hamburgh, reserve to themselves, agreeably to existing usages and Conventions, every right founded thereupon; so that in respect of the Stader tolls, the *res integra* is preserved.

XVI. The 35 toll-houses, at present existing, shall be suppressed; and there shall be for the future only 14, along the whole course of the Elbe; viz. at Aussig, Niedergrund, Schandau, Strehle, Mühlberg, Coswig, Roslau, Dessau, Wittenberg, Schnackenburg, Dömitz, Bleckede, Boetzenburg, and Lauenburg.

Prussia, however, reserves to herself the By-toll-house of Lenzner-Ferry, as well as those of Wittenberg, Aaken, Barby, and Schönebeck, (for Magdeburg) which latter shall be suppressed so soon as the causes for their temporary preservation shall have ceased to exist. Saxony, also, reserves to herself the Toll-houses of Dresden and Pirna, for such Vessels as do not pass the Toll-houses of Strehle and Schandau; and Hanover, the provisional Toll-house of Hitzacker, in those cases where none of its Toll Stations shall be passed.

XVII. No Boatman shall receive a cargo, without a bill of lading from the Owner thereof, in which the quality, quantity, and the name of the Individual who is to receive the merchandize, must be specified. He will be required to declare his cargo at every toll-house at which he shall arrive, and to exhibit the bill of lading and a manifest.

The latter must be drawn up agreeably to the annexed form, (No. 4.) and must contain:

1. The name and abode of the Owner of the Vessel, and also those of the Boatman.
2. The number and name of the Vessel, its tonnage, flag, and the number of the Crew.
3. The place where the cargo was taken on board, and that of its destination.
4. The bills of lading, numerically arranged.
5. The name of the Individual who transmits the merchandize, and of him who is to receive it.
6. The marks and number of the parcels and packages.
7. The description of the merchandizes.
8. Their weight.
9. The signature of the Boatman, certifying to the accuracy of the declaration.

The Manifest must be drawn up by the Boatman himself, or by another Person in his name, who must not, however, be an Elbe Toll, nor Harbour, Collector. It must be legalized by the Signature and Seal of a Public Officer appointed for that purpose. The Boatman will be held responsible for the contents of the Manifest, although it may not be drawn up by himself. In the case of merchandize taken on board, or unladen, during the voyage, the same regulations shall be observed, and the description of the Cargo also fully stated, in the Manifest, agreeably to the annexed form, and legalized at the nearest Toll House.

XVIII. The Conductor of a Float of timber must be furnished with a complete list of all the logs of wood composing his transport,

describing the species and dimensions of each log. He is also bound to produce a Manifest, stating the total number of the logs, and other descriptions of wood, as well as their whole cubical contents, and the occasional by-ladings taken on board during the passage. The Elbe Toll Collectors shall verify the declarations by measuring the Floats of Timber and the other lots of wood (des Losholzes).

XIX. The Boatmen, and Conductors of Floats of timber, shall stop at each toll-house designated in this Convention, at which they may arrive during their voyage, in order to report themselves at the Office, and produce their Manifests, with all the papers annexed thereto. All Boatmen passing the toll-house of Lenzner Ferry shall produce their Manifests; but those only shall be required to stop who are destined to or from Schnackenburg, or its environs.

XX. From the contents of the Manifests and Papers annexed thereto, and agreeably to the verification of the general or special revision, where such shall take place, the Toll Collectors shall calculate the duties to be paid. They shall mark on the Manifest the amount levied by them, certify the same by their official signature, and deliver to the Boatman a special printed receipt for the same, agreeably to the annexed Form, No. 5.

XXI. As the Manifest is a document equally important to the Fiscal, the Merchant, and the Boatman, it must accompany the Vessel from the place of lading to that of unlading, at the latter of which it must be delivered to the Authorities, in order to be preserved, and referred to should circumstances require it.

Whenever a Boatman enters a Territory, the first toll-house, upon the exhibition of the Manifest, has a right to take a copy thereof, but not to charge for the same.

XXII. The Contracting States, generally, reserve to themselves the right of verifying or visiting Vessels and Floats of timber at their respective toll-houses.

This verification of Vessels may be either a *general* or *special* revision.

The general verification shall consist, after a previous examination of the Manifest, and the Papers thereto annexed, of a general revision and examination of the Cargo, by comparing its uniformity with the Manifest, in so far as it can be done without displacing the packages.

The special verification shall consist of a detailed examination of the quality and quantity of the cargo.

XXIII. Saxony, Hanover, Denmark, and Mecklenburgh, however, agree, in order to facilitate the Commerce of the Elbe, not to exercise, for the period of 6 years, the right they possess of specially visiting at their toll-houses, those Vessels and Floats of timber which, during their voyage, may have passed and been specially visited by the 2 Prussian toll-houses of Wittenberg and Mühlberg, unless they be suspected of fraud; and, they have, for that purpose, by a special Convention, agreed to abide by the Prussian examination of them at those toll-houses.

As experience, however, can best prove the utility and efficacy of this measure, they reserve to themselves the right, hereafter, of prolonging this regulation, or, if necessary, of amending and simplifying it by the first Commission of Revision. Should, however, the Convention not answer the expectations reciprocally anticipated, and should they not agree, at the first Commission of Revision, upon another system, the before-mentioned States reserve to themselves the power of assuming their right of special verification, so far as it may be necessary to secure to them the receipt of the Elbe Tolls.

Vessels which, in proceeding to their destination, do not pass either Wittenberg or Mühlberg, shall remain subject to a reserved special revision, in each of the States.

On the production of the Manifests of Vessels and Floats of Timber, agreeably to the Regulation, at the toll-houses in the Grand Dutchy of Anhalt, a special revision shall not be resorted to, but a general one only upon Cargoes, unless they be suspected of fraud; the right, however, of Anhalt to the special revision, is reserved to it.

XXIV. The Elbe toll-offices shall be bound to accelerate, as much as possible, the revision of Vessels, and not to detain the Boatmen beyond the time absolutely necessary for that purpose. There shall be observed, without exception, a "Tour de Rôle," in order that the first Vessel which may arrive shall have the preference over those which follow it, except in the case when Vessels, by a general revision, can be dispatched sooner, as the latter may precede those of a special revision. A revision, however, once begun shall not be interrupted, on any account, by the arrival of another Vessel or Float of timber. The Authorities shall strenuously endeavour to promote and facilitate navigation, observe a perfect impartiality towards the Boatmen, and studiously avoid all indecorous conduct. The States which appoint them shall give them the necessary instructions, and they shall, at the same time, point out to them the necessity of their encouraging and extending Navigation and Commerce. Collectors who shall levy duties, contrary to the Stipulations of the present Convention, shall be severely punished.

XXV. A contravention of the Toll Regulations shall be deemed to have taken place, when the cargo of a Vessel does not correspond with the Boatman's Manifest, so that any evasion of the Elbe Toll, or of the Duty of "Reconnoissance" shall have occurred, and such offences shall be punished according to the Laws and Regulations of the State in which they are discovered, or where the Boatman shall be arrested. For this purpose, an Officer shall be appointed at each toll-office, to take cognizance of, and to decide upon, such matters.

If, on the borders of a State, at any of the Elbe Toll-houses at which a Vessel arrives, a difference be discovered between the cargo and the contents of the Manifest, so that an intended or actual

evasion of the Tolls of the State is apparent, the Boatman may be made amenable for such evasion, agreeably to the Laws and Regulations concerning imposts in force in such State.

XXVI. Previously to the present Convention becoming operative, an Officer shall be appointed, to reside at each toll-house, or as near to it as possible, who shall be authorized to decide, summarily, upon the following objects:

(*a.*) Contraventions of the Toll Regulations, and the penalties thereby incurred, should the Boatman not voluntarily subject himself thereto.

(*b.*) Disputes concerning the payment of toll, crane, weight, harbour, wharf, and sluice-duties, and the amount thereof.

(*c.*) Stoppage of the towing path, by private individuals.

(*d.*) Damages occasioned to meadows and fields, by the towing of Vessels, as well as damages caused, by the negligence of Boatmen and Conductors of Floats of timber, during the passage or landing.

(*e.*) Amount of Salvage Duties, and other remunerations for assistance in cases of accident, where the Persons interested do not agree.

The name and residence of the Officer shall be posted up in the Toll-house.

XXVII. The Contracting States also agree to give directions to the Toll Collectors and Authorities, that, if 1 or more Toll Collectors of another State, shall apply to them to arrest Boatmen, in order to enforce payment of a Toll become due, which, in case of opposition on the part of the Boatmen, can only take place in consequence of a decision of the competent Officer, such application shall be complied with; and, on the demand thereof, the result of any revision on the Elbe, or any explanation, shall be readily afforded.

XXVIII. The States, exercising the right of sovereignty on the Elbe, engage to take particular care that the towing paths within their Territories, shall be, without the least delay, and as often as may be necessary, properly repaired, in order that no obstacle may be experienced to the Navigation. They engage, likewise, to remove, as soon as possible, within the limits of their Territories, all impediments in that part of the river which is used for Navigation; and not to permit any buildings to be erected upon or along the banks of the river, that may be injurious thereto. In cases in which the opposite banks belong to different States, the practice hitherto followed, for the preservation of the works on the river, shall continue to be observed; and any differences which may arise respecting the same, shall be laid before the Commission of Revision.

XXIX. In cases of wreck, the Local Authorities shall take the necessary measures, in order to save the Crew and the Vessel, and to deposit the cargo in security. With this view, the States bordering on the River engage to provide those Authorities with the necessary general instructions, and to renew the special Ordinances formerly

issued upon the subject. The wreck privileges (Strandrecht) should they exist on any part of the Elbe, are for ever abolished.

XXX. When this Convention shall have become operative, a Commission of Revision shall assemble, from time to time, to which each of the States bordering on the river shall delegate a Plenipotentiary, the President whereof shall be elected by a majority of votes. The object and powers of this Commission of Revision shall be:—to watch over the due observance of the present Convention; to form itself into a Committee for the settlement of any differences which may arise between the States bordering on the river; and to determine upon the measures which by experience may be found necessary to the improvement of Commerce and Navigation. Each Plenipotentiary shall lay before his Government these measures, in order to the obtaining its decision thereupon.

The first Commission of Revision shall assemble at Hamburgh, at the expiration of 1 year from the day on which this Convention shall begin to be operative. The Commission, before closing its sittings, shall determine upon the period and place at which the next Commission shall assemble.

XXXI. The Regulations established by the present Convention shall alone be acted upon, no regard being had to any Special Treaties, Laws, Ordinances, Privileges, or Usages, hitherto existing.

XXXII. The application and extension of the stipulations of the present Convention, to the Branch Rivers which divide or intersect the different States, shall depend upon separate Arrangements between the respective States; provided that they are in no particular circumstances at variance therewith.

XXXIII. This Convention of Navigation shall have its full and entire execution, along the whole course of the Elbe, after the 1st January 1822; and, for that purpose, it shall be printed and published, and communicated to the Competent Authorities, and the Ratifications of the same shall be exchanged within the space of 2 months from the date hereof.

In faith of which the Commissioners Plenipotentiary of the different States have signed and affixed the seals of their arms to the present Convention.

Done at Dresden, the 23rd June, 1821.

(L. S.) JOHANN LUDWIG V. JORDAN.
(L. S.) BARON VON MUNCH BELLINGHAUSEN.
(L. S.) GUNTHER VON BUNAU.
(L. S.) CARL FRIEDRICH BARON VON STRALENHEIM.
(L. S.) MATHIAS FRIIS VON IRGENSBERGH.
(L. S.) JOACHIM CHRISTIAN STEINFELD.
(L. S.) ERNST LUDWIG CASIMIR ALBRECHT REICH.
(L. S.) CHRISTIAN NICOLAS PEHMOLLER.

[See the Tables of Duties, &c. Martens' Supplement, Vol. 9, Page 737.]

Prussian Act of Ratification of the Elbe Navigation Convention.—Signed at Dresden, on the 23rd June, 1821.

(Translation.) *Berlin, 20th November, 1821.*

We, Frederick William III, by the Grace of God, King of Prussia, &c. make known, and declare hereby, that;

Whereas, for the accomplishment of the 108th Article of the General Treaty, signed in Congress at Vienna, on the 9th of June, 1815, we agreed with His Majesty The Emperor of Austria, His Majesty The King of Saxony, His Majesty The King of Great Britain and Ireland, as King of Hanover, His Majesty The King of Denmark, as Duke of Holstein and Lauenburg, His Royal Highness The Grand Duke of Mecklenburgh Schwerin, Their Highnesses The Dukes of Anhalt-Bernburg, Anhalt-Cœthen, and Anhalt-Dessau, and the Senate of the Free Hanseatic City of Hamburgh, to assemble at Dresden a Commission of Plenipotentiaries from all the Parties, in order to determine upon the application of the general provisions contained in the said Treaty of Congress relative to River Navigation, so far as regards the Elbe, and to record the result of their deliberations in a mutual Convention;

And whereas, the said Convention has been happily concluded by common consent, and was signed on the 23rd of June of the current year by the respective Plenipotentiaries, in 9 copies of the same tenour, 8 of which are for the several Contracting Parties, among which is one Copy for their Highnesses The 3 Dukes of Anhalt, and the 9th is to be deposited with the other Acts of the Commission, to serve for the general use of the Governments interested, when the Ratifications thereof shall have been signed: We hereby declare, that, after careful examination and consideration of all and each of the stipulations contained in the aforesaid Convention for the Navigation of the Elbe, which are to be considered as if they were recited herein, word for word, and, with reference to the proceedings of the Commission, in the 44th Conference, at which the Convention was signed by the respective Plenipotentiaries, as well concerning the Duties of "Reconnoissance," as those to be levied on Timber; as also the resolutions concerning the mode of collecting the same, in Articles X and XI, and in the general stipulation in Article XXX, agreeably to which the points referred to the Commission of Revision in the 43 previous Conferences are reserved: We, by the force of this present Act of Ratification, drawn up in the usual form, have entirely approved, and do solemnly approve, of the same; pledging our royal word, for ourselves and our successors, truly to observe the said Stipulations, and also to watch over them, so that they may be at all times strictly executed by our Authorities and Subjects.

And for the greater assurance whereof, We have signed with our own hand, and caused to be sealed with our great Seal of State, our Act of Ratification in 10 Copies of the same tenour, of which 9 are intended

for the Contracting Parties, amongst which is 1 for their Highnesses the 3 Dukes of Anhalt, and the 10th is to be deposited with the general Acts of the Commission.

Done at Berlin the 20th November, in the year of our Lord 1821, and the 25th of our Reign.

(L. S.) FRIEDRICH WILHELM.

C. Furst Von Hardenberg.

V. Bernstorff.

Convention between Prussia, Saxony, Hanover, Denmark, and Mecklenburgh Schwerin, respecting the Revision of Cargoes, &c. on the Elbe.—Signed at Dresden, on the 23rd June, 1821. —— (Translation.)

Berlin, 20th November, 1821.

We, Frederick William III. by the Grace of God, King of Prussia, &c. make known, and declare hereby, that: Whereas we have agreed to cause a Special Convention to be concluded by the Plenipotentiaries of the Elbe Navigation Commission, in concert with His Majesty The King of Saxony, His Majesty The King of Great Britain and Ireland, as King of Hanover, His Majesty The King of Denmark, as Duke of Holstein Oldenburgh and Lauenburg, and His Royal Highness The Grand Duke of Mecklenburgh Schwerin, for the encouragement of the Navigation of the Elbe, and chiefly in consideration of the disadvantages occasioned by the repeated revisions of merchandize conveyed on the Elbe.

And whereas the said Convention has been happily concluded by mutual consent, and was signed by the respective Plenipotentiaries, on the 23rd of June of the current year, subject to the Ratification thereof; which Convention is, word for word, as follows:

Their Majesties the Kings of Prussia, Saxony, Great Britain and Hanover, and Denmark, and His Royal Highness TheGrand Duke of Mecklenburgh Schwerin, in furtherance of their wishes for the encouragement of the Navigation of the Elbe, and chiefly in consideration of the disadvantages arising from the often repeated revision of merchandize conveyed on the Elbe, have, by means of their Plenipotentiaries of the Elbe Navigation Commission, agreed to the following Special Convention, and have allowed it to be concluded, subject to their Ratification thereof.

Art. I. Their Majesties The Kings of Saxony, Great Britain and Hanover, and Denmark, and His Royal Highness The Grand Duke of Mecklenburgh Schwerin, agree, for the next 6 years, from 1822 to 1827 inclusive, not to exercise the right which belongs to them, of the strict or special visitation by their Toll Officers, of those Vessels and Floats of timber which, in their passage on the Elbe shall have passed either of the Royal Prussian Frontier Toll-houses of Mühlberg or Wittenberg, and have been there subjected, either directly or indirectly, to a special revision, as will appear by their Controul Certificates.

Cases where suspicion of fraud exists, are, however, excepted from this renunciation.

II. His Majesty the King of Prussia, on the other hand, readily grants a participation in the revisions at Mühlberg and Wittenberg; and, for that purpose, will not only cause the result of the special visitation to be fully and correctly stated in the Document of discharge, to be delivered to the Boatmen in order to its being produced at the other Elbe Toll-houses, but also consents to the appointment of a Special Commissary for Saxony at Mühlberg, and, for the other States bordering on the River, at Wittenberg.

III. These Commissaries shall, at the Royal Prussian Revision and Toll Offices to which they are appointed:

(a.) Attend to the interests of their Most High Constituents, in all affairs relative to the Elbe Tolls, and, for that purpose,

(b.) Are authorized to be present at the revision of the lading of Vessels and Floats of timber, (which revision, however, belongs exclusively to the Royal Prussian Functionaries,) in order thereby to obtain a conviction that the interests of their most high Constituents are attended to in the best manner.

They shall not by their presence impede the Royal Prussian Toll Authorities in their official business; and any direct interference in the course of their proceedings is strictly forbidden.

(c.) The Royal Prussian Elbe-Toll Register, as well of import as of export, shall be always produced to them at the Offices, on their demand, provided that no interruption be thereby occasioned to the current business, particularly after, or at other times than the hours of office; they may extract therefrom what they may deem necessary, compare the lists of the duties to be collected, which are transmitted by the Toll-Officers of their Most High Constituents, and regulate matters agreeably thereto.

(d.) They shall also be circumstantially informed, through the respective Toll-houses at Mühlberg and Wittenberg, of the result of the revision at the place of destination of each cargo, in every case of inquiry concerning the Manifest.

(e.) They may personally attend the examinations of the Toll Officer, so far as they may concern them; and they are authorized to take cognizance of, and to make extracts from, such Documents of the Proceedings of search, as may be interesting to them.

(f.) They shall receive the ulterior Duties, and remit them to the Toll Offices of Their Most High Constituents.

(g.) They shall, in all cases, transact business and preserve official relations with the Chief Collector and Officer of the Toll-house to which they are appointed.

IV. If, on the special revision of the Royal Prussian Authorities, deviations from the Declarations which have been made at the respective Toll-houses of the other States bordering on the River, who are Parties to this Special Convention of Revision, shall be discovered, a deficiency

of the Duties to be levied, or any intentional fraud on the part of the Boatmen, the Toll Commissaries shall immediately be informed thereof by the Royal Prussian Authorities; and the Boatmen shall not be dispatched until the deficient Toll Duties, and the deposited Costs and Penalties, shall have been received and handed over to the Toll Commissaries.

In case the Defrauder refuse to pay the Penalties and Costs, the Toll Commissaries shall have the option, either of instituting formal proceedings before the competent Royal Prussian Toll Officer, or of reserving the prosecution of the Offender before the respective Toll Officers of their Most High Constituents, should they succeed in apprehending him.

V. When, on the Royal Prussian side, security is obtained from Boatmen, for any Elbe Toll not fully discharged at Wittenberg or Mühlberg, the same shall be communicated to the Toll Commissaries, upon whose demand, a separate security shall likewise be given to the Boatmen, from the Toll Houses of Mühlberg and Wittenberg, for any duties that may have been unjustly levied at any of the Elbe Toll Houses of their Most High Constituents already passed; which must not, however, exceed a third part of the amount of those Toll Duties which have been levied at the Toll-houses already passed, agreeably to the Manifest.

VI. None but moral, peaceable, and experienced Men shall be chosen as Commissaries, and they shall be sufficiently paid at the Toll Houses of Mühlberg and Wittenberg, to enable them to live respectably, and independently of perquisites, which, under whatever denomination, they are not permitted to enjoy.

Their Appointments and Instructions shall be published by the Royal Prussian Government, and they, as well as the Toll Officers at Wittenberg and Mühlberg, are most especially directed to observe a conciliatory and peaceable conduct towards each other.

VII. Should the Royal Prussian Chief Toll Inspectors, at Wittenberg and Mühlberg, have occasion to require an inspection of the Registers, or Extracts of the same, from the Toll Officers of His Majesty the King of Saxony, Great Britain and Hanover, Denmark, or the Grand Duke of Mecklenburgh, the same shall be readily afforded to them.

VIII. Inasmuch as experience will best prove the advantages of the present Convention, relative to the mutual proceeding of inspection, the High Contracting Parties expressly reserve to themselves the right to prolong the duration of the same, and, if necessary, to amend and simplify the stipulations thereof, at the first Commission of Revision.

Should this Convention not answer the expectations generally entertained, and should they not agree upon another, in the first Commission of Revision, it will remain for the High Contracting Parties to resume the right belonging to them, of returning to their own peculiar mode of revision.

IX. This Convention does not include the cargoes on the Elbe which, in their destination, do not pass Mühlberg or Wittenberg; and

the general revision, conformably with the Convention of Navigation, also remains reserved to the High Contracting Parties.

X. The Ratifications of this provisional Convention shall be obtained without delay, and, together with those of the Convention for the Navigation of the Elbe, shall be exchanged without delay.

In faith whereof, the same is signed and sealed by the respective Plenipotentiaries of the Elbe Navigation.

Done at Dresden, 23rd June, 1821.

(L. S.) JOHANN LUDWIG V. JORDAN.
(L. S.) GUNTHER V. BUNAU.
(L. S.) CARL FRIEDRICH BARON V. STRALENHEIM.
(L. S.) MATHIAS FRIIS V. IRGENSBERGH.
(L. S.) JOACHIM CHRISTIAN STEINFELD.

We therefore hereby declare, after a careful examination and consideration of all and each of the stipulations contained in the foregoing Convention, that we entirely accept the same, as we solemnly accept and give force to this Act of Ratification, in the usual form: Wherefore, on our royal word, we promise, for ourselves and our royal successors, truly to observe the said stipulations, and also to watch over them, so that they may at all times be duly fulfilled by our Authorities and Subjects.

In further confirmation whereof, we have signed and caused our great Seal of State to be affixed to 5 similar Copies, of which 4 are for the several Contracting Parties, and the 5th is to be preserved with the other Acts of the Commission.

Done at Berlin the 20th November, in the year of our Lord 1821, and the 25th of our Reign. (L. S.) FRIEDRICH WILHELM.
C. Furst Von Hardenberg.
V. Bernstorff.

DECREE of the King of Portugal and Brazil, confirming and adopting the Constitution of Government proposed by the Cortes in Lisbon.—Rio Janeiro, 24th February, 1821.

(Translation.)

Having issued the necessary Orders, for the purpose of adapting the Constitution which is now preparing in Lisbon with what is suited to Brazil, and it having been represented to me that the greatest benefit which I can confer upon my people is, immediately to approve of that Constitution, and all my anxiety, as is well known, being to procure for them all tranquillity and happiness; I think it right to declare my approval of the Constitution now preparing there, and to receive it for my Kingdom of Brazil, and the other Dominions of my Crown.

My Ministers and Secretaries of State, to whom this Decree is addressed, shall carry the same into execution, transmitting the requisite Orders to the Tribunals and Captains General.

Palace of Rio de Janeiro, 24th February, 1821.

With the Signature of His Majesty.

DECREE of The King of Portugal and Brazil, respecting the removal of the Seat of Government to Lisbon;—the appointment of The Prince Royal to the Provisional Government at Rio Janeiro;—and the Election in Brazil of Deputies to the General Cortes in Portugal.—Rio Janeiro, 7th March, **1821.** —— (Translation.)

DIVINE Providence having graciously granted to all European Nations the long wished for blessings of a general Peace, after a ruinous War; and having permitted the establishment of a basis for the happiness of the Portuguese Monarchy, by means of the Meeting of the General Cortes now extraordinarily assembled in my very Noble and Loyal City of Lisbon, for the purpose of giving to the United Kingdom of Portugal, Brazil and Algarve, a Political Constitution, in accordance with the liberal principles, which, from the progressive improvement of the age, are now generally received by all Nations: and it having been represented to me, by well informed Persons, who are zealous for the service of God and for my welfare, that the minds of my faithful Vassals, (and principally of those now in this Kingdom of Brazil) who, anxious to maintain the unity and integrity of the Monarchy, were in a painful state of uncertainty, so long as I should not be pleased to declare, in a solemn manner, my express, absolute, and decisive, approbation of the said Constitution, to the end that it may be generally received and executed, without alteration or difference, in all the States of my Royal Crown;—I have thought it fitting to make such Declaration, in my Decree of the 24th of last February, and to take, conjointly with the whole of my Royal Family, and the People and Troops of this Capital, a solemn Oath, to observe, maintain and keep, in this and all the other Kingdoms and Dominions of my Monarchy, the said Constitution, such as it shall be determined, made and agreed upon, by the above-mentioned General Cortes of the Kingdom: and, moreover, to issue my Orders, to the Governors, Captains General, and Authorities, Civil, Military and Ecclesiastical, in all the other Provinces, to administer a similar Oath to all their Inferiors and Subalterns, as a further means of strengthening and ensuring the said unity and integrity of the Monarchy.

But as the first and most essential condition of this social Compact, thus received and sworn to by the whole Nation, is that the Sovereign should fix his residence in that city, where the Cortes assemble, in order that the Laws, immediately after their discussion, may be presented to him, and receive, without delay, his indispensable sanction,—that scrupulous piety which behoves me to fulfil even more than the most arduous duties which have devolved upon me, by the Oath I have taken, enjoins that I, for the general good of my People, should make one of the most painful sacrifices of which my paternal and Royal heart is capable, by my separation a second time from Subjects, the recollection of whom will always be to me a source of anxiety, and whose prosperity,

wherever I may be, will never cease to be one of the most assiduous cares of my paternal Government.

It was, therefore, fitting, that I, in fulfilment of the duty which Providence imposes upon me, of sacrificing every thing for the happiness of the Nation, should resolve, as I have now done, to transfer once more my Court to the City of Lisbon, the ancient Seat and original Cradle of the Monarchy; to the end that I may there co-operate with the Deputies, Representatives of my People, in the glorious undertaking of restoring the valiant Portuguese Nation to that high degree of splendour, by which it so much distinguished itself in former times; leaving in this residence my much beloved and valued Son, The Prince Royal of the United Kingdom, with the charge of the Provisional Government of Brazil, until the General Constitution of the Nation shall have been established.

And in order that my People of this my Kingdom of Brazil may previously participate in the advantages of a National Representation, by sending to the General Cortes of the United Kingdom a proportionate number of Representative Deputies, I have given, in another Decree, of the same date as the present, precise directions that, from this moment, the Election of the said Deputies, in the same form as the Regulations which have been adopted for that purpose in the Kingdom of Portugal, may be commenced in all the Provinces. The Deputies who may be successively named in this Province, shall come without delay to this Capital, in order that those who arrive before my departure from the Kingdom, may accompany me: the means having already been provided for the conveyance of those, who, subsequently to that period, may arrive from the Northern Provinces, and have to make the Voyage to their future destination.

Palace of Rio de Janeiro, 7th March, 1821.

With the Signature of His Majesty.

DECREE of The King of Portugal and Brazil, respecting the Powers of The Prince Royal, as Regent and Lieutenant of the Kingdom of Brazil.—Rio de Janeiro, 22d April, 1821. (Translation.)

It being indispensably necessary to provide for the Government and Administration of this Kingdom of Brazil, from which I separate myself with lively sentiments of regret, (as announced in my Decree of the 7th of March,) in consequence of the existing political circumstances requiring my return to Portugal; and being guided not only by motives of public utility and interest, but also by a particular consideration for my faithful Vassals of Brazil, who are anxious that I should establish the Government which is to rule them during my absence, and until the arrival of

the Constitution, in a manner suited to the present state of affairs and the political rank to which this Country has been raised, as well as capable of consolidating the general and individual prosperity; I think fit, and am pleased, to commit to the charge of my much beloved and valued Son, Dom Pedro de Alcantara, Prince Royal of The United Kingdom of Portugal, Brazil and the Algarves, the general Government and entire Administration of the whole Kingdom of Brazil; constituting him Regent and my Lieutenant, in order that he, with so pre-eminent a title, and adhering to the Instructions, which accompany this Decree, under my Signature, may, during my absence, and so long as the Constitution shall not have established any other system, govern this Kingdom with wisdom, and with the love of the People. From the high opinion I entertain of his prudence and other good qualities, I take my departure, with the conviction that, in administering the affairs of Government, in strengthening the public security and tranquillity, in promoting the general prosperity, and in fulfilling my wishes in every respect, he will conduct himself as a good Prince, the friend and father of this People, the recollection of whom is deeply engraven upon my heart, and from whose obedience to the Laws, as well as submission and respect to the Authorities, I hope to obtain a recompence for the great sacrifice I make, in separating myself from my Son, my first born, Heir and Successor to the Throne, whom I leave to them as a pledge of the high estimation in which I hold them.

The Prince will so understand and execute this Decree, and give Orders for its promulgation.

Palace of Boa Vista, 22d April, 1821.

With the Signature of His Majesty.

INSTRUCTIONS for the guidance of the Prince Royal, as Regent of Brazil; annexed to the preceding Decree. (Translation.)

THE Prince Royal of the United Kingdom shall take the title of Prince Regent, and my Lieutenant, in the Provisional Government of the Kingdom of Brazil, with which he is to be charged.

This Government shall consist of the Conde dos Arcos, Minister and Secretary of State for the Interior of the Kingdom of Brazil, and for Foreign Affairs; the Conde da Louzã, Dom Diogo de Menezes, Minister and Secretary of State for Finance; the Secretaries of State, *ad interim*, Camp Marshal, Carlos Frederico de Caula, for the War Department; and Major General of the Fleet, Manoel Antonio Farinha, for the Department of the Marine.

The Prince Royal shall form his decisions, in the Council composed of the 2 Ministers of State, and the 2 Secretaries of State (*ad interim*) and those decisions shall be registered by the Minister or Secretary of State, to whose Department the responsibility thereof shall belong.

The Prince Royal shall possess every power for the Administration of Justice, Finance, and internal Government; he may pardon Criminals who may have been capitally convicted, and commute punishments. He shall decide on all questions relating to the public Administration.

He shall appoint to all places in the Law, in the Courts of Justice, or in the Department of Finance, which are now or may become vacant, and to all Civil and Military Employments: the Persons named, by virtue of his Decree, shall enter upon the exercise or enjoyment of their places, offices, or employments, immediately after the Payment of the New Duties; although their respective Commissions require my Royal Signature, which is indispensable to Letters and Patents; for the prompt expedition whereof, the Prince shall not only be empowered to sign Alvarás, by virtue of which such Letters shall be granted, but also to concede those dispensations, which, according to custom, are granted to the Possessors of such Letters.

He shall also appoint to all Benefices, whether with or without cure of souls, and to other Ecclesiastical Dignities, with the exception of Bishopricks; but he may propose to me, for the same, such Persons, as he may consider worthy of them.

He shall be empowered to declare War, offensive or defensive, against any Enemy which may attack the Kingdom of Brazil, should the circumstances be so urgent as to make the waiting for my Royal Orders a serious prejudice to my faithful Vassals of this Kingdom; and for the same reason, and under similar circumstances, he may concludeProvisional Treaties, or Truces, with the Enemies of the State.

Finally, The Prince is empowered to confer, as honourable favours, upon such Persons as he shall judge worthy of the distinction, the Badges of the three Military Orders, of Christ, St. Bento de Aviz, and St. Thiago da Espada; he may grant to them the immediate use of the Insignia, and the usual dispensations for their vows.

In the unforeseen and unhappy event of the death of the Prince Royal, (which may God forbid) the Regency of the Kingdom of Brazil shall pass directly to the Princess Royal, his wife and my much loved and valued Daughter-in-Law, who shall govern the Kingdom, aided by a Council of Regency, composed of the Ministers of State, of the President of the Council of State, of the Chief Justice, and of the Secretaries of State *(ad interim)* for the Departments of War and Marine. The eldest Minister of State shall be President of this Council, and this Regency shall enjoy the same powers and authorities as those enjoyed by the Prince Royal.

Palace of Boa Vista, 22d April, 1821.

With the Signature of His Majesty.

SPEECH of The Conde de Sampayo, on the Installation of the Cortes of Portugal.—Lisbon, 26th January, 1821.

(Translation.)

Illustrious Representatives of the Portuguese Nation,—The happy day is at length arrived, which the Portuguese so anxiously desired, and which is going to crown their ardent wishes and flattering hopes; a day ever glorious and memorable, which will form the most brilliant epoch in the history of the Monarchy, and in the annals of the Reign of our pious and august Monarch, Don John VI. and which, presenting to admiring Europe the truly wonderful result of an energetic, but peaceable, effort, will regain for the Portuguese the name and the glory which our preceding misfortunes had obscured, and had almost extinguished.

In your hands, Gentlemen, are now placed the fate of this magnanimous Nation,—the happiness of our beloved and common Country. The zeal and patriotism of the Portuguese are confided to your virtue and wisdom. They will not be deceived in their choice, nor disappointed in their expectations.

The Government, after having at the Holy Altar returned due thanks to the Sovereign Author of all Good, and humbly supplicated Him to be pleased to pour down upon you the spirit of wisdom and prudence, so necessary for the due accomplishment of your arduous and sublime duties, now congratulates you on your happy meeting, and considers itself as fulfilling one of its most important and noble duties, by recommending to your care and solicitude, the interests and the destiny of an illustrious people, who desire and deserve to be happy.

In the minds and hearts of the Portuguese are engraven two fundamental principles, which they have loudly proclaimed to the whole world, on which the public happiness must repose, and which we all swear to maintain;—obedience and fidelity to King John VI. and his august dynasty,—and the pure and sincere profession of the holy religion of our forefathers.

The first insures to us, by the virtues hereditary in the House of Braganza, the blessings of a paternal Government; the second offers us the firmest support of our happiness, in the maxims of a Divine morality, which so perfectly adapts itself to, and is identified with, the necessities and sentiments of man.

It is on these foundations that the majestic edifice of the Portuguese Constitution must be erected, which, whilst the sacred rights of civil liberty, of property, and of the safety of the Citizen, are secured, prescribes with a firm and steady hand, the unalterable line of demarkation, which is to divide law from arbitrary will—power from despotism—liberty from licentiousness—obedience from slavery.

When this great work shall have been profoundly considered, and wisely developed, and executed, with the attention which the interests

and circumstances of the Nation require,—with the energy which its urgent wants demand,—with the prudence and circumspection which belong to the superiority, or (if I may so express myself) the impassable independence of the Legislator;—then the Portuguese, restored to their rights and to their dignity, will resume the place which belongs to them among civilized, free, and independent Nations; under the shelter of peace and domestic felicity, they will see those political Institutions flourish, which render a Nation great and respected. They will form around the august Throne of their Monarch, a firm barrier, equally inaccessible to internal passions, the enemies of social order, and the external attacks of any ambitious and usurping Power; and, nobly proud of the just and precious liberty, which their worthy Representatives have known how to acquire, and to secure to them, they will transmit to posterity the names of the Fathers of their Country, covered with a thousand benedictions, and accompanied by the most affectionate and most glorious recollections.

Such are the happy effects which the Government hopes and anticipates as the result of your wise deliberations, enlightened zeal, consummate prudence, and eminent virtues. It is about to conclude the memorable and difficult functions with which it has been charged, and, esteeming itself happy in having maintained peace and public tranquillity, it embraces this opportunity of again addressing the sincere expression of its praise, and of its thanks, to all the classes of Citizens to whom, under the favour of Providence, so extraordinary and invaluable a blessing is due. May the all-wise Providence grant, that this heroic Nation may attain, and enjoy, for many centuries to come, the felicity which it merits, and which the eminent qualities of its illustrious Representatives so largely promise! May our adored Monarch, conforming to the public wish, and sanctioning by his Royal assent, the work of the national wisdom, come and occupy the Throne of love, loyalty, and gratitude, which is prepared for him in the hearts of his people; and may we all, united in fraternal concord, and reciprocally bound by the sacred ties of love of our Country, rejoice in our happy fate, bless the epoch of our regeneration, and give worthy examples of virtue to our remotest posterity!

DECREE of the Cortes, containing the bases of the Political Constitution of Portugal. Lisbon, 9th March, 1821.

(Translation.)

The general and extraordinary Cortes of the Portuguese Nation, previously to the establishment of the Political Constitution, recognize and decree for its bases the following principles, which they consider to be the best calculated to secure the personal rights of the Citizen, and

to establish the organization and limits of the political powers of the Government.

SECTION I.—OF THE RIGHTS OF THE CITIZEN.

ART. I. The Political Constitution of the Portuguese Nation guarantees the liberty, security, and property of every Citizen.

II. Liberty consists in the power which belongs to every one of doing that which is not prohibited by the Law. The preservation of this liberty depends on the exact observance of the Laws.

III. Personal security consists in the protection which the Government is bound to afford to all Persons, in order that they may be enabled to enjoy their individual rights.

IV. No Individual shall be arrested, except upon the charge of a crime committed.

V. The Cases provided for by the Constitution are, however, excepted; but with respect to them, the Judge shall, within 24 hours, make known to the accused, in writing, the cause of his apprehension.

VI. The Law shall prescribe the punishment to be inflicted, upon the Judge who may have ordered, upon the Person who may have required, and upon the Officers who may have executed, an unlawful imprisonment.

VII. Property is the sacred and inviolable right which every Citizen possesses of disposing of his property, agreeably to his own will, and according to the Law. When, through any circumstance of public and urgent necessity, it shall become necessary that a Citizen be deprived of his property, he shall be indemnified in the manner appointed by the Law.

VIII. The free communication of thought is one of the most precious rights of Man. Every Citizen may, therefore, without being subject to a previous Censorship, manifest his opinions on any matter, he being answerable for the abuse of this liberty, in the cases and form which a Law shall determine.

IX. TheCortes shall immediately pass the said Law, and shall appoint a Special Tribunal to protect the Liberty of the Press, and to repress offences resulting from its abuse.

X. With respect, however, to the abuse which may be made of this liberty, in religious matters, the censure of writings, on dogmatical and moral subjects, shall remain with the Bishops; and the Government shall assist those Bishops in bringing the Delinquents to punishment.

XI. The Law is equal for all; and, therefore, neither privileges of rank, in Civil and Criminal Causes, nor any other than the regular Judges and Tribunals, shall be tolerated. This disposition does not comprehend the Causes which belong to particular Tribunals, in conformity with the Law which shall regulate the same.

XII. No Law, and particularly no penal Law, shall be established without absolute necessity. All punishments shall be proportioned to the offence, and shall be visited upon no other person than the Delinquent.

Confiscation of goods, infamy, whipping, branding with a hot iron, torture, and all other cruel and degrading punishments, are abolished.

XIII. All Citizens may be admitted to public employments, with no other distinction than that of their talents and virtues.

XIV. Every Citizen may present, in writing, to the Cortes, and to the Executive Power, demands, complaints, or petitions, and the same shall be examined.

XV. The secrecy of letters shall be inviolable. The Administration of the Post shall be rigorously responsible for any infraction of this Article.

SECTION II.—OF THE PORTUGUESE NATION; ITS RELIGION, GOVERNMENT, AND DYNASTY.

XVI. The Portuguese Nation is the union of all the Portuguese, of both Hemispheres.

XVII. Its Religion is the Catholic-Apostolic-Roman.

XVIII. Its Government is a Constitutional Hereditary Monarchy, with fundamental Laws which shall regulate the exercise of the Three Political Powers.

XIX. Its reigning Dynasty is that of the Most Serene House of Braganza. Our actual King is the Lord Dom. John VI., who shall be succeeded on the Throne by his legitimate Descendants, according to the regular order of primogeniture.

XX. The Sovereignty resides essentially in the Nation. The Nation is free and independent, and cannot be the patrimony of any one.

XXI. To the Nation alone belongs the right of forming its Constitution, or Fundamental Law, through the medium of its Representatives lawfully elected. This Constitution, or Fundamental Law, shall, for the present, be obligatory only on those Portuguese who are resident in the Kingdoms of Portugal and Algarve, and who alone are lawfully represented in the present Cortes. It shall be extended to those who reside in the other parts of the World, so soon as, through their lawful Representatives, they shall declare such to be their will.

XXII. This Constitution, or Fundamental Law, when passed by the present Extraordinary Cortes, shall admit of no modification or alteration, in any one or more of its Articles, until the expiration of 4 years from the date of its publication. Two-thirds of the Deputies present must concur in the necessity of any proposed alteration, which shall be effected only by the Legislature subsequent to the said 4 years, and the Deputies shall be provided with special powers for that purpose.

XXIII. An accurate division shall be formed of the 3 Powers, Legislative, Executive, and Judicial, and shall be observed in the Constitution.

The Legislative Power belongs to the Cortes, with dependence on the sanction of the King, who shall never possess an absolute, but only a suspensive, *veto*, in the manner which the Constitution shall determine.

This dependence does not, however, apply to the Laws made in the present Cortes, which shall be subject to no *veto*.

The Executive Power belongs to the King and his Ministers, who exercise the same under his authority.

The Judicial Power belongs to the Tribunals.

Each of these Powers, respectively, shall be so regulated, as that neither of them shall be able to arrogate to itself the attributes of either of the others.

XXIV. The Law is the will of the Citizens, declared through their Representatives assembled in Cortes. All Citizens shall concur in the formation of the Law, by electing those Representatives, in the manner prescribed by the Constitution; which shall also determine what Persons are to be excluded from the Elections. The Laws shall be decided upon by a majority or plurality of Votes, after public discussion.

XXV. The initiative of the Laws belongs to the Representatives of the Nation, assembled in Cortes.

XXVI. The King cannot assist at the deliberations of the Cortes. He shall open and close every Session.

XXVII. The Cortes shall, once in every year, assemble in the Capital of the Kingdom of Portugal, on a day previously determined upon by the Constitution; and they shall continue assembled for the space of 3 months, with power to prolong their Session 1 month, with the concurrence of two-thirds of the Deputies. The King can neither prorogue nor dissolve the Cortes.

XXVIII. The Deputies of the Cortes are inviolable in their persons, and cannot be made responsible for their opinions.

XXIX. It belongs to the Cortes: to appoint a Regency, when necessary;—prescribe the manner in which the sanction of the Laws shall then be given; and determine the attributes of such Regency;—to approve of Treaties of Alliance, offensive and defensive; of Subsidies, and of Commerce;—to grant or refuse the admission of Foreign Troops within the Kingdom;—to determine the value, weight, denomination, and impress, of the coin;—and to exercise the other attributes which the Constitution shall designate.

XXX. A Junta, composed of 7 Individuals chosen by the Cortes from among their own Members, shall continue in the Capital, where they shall assemble, in order to cause the Extraordinary Cortes to be convoked, in the cases to be provided for in the Constitution; and they shall exercise the other attributes which the Constitution shall assign to them.

XXXI. The King is inviolable in his person. His Ministers are responsible for their non-observance of the Laws, particularly for any attempt against the liberty, security, and property of Citizens, and for any dissipation or misuse of the public money.

XXXII. The Cortes shall assign to the King and to the Royal Family, at the commencement of each reign, a suitable provision, which shall be annually paid to the Administrator whom His Majesty shall appoint to receive the same.

XXXIII. There shall be a Council of State, composed of Members proposed by the Cortes, in the form which the Constitution shall determine.

XXXIV. The imposition of Taxes, and the manner of their collection, shall be settled, exclusively, by the Cortes. The levy of the direct Taxes shall be proportioned to the means of the Contributors, and no Person or body of Persons shall be exempted from the payment of them.

XXXV. The Constitution shall recognize the Public Debt; and the Cortes shall establish the requisite means for extinguishing the same, in proportion to the progress of its liquidation.

XXXVI. There shall be a permanent Military and Naval Force, to be determined by the Cortes. Its object shall be to maintain the internal and external security of the Kingdom, with submission to the Government, to which alone the employment of the same shall belong, and in the manner which it shall deem necessary.

XXXVII. The Cortes shall form and endow Establishments of Charity and Public Instruction.

[*Signatures of the Members of the Cortes.*]

The present Decree shall be published and registered, and preserved in the National Archives; a Duplicate of the same shall be deposited with the Archives of the Cortes; and printed Copies shall be distributed to all the Ministers, in order to the immediate execution thereof. The Bases which it contains, shall serve, provisionally, as a Constitution, with the exception of the restrictions mentioned in the Vth Article, which shall, for the present, be assimilated to those of the existing Legislation. The execution of Articles VIII, IX, X, and XI, shall be suspended, until the enactment of new Laws, which shall be immediately prepared.

The Regency of the Kingdom shall swear to the said Bases, and shall despatch the necessary Instructions, in order that they may, on the day appointed, likewise be sworn to, by all the Ecclesiastical, Civil, and Military Authorities.

Given in the Palace of the Cortes, the 9th March, 1821.

[*Signature of the President, and of the Secretary to the Cortes.*]

An Account of the Ordinary Revenues and Extraordinary Resources, constituting the Public

HEADS OF REVENUE. (United Kingdom.)	BALANCES. BALANCES in the Hands of Collectors, on the 5th January, 1820.	BALANCES. BALANCES in the Hands of Receivers General on the 5th January, 1820.	BALANCES. 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.	GROSS RECEIPT. GROSS RECEIPT within THE YEAR.	GROSS RECEIPT. TOTAL SUM to be Accounted for.
ORDINARY REVENUES.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Customs, including the Annual Duties	80,138 9 9½	16,013 11 11	244,208 2 6½	14,100,521 1 8½	14,440,881 5 1½
Excise, including the Annual Duties	31,724 8 4½	133,589 19 5½	250,887 3 5½	31,298,733 19 5½	31,714,935 10 9
Stamps	118,685 3 6	36,785 15 1½	66,890 19 7½	7,027,837 3 6½	7,250,199 1 [illegible]
Land and Assessed Taxes, including the Assessed Taxes of Ireland	6,359 10 7½	505,553 18 3	- - -	8,182,819 11 6½	8,694,733 0 [illegible]
Post Office	163,676 14 8½	10,313 14 9½	68,546 17 6	2,068,061 14 10	2,310,599 1 [illegible]
One Shilling in the Pound on Pensions and Salaries	- - -	2,905 6 5	- - -	18,346 15 4	21,252 1 9
Six-pence in the Pound on Pensions and Salaries	- - -	875 3 11	- - -	8,684 2 6	9,559 6 [illegible]
Hackney Coaches	- - -	91 12 7	- - -	26,374 7 6	26,466 0 1
Hawkers and Pedlars	- - -	1,162 0 0	- - -	29,360 8 9	30,522 8 9
Poundage Fees (Ireland)	- - -	- - -	- - -	4,392 10 8½	4,392 10 [illegible]
Pells Fees (do.)	- - -	- - -	- - -	878 10 0½	878 10 [illegible]
Casualties (do.)	- - -	- - -	- - -	3,419 13 3	3,419 13 3
Treasury Fees and Hospital Fees (do.)	- - -	- - -	- - -	515 0 1½	515 0 1½
Small Branches of the King's Hereditary Revenue	- - -	20,756 6 7½	- - -	112,211 0 8½	132,967 7 4½
TOTAL OF ORDINARY REVENUES - £	400,584 7 0½	728,047 9 1½	630,533 3 1	62,882,156 0 0	64,641,320 19 3
OTHER RESOURCES.					
Property Tax and Income Duty (Arrears)	- - -	11,919 9 8	- - -	45,123 15 10½	57,043 5 [illegible]
Lottery, Net Receipt	- - -	- - -	- - -	175,154 10 2	175,154 10 2
Unclaimed Dividends, Annuities, Lottery Prizes, &c. per Act 56 Geo. III. c. 97	- - -	- - -	- - -	283,810 7 11	283,810 7 11
From the Commissioners for the issue of Exchequer Bills, per Act 57 Geo. III. c. 34, for the Employment of the Poor	- - -	- - -	- - -	159,000 0 0	159,000 0 0
Surplus Fees of Regulated Public Offices	- - -	- - -	- - -	25,849 1 4½	25,849 1 4½
From several County Treasurers in Ireland, on account of Advances made by the Treasury for improving Post Roads, for building Gaols, for the Police, for Public Works, Employment of the Poor, &c. &c.	65 17 9½	- - -	- - -	61,598 3 5	61,664 1 [illegible]
Imprest Monies repaid by sundry Public Accountants, and other Monies paid to the Public	- - -	- - -	- - -	195,728 4 4	195,728 4 4
Total (exclusive of Loans,) £	400,650 4 10½	739,966 18 9½	630,533 3 1	63,828,420 3 0½	65,599,570 9 [illegible]
Loans paid into the Exchequer	- - -	- - -	- - -	17,292,544 16 6	17,292,544 16 6
Total Public Income of the United Kingdom, inclusive of the Loans paid into the Exchequer £	400,650 4 10½	739,966 18 9½	630,533 3 1	81,120,964 19 6½	82,892,115 6 [illegible]

Income of the UNITED KINGDOM of Great Britain and Ireland; for the Year ended 5th Jan. 1821.

RATE Per-centum for which the GROSS REVENUE was Collected.	Drawbacks, Discounts, Charges of Management and Expences 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 in the nature of drawbacks; allowances to the two Universities, on account of Almanacks, and for paper & parchment to stamp on.	Quarantine and othercharges; 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.
10 9 10	2,105,948 11 5½	112,636 13 5½	1,479,106 7 10½	3,697,691 12 10	10,743,189 13 1½	14 4 4
4 10 6	1,676,197 19 4½	- - -	1,416,489 1 1½	3,092,687 0 6½	28,622,248 10 2½	5 0 5
3 3 0	233,995 2 4½	- - -	221,337 2 7½	455,332 5 0½	6,794,866 16 9	3 7 4
4 13 3	- - -	- - -	381,584 13 1	381,584 13 1	8,313,148 7 4½	4 17 10
28 9 2	- - -	29,447 11 2	588,514 12 9½	617,962 3 11½	1,692,636 17 10½	40 11 8
2 12 4	- - -	- - -	480 7 0	480 7 0	20,771 14 9	2 13 9
2 16 4	- - -	52 6 6	244 10 9	296 17 3	9,262 9 2	2 18 4
15 12 7	- - -	- - -	4,122 5 9	4,122 5 9	22,343 14 4	18 10 6
17 15 7	- - -	- - -	5,219 17 6	5,219 17 6	25,302 11 3	21 12 5
—	- - -	- - -	- - -	- - -	4,392 10 8½	—
—	- - -	- - -	- - -	- - -	878 10 0½	—
—	- - -	- - -	- - -	- - -	3,419 13 3	—
—	- - -	- - -	- - -	- - -	515 0 1½	—
4 11 9	- - -	- - -	5,146 19 4½	5,146 19 4½	127,820 7 11½	4 16 2
6 10 6	4,016,141 13 3	142,136 11 1½	4,102,245 17 11½	8,260,524 2 3½	56,380,796 16 11½	7 10 3
—	- - -	- - -	15,395 15 6	15,395 15 6	41,647 10 0½	—
—	- - -	- - -	19,000 0 0	19,000 0 0	156,154 10 2	—
—	- - -	- - -	- - -	- - -	283,810 7 11	—
—	- - -	- - -	- - -	- - -	159,000 0 0	—
	- - -	- - -	- - -	- - -	25,849 1 4½	—
—	- - -	- - -	- - -	- - -	61,664 1 2½	—
—	- - -	- - -	- - -	- - -	195,728 4 4	—
—	4,016,141 13 3	142,136 11 1½	4,136,641 13 5½	8,294,919 17 9½	57,304,650 11 11½	—
—	- - -	- - -	- - -	- - -	17,292,544 16 6	—
—	4,016,141 13 3	142,136 11 1½	4,136,641 13 5½	8,294,919 17 9½	74,597,195 8 5½	—

An Account *(continued)* of the Ordinary Revenues and Extraordinary Resources, constituting the Public

HEADS of REVENUE. (United Kingdom.)	Payments out of the Net Produce, applicable to				
	Bounties for promoting Fisheries, Linen Manufactures, &c.	Militia and Deserters' Warrants; Defence of the Realm; and other Services.	Pensions out of the Hereditary Revenue; and Perpetual Pensions and Stipends charged on the Land Revenue.	Expenses incurred in securing and improving His Majesty's Woods, Forests, and Land Revenue, including Payments to the Commissioners for executing the Act 53 Geo. III. c. 121.	By virtue of Warrants of the Barons of the Exchequer in Scotland, under the authority of different Acts of Parliament, towards the Support of the Civil Government of that Country.
ORDINARY REVENUES.	£ s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Customs, including the Annual Duties	273,758 2 10	61,967 0 11½	- - -	- - -	71,050 13 9½
Excise, including the Annual Duties	81,261 12 8	10,056 1 9½	14,000 0 0	- - -	129,268 3 3
Stamps	- - -	- - -	- - -	- - -	- - -
Land and Assessed Taxes, including the Assessed Taxes of Ireland	- - -	52,269 5 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 Hospital Fees (Do.)	- - -	- - -	- - -	- - -	- - -
Small Branches of the King's Hereditary Revenue.	- - -	- - -	9,222 1 11	86,525 17 9	- - -
TOTAL Of Ordinary Revenues £	355,019 15 6	124,292 7 10	36,922 1 11	86,525 17 9	200,318 16 9½
OTHER RESOURCES.					
Property Tax and Income Duty (Arrears)	- - -	- - -	- - -	- - -	- - -
Lottery, Net Receipt	- - -	- - -	- - -	- - -	- - -
Unclaimed Dividends, Annuities, Lottery Prizes, &c. per Act 56 Geo. III. c. 97.	- - -	- - -	- - -	- - -	- - -
From the Commissioners for the Issue of Exchequer Bills, per Act 57 Geo. III. c. 34, for the Employment of the Poor	- - -	- - -	- - -	- - -	- - -
Surplus Fees of Regulated Public Offices	- - -	- - -	- - -	- - -	- - -
From several County Treasurers in Ireland, on account of Advances made by the Treasury, for improving Post Roads, for building Gaols, for the Police, for Public Works, Employment of the Poor, &c. &c.	- - -	- - -	- - -	- - -	- - -
Imprest Monies, repaid by sundry Public Accountants, and other Monies paid to the Public	- - -	- - -	- - -	- - -	- - -
Total (exclusive of Loans) £	355,019 15 6	124,292 7 10	36,922 1 11	86,525 17 9	200,318 16 9½
Loans paid into the Exchequer	- - -	- - -	- - -	- - -	- - -
TOTAL Public Income of the United Kingdom, inclusive of the Loans paid into the Exchequer £	355,019 15 6	124,292 7 10	36,922 1 11	86,525 17 9	200,318 16 9½

Income of the UNITED KINGDOM of Great Britain and Ireland; for the Year ended 5th Jan. 1821.

National Objects.			PAYMENTS into the EXCHEQUER.	BALANCES.			TOTAL DISCHARGE of the NET PRODUCE.
Navy and Army Half Pay, Payments by Ireland for 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, 1821.	BALANCES in the Hands of Receivers General, on the 5th January 1821.	Bills arising out of the Revenue 1820, but which not becoming due until after the 5th Jan. 1821, are carried to Account of the latter Year.	
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£ s. d.	£. s. d.
58,391 13 0½	- -	465,167 10 1½	9,862,462 6 5½	85,992 14 3½	15,636 5 0	313,930 17 3½	10,743,189 13 1½
41,418 16 9½	- -	276,004 14 7½	27,929,832 12 3½	45,822 10 7	105,900 13 0½	264,687 19 8	28,622,248 10 2½
- -	1,109 15 0	1,109 15 0	6,562,253 6 11	132,082 3 8½	35,836 10 6½	63,585 0 7	6,794,866 16 9
- -	- -	52,269 5 1½	7,719,204 17 8½	17,010 0 0½	524,664 4 6	- -	8,313,148 7 4½
- -	- -	13,700 0 0	1,455,076 18 5½	143,535 10 9	9,861 14 7½	70,462 14 1	1,692,636 17 10½
- -	- -	- -	18,390 13 3	- -	2,381 1 6	- -	20,771 14 9
- -	- -	- -	7,240 2 2	- -	2,022 7 0	- -	9,262 9 2
- -	- -	- -	21,930 0 0	- -	413 14 4	- -	22,343 14 4
- -	- -	- -	25,200 0 0	- -	102 11 3	- -	25,302 11 3
- -	- -	- -	4,392 10 8½	- -	- -	- -	4,392 10 8½
- -	- -	- -	878 10 0½	- -	- -	- -	878 10 0½
- -	- -	- -	3,419 13 3	- -	- -	- -	3,419 13 3
- -	- -	- -	515 0 1½	- -	- -	- -	515 0 1½
- -	Hanaper 2,000 0 0	97,747 19 8	11,641 17 8	- -	18,430 10 7½	- -	127,820 7 11½
99,810 9 9½	3,109 15 0	905,999 4 6½	53,622,438 9 0	424,442 19 4½	715,249 12 5½	712,666 11 7½	56,380,796 16 11½
- -	- -	- -	30,806 4 1½	- -	10,841 5 11	- -	41,647 10 0½
- -	- -	- -	156,154 10 2	- -	- -	- -	156,154 10 2
- -	- -	- -	283,810 7 11	- -	- -	- -	283,810 7 11
- -	- -	- -	159,000 0 0	- -	- -	- -	159,000 0 0
- -	- -	- -	25,849 1 4½	- -	- -	- -	25,849 1 4½
- -	- -	- -	60,475 3 10½	1,188 17 4	- -	- -	61,664 1 2½
- -	- -	- -	195,728 4 4	- -	- -	- -	195,728 4 4
99,810 9 9½	3,109 15 0	905,999 4 6½	54,534,262 0 9½	425,631 16 8½	726,090 18 4½	712,666 11 7½	57,304,650 11 11½
- -	- -	- -	17,292,544 16 6	- -	- -	- -	17,292,544 16 6
99,810 9 9½	3,109 15 0	905,999 4 6½	71,826,806 17 3½	425,631 16 8½	726,090 18 4½	712,666 11 7½	74,597,195 8 5½

Whitehall, Treasury Chambers, 24th March, 1821. S. R. LUSHINGTON.

An Account of the Ordinary Revenues and Extraordinary Resources, constituting

HEADS of REVENUE. (GREAT BRITAIN.)	BALANCES. BALANCE in the Hands of Collectors, on the 5th January, 1820.	BALANCES. BALANCE in the Hands of Receivers General on the 5th January, 1820.	BALANCES. 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.	GROSS RECEIPT. GROSS RECEIPT within THE YEAR.	GROSS RECEIPT. TOTAL SUM to be Accounted for.
ORDINARY REVENUES.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£ s. d.
Customs, including the Annual Duties	78,403 13 5½	16,013 11 11	189,426 16 9½	12,206,214 9 10½	12,550,058 11 11½
Excise including the Annual Duties	- - -	133,589 19 5½	199,500 0 0	29,342,898 8 7½	29,675,988 8 1½
Stamps	113,170 1 3	36,416 11 9	46,754 7 8	6,564,461 4 11½	6,760,802 5 7½
Land and Assessed Taxes	- - -	505,553 18 3	- - -	7,849,768 0 7½	8,355,321 18 10½
Post Office	150,482 8 5½	9,267 3 9	68,546 17 6	1,894,631 17 9½	2,122,928 7 6½
One Shilling in the Pound, on Pensions and Salaries	- - -	2,905 6 5	- - -	18,346 15 4	21,252 1 9
Six-Pence in the Pound on Pensions and Salaries	- - -	875 3 11	- - -	8,684 2 6	9,559 6 5
Hackney Coaches	- - -	91 12 7	- - -	26,374 7 6	26,466 0 1
Hawkers and Pedlars	- - -	1,162 0 0	- - -	29,360 8 9	30,522 8 9
Small Branches of the Hereditary Revenue.					
Alienation Fines	- - -	3,330 2 1	- - -	6,907 0 0	10,237 2 1
Post Fines	- - -	1,202 5 3½	- - -	564 5 11½	1,766 11 2½
Seizures	- - -	- - -	- - -	5,499 13 8	5,499 13 8
Compositions and Proffers	- - -	- - -	- - -	611 2 0	611 2 0
Crown Lands	- - -	16,223 19 3½	- - -	98,628 19 1½	114,852 18 4½
TOTAL Of Ordinary Revenues £	342,056 3 2	726,631 14 8½	504,228 1 11½	58,112,950 16 8½	59,685,866 16 6
OTHER RESOURCES.					
Property Tax and Income Duty. (Arrears)	- - -	11,919 9 8	- - -	45,123 15 10½	57,043 5 6½
Lottery (Net Receipt)	- - -	- - -	- - -	175,154 10 2	175,154 10 2
Unclaimed Dividends, Annuities, Lottery Prizes, &c. per Act 56 Geo. III, c. 97.	- - -	- - -	- - -	283,810 7 11	283,810 7 11
From the Commissioners for the Issue of Exchequer Bills, per Act 57 Geo. III, c. 34, for the Employment of the Poor	- - -	- - -	- - -	159,000 0 0	159,000 0 0
Surplus Fees of Regulated Public Offices	- - -	- - -	- - -	25,849 1 4½	25,849 1 4½
Imprest Monies, repaid by sundry Public Accountants, and other Monies paid to the Public	- - -	- - -	- - -	159,053 15 1	159,053 15 1
Total (exclusive of Loans) £	342,056 3 2	738,551 4 4½	504,228 1 11½	58,960,942 7 1	60,545,777 16 6½
Loans paid into the Exchequer:					
On Contributions to Annuities, per Act 59 Geo. III, c. 42.	- - -	- - -	- - -	942,544 16 6	942,544 16 6
On Contributions to Annuities from Commissioners for the Reduction of National Debt, per Act 59 Geo. III, c. 71	- - -	- - -	- - -	6,000,000 0 0	6,000,000 0 0
On Contributions to Annuities, per Act 1 Geo. IV. c. 17.	- - -	- - -	- - -	3,950,000 0 0	3,950,000 0 0
On Contributions to Annuities from Commissioners for the Reduction of National Debt, per Act 1 Geo. IV, c. 22.	- - -	- - -	- - -	6,400,000 0 0	6,400,000 0 0
TOTAL Public Income of Great Britain, inclusive of the Loans, &c. £	342,056 3 2	738,551 4 4½	504,228 1 11½	76,253,487 3 7	77,838,322 13 6½

the Public Income of GREAT BRITAIN; for the Year ended 5th January, 1821.

RATE Per Centum for which the GROSS REVENUE was Collected.	Drawbacks, Discounts, Charges of Management, and Expences 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 in the nature of drawbacks; allowances to the two Universities, on account of Almanacks, and for paper & 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.
8 19 0	2,002,479 9 7	112,636 13 5½	1,097,773 16 2¾	3,212,889 19 3¼	9,337,168 12 8½	12 2 6
3 18 1	1,620,674 5 5	- - -	1,145,180 10 10½	2,765,854 16 3½	26,910,133 11 9¾	4 6 2
2 13 7	221,906 7 7¾	- - -	176,034 16 6	397,941 4 1¾	6,362,861 1 5½	2 17 1
4 2 7	- - -	- - -	324,284 13 0	324,284 13 0	8,031,037 5 10½	4 6 2
25 3 2	- - -	29,447 11 2	476,682 0 9	506,129 11 11	1,616,798 15 7¼	34 6 7
2 12 4	- - -	- - -	480 7 0	480 7 0	20,771 14 9	2 13 9
2 16 4	- - -	52 6 6	244 10 9	296 17 3	9,262 9 2	2 18 4
15 12 7	- - -	- - -	4,122 5 9	4,122 5 9	22,343 14 4	18 10 6
17 15 7	- - -	- - -	5,219 17 6	5,219 17 6	25,302 11 3	21 12 5
4 11 9	- - -	- - -	1,147 8 0	1,147 8 0	9,089 14 1	4 16 2
	- - -	- - -	60 11 4	60 11 4	1,705 19 10½	
	- - -	- - -	- - -	- - -	5,499 13 8	
	- - -	- - -	- - -	- - -	611 2 0	
	- - -	- - -	3,939 0 0½	3,939 0 0½	110,913 18 4	
5 11 4	3,845,060 2 7¾	142,136 11 1½	3,235,169 17 9	7,222,366 11 ¼	52,463,500 4 11¾	6 7 2
—	- - -	- - -	15,395 15 6	15,395 15 6	41,647 10 0½	—
—	- - -	- - -	19,000 0 0	19,000 0 0	156,154 10 2	—
—	- - -	- - -	- - -	- - -	283,810 7 11	—
—	- - -	- - -	- - -	- - -	159,000 0 0	—
—	- - -	- - -	- - -	- - -	25,849 1 4½	—
—	- - -	- - -	- - -	- - -	159,053 15 1	—
—	3,845,060 2 7¾	142,136 11 1½	3,269,565 13 3	7,256,762 7 0½	53,289,015 9 6½	—
—	- - -	- - -	- - -	- - -	942,544 16 6	—
—	- - -	- - -	- - -	- - -	6,000,000 0 0	—
—	- - -	- - -	- - -	- - -	3,950,000 0 0	—
—	- - -	- - -	- - -	- - -	6,400,000 0 0	—
—	3,845,060 2 7¾	142,136 11 1½	3,269,565 13 3	7,256,762 7 0½	70,581,560 6 0½	—

(Continued.)

An Account *(continued)* of the Ordinary Revenues and Extraordinary Resources, constituting

HEADS of REVENUE. (GREAT BRITAIN.)	Payments out of the Net Produce, Applicable to: Bounties for promoting Fisheries, Linen Manufactures, &c.	Militia and Deserters' Warrants: Defence of the Realm; and other Services.	Pensions out of the Hereditary Revenue; and Perpetual Pensions and Stipends, charged on the Land Revenue.	Expenses incurred in securing and improving His Majesty's Woods, Forests, and Land Revenue, including Payments to the Commissioners for executing the Act 53 Geo. III, c. 121.	By virtue of Warrants of the Barons of the Exchequer in Scotland, under the Authority of different Acts of Parliament, towards the Support of the Civil Government of that Country.
ORDINARY REVENUES.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
CUSTOMS, including the Annual Duties	253,766 6 2	- - -	- - -	- - -	71,050 13 [illegible]
EXCISE, including the Annual Duties	81,261 12 8	9,000 0 0	14,000 0 0	- - -	129,268 3 5
STAMPS	- - -	- - -	- - -	- - -	- - -
LAND and ASSESSED TAXES	- - -	52,269 5 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	- - -	- - -	- - -	- - -	- - -
Small Branches of the Hereditary Revenue.					
ALIENATION FINES	- - -	- - -	- - -	- - -	- - -
POST FINES	- - -	- - -	- - -	- - -	- - -
SEIZURES	- - -	- - -	- - -	- - -	- - -
COMPOSITIONS and Proffers	- - -	- - -	- - -	- - -	- - -
CROWN LANDS	- - -	- - -	9,222 1 11	86,525 17 9	- - -
TOTAL OF ORDINARY REVENUES £	335,027 18 10	61,269 5 1½	36,922 1 11	86,525 17 9	200,318 16 [illegible]
OTHER RESOURCES.					
PROPERTY TAX and INCOME DUTY. (Arrears)	- - -	- - -	- - -	- - -	- - -
LOTTERY. (Net Receipt)	- - -	- - -	- - -	- - -	- - -
UNCLAIMED DIVIDENDS, Annuities, Lottery Prizes, &c. per Act 56 Geo. III, c. 97.	- - -	- - -	- - -	- - -	- - -
FROM the Commissioners for the Issue of Exchequer Bills, per Act 57 Geo. III, c. 34, for the employment of the Poor	- - -	- - -	- - -	- - -	- - -
SURPLUS FEES of Regulated Public Offices	- - -	- - -	- - -	- - -	- - -
IMPREST MONIES repaid by sundry Public Accountants, and other Monies paid to the Public	- - -	- - -	- - -	- - -	- - -
TOTAL (exclusive of Loans) £	335,027 18 10	61,269 5 1½	36,922 1 11	86,525 17 9	200,318 16 [illegible]
Loans paid into the Exchequer:					
ON Contributions to Annuities, per Act 59 Geo. III, c. 42.	- - -	- - -	- - -	- - -	- - -
ON Contributions to Annuities from Commissioners for the Reduction of National Debt, per Act 59 Geo. III. c. 71	- - -	- - -	- - -	- - -	- - -
ON Contributions to Annuities, per Act 1 Geo. IV, c. 17.	- - -	- - -	- - -	- - -	- - -
ON Contributions to Annuities from Commissioners for the Reduction of National Debt, per Act 1 Geo. IV. c. 22.	- - -	- - -	- - -	- - -	- - -
TOTAL PUBLIC INCOME of Great Britain, inclusive of the Loans, &c. £	335,027 18 10	61,269 5 1½	36,922 1 11	86,525 17 9	200,318 16 [illegible]

NOTE. The Appropriated Balance in the Exchequer, on the 5th January, 1820, amounted to
The Unappropriated Balance in the Exchequer, on the 5th January, 1820, amounted to

The Appropriated Balance in the Exchequer, on the 5th January, 1821, amounted to
The Unappropriated Balance in the Exchequer, on the 5th January, 1821, amounted to

NOTE. The Amount of the Exchequer Bills, Navy Bills, and Transport Bills Issued for the Public Service, between the 5th January, 1820, and the 5th January, 1821, and not redeemed within that period, was

the Public Income of GREAT BRITAIN; for the Year ended the 5th of January, 1821.

National Objects.

MONIES. Imprest in the Hands of different Persons.	TOTAL PAYMENTS out of the NET PRODUCE.	PAYMENTS into the EXCHEQUER.	BALANCES. BALANCE in the Hands of Collectors, on the 5th January, 1821.	BALANCES. BALANCE in the Hands of Receivers General, on the 5th January, 1821.	BALANCES. Bills arising out of the Revenue 1820, remitted to the Receivers General in London, but which not becoming due until after the 5th January, 1821, are carried to Account of the latter Year.	TOTAL DISCHARGE of the NET PRODUCE.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
- - -	324,816 19 5½	8,660,082 14 1	71,056 9 9½	15,636 5 0	265,576 4 4½	9,337,168 12 8½
- - -	233,529 16 1	26,364,703 2 8	- - -	105,900 13 0½	206,000 0 0	26,910,133 11 9½
1,109 15 0	1,109 15 0	6,154,849 13 7	123,045 1 2	35,690 11 1½	48,166 0 7	6,362,861 1 5½
- - -	52,269 5 1½	7,454,103 16 3½	- - -	524,664 4 6	- - -	8,031,037 5 10½
- - -	13,700 0 0	1,396,000 0 0	- - -	8,415 18 9	70,462 14 1	1,616,798 15 7½
- - -	- - -	18,390 13 3	128,220 2 9½	2,381 1 6	- - -	20,771 14 9
- - -	- - -	7,240 2 2	- - -	2,022 7 0	- - -	9,262 9 2
- - -	- - -	21,930 0 0	- - -	413 14 4	- - -	22,343 14 4
- - -	- - -	25,200 0 0	- - -	102 11 3	- - -	25,302 11 3
{Hanaper 2,000 0 0}	2,000 0 0	4,564 8 8	- - -	2,525 5 5	- - -	9,089 14 1
- - -	- - -	- - -	- - -	1,705 19 10½	- - -	1,705 19 10½
- - -	- - -	5,499 13 8	- - -	- - -	- - -	5,499 13 8
- - -	- - -	611 2 0	- - -	- - -	- - -	611 2 0
- - -	95,747 19 8	966 13 4	- - -	14,199 5 4	- - -	110,913 18 4
3,109 15 0	723,173 15 4½	50,114,141 19 8½	322,321 13 9	713,657 17 2	590,204 19 0½	52,463,500 4 11½
- - -	- - -	30,806 4 1½	- - -	10,841 5 11	- - -	41,647 10 0½
- - -	- - -	156,154 10 2	- - -	- - -	- - -	156,154 10 2
- - -	- - -	283,810 7 11	- - -	- - -	- - -	283,810 7 11
- - -	- - -	159,000 0 0	- - -	- - -	- - -	159,000 0 0
- - -	- - -	25,849 1 4½	- - -	- - -	- - -	25,849 1 4½
- - -	- - -	159,053 15 1	- - -	- - -	- - -	159,053 15 1
3,109 15 0	723,173 15 4½	50,928,815 18 4	322,321 13 9	724,499 3 1	590,204 19 0½	53,289,015 9 6½
- - -	- - -	942,544 16 6	- - -	- - -	- - -	942,544 16 6
- - -	- - -	6,000,000 0 0	- - -	- - -	- - -	6,000,000 0 0
- - -	- - -	3,950,000 0 0	- - -	- - -	- - -	3,950,000 0 0
- - -	- - -	6,400,000 0 0	- - -	- - -	- - -	6,400,000 0 0
3,109 15 0	723,173 15 4½	68,221,360 14 10	322,321 13 9	724,499 3 1	590,204 19 0½	70,581,560 6 0½

- - -	£.	12,933,237 11 6½
- - -		Nil.
- - -	£.	7,847,952 2 5½
- - -		Nil.

In Exchequer Bills - - -	18,851,200 0 0
- Navy and Transport Bills - -	348,588 0 3
- Victualling Bills - - -	67,259 6 1

Whitehall, Treasury Chambers, 24th March, 1821. S. R. LUSHINGTON.

An Account of the Ordinary Revenues and Extraordinary Resources, constituting the

HEADS of REVENUE. (IRELAND.)	BALANCES. BALANCE in the Hands of Collectors, on the 5th January, 1820.	BALANCES. BALANCE in the Hands of Receivers General on the 5th January, 1820.	BALANCES. Bills deposited by the Receiver General in the Bank of Ireland, to the Credit of the Teller of the Exchequer, but not due until after the 5th January, 1820.	GROSS RECEIPT. GROSS RECEIPT within THE YEAR.	GROSS RECEIPT. TOTAL SUM to be Accounted for.
ORDINARY REVENUES.	£ s. d.	£ s. d.	£. s. d.	£. s. d.	£. s. d.
Customs	1,734 16 4½	- - -	54,781 5 9	1,834,306 11 10	1,890,822 13 1½
Excise	31,724 8 4½	- - -	51,387 3 5½	1,955,835 10 9¾	2,038,947 2 7½
Stamps	5,515 2 3	369 3 4½	20,136 11 11½	463,375 18 7½	489,396 16 2
Taxes	6,359 10 7¾	- - -	- - -	333,051 10 11	339,411 1 6½
Post Office	13,194 6 3	1,046 11 0½	- - -	173,429 17 0½	187,670 14 3½
Poundage Fees	- - -	- - -	- - -	4,392 10 8½	4,392 10 8½
Pells Fees	- - -	- - -	- - -	878 10 0½	878 10 0½
Casualties	- - -	- - -	- - -	3,419 13 3	3,419 13 3
Treasury Fees and Hospital Fees	- - -	- - -	- - -	515 0 1½	515 0 1½
TOTAL Of Ordinary Revenues. £	58,528 3 10¾	1,415 14 4¾	126,305 1 1¾	4,769,205 3 3¾	4,955,454 2 9
OTHER RESOURCES.					
From several County Treasurers: On account of Advances made by the Treasury, for improving Post Roads in Ireland, under Act 45 Geo. III. cap. 43	39 7 10	- - -	- - -	23,784 7 1½	23,823 14 11½
From several County Treasurers: On account of Advances made by the Treasury, for building Gaols, under Act 50 Geo. III. cap. 103.	23 14 7½	- - -	- - -	16,677 10 7¾	16,701 5 3
From several County Treasurers: On account of Advances made by the Treasury, under the Police Acts of 54 Geo. III. cap. 131 and 180.	2 15 4½	- - -	- - -	9,757 19 2¾	9,760 14 7¼
From several County Treasurers: On account of Advances made by the Treasury, for Public Works, and employment of the Poor, under Acts 57 Geo. III. cap. 34 and 124.	- - -	- - -	- - -	10,306 13 11½	10,306 13 11½
From several County Treasurers: On account of Advances to the Board of Health, under Act 58 Geo. III. cap. 47	- - -	- - -	- - -	1,071 12 5½	1,071 12 5½
Other Monies paid to the Public	- - -	- - -	- - -	36,674 9 3	36,674 9 3
TOTAL Public Income of Ireland £	58,594 1 8½	1,415 14 4¾	126,305 1 1¾	4,867,477 15 11¾	5,053,792 13 9½
Appropriated Duties for Local Objects.					
Linen Manufactures	96 10 2¾	- - -	- - -	366 17 1	463 7 3¾
Improvement of Dublin	2 19 11½	- - -	- - -	11,952 19 3½	11,955 19 2½
Repairs of the Royal Exchange and Commercial Buildings	5 14 4½	- - -	- - -	1,781 2 6	1,786 16 10½
Lagan Navigation	1,361 13 10	- - -	- - -	4,680 17 8½	6,042 11 6½
Inns of Court	- - -	- - -	- - -	1,689 10 9½	1,689 10 9½
Light-Houses	724 10 3½	- - -	835 16 4	22,510 2 11	24,070 9 6½
Dunleary Harbour	32 12 7¾	- - -	- - -	7,657 2 10¾	7,689 15 6½
Total of Appropriated Duties for Local Objects £	2,224 1 3¾	- - -	835 16 4	50,638 13 1¾	53,698 10 9½
Total including the Appropriated Duties £	60,818 3 0½	1,415 14 4¾	127,140 17 5¾	4,918,116 9 1½	5,107,491 4 6½

NOTE.—The Appropriated Balance in the Exchequer, on the 5th January, 1820
The Unappropriated Balance in the Exchequer, on the 5th January, 1820

The Appropriated Balance in the Exchequer, on the 5th January, 1821
The Unappropriated Balance in the Exchequer, on the 5th January, 1821

Public Income of IRELAND;—for the Year ended the 5th January, 1821.

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 Objects, 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.
20 15 9	103,469 1 10½	381,332 11 8	484,801 13 6½	1,406,021 0 4½	28 5 2
13 17 5	55,523 13 11½	271,308 10 3	326,832 4 2½	1,712,114 18 5	16 13 1
9 15 6	12,088 14 8½	45,302 6 1½	57,391 0 10½	432,005 15 3½	11 3 2
17 4 1	- - -	57,300 0 1	57,300 0 1	282,111 1 5½	20 15 7
64 9 8	- - -	111,832 12 0½	111,832 12 0½	75,838 2 3½	181 11 1
- - -	- - -	- - -	- - -	4,392 10 8½	- - -
- - -	- - -	- - -	- - -	878 10 0½	- - -
- - -	- - -	- - -	- - -	3,419 13 3	- - -
- - -	- - -	- - -	- - -	515 0 1½	- - -
18 3 7	171,081 10 7½	867,076 0 2½	1,038,157 10 9½	3,917,296 11 11½	23 4 9
- - -	- - -	- - -	- - -	23,823 14 11½	- - -
- - -	- - -	- - -	- - -	16,701 5 3	- - -
- - -	- - -	- - -	- - -	9,760 14 7½	- - -
- - -	- - -	- - -	- - -	10,306 13 11½	- - -
- - -	- - -	- - -	- - -	1,071 12 5½	- - -
- - -	- - -	- - -	- - -	36,674 9 3	- - -
- - -	171,081 10 7½	867,076 0 2½	1,038,157 10 9½	4,015,635 2 6½	- - -
- - -	55 19 7	- - -	55 19 7	407 7 8½	- - -
- - -	- - -	- - -	- - -	11,955 19 2½	- - -
- - -	- - -	- - -	- - -	1,786 16 10½	- - -
- - -	2,965 18 7½	- - -	2,965 18 7½	3,076 12 11	- - -
- - -	- - -	- - -	- - -	1,689 10 9½	- - -
- - -	8 7 9½	- - -	8 7 9½	24,062 1 9	- - -
- - -	27 9 9½	- - -	27 9 9½	7,662 5 9½	- - -
- - -	3,057 15 9½	- - -	3,057 15 9½	50,640 15 0½	- - -
- - -	174,139 6 4½	867,076 0 2½	1,041,215 6 6½	4,066,275 17 5½	- - -

amounted to - £483,650 8 5½ } £490,700 17 10
amounted to - 7,050 9 4½ }

amounted to - £433,130 0 0 } £437,714 7 4½
amounted to - 4,584 7 4½ }

An Account *(continued)* of the Ordinary Revenues and Extraordinary Resources, con-

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 Seamen, Army of Reserve, Fortification, Compensation, &c.	Navy and Army Half Pay, Payments for Account of Great Britain.	TOTAL PAYMENTS out of the Net Produce.
ORDINARY REVENUES.	£. s. d.	£ s. d.	£. s. d.	£. s. d.
Customs	19,991 16 8	61,967 0 11½	58,391 13 0½	140,350 10 7½
Excise	- -	1,056 1 9½	41,418 16 9½	42,474 18 6½
Stamps	- -	- -	- -	- -
Taxes	- -	- -	- -	- -
Post Office	- -	- -	- -	- -
Poundage Fees	- -	- -	- -	- -
Pells Fees	- -	- -	- -	- -
Casualties	- -	- -	- -	- -
Treasury Fees, and Hospital Fees	- -	- -	- -	- -
TOTAL of Ordinary Revenues. £	19,991 16 8	63,023 2 8½	99,810 9 9½	182,825 9 2½
OTHER RESOURCES.				
From several County Treasurers. On account of Advances made by the Treasury, for improving Post Roads in Ireland, under Act 45 Geo. III. cap. 43	- -	- -	- -	- -
From several County Treasurers. On account of Advances made by the Treasury, for building Gaols, under Act 50 Geo. III. cap. 103.	- -	- -	- -	- -
From several County Treasurers. On account of Advances made by the Treasury, under the Police Acts of 54 Geo. III. cap. 131 and 180.	- -	- -	- -	- -
From several County Treasurers. On account of Advances made by the Treasury, for Public Works, and employment of the Poor, under Acts 57 Geo. III. cap. 34 and 124	- -	- -	- -	- -
From several County Treasurers. On account of Advances to the Board of Health, under Act 58 Geo. III. cap. 47	- -	- -	- -	- -
Other Monies paid to the Public	- -	- -	- -	- -
TOTAL Public Income of Ireland £	19,991 16 8	63,023 2 8½	99,810 9 9½	182,825 9 2½
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	- -	- -	- -	- -
Total of Appropriated Duties for Local Objects £	- -	- -	- -	- -
Total, including the Appropriated Duties £	19,991 16 8	63,023 2 8½	99,810 9 9½	182,825 9 2½

stituting the Public Income of IRELAND;—for the Year ended the 5th January 1821.

Payments into the Exchequer.	BALANCES. BALANCE in the Hands of Collectors, on the 5th January, 1821.	BALANCE in the Hands of Receivers General, on the 5th Jan. 1821.	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 Jan. 1821.	Total Discharge of the Net Produce.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1,202,379 12 4½	14,936 4 5½	- -	48,354 12 11	1,406,021 0 4½
1,565,129 9 7½	45,822 10 7	- -	58,687 19 8	1,712,114 18 5
407,403 13 4	9,037 2 6½	145 19 5	15,419 0 0	432,005 15 3½
265,101 1 5½	17,010 0 0½	- -	- -	282,111 1 5½
59,076 18 5½	15,315 7 11½	1,445 15 10½	- -	75,838 2 3½
4,392 10 8½	- -	- -	- -	4,392 10 8½
878 10 0½	- -	- -	- -	878 10 0½
3,419 13 3	- -	- -	- -	3,419 13 3
515 0 1½	- -	- -	- -	515 0 1½
3,508,296 9 3½	102,121 5 7½	1,591 15 8½	122,461 12 7	3,917,296 11 11½
23,320 3 0½	503 11 11½	- -	- -	23,823 14 11½
16,015 19 10½	685 5 4½	- -	- -	16,701 5 3
9,760 14 7½	- -	- -	- -	9,760 14 7½
10,306 13 11½	- -	- -	- -	10,306 13 11½
1,071 12 5½	- -	- -	- -	1,071 12 5½
36,674 9 3	- -	- -	- -	36,674 9 3
3,605,446 2 5½	103,310 2 11½	1,591 15 8½	122,461 12 7	4,015,685 2 5½
315 17 4½	91 10 4½	- -	- -	407 7 8½
11,912 12 10½	43 6 4½	- -	- -	11,956 19 2½
- -	- -	- -	- -	- -
- -	- -	- -	- -	- -
1,772 6 1½	14 10 8½	- -	- -	1,786 16 10½
1,200 0 0	1,876 12 11	- -	- -	3,076 12 11
1,689 10 9½	- -	- -	- -	1,689 10 9½
22,152 0 7½	1,136 14 3½	- -	773 6 10	24,062 1 9
7,620 8 3½	41 17 5½	- -	- -	7,662 5 9½
46,662 16 0½	3,204 12 1½	- -	773 6 10	50,640 15 0½
3,652,108 18 6	106,514 15 1	1,591 15 3½	123,234 19 5	4,066,275 17 5½

NOTE.—The Amount of Exchequer Bills issued for the Public Service, between the 5th January 1820 and the 5th January 1821, and not redeemed within that period, was - - - - - - - £.1,500,000 0 0.

Whitehall, Treasury Chambers, 24th March, 1821. S. R. LUSHINGTON.

An Account of the Income of the Consolidated Fund of Great Britain and Ireland, in the Year ending 5th January, 1821.

INCOME RECEIVED IN GREAT BRITAIN.

	£.	s.	d.	£.	s.	d.
Customs:						
Consolidated	3,759,267	15	8½			
Isle of Man	10,197	13	6			
Quarantine Duty	16,488	15	6			
Canal and Dock Duty	35,065	3	6½			
				3,821,019	8	3½
Excise:						
Consolidated after reserving the several Sums carried, per Acts 52 and 55 Geo. III. to Duties, pro Annis 1812 and 1815	20,798,730	3	8			
British Spirits, A° 1806, Sch. A.	444,085	1	4½			
				21,242,815	5	0½
Stamps:						
Consolidated after reserving as directed per Acts 50 and 55 Geo. III.	5,674,485	9	11½			
Licences for selling Lottery Tickets	3,500	7	4			
				5,677,985	17	3½
Incidents:						
Letter Money, being the estimated Amount prior to the Year 1809	1,220,693	18	11			
Windows	2,366,139	12	1¼			
Inhabited Houses	1,189,081	13	4½			
Male Servants	403,324	0	0			
Carriages	435,387	15	3			
Riding Horses, &c.	642,238	9	9			
Ditto, and Mules	493,725	10	3			
Hair Powder Certificates	38,827	15	0			
Armorial Bearings	40,535	10	0			
Horse Dealers' Licences	11,932	10	0			
Game Duty	119,030	1	0			
Dogs	129,404	16	0			
£10. per Cent. 1806	200	0	0			
Hawkers and Pedlars	28,930	0	0			
Hackney Coaches and Chairs, 1711	10,457	10	11			
Ditto 1784	12,640	0	0			
6*d.* per Lib. on Pensions 1817	135	8	4			
1818	804	13	10			
1819	4,200	0	0			
1820	2,100	0	0			
1*s.* Do. on Salaries 1817	149	16	11			
1818	2,590	16	4			
1819	12,650	0	0			
1820	3,000	0	0			
Seizures	5,499	13	8			
Proffers	611	2	0			
Rent of Alum Mines	960	0	0			
Ditto .. a Light House	6	13	4			
Alienation Duty	4,564	8	8			
Fines and Forfeitures	417	10	4			
				7,180,239	6	0½
Carried forward				£37,922,059	16	7½

ACCOUNT *of the* INCOME *of the* CONSOLIDATED FUND, *continued.*

	£.	s.	d.	£.	s.	d.
Brought forward.....				37,922,059	16	7½
SURPLUS ANNUAL DUTIES.						
Sugar, &c.....	1,891,508	15	4			
Malt.....	46,206	19	4			
Annual Malt	32,540	19	3½			
Tobacco, per 59 Geo. III, c. 88.....	499,160	0	8¾			
Malt.....Do.....Do.....	1,119,795	0	0			
				3,589,211	14	8¼
Pensions, Offices, &c. 1817.....	2,247	19	11½			
1818.....	14,774	2	8			
1819.....	31,971	3	9¼			
1820.....	4,000	0	0			
				52,993	6	4¾
Land Taxes, Annis 1799.....	139	15	4¾			
1800.....	8	14	1¾			
1801.....	410	2	0¾			
1802.....	105	12	5			
1803.....	67	14	0¼			
1804.....	75	1	10			
1805.....	85	3	7			
1806.....	13	16	0¾			
1807.....	14	18	4			
1808.....	75	17	1½			
1809.....	600	11	7½			
1810.....	71	3	4½			
1811.....	53	0	6			
1812.....	1,243	8	5			
1813.....	2,258	13	4			
1814.....	1,591	13	3½			
1815.....	1,913	15	9¾			
1816.....	2,022	0	4			
1817.....	11,738	5	5½			
1818.....	89,675	15	2¼			
1819.....	733,729	14	5¾			
1820.....	293,372	0	0			
				1,139,266	16	9½
Arrears of Income.....	-	-	-	24	0	0
Money reserved on account of Nominees appointed by the Lords of the Treasury, in Tontine, Ao. 1789.....	-	-	-	23,383	11	5
Arrears of Property Duty.....	-	-	-	30,782	4	1¼
Money brought to this Account, being the remainder of the sum set apart in the Exchequer on 5th April 1820, as Hereditary Revenues, which had not been issued or paid in respect of any Charges upon the Civil List Revenues, per Act 1 Geo. IV, c. 1, s. 4.....	-	-	-	39,018	4	2
Ditto brought from Civil List, being the sum paid out of Hereditary Revenue, set apart in the Exchequer, on 5th April 1820, for charges payable out of the Civil List Revenues by said Act.....	-	-	-	28,074	3	6
Monies paid by various Accountants.....	-	-	-	171,816	9	4¼
TOTAL INCOME of Duties, applicable to paying the Charges prior to the year 1811, and the incidental Charges, as they stood on the 5th January, 1821 - - - - -				£. 42,996,630	7	0¼

ACCOUNT *of the* INCOME *of the* CONSOLIDATED FUND, *continued.*

Total Income, as above				£42,996,630	7	0¼
Total Income of Duties for the Year.....	1811	-	-	156,105	0	0
Ditto.....	1812	-	-	1,018,131	0	6
Ditto.....	1813	-	-	—		
Ditto.....	1814	-	-	5,500	0	0
Ditto.....	1815	-	-	569,667	16	3¼
Ditto.....	1819	-	-	37,392	10	4¼
Total amount received in Great Britain.....		-	-	£. 44,783.426	14	2¼

INCOME RECEIVED IN IRELAND.

Customs	£1,202,397	12	4½			
Excise	1,564,654	14	9½			
Assessed Taxes.....	264,570	9	3¾			
Quit Rents	201	16	4¼			
Casual Revenue	3,419	13	3			
Balances recovered from dismissed and deceased Collectors	807	10	6¾			
Stamp Duties	393,557	10	3			
Ditto from the Bank of Ireland, as a Composition for 1 year, to 25th March, 1821	13,846	3	1			
Postage	59,076	18	5¾			
Poundage Fee	4,392	10	8⅛			
Pells Fee	878	10	0¼			
Treasury Fees	450	8	9¼			
Hospital Fee	64	11	4¼			
	3,508,296	9	3¾			
Imprest Monies repaid, and other Monies received for the Public.....	97,149	13	1¾			
				3,605,446	2	5½
TOTAL INCOME of the United Kingdom	-	-		48,388,872	16	8
DEFICIENCY of Income.....	-	-		517,233	7	6½
				£48,906,106	4	2¼

Exchequer, the 23rd day of March, 1821.

WM. ROSE HAWORTH.

An Account of the Charge upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland, in the Year ending 5th January, 1821.

CHARGE DEFRAYED IN GREAT BRITAIN.		Actual Payment out of the Consolidated Fund, in the Year ended on the 5th January, 1821. £.	s.	d.	Future Annual Charge upon the Consolidated Fund, as it stood on the 5th January, 1821. £.	s.	d.
EXCHEQUER:							
Annuities for 2 and 3 Lives.....		8,195	12	0	8,195	12	0
Ditto ... Single Lives, Aº	1745	10,327	0	0	10,327	0	0
Ditto	1746	18,477	10	0	18,607	10	0
Ditto	1757	18,054	11	3	18,049	5	0
Ditto	1778	1,869	13	0	1,879	13	0
Ditto	1779	4,183	5	7	4,183	5	7
Ditto 1766, with benefit of Survivorship		540	0	0	540	0	0
Ditto	1789	42,862	1	0	42,862	1	0
SOUTH SEA COMPANY:							
On their Capital of £. 20,071,084. 13. 11½. at £. 3 per cent. per ann. with Management		613,827	9	9	613,827	9	9
CHIEF CASHIER OF THE SOUTH SEA COMPANY:							
On their Capital of £. 966,600, at £. 3 per cent. per ann.....		28,998	0	0	28,998	0	0
Management of Do.....		447	4	10½	443	11	9
BANK OF ENGLAND:							
On their Capital of £. 4,000,000, purchased of the South Sea Company, with Management		121,898	3	5	121,898	3	5
Ditto £. 5,000,000, for cancelling Exchequer Bills		15,000	0	0	15,000	0	0
Ditto £. 1,250,000, granted Aº	1714	37,500	0	0	37,500	0	0
Ditto £. 1,750,000	1719	52,500	0	0	52,500	0	0
Ditto £ 3,200,000 ..... with Management	1743	100,000	0	0	100,000	0	0
Ditto £. 986,800	1746	29,604	0	0	29,604	0	0
Ditto £. 3,000,000	1816	90,000	0	0	90,000	0	0
CHIEF CASHIER OF THE BANK OF ENGLAND:							
£. 3 per cent. Consolid. Annuities..		9,015,672	8	0	8,644,312	16	2
Ditto ..... Reduced .... Do.....		385,667	14	6½	—		
£. 3½ per cent..... Do.....		681,849	4	4½	674,476	4	9½
£. 3 per cent. on £1,000,000, Aº	1726	30,000	0	0	30,000	0	0
£. 4 per cent. Consolid. Annuities..		2,548,611	16	10½	2,548,611	16	10½
£. 5 per cent. .. Do.....		3,349,425	12	1	3,345,707	5	7
Ditto .. Annis 1797 and 1802 ..		51,098	8	7	51,098	8	7
Annuities for Long Terms.....		1,203,185	18	8½	1,203,185	18	8½
£. 3 per cent. Imperials, Aº	1795..	115,000	0	0	115,000	0	0
Ditto	1797..	110,079	0	0	110,079	0	0
Management of the above Annuities..		146,332	10	3	134,496	19	11½
Carried forward					£. 18,051,384	2	1½

ACCOUNT *of the* CHARGE *upon the* CONSOLIDATED FUND, *continued.*

	Actual Payment. £ s. d.	Future Charge. £ s. d.
Brought forward - - -		18,051,384 2 1¼
GOVERNOR AND COMPANY OF THE BANK OF ENGLAND:		
Upon Account of the National Debt Commissioners.		
Annual Charge per Act 26 Geo. III.....	1,000,000 0 0	1,000,000 0 0
Ditto..... 42 Ditto	200,000 0 0	200,000 0 0
Annuities £. 14 per cent. and 2/7th Excise, by sundry Acts, William and Mary, expired Anno 1792	54,880 14 6	54,880 14 6
Ditto for 10 Years, ditto 1787.....	25,000 0 0	25,000 0 0
Capitals created prior to 1803: £.1 per ct. on		
£. 170,695,486 19 4 £. 3 per ct. Consol.	1,708,347 7 4	1,708,347 7 4
£. 46,590,049 3 7.... Ditto Reduced	465,900 9 10	465,900 9 10
£. 16,975,084 17 4 £.4 per ct. Consol.	169,750 16 11	169,750 16 11
£. 26,544,094 14 2 £.5 per ct. Do...	265,440 18 11	265,440 18 11
Do. 1797 and 1802.	10,219 13 8	10,219 13 8
Long Annuities	43,542 0 1	43,542 0 1
£. 3,669,300 Imperials.....	36,693 0 0	36,693 0 0
Ditto from 1802 to 1811:		
£. 80,579,875 0 0 £.3 per ct. Consol.	805,798 15 0	805,798 15 0
£. 73,822,150 12 3 Do. Reduced..	738,221 10 0	738,221 10 0
£. 21,786,611 0 0 £.4 per ct. Consol.	217,866 2 3	217,866 2 3
£. 21,444,423 17 4 £.5 per ct. Consol.	214,444 4 6	214,444 4 6
Long Annuities.....	13,383 8 11	13,383 8 11
£.5 per cent. on £.600,000 raised for Portugal, Aº 1809.	30,000 0 0	30,000 0 0
To redeem Debt, in respect of £.12,000,000, in part of £.14,200,000, Anno 1807	626,255 10 5	626,255 10 5
Total Charge for Debt created prior to the Year 1811.	£. 25,456,951 16 7¼	24,677,128 14 5¾
CIVIL LIST.		
For the support of H. M. Household, per sundry Acts of Geo. III, to 29 January 1820..... £.63,824 3 6		
Ditto per Act 1 Geo. IV, c. 1. 793,956 0 10		
	857,780 4 4	850,000 0 0
COURTS OF JUSTICE.		
Judges of England and Wales, in augmentation of their Salaries.....	13,050 0 0	13,050 0 0
Deficiencies of Judges Salaries in England	13,646 18 10	Uncertain.
Additional Salaries to Welsh Judges.....	3,200 0 0	3,200 0 0
John Baldwin, Esq. Receiver of the seven Police Offices.....	21,629 1 5¾	Uncertain.
Sheriffs of England and Wales.....	4,000 0 0	4,000 0 0
Clerk of the Hanaper.....	2,400 0 0	—
Patrick Colquhoun, Esq. Receiver of the Thames Police. £. 1,785 2 0		
Charles Bathurst, Esq. Ditto 3,537 8 7		
Thomas Venables, Esq. Ditto 1,889 6 4		
	7,211 16 11	Uncertain.
Carried forward....	£. 922,918 1 6¾	870,250 0 0

ACCOUNT *of the* CHARGE *upon the* CONSOLIDATED FUND, *continued.*

	Actual Payment. £.	s.	d.	Future Charge. £.	s.	d.
Brought forward	922,918	1	6¾	870,250	0	0
MINT.						
Master of the Mint in England.....	13,800	0	0	13,800	0	0
SALARIES AND ALLOWANCES:						
Speaker of the House of Commons, to complete his Salary of £6,000. per Annum...	1,807	2	0	Uncertain.		
Edward Roberts, Esq. an Annual Sum formerly paid to the Auditor.....	650	0	0	650	0	0
George Pepler, Esq. Inspector of Tontine Certificates.....	500	0	0	Uncertain.		
Chief Cashier of the Bank, for Fees.....	1,175	0	0			
Ditto South Sea Company, for ditto	269	9	10			
For the encouragement of the growth of Hemp and Flax in Scotland	2,956	13	8	2,956	13	8
Commissioners of Public Accounts	6,300	0	0	6,300	0	0
Salaries, &c. in the Office of the said Commissioners.....	33,497	11	0	Uncertain.		
Commissioners of West India Accounts	3,500	0	0	3,500	0	0
Salaries, &c. in the Office of the said Commissioners	6,292	8	3	Uncertain.		
Miscellaneous	227,545	16	0	Uncertain.		
Pensions.....	337,066	8	9½	322,981	8	2
Total £.	1,548,278	11	1¼	1,223,438	1	10

	£.	s.	d.	£.	s.	d.
Total of Incidental Charges, &c. upon the Consolidated Fund, as they stood on 5th January, 1821	1,548,278	11	1¼	1,223,438	1	10
Total Charge for Debt incurred prior to 1811...	25,456,951	16	7½	24,677,128	14	5¾
Total of Incidental Charges, &c.....	1,548,278	11	1¼	1,223,438	1	10
Total Charge for Debt incurred in the Year						
1811.....	1,495,929	14	9	1,360,189	1	3
1812.....	2,216,397	10	6¾	2,216,397	10	6¾
1813.....	4,152,940	19	9	4,152,940	19	9
1814.....	3,269,727	2	6¼	3,271,119	10	9½
1815.....	4,365,619	10	2	4,365,619	10	2
1816.....	76,699	16	6¾	73,745	0	7¼
1818.....	1,603,777	17	0	1,603,777	17	0
1819.....	1,892,317	6	9½	1,442,005	16	5
1820.....	363,932	15	2¾	1,517,468	4	9¼
£.	46,442,573	1	0¾	45,903,830	7	7½
Interest on Exchequer Bills issued to make good Deficiency of Consolidated Fund....	107,332	17	5	Uncertain.		
Carried forward..... £	46,549,905	18	5¾			

ACCOUNT *of the* CHARGE *upon the* CONSOLIDATED FUND, *continued.*

	£	s.	d.	£	s.	d.
Total Charge payable in Great Britain, brought forward				46,549,905	18	5
Charge defrayed in Ireland:						
INTEREST ON FUNDED DEBT:						
At £.3 10*s.* per Cent. per Ann....	675,877	18	6			
£.4. .....do.	31,591	7	8½			
£.5.....do.	452,958	17	4¼			
£.5.....do. on Bank Capital	108,461	10	9			
Life Annuities	7,410	18	5½			
Sinking Fund.....	411,568	2	11¼			
Management on Life Annuities...	778	7	5			
Civil List.....	213,978	12	5¼			
Interest on Exchequer Bills.....	70,000	0	0			
County Infirmaries.....	3,276	18	5½			
Public Coal Yards.....	770	3	11			
Police Establishment.....	11,446	3	1			
Inspector General of Prisons....	7,587	12	9¾			
Fees on auditing Treasury Accts.	1,523	1	6½			
Imprest Office Establishment.....	18,852	18	5¼			
Annuities and Compensation Allowances	74,620	12	8¾			
Board of Education.....	1,540	19	2			
Judges Augmentation Salaries...	40,197	13	7¼			
Treasury Fee Fund Salaries and Annuities.....	8,430	7	2¼			
Secret Service in detecting Secret Conspiracies.....	9,230	15	4¼			
Transporting Felons.....	5,855	3	0½			
Carriage of Army Baggage.....	34	14	7½			
Donaghadee Harbour	1,846	3	1			
Charges, being Advances by way of Loan, for Public Works, &c.						
Board of First Fruits.....	2,769	4	7¼			
Improving Post Roads.....	11,551	13	5			
Building Gaols	38,076	18	5½			
Asylum for Lunatic Poor.....	461	10	9¼			
Police in Proclaimed Districts ...	78,000	0	0			
Erecting a Harbour eastward of Dunleary...	43,384	12	4			
Public Works and Employment of the Poor	20,011	1	5½			
Board of Health	2,403	10	9¼			
Controverted Elections	1,702	11	1¼			
				2,356,200	5	8¼
				£. 48,906,106	4	2½

Exchequer, the 23rd day of March, 1821.

WM. ROSE HAWORTH.

AN Account of the Net Produce of all the Permanent Taxes of Great Britain; taken for Two Years, ending respectively the 5th January, 1820, and the 5th January, 1821.

		IN THE YEARS ENDED	
		5th January, 1820.	5th January, 1821.
CUSTOMS CONSOLIDATED		£. 4,191,116 4 3½	£. 3,759,267 15 8½
Permanent, Aº 1813		216,286 1 1	—
Isle of Man		10,556 15 2	10,197 13 6
Quarantine Duty		28,386 7 7	16,488 15 6
Canal and Dock Duty		33,219 10 2½	35,065 3 6½
Temporary or War Duty, Ao. 1809, made Permanent,		437,770 16 7½	—
Do. 1810 and 1811 — Aº 1816		63,690 11 11½	—
EXCISE CONSOLIDATED		17,255,892 0 6½	21,376,045 3 8
British Spirits, — Aº 1806		627,200 0 0	444,085 1 4½
Do. — 1811		330,856 0 0	54,785 0 0
Foreign Spirits		98,472 0 0	101,320 0 0
STAMPS — 1815		6,180,529 1 7	6,151,349 6 3
Lottery Licences		3,713 15 8	3,500 7 4
ASSESSED TAXES — 1808		6,173,335 19 8	6,309,680 13 3½
Letter Money		1,475,000 0 0	1,350,186 12 2
Land Taxes		1,193,229 17 10½	1,139,266 16 9½
Hawkers and Pedlars		25,060 0 0	28,930 0 0
Seizures		8,212 4 11	5,499 13 8
Proffers		602 5 6	611 2 0
Fines and Forfeitures		232 11 6	417 10 4
Rent of a Lighthouse		—	6 13 4
Rent of Alum Mines		960 0 0	960 0 0
Alienation Duty		5,145 2 0	4,564 8 8
Hackney Coaches and Chairs — 1711		8,511 0 0	10,457 10 11
Ditto — 1784		12,520 0 0	12,640 0 0
Windows — 1766		—	285 12 4
Ditto — 1802		5 1 4	—
Ditto — 1804		413 17 3½	12 18 2
Houses — 1778		—	43 7 9
Ditto — 1804		104 9 5½	15 0 4
Horses		155 1 4½	200 0 0
Horses and Mules		108 8 4	0 12 6
Servants		0 10 0	400 0 0
Hair Powder		12 12 0	100 0 0
Armorial Bearings		5 5 0	100 0 0
Carriages		68 0 9½	200 0 0
Dogs		12 12 0	109 6 0
£. 10 per Cent. — 1806		8 6 2½	200 0 0
6d. per lib. on Pensions — 1817		861 19 4	135 8 4
1s. — Salaries		2,347 15 1	149 16 11
6d. — Pensions — 1818		5,800 0 0	804 13 10
1s. — Salaries		10,300 0 0	2,590 16 4
6d. — Pensions — 1819		2,500 0 0	4,200 0 0
1s. — Salaries		3,800 0 0	12,650 0 0
6d. — Pensions — 1820		—	2,100 0 0
1s. — Salaries		—	3,000 0 0
SURPLUS of DUTIES Annually granted after discharging £.3,000,000 Exchequer-Bills charged thereon — Sugar, &c.		1,340,392 7 2½	1,891,508 15 4
Tobacco		122,532 0 0	—
Do. per 59 Geo. 3, c. 88		105,433 18 3½	499,160 0 8½
Additional Malt		802,533 0 0	46,206 19 4
Annual Malt		425,263 0 0	32,540 19 3½
Do. per 59 Geo. 3, c. 88		138 0 0	1,119,795 0 0
Land Tax on Offices, &c.		41,099 14 6½	52,993 6 4½
		41,544,394 4 4½	44,484,830 1 8
DUTIES Annually granted, to pay off £.3,000,000 Exchequer-Bills charged thereon — Sugar, &c.		3,023,624 10 2	2,915,371 12 11½
Tobacco		186,492 0 0	—
Do. per 59 Geo. 3, c. 88		90,275 1 8½	128,218 19 3½
Additional Malt		118,644 0 0	—
Annual Malt		5,100 0 0	—
Do. per 59 Geo. 3, c. 88		—	—
Land Tax on Offices, &c.		—	—
	£.	44,668,529 16 3½	47,528,420 13 11

Exchequer, the 23rd day of March, 1821.

Wm. ROSE HAWORTH.

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 January 1821 (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 therefrom, 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.
1819 - -	36,879,000 7 4	42,699,852 18 9	10,859,858 3 6	53,559,711 2 3	46,611,348 9 6
1820 - -	30,774,887 5 3	33,481,836 9 5	9,905,184 11 10	43,387,021 1 3	35,204,564 19 0
1821 - -	32,442,433 6 11	38,395,555 7 2	10,555,912 10 3	48,951,467 17 5	36,424,652 13 11

Custom-House, London, 24th March, 1821.

WILLIAM IRVING,
Inspector General of Imports and Exports.

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 January 1821 (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.
Value inclusive of the Trade with Ireland.	1819 - -	40,135,952 0 2	44,564,044 14 10	12,287,274 15 0	56,551,319 9 10	48,903,760 16 1
	1820 - -	33,625,740 17 6	35,634,415 11 5	11,278,076 17 6	46,912,492 8 11	37,930,506 17 1
	1821 - -	36,517,262 2 2	40,240,277 10 2	11,490,339 8 8	51,730,616 18 10	38,619,897 8 8
Value exclusive of the Trade with Ireland.	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 - -	29,681,639 16 9	32,928,574 18 8	9,879,236 0 0	42,802,810 18 8	34,248,495 6 4
	1821 - -	31,517,891 1 4	37,818,035 13 3	10,525,025 18 8	48,343,061 11 11	35,568,669 9 5

Custom-House, London, 24th March, 1821.

WILLIAM IRVING,
Inspector General 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 1821, (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 Valution.			VALUE of the Produce and Manufactures of the United Kingdom, exported from Ireland, as computed 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.	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
	1821 -	5,167,014 10 5	7,089,441 11 6	89,781 6 11	7,179,222 18 5	10,308,713 11 9½
Years ending 5th January						
VALUE, exclusive of the Trade with GREAT BRITAIN.	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
	1821 -	924,542 5 7	577,519 13 11	30,886 11 7	608,406 5 6	855,983 4 6½

Custom House, Dublin, 20th March, 1821.

WILLIAM MARRABLE,
Inspector General 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 1819, 1820, and 1821, respectively.

—	IN THE YEARS ENDING THE 5TH JANUARY.					
	1819.		1820.		1821.	
	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.
United Kingdom.....	752	86,748	777	89,091	619	66,691
Isles Guernsey, Jersey, and Man....	9	316	20	1,381	16	1,451
British Plantations.....	298	17,302	328	21,701	170	9,847
TOTAL.....	1,059	104,366	1,125	112,173	805	77,989

Custom House, London, 24th March, 1821.

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 1818, 1819 and 1820, respectively.

—	On 30th September 1818.			On 30th September 1819.			On 30th September 1820.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
United Kingdom	21,526	2,426,969	154,891	21,501	2,425,885	155,277	21,473	2,412,804	155,335
Isles Guernsey, Jersey and Man.....	498	25,639	3,595	496	25,712	3,613	496	26,225	3,775
British Plantations.....	3,483	221,860	15,121	3,485	214,799	15,488	3,405	209,564	15,304
TOTAL.....	25,507	2,674,468	173,607	25,482	2,666,396	174,378	25,374	2,648,593	174,414

Custom House, London, 24th March, 1821.

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, 1821.

SHIPPING ENTERED INWARDS IN THE UNITED KINGDOM,
(exclusive of the Intercourse between Great Britain and Ireland.)

YEAR ending 5th January	British and Irish Vessels.			Foreign Vessels.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1819.....	13,006	1,886,394	111,880	6,230	762,457	43,936	19,236	2,648,851	155,816
1820.....	11,974	1,809,128	107,556	4,215	542,684	32,632	16,189	2,351,812	140,188
1821.....	11,285	1,668,060	100,325	3,472	447,611	27,633	14,757	2,115,671	127,958

SHIPPING CLEARED OUTWARDS FROM THE UNITED KINGDOM,
(exclusive of the Intercourse between Great Britain and Ireland.)

YEAR ending 5th January	British and Irish Vessels.			Foreign Vessels.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1819.....	11,442	1,715,566	106,610	5,400	734,571	40,181	16,842	2,450,137	146,791
1820	10,250	1,562,802	97,267	3,795	556,041	30,333	14,045	2,118,843	127,600
1821.....	10,102	1,549,508	95,849	2,969	433,328	24,545	13,071	1,982,836	120,394

Custom House, London,
24th March, 1821.

WILLIAM IRVING.

An Account, showing how the Public Monies remaining in the Receipt of the Exchequers of the U the year ended the 5th day of January, 1821, and the Monies paid out of the Net Produce of the Exchequer, Navy, and Transport Bills issued, and not redeemed, during the said year; have Service :—1st. The Interest of the Public Funded Debt, together with the Charges of Managem Debt upon Imperial and Portuguese Loans :—2dly. The Interest on Exchequer Bills :—3dly. The Amount of those incurred for Courts of Justice, Mint, Pensions, Salaries, and Allowances and Bounti —6thly. The other Payments in Anticipation of the Exchequer Receipt; specifying the Amou specifying the Amount of Monies respectively paid for Salaries to the Admiralty, Navy, and Nary Ships, Stores, Pilotage, and Contingencies; for the Marines; for the Victualling; for Transports; the Amount of Monies paid for Services at Home and Abroad respectively :—9thly. The Army; speci Militia, Invalids, and Volunteer Corps; for Barracks; for Staff Officers, and Officers of Garrisons Exchequer Fees; and for Pay of Public Offices: specifying also, the Amount of Monies paid for and Advances to other Countries; specifying the Total Amount paid to them respectively :—1 specifying the Amount of Monies paid for Services at Home and Abroad respectively :—And, l before enumerated.

HEADS OF EXPENDITURE.	£. s. d.	£. 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	- - -	28,964,204 11 1		
For Charges of Management thereon	- - -	- - -	274,731 0 10½	
For Interest, &c. on Imperial Loans; including Annuities for Lives and Terms of Years	- - -	154,640 18 10		
For Charges of Management thereon	- - -	- - -	1,581 3 6½	
For Interest on Portuguese Loan	- - -	8,127 6 0½		
For Charges of Management thereon	- - -	- - -	106 19 4	
		29,126,972 15 11½	276,419 3 8½	
There was also applied towards the Reduction of the National Debt	1,062,445 5 6½			
The usual Grant	200,000 0 0			
Annuities for Terms of Years, and Lives expired	167,978 7 0½			
Do. on Lives unclaimed for Three Years, before 5th Jan. 1820 - 30,377 15 9				
Do. on Lives unclaimed for Three Years and upwards, at 5th January, 1820 - 6,006 17 10				
	36,384 13 7			
Per Centage on Loans raised from 1813 to 1820, both inclusive, per Act 53 Geo. III. c. 35	3,680,587 15 1			
Annual Appropriation for the Redemption of £12,000,000, part of £14,200,000, Loan 1807	626,255 10 4			
Interest on Capitals transferred for Life Annuities	165,610 6 10			
Long Annuities transferred for do.	8,014 10 0			
Interest on Debt of the United Kingdom, redeemed	4,060,983 9 7			
Do. on Imperial Debt, do.	70,438 1 2			
Do. on Debt of Portugal, do.	18,738 7 5			
Interest at £1 per Cent. on part of Capitals created since 5th January, 1793	6,967,393 11 5½			
Do. on outstanding Exchequer Bills	441,000 0 0			
Do. on Advances for constructing a Harbour Eastward of Dunleary, per Act 56 Geo. III. c. 62	- - -			
Returned from Account of Life Annuities, the Nominees having died prior to their being set apart for payment	4,849 0 3			
	17,510,628 18 3½			
There has also 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	156,906 18 6			
		17,667,535 16 9½		
Whereof was applied, towards the reduction of the National Debt	£.	46,794,508 12 9 17,667,535 16 9½		
TOTAL on account of Interest	- - -	- - -	29,126,972 15 11½	
Do. - Charges of Management		- - -	276,419 3 8½	
Do. - Reduction of the National Debt	-	- - -	17,667,535 16 9½	
II.—The Interest on Exchequer Bills, and Irish Treasury Bills	- - -	- - -	- - -	1,849,219
Carried forward	- - -	- - -	- - -	£.

Kingdom, on the 5th day of January, 1820, together with the Monies paid into the same during Revenues of the said year in anticipation of the Exchequer Receipt; together with the amount of *actually applied*: distinguishing the total amount of the Sums applied to the following heads of the Sums applicable to its Reduction; the usual Grant for the same purpose; and Interest for the Lists of England and Ireland:—4thly. The other Charges on the Consolidated Fund; specifying the England; also the other Permanent Charges in Ireland:—5thly. The Civil Government of Scotland: those incurred for Pensions, Bounties, and Militia and Deserters Warrants:—7thly. The Navy; Offices; for Wages, Bounty, Flag Pay, Half Pay, and Pensions; for Dock Yards, Building of Prisoners of War in Health; and for Sick and Wounded Seamen:—8thly. The Ordnance; specifying the Amount of Monies paid on account of the Ordinary Services; viz. for Regulars, Fencibles, Half Pay; for Widows Pensions; for Chelsea and Kilmainham Hospitals; for Foreign Corps; for Extraordinary Services of the Army, and the principal Articles thereof:—10thly. Loans, Remittances, Issues from Appropriated Funds for Local Purposes in Ireland:—12thly. Miscellaneous Services; specifying the Amount of any Public Monies applied to other Public Services (if any) not herein

HEADS OF EXPENDITURE.	£. s. d.	£. s. d.	£. s. d.
Brought forward -	- - -	- - -	48,920,147 9 5½
III.—The Civil Lists of { England - - -	857,780 4 4		
{ Ireland - - - -	204,231 3 10½		
		1,062,011 8 2½	
IV.—The other Charges on the Consolidated Fund.			
Courts of Justice in England - - - -	65,137 17 2½		
Mint - - - - - - -	13,800 0 0		
Allowances to the Royal Family, Pensions, &c. -	327,066 8 9½		
Salaries and Allowances - - - - -	56,948 4 9		
Bounties - - - - - - -	2,849 0 0		
Miscellaneous - - - - - -	224,896 16 0		
		690,698 6 9½	
Permanent Charges in Ireland - - - -	- - -	381,503 19 5½	
			2,134,213 14 5½
V.—The Civil Government of Scotland - - -	- - -	- - -	132,080 11 9½
VI.—The other Payments in Anticipation of the Exchequer Receipts; viz.			
Bounties for Fisheries, Manufactures, { Customs -	277,951 2 7½		
Corn, &c. - - - - { Excise -	81,261 12 8		
		359,212 15 3½	
Pensions on the Hereditary Revenue { Excise -	14,000 0 9		
{ Post Office -	13,700 0 0		
		27,700 0 0	
Militia and Deserters Warrants, &c. Excise and Taxes	- - -	51,426 6 10½	
			438,339 2 1½
VII.—The Navy; viz.			
Wages - - -	- - -	3,454,000 0 0	
General Services - -	- - -	1,801,086 0 1	
		5,255,086 0 1	
The Victualling Department - - - -	- - -	1,132,713 5 7	
			6,387,799 5 8
VIII.—The Ordnance - - - - -	- - -	1,402,710 5 11½	
Deduct the value of Stores supplied by the Board of Ordnance to Foreign Powers, the Expense of which is reimbursed to the Ordnance Department by the Paymaster General, under Warrants of the Treasury.	- - -	1,125 0 0	
			1,401,585 5 11½
IX.—The Army; viz.			
Ordinary Services -	7,941,512 14 4½		
Extraordinary Services -	986,140 11 4		
		8,927,653 5 8½	
Deduct the Amount of Remittances and Advances to other Countries		1,229 12 0	
			8,926,423 13 8½
X.—Loans, Remittances, and Advances to other Countries;			
Morrocco - - - - - -		1,125 0 0	
Holland - - - - - -		104 12 0	
			1,229 12 0
XI.—Issues from Appropriated Funds, for Local purposes - - -		- - -	49,128 18 0
XII.—Miscellaneous Services;			
At Home - - - - - -		2,324,652 16 9½	
Abroad - - - - - -		292,047 12 6½	
			2,616,700 9 3½
			71,007,648 2 6
Deduct, Sinking Fund on Loan to the East India Company - - -		- - -	156,906 18 6
		Total £.	*70,850,741 4 0

* This includes the Sum of £263,353 3 6½ for Interest, Management, and Sinking Fund, on Imperial Loan, and £56,972 12 9 - - - - - Portuguese Loan.

Whitehall, Treasury Chambers, 20th March, 1821. 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 ;—the of Years ;—Charges of Management ;—the Annual and other Sums payable to the and the Total Annual Expense :—Distinguishing also upon what Conditions, and at To which is added, the Amount of Loans to the Emperor of Germany, and the Prince

BY WHAT ACTS CREATED.	Capitals—At £3 per Centum per Annum. Bank of England Annuities Act 1726.	South Sea Old and New Annuities, Anno 1751.	Consolidated Annuities.	Reduced Annuities.
GREAT BRITAIN.	£	£. s. d.	£. s. d.	£. s. d.
Exchequer Annuities. 4 & 5, and 5 & 6 William & Mary.	—	— —	— —	— —
5 & 6 Ditto - -	—	— —	— —	— —
20 Geo. II. - -	—	— —	— —	— —
21 Ditto - -	—	— —	— —	— —
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. - - - -	—	— —	Anno 1726 1,000,000 0 0	— —
By sundry Acts prior to 57 Geo. III. (1st Feb. 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 - - - - - -	—	— —	397,885,052 17 1½	201,205,356 11 4
Annual Sums payable to the Commissioners for the Reduction of the National Debt—				
Annuities for 10 Years, 1777, fallen in	—	— —	— —	— —
Ditto per Act 26 Geo. III. - -	—	— —	— —	— —
Ditto - 42 Ditto - - -	—	— —	— —	— —
By Act 53 Geo. III. c. 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 February, 1814 - - -	—	— —	— —	— —
By Ditto, pro Anno 1815, which exceeded £11,324,760. Ditto 1st February, 1815 - - - - -	—	— —	— —	— —
By Ditto, pro Anno 1818, which exceeded £14,454,084. Ditto 1st February, 1818 - - - - -	—	— —	— —	— —
By Ditto, pro Anno 1819, which exceeded £15,666,797. Ditto 1st February, 1819 - - - - -	—	— —	— —	— —
By Ditto, pro Anno 1820, which exceeded £16,832,864. Ditto 1st February, 1820 - - - - -	—	— —	— —	— —
By Act 59 Geo. III. c. 111, £1 per Cent. per Annum, on outstanding Exchequer Bills - - -	—	— —	— —	— —
£.	14,686,800	21,037,684 13 11½	398,885,052 17 1½	201,205,356 11 4
Deduct Stock transferred in the Year ended 5th January, 1821, to the Commissioners, on account of Land Tax Redeemed - - -	—	— —	56,187 0 1	33,695 14 4
			398,828,865 17 0½	201,171,660 17 0
Ditto remaining in the Names of the Commissioners for the Reduction of the National Debt -	—	8,216,100 0 0	24,371,155 17 7	62,729,000 17 3
		12,821,584 13 11½	374,457,709 19 5½	138,442,659 19 9
Transferred for Purchase of Life Annuities - - - - - -	—	— —	3,682,183 0 0	2,019,847 0 0
£	14,686,800	12,821,584 13 11½	370,775,526 19 5½	136,422,812 19 9

Britain, as the same stood on the 5th day of January, 1821, so far as the same can be Capital Stock of each Fund;—the Annual Interest;—Annuities for Lives or for Terms Commissioners for the Reduction of the National Debt, by sundry Acts of Parliament; what Periods, the several Parts of the Public Debt are Redeemable and Determinable. Regent of Portugal, payable in Great Britain.

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.
-	-		-	-		-	-		-	-		-	-	
-	-		-	-		-	-		-	-		-	-	
-	-		-	-		-	-		-	-		-	-	
-	-		-	-		-	-		-	-		-	-	
-	-		-	-		-	-		-	-		-	-	
-	-		-	-		-	-		-	-		-	-	
-	-		-	-		-	-		-	-		-	-	
-	-		-	-		-	-		-	-		-	-	
-	-		-	-		-	-		-	-		-	-	
-	-		-	-		-	-		-	-		-	-	
-	-		-	-		-	-		-	-		-	-	
-	-		-	-		-	-		-	-		-	-	
22,635,246	3	11	74,935,719	2	2	141,830,057	9	7	1,021,968	12	4	1,463,213	12	9
-	-		-	-		-	-		-	-		-	-	
-	-		-	-		-	-		-	-		-	-	
-	-		-	-		-	-		-	-		-	-	
-	-		-	-		-	-		-	-		-	-	
-	-		-	-		-	-		-	-		-	-	
-	-		-	-		-	-		-	-		-	-	
-	-		-	-		-	-		-	-		-	-	
-	-		-	-		-	-		-	-		-	-	
-	-		-	-		-	-		-	-		-	-	
22,635,246	3	11	74,935,719	2	2	141,830,057	9	7	1,021,968	12	4	1,463,213	12	9
-	-		-	-		-	-		-	-		-	-	
-	-		-	-		-	-		-	-		-	-	
4,334,500	0	0	24,295	14	5	28,882	12	4	6,000	9	11	-		-
18,300,746	3	11	74,911,423	7	9	141,801,174	17	3	1,015,968	2	5	1,463,213	12	9
-	-		41,706	0	0	90,646	0	0	-	-		-	-	
18,300,746	3	11	74,869,717	7	9	141,710,528	17	3	1,015,968	2	5	1,463,213	12	9

(Continued)

AN Account *(Continued)* of the Public Funded Debt of the United Kingdom, payable in ascertained :—Distinguishing the different Funds in which the same is Invested ;—the of Years ;—Charges of Management ;—the Annual and other Sums payable to the and the Total Annual Expense :—Distinguishing also upon what Conditions, and at To which is added, the Amount of Loans to the Emperor of Germany, and the Prince

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	- -	- -	8,198 12 0
20 Geo. II.	- -	- -	6,288 0 0
21 Ditto	- -	- -	11,055 10 0
32 Ditto	- -	- -	9,643 7 6
6 Geo. III.	- -	- -	540 0 0
18 Ditto	- -	- -	1,523 0 0
19 Ditto	- -	- -	3,055 10 0
29 Ditto	- -	- -	18,847 4 11½
Bank of England—3 & 8 Geo. I. and 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 Feb. 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	840,976,614 9 2½	28,978,126 13 0½	1,359,435 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 26 Geo. III.	- -	- -	- -
Ditto - 42 Ditto	- -	- -	- -
By Act 53 Geo III. c. 35, being half the Interest of Sums raised pro Annis 1813 and 1814, which exceeded £13,013,914, the estimated Sum applicable to the Reduction of Debt, at 1st February, 1813	- -	- -	- -
By Ditto, pro Anno 1814, which exceeded £11,330,452. Ditto 1st February, 1814	- -	- -	- -
By Ditto, pro Anno 1815, which exceeded £11,324,760. Ditto 1st February, 1815	- -	- -	- -
By Ditto, pro Anno 1818, which exceeded £14,454,084. Ditto 1st February, 1818	- -	- -	- -
By Ditto, pro Anno 1819, which exceeded £15,666,797. Ditto 1st February, 1819	- -	- -	- -
By Ditto, pro Anno 1820, which exceeded £16,832,864. Ditto 1st February, 1820	- -	- -	- -
By Act 59 Geo. III. c. 111, £1 per Cent. per Annum on Outstanding Exchequer Bills	- -	- -	- -
	877,701,099 3 1½	30,079,871 3 10½	1,418,584 3 1½
Deduct Stock transferred in the Year ended 5th Jan. 1821, to the Commissioners, on account of Land Tax Redeemed	89,882 14 5	2,696 9 7½	- -
	877,611,216 8 8½	30,077,174 14 3	- -
Ditto remaining in the Names of the Commissioners for the Reduction of the National Debt	99,709,935 11 6	3,013,911 3 8	599 5 3
	777,901,280 17 2½	27,063,263 10 7	1,417,984 17 10½
Transferred for Purchase of Life Annuities	5,834,382 0 0	177,261 8 9½	8,471 0 0
Total. £	772,066,898 17 2½	26,886,002 1 9½	1,409,513 17 10½

Amount of National Debt of Great Britain	772,066,898 17 2½
Deduct, amount of Stock due to the Bank of England and South Sea Company	27,508,384 13 11½
	744,558,514 3 3½
Amount of Long Annuities at 25 Years Purchase	33,759,141 16 5½
£	778,317,655 19 8½

Great Britain, as the same stood on the 5th day of January, 1821, so far as the same can be Capital Stock of each Fund;—The Annual Interest;—Annuities for Lives or for Terms Commissioners for the Reduction of the National Debt, by sundry Acts of Parliament; what Periods, the several Parts of the Public Debt are Redeemable and Determinable. Regent of Portugal, payable in Great Britain.

Charges of Management.	Annual or other Sums payable to the Commissioners of the National Debt, by Sundry Acts of Parliament.	Total of Annual Expenditure.	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	10,327 0 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.
- -	7,552 0 0	18,607 10 0	
- -	8,405 17 6	18,049 5 0	
- -	- -	540 0 0	
- -	356 13 0	1,879 13 0	
- -	1,127 15 7	4,183 5 7	£3 per Cent. Consols. £882,148 16 7
- -	- -	18,847 4 11½	£3½ per Cents. - - 4,636,753 16 1
			£5 per Cents. - - 204,489 17 11
5,898 3 5	- -	446,502 3 5	
11,694 19 0	- -	613,827 9 9½	
448 11 9	- -	29,441 11 9	Redeemable by the Commissioners for the Reduction of the National Debt, or at Par; the Long Annuities, if not redeemed, will expire Anno 1860.
- -	- -	30,000 0 0	
- -	8,322,492 16 3	38,660,065 8 0½	
- -	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	
*259,086 17 9½	- -	*259,086 17 9½	
- -	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	
- -	152,875 0 2	152,875 0 2	
- -	410,000 0 0	410,000 0 0	
277,123 11 11½	12,929,874 4 8½	44,705,453 3 8½	
- -	- -	2,696 9 7½	
- -	- -	44,702,756 14 0½	
- -	3,014,510 8 11	- -	
- -	15,944,384 13 7½	- -	
- -	185,732 8 9½	- -	
277,123 11 11½	16,130,117 2 4½	44,702,756 14 0½	CHARGE OF THE DEBT OF THE UNITED KINGDOM, payable in England.

* Management of Life Annuities on the Capital of £.5,297,726, payable

at the Bank of England at £340 per Million	- - - - -		1,801 4 6½
Do. at the Exchequer on £594,759,220 8 7	- -	at £340 per Million	202,218 2 8½
Do. - - - 183,558,435 11 1½	- -	at £300 per Million	55,067 10 7½
£778,317,655 19 8½	- - - - -		£ *259,086 17 9½

(Continued)

AN Account *(Continued)* of the Public Funded Debt of the United Kingdom, payable in
ascertained:—Distinguishing the different Funds in which the same is Invested;—the
of Years;—Charges of Management;—the Annual and other Sums payable to the
and the Total Annual Expense:—Distinguishing also upon what Conditions, and at
To which is added, the Amount of Loans to the Emperor of Germany, and the Prince

BY WHAT ACTS CREATED.	Capitals; at 3 per Centum per Annum.			
	Bank of England Annuities A° 1726.	South Sea Old and New Annuities, Anno 1751.	Consolidated Annuities.	Reduced Annuities.
IRELAND.	£	£. 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 -	—	- -	- -	- -
	—	- -	- -	- -
Loans to the Emperor of Germany.				
By Acts 35 and 57 Geo. III. -	—	- -	7,502,633 6 8	- -
In the hands of the Commissioners for the Reduction of the National Debt - - - - -	—	- -	2,479,437 3 0	- -
	—	- -	5,023,196 3 8	- -
Loan to the Prince Regent of Portugal.				
By Act 49 Geo. III. - - -	—	- -	- -	895,522 7 9
In the hands of the Commissioners for Reduction of the National Debt - - - - -	—	- -	- -	677,939 0 0
	—	- -	- - £	217,583 7 9
TOTAL DEBT of the UNITED KINGDOM, payable in Great Britain -	14,686,800	21,037,684 13 11½	398,828,865 17 0½	201,171,660 17 0
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
	14,686,800	21,037,684 13 11½	406,331,499 3 8½	202,067,183 4 9
In the Names of the Commissioners of the National Debt - -	—	8,216,100 0 0	26,850,593 0 7	63,406,939 17 3
	14,686,800	12,821,584 13 11½	379,480,906 3 1½	138,660,243 17 6
Transferred to the Commissioners for Purchase of Life Annuities, per Act 48 Geo. III. c. 142 - - -	—	- -	3,682,183 0 0	2,019,847 0 0
£	14,686,800	12,821,584 13 11½	375,798,723 3 1½	136,640,396 7 6

In the Year ended 5th January, 1821, 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 - - -	2,000 0 0
£3. 10 per Cent. Annuities - -	210,650 0 0
£5 per Cent. Do. - - -	74,366 11 0

The following Sums being transferred in the Year ended the 5th January, 1821, to Ireland, from Great Britain, are in addition to the Funded Debt of Ireland, and deducted from the Funded Debt of Great Britain; viz.

	£. s. d.
£3. 10 per Cent. Consols - -	212,507 3 4
£5 per Cent. Do. - - -	74,366 11 0

Great Britain, as the same stood on the 5th day of January, 1821, so far as the same can be Capital Stock of each Fund;—the Annual Interest;—Annuities for Lives or for Terms Commissioners for the Reduction of the National Debt, by sundry Acts of Parliament; what Periods, the several Parts of the Public Debt are Redeemable and Determinable. Regent of Portugal, payable in Great Britain.

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.
19,376,637 12 3¾	789,784 12 3¾	11,289,803 9 3¼	- -	- -
- -	- -	- -	- -	- -
- -	- -	- -	- -	- -
19,376,637 12 3¾	789,784 12 3¾	11,289,803 9 3¼	- -	- -
7,035,255 0 10	163,338 9 2¾	- -	- -	- -
12,341,382 11 5¾	626,446 3 1	11,289,803 9 3¼	- -	- -
- -	- -	- -	- -	- -
- -	- -	- -	- -	- -
- -	- -	- -	- -	- -
- -	- -	- -	- -	- -
- -	- -	- -	- -	- -
- -	- -	- -	- -	- -
22,635,246 3 11	74,935,719 2 2	141,830,057 9 7	1,021,968 12 4	1,463,213 12 9
19,376,637 12 3¾	789,784 12 3¾	11,289,803 9 3¼	- -	- -
- -	- -	- -	- -	- -
- -	- -	- -	- -	- -
42,011,883 16 2¾	75,725,503 14 5¾	153,119,860 18 10¼	1,021,968 12 4	1,463,213 12 9
11,369,805 0 10	187,633 3 7¾	28,882 12 4	6,000 9 11	- -
30,642,078 15 4¾	75,537,870 10 10	153,090,978 6 6¼	1,015,968 2 5	1,463,213 12 9
- -	41,706 0 0	90,646 0 0	- -	- -
30,642,078 15 4¾	75,496,164 10 10	153,000,332 6 6¼	1,015,968 2 5	1,463,213 12 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.

	£. s. d.
£3 per Cent. Consols -	146,127 16 7
Do. - Reduced -	47,316 17 3
Do. - Anno 1726 -	299 1 0
£4 per Cent. Consols -	24,295 14 5
£5 per Cent. Do. -	25,382 12 4
Do. - 1797 & 1802 -	6,000 9 11
Imperial Annuities -	350 3 0

Also the following Long Annuities:
Of Great Britain - - £599 5 3 per Annum.

And also the following Capital, which has been purchased with Unclaimed Dividends; viz.
£3 per Cent. Reduced - - £422,600 0 0

And all which Capital Sums are subject to the Claims of the Parties entitled thereto.

AN Account *(Continued)* of the Public Funded Debt of the United Kingdom, payable in
ascertained :—Distinguishing the different Funds in which the same is Invested ;—the
of Years ;—Charges of Management ;—the Annual and other Sums payable to the
and the Total Annual Expense :—Distinguishing also upon what Conditions, and at
To which is added, the Amount of Loans to the Emperor of Germany, and the Prince

BY WHAT ACTS CREATED.	Total Capitals.	Annual Interest.	Annuities for Lives, or for Terms of Years.
IRELAND.	£. s. d.	£. s. d.	£. s. d.
By sundry Acts of Parliament -	31,456,225 13 10¾	1,274,263 17 5¾	43,724 6 2
Annual Grants, per Act 57 Geo. III. -	– –	– –	– –
Terminable Annuities expired -	– –	– –	– –
	31,456,225 13 10¾	1,274,263 17 5¾	43,724 6 2
Deduct Stock remaining in the hands of the Commissioners for the Reduction of the National Debt -	7,198,593 10 0¾	252,767 9 3½	– –
	24,257,632 3 10	1,021,495 8 2¼	43,724 6 2
Loans to the Emperor of Germany.			
By Acts 35 and 57 Geo. III. -	7,502,633 6 8	225,079 0 0	– –
In the hands of the Commissioners for Reduction of the National Debt - - - - -	2,479,437 3 0	74,383 2 3¼	– –
	5,023,196 3 8	150,695 17 8¾	– –
Amount of Loan to the Emperor of Germany - - - -	5,023,196 3 8	– –	– –
Loan to the Prince Regent of Portugal.			
By Act 49 Geo. III. - - -	895,522 7 9	26,865 13 5¼	– –
In the hands of the Commissioners for Reduction of the National Debt - - - - -	677,939 0 0	20,338 3 4¼	– –
	217,583 7 9	6,527 10 1	– –
Amount of Loan to the Prince Regent of Portugal - - - - -	217,583 7 9	– –	– –
TOTAL DEBT of the UNITED KINGDOM, payable in Great Britain -	877,611,216 8 8¾	30,077,174 14 3	1,418,584 3 1¾
Ditto payable in Ireland - -	31,456,225 13 10¾	1,274,263 17 5¾	43,724 6 2
Total Loans to the Emperor of Germany, 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	– –
	917,465,597 17 0½	31,603,383 5 2	1,462,308 9 3¾
In the Names of the Commissioners of the National Debt - -	110,065,905 4 6¾	3,361,399 18 7	599 5 3
	807,399,692 12 5¾	28,241,983 6 7	1,461,709 4 0¾
Transferred to the Commissioners for Purchase of Life Annuities, per Act 48 Geo. III. c. 142 - - -	5,834,382 0 0	177,261 8 9½	8,471 0 0
£	801,565,310 12 5¾	28,064,721 17 9½	1,453,238 4 0¾

Great Britain, as the same stood on the 5th day of January, 1821, so far as the same can be
Capital Stock of each Fund;—the Annual Interest;—Annuities for Lives or for Terms
Commissioners for the Reduction of the National Debt, by sundry Acts of Parliament;
what Periods, the several Parts of the Public Debt are Redeemable and Determinable.
Regent of Portugal, payable in Great Britain.

Charges of Management.	Annual or other Sums payable to the Commissioners of the National Debt, by Sundry Acts of Parliament.	Total of Annual Expenditure.	
£. s. d.	£ s. d.	£. s. d.	
- -	275,480 8 8	1,593,468 12 3¾	
- -	62,445 5 7	62,445 5 7	
- -	66,616 6 6	66,616 6 6	
553 16 11¼	- -	553 16 11¼	
553 16 11¼	404,542 0 9	1,723,084 1 4	
- -	252,767 9 3½	- -	
553 16 11¼	657,809 10 0½	1,723,084 1 4	
- -	36,693 0 0	261,772 0 0	
*1,707 17 8¾	- -	1,707 17 8¾	*See below.
- -	74,383 2 3¼	- -	
1,707 17 8¾	111,076 2 3¼	263,479 17 8¾	Charge for Germany payable in Great Britain.
*Charged with Management at the rate of £340 per Million - - £		1,707 17 8¾	
- -	30,000 0 0	56,865 13 5¼	
†73 19 6¾	- -	73 19 6¾	†See below.
- -	20,338 3 4¼	- -	
73 19 6¾	50,338 3 4¼	56,939 13 0	Charge for Portugal payable in Great Britain.
†Charged with Management at the rate of £340 per Million - - £		73 19 6¾	
277,123 11 11¾	12,929,874 4 8¼	44,702,756 14 0¾	
553 16 11¼	404,542 0 9	1,723,084 1 4	
- -	36,693 0 0	261,772 0 0	
- -	30,000 0 0	56,865 13 5¼	
277,677 8 11	13,401,109 5 5¼	46,744,478 8 10	
- -	3,361,999 3 10	- -	
277,677 8 11	16,763,108 9 3¼	46,744,478 8 10	
- -	185,732 8 9½	- -	
277,677 8 11	16,948,840 18 0¾	46,744,478 8 10	
Add - -	30,835 2 0		Annuities payable at the Exchequer, unclaimed for 3 Years, at the 5th January, 1821.
	16,979,676 0 0¾		
Deduct - -	383,000 8 0		Life Annuities payable at the Bank of England.
£	16,596,675 12 0¾		Amount applicable to the Reduction of Debt of the United Kingdom.

Exchequer, the 23d March, 1821. WM. ROSE HAWORTH.

AN Account of the Progress made in the Redemption of the Fublic Funded Debt of The United Kingdom, and specifying how much of each has been Redeemed by the Commissioners for the Reduction of the the Reduction thereof; likewise, the Annuities to fall in; and, also, the Capitals of Debt transferred to

FUNDS.	CAPITALS.	Long Annuities at the Bank of England.	Transferred to, or Redeemed by the Commissioners, from 1st Aug. 1786 to 5th Jan. 1821.	Total Sums paid.	Average Price of Stocks
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
Consolidated £3 per Cent. Annuities	516,379,744 7 10½	– –	128,391,627 0 0	83,583,903 5 11	65
Reduced - Do. - -	395,131,452 0 1	– –	244,861,855 0 0	157,017,569 11 0	64
£3½ per Cent. Annuities - -	22,635,246 3 11	– –	4,334,500 0 0	3,598,504 5 0	83
South-Sea Stock:					
Old South Sea Annuities, and New Do. Do. -	24,065,084 13 11½	– Old – New	6,891,600 0 0 5,140,500 0 0	4,730,759 14 6 3,571,885 1 9	68½ 69½
£3 per Cent. Anno 1751 - -	1,919,600 0 0	– –	1,131,000 0 0	796,780 10 0	70½
Consolidated £4 per Cent. Annuities	82,732,119 2 2	– –	7,796,400 0 0	6,586,334 8 9	84½
Do. - £5 Do. - Do.	141,972,057 9 7	– –	145,500 0 0	130,113 7 6	89½
£5 per Cent. Annuities, Annis 1797 and 1802 - - - -	1,021,968 12 4	—	—	—	–
£3 per Cent. - 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 in Ireland - - - - -	1,643,510 2 1	– –	180,296 9 4	155,334 10 3	86½
			398,873,278 9 4	260,171,784 14 8	
Consolidated £3 per Cent. -	– – –	– –	146,127 16 7	Capitals transferred to the Commissioners, the Dividends on which have not been claimed for 10 Years and upwards, and which are subject to the Claims of the Parties entitled thereto.	
Reduced - Do. - -	– – –	– –	47,316 17 3		
£3 per Cent. Annuities, Anno 1726	– – –	– –	299 1 0		
Consolidated £4 per Cents -	– – –	– –	24,295 14 5		
Navy £5 per Cents. - -	– – –	– –	25,382 12 4		
£5 per Cents. Annis 1797 and 1802	– – –	– –	6,000 9 11		
Reduced Annuities purchased with Unclaimed Dividends - - -	– – –	– –	432,600 0 0		
Consolidated - Do. - Do. - -	– – –	– –	4,800 0 0		
	1,203,187,582 11 11¾	1,359,435 18 8½	399,560,101 0 10		
Transferred to Commissioners, on account of Land Tax Redeemed, at 5th January, 1821 - - -	25,726,200 13 11				
	1,177,461,381 18 0¾				
Ditto for Purchase of Life Annuities, per Act 48 Geo. III. - -	5,834,382 0 0				
	1,171,626,999 18 0¾				
Redeemed by the Commissioners, including Capitals, the Dividends on which have not been claimed for 10 Years and upwards - -	399,560,101 0 10				
Unredeemed Debt of the United Kingdom, payable in Great Britain, at 5th January, 1821 - - -	772,066,898 17 2¾				

Note.–The Unredeemed Debt of £772,066,898 17s. 2¾d. includes £31,104,000, created Anno 1820; and the Capital Redeemed of £399,560,101 0s. 10d. includes £17,064,000, being the amount of Capital obtained for the Sinking Fund Loan of £12,000,000, Anno 1820.

An Account of the Progress made in the Redemption

Imperial £3 per Cent. Annuities -	7,502,633 6 8	—	—	—	
Redeemed by the Commissioners at 5th January, 1821 - - -	2,479,437 3 0	– –	2,479,087 0 0	1,564,459 0 5	63
Capitals transferred to them, the Dividends on which have not been claimed for 10 Years and upwards -	– – –	– –	350 3 0		
Debt Unredeemed at 5th January, 1821	5,023,196 3 8	– –	2,479,437 0 0		

An Account of the Progress made in the Redemption

Reduced £3 per Cent. Annuities -	895,522 7 9	—	—	—	
Redeemed by the Commissioners -	677,939 0 0	– –	677,939 0 0	449,791 15 11	66
Debt Unredeemed at 5th January, 1821	217,583 7 9				

An Account of the Progress made in the Redemption of the Funded Debt of Ireland

		Terminable and Life Annuities.			
£3. 10s. per Ct. Debentures and Stock	21,436,865 18 5¾	– –	9,095,483 7 0	7,133,864 18 8	78½
£4 per Cents - - - -	1,061,630 15 4¾	– –	435,184 12 3¾	385,623 16 5¾	88½
£5 per Cents - - - -	12,828,712 15 10¼	110,340 12 8	1,538,909 6 7¼	1,382,187 1 2	89½
	35,327,209 9 8¾		11,069,577 5 11	8,901,675 16 3¾	
Redeemed by the Commissioners -	11,069,577 5 11				
Deduct Annuities expired - -	– – –	66,616 6 6			
Debt Unredeemed at 5th January, 1821	£ 24,257,632 3 9¾	43,724 6 2			

Exchequer, the 23rd March, 1821. WM. ROSE HAWORTH.

ble in Great Britain, at the 5th of January, 1821;—Distinguishing the Capitals of the several Funds, onal Debt since 1st of August, 1786; the Average Price of Stocks; and the Sums Annually applicable to said Commissioners on Account of Land Tax Redeemed.

SUMS Annually applicable to the Redemption of the NATIONAL DEBT.	£. s. d.	ANNUITIES, Fallen in since 22d June, 1802, or that will fall in hereafter.	£. s. d.
ıal Charge, by Act 26 Geo. III. - - -	1,000,000 0 0		
:to - 42 Do. - - - -	200,000 0 0		
:to - per Act 1 Geo IV. c. 111, being £1 per Cent. on Exchequer Bills, Outstanding, at 5th January, 1820 - - - - - -	410,000 0 0	Exchequer Annuities 2 & 3 Anne; Expired 5 April, 1803	23,369 13 4
ıities for 99 and 96 Years, expired Anno 1792 -	54,880 14 6	Ditto, - 5 Jan. 1805	7,030 6 8
:to - 10 Years Do. 1787 -	25,000 0 0		
ıequer Annuities unclaimed for 3 Years at 5th Jan. 1821	30,835 2 0	Ditto, 4 Anne 5 April —	23,254 11 6
:to, of which Nominees shall have died prior to 5th July, 1802 - - - - - - -	21,481 6 1	Ditto, 5 — 5 April 1806	7,776 10 0
ıal Interest on £386,416,582 0 0 Redeemed at £3 per Cent. - - - - - -	11,592,497 9 2½	Ditto, 6 — — 1807	4,710 10 0
:to - £4,334,500 0 0 £3½ per Cent. -	151,707 10 0		
:to - £7,796,400 0 0 £4 per Cent. -	311,856 0 0	Ditto, - - - 5 July —	10,181 0 0
:to - £ 145,500 0 0 £5 per Cent. -	7,275 0 0		
:to - £ 180,296 9 4 Irish £5 per Cent. payable in England	9,014 16 5½	Bank Short Annuities, 5 Jan. 1808	418,333 0 11
›er Cent. per Annum on part of Capitals created, ›m 1st of February, 1793, to 1815, both inclusive -	6,640,220 3 7½	Do. Long Do. which will expire 5 Jan. 1860	1,359,435 18 8½
ıal Interest on £5,702,030 £3 per Cents, transferred for the purchase of Life Annuities	171,060 18 0		
:to - £41,706 £4 per Cents Do. -	1,668 4 9½		
:to - £90,646 £5 per Cents Do. -	4,532 6 0		
g Annuities transferred for Ditto - - -	8,471 0 0		
:ng Fund borne by Consolidated Fund, on Loans ısed and Bills funded, Annis 1815, 1818, and 1819 -	1,377,013 4 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 Commissioners for the Reduction of the National Debt.	
ıal Appropriation on £12,000,000, part of £14,200,000, ›an Anno 1807 - - - - -	626,255 10 5		
ıal Interest on £193,743 14 10 £3 per Cents, unclaimed for 10 Years and upwards	5,812 6 2¾		
:to - £24,295 14 5 £4 per Cents, Do.	971 16 6½		
:to - £31,383 2 3 £5 per Cents, Do.	1,569 3 1¼		
g Annuities unclaimed Ditto Ditto - -	599 5 3		
ıal Interest on £437,400 £3 per Cents, purchased th unclaimed Dividends - - - -	13,122 0 0		
Chargeable on Sinking Fund: £	£ 22,665,843 16 9½		
Annuities - - - £383,000 8 0			
ns and Bills, funded from 1812 to 1820 oth inclusive) per Act 53 Geo. III. c. 35 9,070,900 1 4			
of Charge on Treasury Bills raised r Ireland, Anno 1816 - - 9,014 16 5½			
9,462,915 5 9½			
uct for Sinking Fund for said Loans ıd Bills - - - - - 2,575,023 5 7¼	6,887,892 0 2¾		
ıal Sinking Fund of Great Britain and Ireland, ınded therein, Consolidated - - - £	£ 15,777,951 16 7¼		

he Imperial Debt, at 5th January, 1821

per Cent. per Ann. on Capitals created by Loan, 1797	36,693 0 0		
ıual Interest on £2,479,087 at £3 per Cent. -	74,372 12 2¼	Imperial Annuities for 25 Years expired 1st May, 1819 -	230,000 0 0
o. - on £350 3 0 Unclaimed Capital, for 10 Years and upwards, at £3 per Cent. - -	10 10 1		
£	111,076 2 3¼		

he Debt of Portugal, at 5th January, 1821

ıual Appropriation for Redemption of Loan, 1809 -	30,000 0 0		
ıual Interest on £677,939 £3 per Cent. - -	20,338 3 4½		
£	50,338 3 4½		

able in Ireland, at 5th January, 1821, in British Currency

ıual Charge, per Act 37 Geo. III. - - -	62,445 5 7		
minable Annuities expired - - -	66,616 6 6		
t of per Centage on Loans and outstanding Treasury ills, at 5th January, 1321 - - -	247,403 10 2¼		
ıual Interest on £9,095,483 7 0 at £3 10 per Cent.	318,341 18 4		
itto - £ 435,184 12 3¾ £4 per Cent. -	17,407 7 8¾		
itto - £1,538,909 6 7¼ £5 per Cent. -	76,945 9 4		
Chargeable upon Sinking Fund:	789,159 17 7½		
erest cancelled in Ireland, towards de- ›aying the Charge of Treasury Bills, raised nno 1816, &c., the remainder being can- elled in England - - £159,927 6 0¾			
luct for Sinking Fund for said Bills 28,076 18 5¾	131,850 7 7		
ıal Sinking Fund of Ireland, in Ireland .. £	£ 657,309 10 0½		

Reduction National Debt Office, 16th March, 1821. S. HIGHAM, Secretary.

An Account of the Unfunded Debt and Demands outstanding, on the 5th day of January, 1821:

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:			
Exchequer Bills — Provided for...	1,965,900 0 0		
Exchequer Bills — Unprovided for	29,000,000 0 0		
		30,965,900	0 0
TREASURY:			
Miscellaneous Services.....	1,071,033	2 3	
Warrants for Army Services..	51,530	14 7½	
Treasury Bills of Exchange drawn from Abroad.	96,806	0 0	
Irish Treasury Bills (Exchequer Bills,) Provided for... £. 800,000			
Unprovided for 1,500,000	2,300,000	0 0	
		3,519,369	16 10½
ARMY.....		1,094,371	6 10½
NAVY.....		1,193,455	5 1
ORDNANCE.....		269,337	3 0¼
BARRACKS.....		Nil.	
	£.	37,042,433	11 10½

Whitehall, Treasury Chambers, 20th March, 1821.

S. R. LUSHINGTON.

SPEECH of the King of Portugal, read to the Cortes by His Majesty's Command, on the occasion of his taking the Oath to the Bases of the Constitution.—Lisbon, 4th July, 1821.

(Translation.)

GENTLEMEN, DEPUTIES OF THE CORTES OF THESE KINGDOMS,

IF it be natural for every good Man to feel particular joy on revisiting his dear native land after a short absence, what must not be the delight of a Prince, who, after a prolonged absence of more than 13 years, finds himself restored to the seat of His August Ancestors, and received with sentiments corresponding with the paternal affection of his heart, at once by the whole Nation, in the person of its worthy Representatives, happily assembled together, and united by their love of King and Country, in this August Congress.

Yes, Gentlemen, I am persuaded that nothing but a pure love for your King, a disinterested anxiety for the public welfare, and the unanimous wish of the Nation, has conducted you hither, to form a Congress upon which the eyes of Portugal, of Europe, and of the whole World, are fixed, expecting the happy regeneration of a People, destined by their valour, no less than by their virtues, to occupy one of the most distinguished places in the page of history.

On his receiving the auspicious news, that, in the Capital of the Monarchy were about to be assembled, Citizens conspicuous by their learning and personal qualities, designated by the public opinion, and freely chosen, in order to save their Country from the imminent shipwreck which threatened it, on an ocean of evils, accumulated during the long series of years since the establishment of our primitive Constitution;—it was equally impossible for your King any longer to delay his return to the original cradle of the Monarchy, and that a Portuguese Monarch should, for the first time, cease to desire to unite himself to the Representatives of the Nation, for the purpose of concerting with them the means of relieving its necessities, and of securing its prosperity.

Were it possible that the idea of proscribing Monarchy should enter the minds of Portuguese, your King would find no other example in the sentiments of his Predecessors, than that of abandoning the Nation, without thoughts of culpable vengeance, though with the most lively grief, to the decrees of Providence: but the Portuguese, and with pleasing satisfaction I proclaim it to the World, have not for an instant forgotten that they are Portuguese, whose device has ever been "Valour and Loyalty."

Protesting, in the Act of convocation of the Cortes, that the edifice of the new Constitution which they were about to rear, should rest on the immoveable basis of the hereditary monarchy's continuing in the House of Braganza, and reiterating the oaths of fidelity sworn to me by the whole Nation, on my accession to the Throne of my August Ancestors,—the People sanctioned the fundamental principle of all

Constitutional Monarchies, which is, that, as the exercise of the Sovereignty consists in the exercise of the Legislative Power, it cannot reside separately in any one of the integral parts of the Government, but only in the union of the Monarch and the Deputies, chosen by the People as you have been, in order to form together the Supreme Council of the Nation,—to which Council our Ancestors have given the name of Cortes,—and to which, collectively, appertains the ordinary exercise of the Legislative Power; in such manner, that, should a Monarch ever assume to himself the exercise of that power, independently of the Chamber of Deputies, the Government would be considered as degenerated into a despotism; as, on the other hand, it would pass into the no less degenerate state of ochlocracy, should the Chamber of Deputies assume to exercise alone the Legislative Power.

Penetrated with these incontestible principles of the Constitutional right of Nations, no sooner was I made acquainted that the People of this Kingdom of Portugal had elected the Deputies destined to represent them in the Cortes, than I resolved to set out without delay, in order to occupy in that Assembly the eminent post to which, by the recognised principle of succession, it had pleased God to call me.

It not being compatible, however, with the general good of the Monarchy to transfer the seat of Government from Brazil to Europe, without first making such dispositions as might secure the union of the 2 Countries and the regular march of affairs, until the establishment of the future Constitution; I proceeded to take the Measures which appeared to me the most conducive to that end, and of which I ordered my Ministers and Secretaries of State to lay before you a circumstantial account. I then proceeded, without loss of time, to unite myself with the Representatives of the People, in order to commence, with mutual accord, being animated with equal patriotism, the important work which must emanate from this August Assembly, wholly composed of Individuals selected by the spontaneous and free will of the Nation; all the Members whereof have, previously and individually, sworn to accomplish and execute the Acts which are to proceed from an Authority, whose legitimate powers can be contested neither by the Natives, who have conceded the same, nor by Foreigners who are incompetent to pronounce upon such a subject.

You are already informed, by means of the Communication which I ordered to be made to you, through my Minister and Secretary of State for Foreign Affairs, that the first step which I took in the career of the Constitutional Government, (which form of Government I thought it incumbent on me to embrace for the general good of the People,) was to take, myself, and to order to be taken by the Members of my Royal Family, and by the Army and People of the Ultramarine Provinces, the same oath of adherence to the general will of the Nation, legitimately expressed by these Cortes, and to which I determined to send

Deputies, chosen according to the form and manner adopted in this Kingdom. In a short time we shall see Representatives from all those Provinces arrive, in order to join this August Assembly; and, in accordance with their oath, associate with us, in the name of their Constituents, in that great work, which is destined to bind still more closely, the ties of perpetual union amongst all those who glory in possessing and meriting the name of Portuguese, in the 4 quarters of the Globe.

As the organ of my unalterable sentiments, and of the sincere wishes that I have ever formed, during the whole course of my government, for the prosperity of the Monarchy, my Ministers of State will explain to you the several objects of which we shall have to treat, and upon which I, having no other view but the good of the Nation, think it necessary that you should observe and reflect, in order that we may conclude, with the least possible delay, the most important task that we have undertaken.

PROCLAMATION of the Governor and Captain-General to the Inhabitants of Buenos Ayres, respecting the designs of the Portuguese (Brazilian) Government upon Monte Video.—27th March, 1821.

(Translation.)

THE Enemies of the public felicity, the declared Enemies of the Independence of the Country, persist in their dark designs: as obstinate as ungrateful to the land of their nativity, they have recourse to the vilest expedients, in order to gratify their revenge and malignity, even at the sacrifice of their Country: with them there is no medium between the destruction of liberty, and the triumph of their iniquity.

The public is aware that, some months ago, there was formed in Monte Video, in union with certain revolutionary and vicious spirits, who have been fostered amongst us, (but who have found an obstruction to every design they formed, because the Country deserted them) a Plan for annexing these Provinces to the tottering Empire of Brazil. It is also known that, in the year 1820, if the same plan was not realized, it was not for want of every exertion being used by their leaders, nor from having left untouched any means, even the plunging the Country into hitherto unknown troubles, in order to effect it.

To accomplish that plan, they overturned the Central Authority which was regularly constituted; they persecuted and disfranchised the leading characters in the Nation; and reduced to the lowest ebb the National Credit; they annihilated the Armies; they destroyed the treasures and armament which the Directory had preserved; they caused the invasion and destruction of our fields, the burning of our property, the assassination of Fathers and Children, and of the honourable and peace-

able Land-holders; they sanctioned pillage even in our Capital; they encouraged the inclinations even of the lowest order of the people,—in consequence whereof, robbery, murder, disorder, and personal outrages were multiplied; the middling class of Society was insulted; and every honest Man was compelled to secrete himself, where he could not be discovered by them. The streets of Buenos Ayres were filled with victims and their executioners; they caused the suspension of our external commerce; speculators trembled; the Merchants trading to the Interior, were obliged to direct their whole care to their personal security, after having sent the fruits of their labour to the remotest corners of the Earth; they hired for this service, Men, taken from the coffee-houses, and cellars, which served as receptacles for their plunder; they invested with the highest rank and employments, vagabonds, and criminals,—the lowest dregs of Society; they fomented discord, and introduced it into the Villages and streets, and even into the bosom of families: they encouraged factions; cherished vengeance; multiplied disgusts, and involved the City in a thousand difficulties;—such was the first part of their plan. One Government succeeded to another,—no one was permanent: the Authorities disagreed, and varied their system daily, till at last they placed the City in a condition which could not, and without any Person in it who could, inspire confidence. This was the grand object of their endeavours; but what a lesson did not the people of Buenos Ayres afford to the World?—They bewailed her misfortunes, lamented her deplorable situation, where all was fear and apprehension. In the mean time, the Traitors of their Country hoped that, in such a desperate state of things, the people would seek the assistance of their would-be protectors, and demand their annexation to the Brazilian Empire. The People of Buenos Ayres gave a tremendous cry, and frightened them from her Territory and her coasts.

Sarratea, with his Adherents, then escaped to the Entre Rios, where he sought refuge of Governor Ramirez, who had been one of the principal instruments of this great design; Alvear returned to Monte Video, to set in movement the plan of the Portuguese Combination; several others followed him. Carrera proceeded to the Pampas, to continue the work of devastation, to make converts, and to be ready at any future period to co-operate in any concerted plans, which Sarratea might form with Ramirez, and Alvear with the Portuguese. The desired opportunity appeared at length to have arrived.

In the beginning of this month, an Adjutant of Governor Ramirez, Don N. Urdinarrain, arrived at Monte Video, with Dispatches for General Lecor, and Don Carlos Alvear; in consequence of which the Three met at the General's house, where the Letters were opened, and the execution of a plan was agreed upon, as a substitute for that which had miscarried in 1820;—which was, that Aguiar, who would remain in command after Ramirez had crossed the Parana, should deliver, as

agreed upon, the Province of Entre Rios to the Portuguese;—that Ramirez, availing himself of the occasion, should declare that the sale of it had been settled at Buenos Ayres, against which Province War should be declared, for having sold the Country to the Portuguese Nation.

The plan of execution having been decided, a person of the name of Pereda, who serves as a confidential Courier between Ramirez and the Portuguese, arrived at Monte Video with Dispatches from him; stating that he had 1,000 Men ready to fight against Buenos Ayres, that the rest of the force was only to magnify appearances, (the former being sufficient by reason of the party he had in his favour here,) and concluding with the recommendation that all possible dispatch should be used in the execution of the preconcerted plan. Don Carlos Alvear, who had been created a Brigadier of the Portuguese Armies, took his departure, in consequence, publickly, from a coffee-house in Monte Video, at half past seven A. M. of the 17th instant, in company with Don Ladislao Martinez, 3 Country Negroes, and a Portuguese Officer, Adjutant of General Saldana, all well armed, and their knapsacks well provided: they were to be joined by Don Nicolas Vedia, who was waiting for them at the estate of his father-in-law, known by the name of Perez, and afterwards to embark at the Port of Bacas for the Entre Rios. They were to call on their way, at Colonia, to communicate the orders they had received. On their arrival at Ramirez's head quarters, he was to cross the Parana with his Troops, and 300 Portuguese that have joined him from the forces stationed on the coast of the Uruguay; in the mean time Alvear, conformably to the agreement with the General, was to take possession of the Territory, and hold it as incorporated with the Crown of Brazil.

Such is a sketch of the plan newly conceived, between the Portuguese General Alvear, and Ramirez, Sarratea, and other members of the Monte Video Lodge. The Government of Buenos Ayres having, some days since, discovered part of this plan, immediately communicated it to the Governments of Santa Fé, Cordova, and Mendoza, as the points most likely to feel its effects, and, consequently, the most anxious to repel it with firmness; it also commissioned the Deputation of this Province to acquaint the others of the suspicions of this Government relative to a neighbouring Nation. In consequence of its vigilance and care, the Government is enabled to lay before the public, as a reality, that which it had hitherto believed to exist only in appearance,—that is to say, the existence of a wish to renew the projects of the year 1820, and to place the Country, if not in the same unexampled calamities, at least under a disgraceful and oppressive yoke.

The Government is about to make an immediate Communication of these facts to the Provinces,—to demand satisfaction of the Portuguese General, as well as of Governor Ramirez,—to proclaim to the inhabitants that it will employ all the means which Buenos Ayres has entrusted to its charge, to preserve the integrity of the Territory in general, to se-

cure its rights, and, if necessary, to punish those depraved individuals who conspire to destroy the liberty, independence, and reputation of America.

MARTIN RODRIGUEZ.

DECREE of the Government of Buenos Ayres, and Correspondence with the British Naval Officer in the River Plate, respecting the employment of British Subjects in the Military Service of Buenos Ayres.—April, 1821.

(1.)—*Decree of the Government of Buenos Ayres.*—10*th April*, 1821.

(Translation.)

THE Honourable Junta has considered in several Sittings the important business submitted, by your Excellency, to their deliberation, grounded on the various and repeated solicitations of Don Felix Alzaga, Colonel of the Regiment del Orden, that Foreigners, residing in this City and Province, should be compelled to aid with their services, in consideration of existing circumstances, the Country whose protection they enjoy. This Honourable Junta has minutely investigated to its foundation the perverse and insulting disdain with which the said Foreigners disobey the various Orders emanating from the Government, relative to themselves, and paralyze measures most important to the interesting objects committed to your Excellency's charge, and to which they owe every respect and consideration. It has been penetrated, therefore, with the imperious necessity of adopting a general plan, which, by the establishment of a permanent regulation in that particular, for the future, may serve as a guide for your Excellency, and prevent the inconvenience resulting from such opposition. For this purpose it has agreed to enact as a Law the following Articles.

ART. I. Every Foreigner having a shop, store, or chandlers-shop, for retailing provisions, he being an Owner of landed property, or exercising any art or profession, must be enlisted in the Local Corps of Militia, and will, in future, be subject to all the duties which belong to that class of Citizens.

II. All Merchants who have established houses of business, together with their Clerks, are comprehended in the preceding Article.

III. Strangers in general are equally comprehended in it, whatever be their business or occupation, if they have been resident 2 years together in the Country.

IV. Foreigners who refuse to fulfil the duties required by the Society which admits and protects them, will be compelled to the observance of them during their residence in the Country; the Government being responsible for the exact and punctual performance of this resolution.

V. Foreigners, non-residents, shall also be obliged to render to the Country those services which the Government may deem absolutely necessary, in order to preserve it from the imminent danger with which it is threatened; but without losing sight of the considerations which they deserve, and much less those which the interests of the State demand.

This Honourable Junta has also resolved to return to your Excellency the Papers relative to this important affair, in order that, in conformity with the said Articles, the solicitations and instances of the said Colonel of the Regiment del Orden, may be acted upon: all which is communicated to your Excellency, for your information and its fulfilment.

God preserve your Excellency many years.

Chamber of Sittings, Buenos Ayres, 10th April, 1821.

MANUEL DE LUZURIAGA, *President.*
PEDRO MEDRANO, *Secretary.*

The Most Excellent the Governor and Capt.-General of the Province of Buenos Ayres, Don Martin Rodriguez.

Execute what is commanded by the preceding Honourable Decree, which must be transcribed by the Minister of War; remitting to him the Precedents which caused the Report made on the 5th instant; and, that it may come to the knowledge of all who are comprehended in the Decree, let it be published in the customary manner.

[With the Rubrick of His Excellency the Governor and Captain-General.] LUCA.

(2.)—*The British Merchants at Buenos Ayres to Capt. O'Brien.*

SIR, *Buenos Ayres, 11th April,* 1821.

IN consequence of a Decree just published by this Government, exacting the personal services of all Foreigners resident here in the Local Militia of this place, and tending in other respects to identify them as Citizens of this State; the undersigned British Residents, convened in a General Meeting, beg to represent to you, as Commanding Officer of His Britannic Majesty's Naval Forces on this Station, that, consistently with the allegiance which they owe to their own Government, and with a due observance of its Laws, more particularly of the late Act called "The Foreign Enlistment Bill,"* they can on no plea take up arms in aid or defence of this or any other Foreign State; and their decided and unanimous determination being to quit the Country, should this Government insist on making the above Decree applicable to them, they respectfully request that you will make this determination known to the existing Authorities, and

* 59 Geo. III. Cap. 69.—3rd July, 1819.

arrange at the same time for a sufficient period being allowed, and every other facility granted to them, for the winding up of their affairs in this Country. We have the honour to be, &c.

[Signed by 49 British Subjects.]

D. H. O'Brien, Esq. Senior Officer commanding His Majesty's Ships and Vessels off Buenos Ayres.

(3.)—*Captain O'Brien to the Governor of Buenos Ayres.*

H. M. Ship Slaney, *off Buenos Ayres, 16th April,* 1821.

MOST EXCELLENT SIR,

As the British Senior Naval Officer of His Majesty's Ships and Vessels in this part of the River Plate, it becomes my indispensable duty, and it is with great regret I have to state to your Excellency, that I feel most seriously disappointed in finding that there has been no Reply to the two different Representations which I had the honour, personally, of making to you on the 12th, through my Interpreter, together with a translated Copy of an official Letter to me from the British Merchants, &c. in this Country, which I had the honour of transmitting for your Excellency's perusal, setting forth the impossibility of their compliance with a Decree, passed on the 10th instant, by the Honourable Senate of Buenos Ayres, sanctioned and published by your Excellency's authority, on the 11th, requiring them to be formed into a Corps, and identifying them with the Natives;—inasmuch as the said Decree, as I had already repeatedly observed to your Excellency in Council, verbally, and have confirmed by extracts from Vattel, the celebrated Writer of the Law of Nations, (to whom all the Nations of Europe, in a great degree, look for information in the regulating of their conduct towards Foreigners, as well as with regard to one another,) is in contradiction to the said Law, and also totally at variance with the system of strict Neutrality which the Government of His Majesty the King of Great Britain has thought proper to command his liege Subjects to observe, and with the Foreign Enlistment Bill recently passed in the British House of Parliament. I have to add, that the British Subjects have ever been ready to arm themselves in defence of their persons and property, conformable to the said Law.

Whatever might have been the original intention of the Honourable Senate, in having passed the aforesaid Decree, I feel it incumbent on me to observe, with all due respect to that Honourable Body, that it cannot be viewed by an impartial eye, without exciting the suspicion that it had emanated from a desire to fix upon and to issue some particular Edict, which it would be out of the power of the Parties concerned to comply with; in which the Honourable Senate have most completely succeeded. The exigencies of the case require it, and I rather feel it to be my bounden duty, as British Naval Officer, and

the only Representative of His Britannic Majesty's Government, here, in the name and on the behalf of His Britannic Majesty, to protest, in the most solemn and positive manner, against the said measure being carried into execution; as it cannot be considered in any other light than hostile to his liege Subjects, to whose interest and protection (consistent with strict justice, and conformable to the established rules and regulations exercised by all civilized Nations) His Britannic Majesty is always ready to pay attention.

I have further the honour to observe, Most Excellent Sir, that Great Britain, although the last to give offence, and ever ready to render assistance to the deserving who may need it, will be the first to resent insult or injury. I trust your Excellency will see with me the propriety of rescinding the aforesaid Decree, as far as it concerns His Britannic Majesty's liege Subjects; but, in the event of the reverse being the case (which I should be sorry to contemplate), I shall take the earliest opportunity of communicating the occurrence to the Senior Officer on board His Majesty's Ship *Superb* at Maldonado; to the Commander in Chief of His Majesty's Ships and Vessels in South America; to His Britannic Majesty's Minister at the Court of Brazil; and of transmitting a Copy of this Declaration to the Lords Commissioners of the Admiralty of Great Britain, for the information of His Majesty's Government; and, in the mean time, I shall take the necessary steps to prevent your Excellency being further annoyed, by the arrival at this Port of any more British Subjects or British property.

And I have to request your Excellency will grant 6 months at least, and every other facility, to enable the British Merchants now here to make their different commercial arrangements, to which the Law of Nations, and the commercial benefits which they have rendered during their long residence in this Country, so justly entitle them.

I have the honour to remain, &c.

H. E. Don Martin Rodriguez. D. H. O'BRIEN.

(4.)—*The Buenos Ayres Minister for Foreign Affairs to Captain O'Brien.*

(Translation.) *Buenos Ayres,* 17*th April,* 1821.

PREVIOUSLY to the receipt by his Excellency the Governor, of the Note which the Captain of the English Vessel of War, off Buenos Ayres, had addressed to him under date of the 16th instant, his Excellency had passed a Resolution of the following tenor:

(Inclosure.)—Resolution of the Government of Buenos Ayres.

Buenos Ayres, 14*th April,* 1821.

The Decree of the Honourable Junta of Representatives of the Province, of the 10th instant, comprehending only Foreigners who are land-holders, or in a certain degree established in the Country, in which case there can be no doubt of its exact conformity with the

Principles of the Laws of Nations universally practised in Civilized Nations, the exception cannot be admitted, which, agreeably to the exposé verbal of the Commandant of His Britannic Majesty's Naval Forces, certain Individuals of that Nation demand, who, should they be of the classes (of which this Government is ignorant, in as much as the said Commander has not made any return of their names) so clearly described in the three first Articles of the said Resolution, will be liable, like all other Foreigners, to whatever regulations may be here established; they being assured that, as respects the wholesale Merchants established in the Country, and in consequence of the attention their affairs require, this Government, in regard to the enlistment in the Local Militia, will grant to them every possible consideration. If, notwithstanding this, they still insist in carrying into execution their plan of quitting the Country, sooner than submit to the Laws enacted by the Government under whose protection they live, they may do so, as hitherto, freely and without waiting any fixed time for the arrangement and conclusion of their affairs; they may take their own time, keeping in mind that, agreeably to the tenor of the IV. Article of the said Decree, so long as they remain in the Country, they must observe punctually what is ordered in it, as well as all other Laws and Regulations now existing or that may be hereafter enacted.

Communicate this Resolution to the Minister at War for the needful purposes, and that the Parties interested may be informed thereof, let it be published in the Gazette.

By order of his Excellency, I transcribe the foregoing Resolution, for the information of the Commandant of His Britannic Majesty's Naval Forces off Buenos Ayres, adding, that the Governor and Captain-General requests that the said Commandant, previously to any other official demand that he may believe it his duty to address to the Authorities of this Country, will satisfy him that that which he holds from His Britannic Majesty duly authorizes him to appear in the public character he has assumed in the present affair, or in others of a similar nature that may hereafter occur with regard to the Government on which he depends.

JUAN M. DE LUCA.

The Captain of the Slaney, *British Sloop of War.*

(5.)—*Capt. O'Brien to the Buenos Ayres Minister for Foreign Affairs.*

H. M.'s S. Slaney, *off Buenos Ayres, 19th April,* 1821.

CAPTAIN O'Brien of His Britannic Majesty's Ship *Slaney*, has the honour of acknowledging the receipt of an Official Communication of the 17th instant, made to him through the Secretary of State for Foreign Affairs, by order of his Excellency Don Martin Rodriguez, Governor and Captain-General of the Province, and has the honour to

State, in reply to the concluding part of the said Communication, that that particular point will be found fully elucidated, by reference to the records of a discussion which had taken place in 1818 with Commodore Bowles, and when Mr. Staples, an English Gentleman, had been in the Country and was denominated British Consul.

Commodore Sir T. M. Hardy has succeeded to Commodore Bowles, and Captain O'Brien is deputed, *ad interim*, to fulfil the same functions. This authority has never been doubted in any Country, when referring to the protection of His Britannic Majesty's liege Subjects in their lawful pursuits.

Captain O'Brien has the honour of enclosing a translation, by his Interpreter, for his Excellency's perusal, of his Official declaration of the 16th instant, understanding, from report, that some expression in the same had given offence; it must certainly be owing to a misinterpretation, as it could not have been the most remote wish of Captain O'Brien, as an Officer and Gentleman, to offer any indignity to his Excellency the Captain-General, or to the Honourable Representatives of Buenos Ayres, and he only had to regret that the cause had driven him to the necessity of making a formal declaration, and felt sorry at the occurrence of any circumstance that might alter that harmony and friendship which had for so many years existed between this Country and Great Britain.

D. H. O'BRIEN.

His Excellency Don Juan M. de Luca.

CORRESPONDENCE between The United States and Buenos Ayres, respecting the identification of American Vessels.—August, 1821.

The Agent of The United States to the Minister for Foreign Affairs at Buenos Ayres.

Agency of The United States of North America,
Buenos Ayres, 24th August, 1821.

SIR,

To secure the bona fide property of its Citizens is one of the primary duties of every Government; and, to this end, it is of the highest importance that any and all proceedings that have a tendency to blend it in appearance with foreign property, or to render the evidence of its legitimacy suspicious or uncertain, should be most pointedly repressed. With these views, I have been charged by the Government of the United States of America, to watch over the use, and to prevent the abuse, within this Province, of the Flag of my Country; to endeavour that no Vessel enter into the Ports within my Agency, as a Vessel of The United States, which shall not be truly such; and that none shall

be sold under that name which has not a rightful claim to the National character. Confidently hoping that his Excellency the Governor and Captain-General of this Province will readily co-operate to the attainment of these honourable ends, I take the liberty, in pursuance of my instructions, as well as the duties necessarily incident to my official character, most respectfully to solicit the following measures may be formally adopted and ordained:

1st. That the necessary orders should be given to the competent Authorities, that no Vessel be permitted, in entering into, clearing, or departing from, any Roads or Ports within this Province, to assume the character or Flag of the United States of America, unless such Vessel shall be acknowledged by me to have a right so to do.

2dly. That Notaries Public should be enjoined to notify me of all transfers of Vessels within this Province, purporting to be Vessels of The United States.

I avail myself, with pleasure, of this occasion, &c.

I have the honour to be, &c.

J. M. FORBES.

H. E. The Hon. Dr. Bernardino Rivadavia,
Minister of Government and Foreign Affairs.

The Buenos Ayres Minister for Foreign Affairs to the Agent of The United States.

(Translation.) *Buenos Ayres, 25th August,* 1821.

AGREEABLY to what the Agent of The United States has been pleased to represent to me in his official Letter, under yesterday's date, the Government has resolved, and has ordered to be communicated to those whom it may concern:

1st. That no Vessel, assuming the character or Flag of the United States of North America, shall be permitted to enter, discharge, or depart from, any Roads or Ports of this Province, unless the right of such Vessel be previously acknowledged by the Agent of the said States resident in this City.

2dly. That the Principal Notary of the Government shall make known to all Notaries Public, that, previous to extending a contract of sale or transfer of any Vessel bearing the Flag of the United States of North America, they give notice thereof to the Agent of the said States; the expences incurred to be paid by those concerned.

The Minister of Government and of Foreign relations repeats, &c.

John M. Forbes, Esq. BERNARDINO RIVADAVIA.

CONVENTION for the Incorporation of the Eastern Province of the River Plate with the United Kingdom of Portugal, Brazil and Algarve.—Signed at Monte Video, the 31st of July, 1821.

(Translation.)

We, the President and other Deputies of the Cis-platine (otherwise Eastern) State, on the part of its Inhabitants; and the Baron de la Laguna, in the name and on the part of His Most Faithful Majesty, and by virtue of special powers granted to him for that purpose;—do declare, that, after duly considering the critical circumstances in which this Country is placed, and consulting the real interests of the people and families,—We have agreed, and by these presents do agree, that the Eastern Province of the Rio de la Plata, shall be united and incorporated with the United Constitutional Kingdom of Portugal, Brazil and Algarve, under the imprescriptible obligation that the following bases shall be respected, fulfilled, observed, and caused to be observed, on both sides:—

Art. 1. This Territory shall be considered as a distinct State of the United Kingdom, under the name of the Cis-platine, otherwise Eastern State.

II. Its limits shall be the same as heretofore, and such as they were recognized to be at the commencement of the Revolution; that is to say: on the East, the Ocean; on the South, the River Plate; on the West, the Uruguay; and on the North, the River Quarain up to the ridge of St^{a}. Anna, where the junction of the River St^{a}. Maria takes place; and in this part, the stream Tacuarembo, which, following the points of the Yaguaron, entering the Lake of Mini, and passing by the point of St. Miguel, joins the Chui, which falls into the Ocean: and this without prejudice to the declaration which the Sovereign National Congress, our Deputies being heard, shall make, concerning the claims of this State, to the plains that are comprehended in the last demarkation made during the Government of Spain.

III. It shall hold the same rank as the other Provinces of the Monarchy, and shall be at liberty to send Deputies immediately to the National Congress, conforming, however, to the principles laid down in the Constitution of the State.

IV. Its Laws shall, for the present, be observed and respected, so far as they shall not be opposed to the general Constitution.

V. All the privileges, exemptions, charters, customs, titles, pre-eminences and prerogatives, enjoyed by the constituted authorities, families, and individuals of the Province, whether by right or by charter, shall be preserved and maintained.

VI. All the Civil Authorities shall be continued independent of the Military, and the latter shall not have the power to interfere in the affairs

or duties which belong to the former; and the civil Inhabitants of the Province shall be judged by the Civil Judges only.

VII. Commerce, industry, and agriculture, shall be free from every tax, in conformity with the principles of all liberal Nations.

VIII. As soon as the incorporation shall have been verified, all the offices of the Council, and employments of the Province, excepting for the present that of Captain General, shall be conferred on Natives of the Province, or on such as are married or settled therein.

IX. Extraordinary contributions shall on no account be imposed.

X. No Inhabitant of the Province shall be compelled to enter the veteran service by sea or land, whether by levies, draughts, or in any other form; excepting vagrants and persons of evil conduct.

XI. The militia raised within the territory shall not be obliged to quit their respective departments, except in cases of disturbance or invasion of the State; and on no account shall they be sent beyond its limits.

XII. Until the mode of regulating the taxes shall be determined by the General Congress of the Nation, it shall undergo no change, unless by order of the General Board of Finance, assisted by the Cabildos and the Syndic General of the people, who shall be nominated with the corresponding attributes.

XIII. The expences of the civil administration shall be paid in preference to any other; and although the remainder of the revenues of this State may go to the support of the necessary garrisons; yet, in order that those revenues may no longer, as heretofore, be made to contribute to the maintenance of the Army—the payment of all other expences shall be secured on the Bank of Rio de Janeiro, or in whatever manner the Nation shall determine, should a larger force be judged requisite for the security of the territory.

XIV. The bases of the Constitution, as established by the General Congress of the Nation in the present year, are accepted; because they guaranty civil liberty, as well as the security of individuals and property; together with such reforms or additions as the General Congress shall determine, so soon as the Representation of America shall be complete.

XV. The reforms established in Europe, with respect to Monks and Friars, shall not extend to this Country, by reason of the small number of them, and because we stand in need of Priests. And in order to reform any Ecclesiastical abuses, the Regulations set forth in the second and third chapters of the 24th Section of the Reform established at the Council of Trent, shall be ordered to be enforced.

XVI. This Territory shall not form part of any other Bishopric, but shall possess a Spiritual Chief, in such form as may be agreed upon between His Most Faithful Majesty and His Holiness. In the mean time, a Delegate from the Governor of the Bishopric shall be continued as hitherto.

XVII. The inhabitants shall not be aggrieved by the quartering of troops upon them, for a longer period than 3 days, in time of peace.

XVIII. All Authorities, including the Captain General, shall, on entering upon their office, make oath to observe, and cause to be observed, the foregoing conditions; and shall be answerable not only for their infringement, but also for neglecting to proceed against such Persons as shall attempt the same.

XIX. The Baron de la Laguna shall continue in the command of this State.

XX. Until the General Constitution of the Kingdom be in operation or promulgated, a Syndic-Procurator of the State shall be appointed by the Congress, in order to proceed, ex officio, or at the instance of any Authority or Inhabitant requiring him so to do, upon the exhibition of proper documents or vouchers, against any violation of the conditions herein proposed, in the form and manner following:—

1. The Syndic may proceed three times before the Authorities, and before the Captaincy-General, on any violation; and, should his reclamation not be attended to, he may have recourse to the King, or to the Sovereign Congress.

2. His Person shall be inviolable on account of any reclamation of this nature made by him.

3. He shall act conjointly with the Government or Authorities in general reforms or regulations.

4. In cases of impediment or illness, his place shall be supplied by the Syndic of the Capital, or, in default of the latter, by the next Syndic of the Cabildos.

XXI. The Government shall take cognizance of any reclamation made by any other Power upon this Territory, which shall in no wise be decided upon without their knowledge and express consent.

It is nevertheless agreed that the following additions made by the Baron de la Laguna shall be admitted: viz. "the election of Deputies for the General Cortes shall be constitutionally proceeded in, so soon as His Majesty shall have been informed of this Act of Incorporation with the Constitutional Portuguese Monarchy."

To Article XVII. "It shall be carried into effect as soon as quarters for the Garrisons of the Interior shall have been established, either by the inhabitants themselves or out of the revenues of the State."

During the time which may be necessary to smooth the difficulties which, for the present, delay its fulfilment; the Deputies of the People, on the part and in the name of the People, and the Baron de la Laguna representing His Most Faithful Majesty, in virtue of Special Powers for this object, oblige themselves religiously to observe the foregoing Stipulations, and to perform the duties imposed by this Act;

by fulfilling and causing to be fulfilled the contents of the same, without contravention, direct or indirect, of its express and literal meaning.

In faith of which we have signed the present Act.

BARON DE LA LAGUNA.

JUAN JOSE DURAN, *President*, and 15 Deputies.

On the 5th of August, 1821, all the Authorities and Civil Functionaries of this Capital of Monte Video being assembled, and, after the honourable Congress had taken the oath, before the Baron de la Laguna, to obey, fulfil, and cause to be fulfilled, the bases published by the General Congress of the Portuguese Nation in the present year, and the Stipulations proposed by the Deputies of the Towns of the State; the President of the Congress received the oath from the General, to respect, fulfil, and cause to be fulfilled, the Stipulations proposed, and agreed to by the Honourable Congress; all the Authorities and other Functionaries in rotation taking the same oath before the said Senor Baron de la Laguna, which I certify.

LLAMBI, *Deputy Secretary.*

LETTER of the Secretary of the Treasury, containing the Annual Report of the state of the Finances of The United States.—1*st December*, 1820.

SIR, *Treasury Department, 1st December*, 1820.

I HAVE the honour to enclose a Report, prepared in obedience to the Act, entitled "An Act to establish the Treasury Department."

I have the honour to be, &c.

WM. H. CRAWFORD.

The Hon. John W. Taylor, 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 imports and tonnage, internal duties, direct tax, public lands, postage, and other incidental Receipts, 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 Mississippi stock 2,015,977 00

Postage and other incidental receipts		313,855 38

That which accrued from the same sources during the year 1818, amounted to 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 Mississippi stock		2,464,527 90
Postage, dividends on bank stock, and other incidental receipts		590,348 93

And that which accrued from the same sources during the year 1819, amounted to 21,435,700 69

Viz: Customs	17,116,702 96	
Arrears of internal duties		227,444 01
Arrears of direct tax		80,850 61
Public lands, exclusive of Mississippi stock		3,274,422 78
Postage and other incidental receipts		61,280 33
First instalment from the Bank of The United States, and dividend on stock in that Bank		675,000 00

It is ascertained that the gross amount of duties on merchandize and tonnage, which accrued during the 3 first quarters of the present year, exceeds 13,340,000 Dollars, and the sales of the public lands during the 2 first quarters of the year, exceed 1,240,000 Dollars.

The payments into the Treasury, during the 3 first quarters of the year, are estimated to amount to 16,819,637 49

Viz: Customs	12,378,513 12	
Public lands, exclusive of Mississippi stock		1,124,645 32
Arrears of internal duties and direct tax		104,769 20
Incidental receipts		579,749 14
Monies received from loans		2,545,431 47
Repayments		86,529 24

And the payments into the Treasury, during the 4th quarter of the year, from the same sources, are estimated at 3,430,000 00

Making the total amount, estimated to be received into the Treasury, during the year 1820..... Dollars 20,249,637 49

Which, added to the balance in the Treasury, on the 1st day of January last, amounting to 2,076,607 14

Make the aggregate amount of.....Dollars 22,326,244 63

The application of this sum, for the year 1820, is estimated as follows, viz.

To the 30th of September, the payments have amounted to 16,908,413 80

Viz: Civil, diplomatic, and miscellaneous expenses.....2,078,573 25

Military service, including fortifications, ordnance, Indian department, revolutionary and military Pensions, arming the Militia, and arrearages prior to 1st of January, 1817, 6,043,068 00

Naval service, including the permanent appropriation for the increase of the navy 2,946,762 00

Public debt, including 1,142,879 55, for the redemption of the Mississippi certificates 5,840,010 55

During the 4th quarter, it is estimated that the payments will amount to..... ..... 8,056,000 00

Viz: Civil, diplomatic, and miscellaneous expenses..... 450,000
Military service 1,900,000
Naval service..... 806,000
Public debt, to the 1st of January, 1821 4,900,000

Making the aggregate amount of.....24,964,413 80

And leaving, on the 1st of January, 1821, a balance against the Treasury, estimated at.....Dollars 2,638,169 17

II.—Of the Public Debt.

The funded debt, which was contracted before the year 1812, and which was unredeemed on the 1st of October, 1819, amounted to 23,668,254 71

And that contracted subsequent to the 1st day of January, 1812, and unredeemed on the 1st day of October, 1819, amounted to..... 68,060,336 29

Making the aggregate amount of .....Dollars 91,728,591 00

Which sum agrees with the amount as stated in the last Annual

Report, as unredeemed on the 1st of October, 1819, excepting the sum of 63 Dollars 49, which was then short estimated, and which has since been corrected by actual settlement.

In the 4th quarter of the year, there was added to the above sum, for Treasury Notes brought into the Treasury and cancelled, the following sums, viz.

In 6 per cent. stock	4,152 18	
In 7 per cent. stock	10,525 00	
		14,677 18
Making		91,743,268 18
From which deduct: Louisiana 6 per cent. stock, reimbursed on the 21st October, 1819	2,601,871 14	
And deferred stock, reimbursed between the 1st of October, 1819, and 1st of January, 1820	242,063 47	
		2,843,934 61
Making the public debt which was unredeemed on the 1st of January, 1820		88,899,333 57
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 the old registered debt, added to the public debt, the amount of	34,550 19	
And by the loan authorized by Act of May 15, 1820	2,545,431 47	
		2,579,981 66
Making		91,479,315 23
From which deduct the amount of stock, purchased during that period	40 34	
And the estimated reimbursement of deferred stock	253,752 78	
		253,793 12
Making, on the 1st of October, 1820, the sum of		91,225,522 11
To which, add, in the 4th quarter of 1820, on account of the loan of May 15, 1820		454,567 66
Making		91,680,089 77
There will be reimbursed of the principal of the deferred stock, on the 1st of January, 1821	249,444 16	
Since the 30th of September last, the residue of the Louisiana stock has become redeemable, amounting to	2,216,408 78	
		2,465,852 94

Which, if discharged before the 1st day of January, 1821, will leave the public debt unredeemed on that day, as estimated 89,214,236 83

The Treasury Notes yet in circulation are estimated at 27,656 00

The whole of the awards made by the Commissioners appointed under the several Acts of Congress, for the indemnification of certain claimants of public lands, amount to..... ..... 4,282,151 12

Of which there has been received at the General Land Office 2,439,308 31

And there was paid at the Treasury 66 per cent. on 1,731,735 Dollars 69 .....1,142,879 55

3,582,187 86

Leaving outstanding, on the 30th September, 1820... 699,963 26

III.—Of the Estimates of the Public Revenue and Expenditures for the year 1821.

In forming an estimate of the receipts into the Treasury for the year 1821, the amount of Revenue Bonds outstanding on the 30th of September last; the sum due for public land; the ability and disposition of the Community to purchase, and especially the quantity and quality of land intended to be exposed at public auction in the course of the year, present the data upon which the calculations must be made. As a portion of the duties which accrue in the 4th quarter of the present year, and in the 1st and 2nd of the next, forms a part of the receipts into the Treasury for the latter year, the amount received will exceed or fall short of the estimate by the difference between the duties which actually accrue in those quarters, and are payable within the year, and the amount at which they had been estimated.

The receipts into the Treasury may, also, considerably exceed or fall short of the sum estimated, in consequence of the issue of a greater or less amount of debentures payable during the year 1821, than had been estimated.

The degree of punctuality with which the Revenue Bonds are discharged, upon which the estimate is formed, must necessarily affect the amount that will be received into the Treasury.

If the accruing Revenue of the present and two succeeding quarters should exceed that of the corresponding quarters of the present and last year; if the amount of debentures which may be issued and made payable, so as to affect the receipts of the year, should be less than

that of preceding years, since the peace, compared with the gross amount of duties secured within those years respectively; and if greater punctuality in the payment of Revenue Bonds now outstanding should be observed than during the last mentioned period, the receipts from the Customs will exceed the estimates now presented; and they will fall short of it should all those contingencies be unfavourable, as has been the case during the present year.

The Revenue Bonds outstanding on the 30th of September last, are estimated at 18,770,000 dollars; of this sum 3,130,000 dollars are in suit; of which about 1,250,000 dollars will not be collected on account of the insolvency of the Debtors; leaving the amount of bonds outstanding, upon which collections are to be made, estimated at 17,520,000 dollars. The amount of duties secured during the 1st, 2d, and 3d, quarters of the year 1820, is estimated at 13,350,000 dollars; and that of the whole year may be estimated at 16,500,000 dollars. The amount of Debentures outstanding on the 30th of September, and payable during the year 1821, is estimated at 1,162,114 16, which is subject to be increased by the amount issued in the present quarter, and during the whole of the ensuing year chargeable upon the revenue of that year. The annual average amount of debentures, bounties, and allowances, and expenses of collection, chargeable upon the revenue, has been ascertained to be nearly equal to 15 per cent. of the annual average amount of the duties upon imports and tonnage, which accrued from the year 1815 to the year 1819, inclusive.

If this proportion be applied to the Revenue Bonds outstanding on the 30th of September last; and if the receipts from the tonnage of Vessels, and upon duties, secured during the present and the two succeeding quarters, are assumed to be equal to any deficiency resulting from the want of punctuality in the discharge of the outstanding bonds; the receipts into the Treasury, for the year 1821, from this source of revenue, may be estimated at 14,000,000 dollars.

The receipts into the Treasury, from the public land, during the three first quarters of the present year, are estimated at 1,124,645 32, and those of the entire year will probably not much exceed 1,600,000. The receipts from that source, during the year 1821, will probably not exceed those of the present year, if no incentive to greater punctuality, or inducement to make prompt payments, should be presented to the public Debtors, in the course of the present Session of Congress.

The balances of internal duties and direct tax, still outstanding, are so considerable as to justify an estimate of some extent, in calculating the receipts of the ensuing year, if the difficulty of enforcing payment, in those States where the largest amount is due, were not known to be great. Under these circumstances, the receipts from that source, for the ensuing year, are estimated at 100,000 dollars.

According to the foregoing data, the receipts into the Treasury, for the ensuing year, may be estimated as follows, viz.

Customs	14,000,000
Public lands, exclusive of Mississippi stock.	1,600,000
Arrears of internal duties and direct tax, and incidental receipts	100,000
Third instalment from the Bank of The United States	500,000
Bank dividends, which may accrue during the year, estimated at 5 per cent.	350,000
Making the aggregate amount of	16,550,000 00

The appropriations for the same period are estimated as follows, viz.

Civil, diplomatic, and miscellaneous	1,769,850 04
Military Department, including Fortifications, Ordnance, Indian Department, Military Pensions, and arrearages prior to the 1st of January, 1817	4,585,352 61
Naval Department	2,420,594 56
Making an aggregate of	Dollars 8,775,797 21

But to determine the amount of the charge upon the Treasury, for the service of that year, the following additions must be made, viz:

1st. Civil, diplomatic, and miscellaneous, the sum of 1,500,000; being an amount of appropriations, of the present and preceding years, unexpended, and which may be expended during the year 1821; and the sum of 5,477,770, 76, payable on account of the interest, and reimbursement of the principal, of the public debt, during that year.

2d. The unexpended balances of appropriations for the War Department, under the different heads already enumerated, and which have been deducted from the estimates, or not included in them, (as in the case of revolutionary pensions, because the balance of that appropriation is estimated to be equal to the expenditure on that object, during the ensuing year) amounting together to 2,507,267 63 dollars.

The annual appropriation of 200,000 dollars, for arming the Militia; and the Indian annuities, not embraced by the estimates, amounting to 152,575 dollars.

3d. The annual appropriation of 1,000,000 dollars, for the gradual increase of the Navy, which will expire in the year 1823; and an unexpended balance on the same account, which may be expended in 1821, of 1,750,000 dollars.

According to the foregoing data, the expenditure of the year 1821, and which is chargeable upon the Treasury during that year, may be estimated as follows: Viz:

Civil, diplomatic, and miscellaneous..3,269,850 04

Public debt 5,477,777 76

Military Department, including Fortifications, Ordnance, Indian Department, Military and revolutionary pensions, arrears prior to the 1st of January 1817, and arming the Militia, and Indian annuities 7,445,195 24

Navy Department, (including the sum of 1,000,000 dollars for the gradual increase of the Navy) 5,170,594 56

Making an aggregate charge upon the Treasury for the year 1821, of.....21,363,417 60

To which add the balance against the Treasury on the 1st day of January, 1821, ... 2,638,169 17

Making, ... Dollars..24,001,586 77

Leaving a balance of 7,451,586 77 dollars, beyond the estimated means for which provision is to be made.

To determine whether a deficiency to this, or any other amount, will occur in succeeding years, is extremely difficult. The data furnished by the fiscal operations of the Government since the Peace, must be principally relied upon, in making the calculations necessary to arrive at any general result upon the subject.

It has been ascertained that the nett revenue which has accrued from imports and tonnage from the year 1815 to 1819, inclusive, has amounted to 120,260,052 46 dollars. If this be divided by the number of years in which it accrued, the result will be an annual average revenue of 24,052,000 dollars. But the revenue which accrued in 1815, greatly exceeded, not only that of any year previous to the war, but that of any year since that epoch. It is also admitted, that the quantity of produce on hand at the close of the war, especially of cotton and tobacco, considerably exceeded the amount of the crop of those articles made during the preceding year. The ability of the community, therefore, to purchase an increased amount of foreign articles in the year 1815, exceeded, in a corresponding degree, that of subsequent years. It has also been ascertained that the importation of foreign articles during the present year has been considerably less than in any year since the Peace. To form an estimate of the average annual revenue, which may accrue from imports and tonnage during the next 4 years, that will approximate towards accuracy, it will be necessary to embrace in the calculation the revenue which accrued from the year 1814 to 1819, inclusive, amounting to 124,510,414 05 dollars, and that which shall have accrued in the year 1820, estimated at 14,000,000 dollars, making the aggregate sum of 138,510,414 05, which gives the sum of 19,787,202 dollars, as the annual average revenue for those 7 years.

Other views, derived from the fiscal operations of the Government, will be found to accord with this result. The average product of the duties upon imports and tonnage which accrued from the year 1801 to 1807, inclusive, may be stated at 13,640,000 dollars, and that which accrued from the former period to 1813 inclusive, amounted to the annual sum of 11,570,000. The increase of population in The United States has been estimated at 34 per cent. in 10 years. If the increase of consumption has corresponded with that of population, the revenue of the year 1820, according to the result furnished by the first 7 years, would exceed 20,000,000 dollars; and would fall but little short of 17,000,000 dollars, according to the data furnished by the whole period. During the former period, the principal States of Europe were involved in wars, which not only gave to our shipping the principal part of the carrying trade, but created an unusual demand for every article of exportation, and greatly enhanced their value. Any estimate founded upon the average revenue of those years, the duties upon imports remaining the same, would most probably not be realized; but, as these duties were considerably increased in 1816, the objections to such an estimate are in some degree diminished. From the year 1808 to 1813 inclusive, The United States were engaged in a state of commercial or actual warfare. The disadvantages to which their commerce was subjected by that warfare, more than counterbalanced the peculiar advantages it enjoyed in the 7 years immediately preceding. An estimate for the next 4 years, founded upon an average of the whole term, would more probably fall short of, than exceed, the sum which would be received into the Treasury, notwithstanding the duties were higher during 2 years of that term, than at present.

In the investigation of a subject of such complexity, affecting so deeply the interest of the community, every fact and circumstance connected with it ought to be considered. Since the year 1807, new interests have arisen, which claim a prominent place in this consideration. From time immemorial, household manufactures have existed in every part of The United States. The mechanical arts, those branches of manufacture without which society, even in a very imperfect state of civilization, could not exist, though different in some degree from those properly denominated household, have long existed in The United States. Since the year 1807, those branches of manufacture have been greatly extended and improved. Others have been established, and a large amount of capital has been invested in manufacturing establishments, which promise to furnish, in a short time, an ample supply of cotton and woollen manufactures, and most of those of iron, glass, and various other articles of great value.

As commerce has been properly defined to be an exchange of equivalent value, it is probable that the failure, on our part, to receive from Foreign Nations the accustomed supply of those articles which

can now be produced in our domestic establishments, the articles which they have been accustomed to receive from us will loose something of the value which they would otherwise have commanded, until new channels of intercourse shall be discovered, and different articles of merchandize shall be substituted for those formerly received.

The capacity of a Nation to consume foreign articles depends upon the value of its exports, and not from its ability to furnish every article of primary or secondary necessity. The precious metals are never imported into any country when commodities, which will command a profit, can be obtained for importation. Giving full weight to the fact, that cotton, woollen, iron, and various other articles which are now furnished by our domestic establishments, will be hereafter received from Foreign Nations only to a small amount, 17,000,000 dollars of revenue may be assumed as the minimum, and 20,000,000 dollars as the maximum, which will be annually received from imports and tonnage during the next 4 years. The decrease which has occurred in the last and present years, furnishes no ground to distrust the correctness of the foregoing conclusion. The Customs produced, in 1815, a net revenue of 36,306,022 51 dollars; in 1816, 27,484,100 36 dollars; and in 1817, 17,524,775 15 dollars. This last year was considered, at the time, as the period of greatest reaction. Accordingly, in 1818, the net revenue from the Customs amounted to 21,828,451 48 dollars.

The multiplication of Banks, the state of the Currency, and the high price which all exportable articles commanded, until the end of 1818, strongly invited to extravagance of every kind, and particularly in the consumption of foreign merchandize. The resources of individuals had been, by these seductions, in a great degree anticipated, during the first years which succeeded the peace. The sudden reduction in the value of all exportable articles, which occurred about the commencement of the year 1819, not only prevented, in a great degree, further purchases, but rendered the discharge of engagements previously contracted, impracticable. The pressure thus produced upon the Community reacted upon the venders of every species of merchandize, whether foreign or domestic; who, without thoroughly investigating the cause of their distress, have sought for relief in measures calculated rather to aggravate, than alleviate, the public embarrassment. The issue and payment of a larger amount of Debentures, in the present year, in proportion to the exportations of the last; the increased amount of specie, and diminished amount of foreign merchandize imported during the present year; and the ready sale of foreign and domestic articles now in the market, show that the importation of foreign goods is upon the eve of being regulated by the demand for them, for consumption.

It has been stated, that the receipts from the public land, during

the year 1821, cannot be estimated at more than 1,600,000 dollars, unless some greater incentive to punctuality, or inducements to make prompt payments, should be offered, by the measures which may be adopted in the course of the present Session of Congress. The Act of the 24th of April last, which abolished credit on all purchases of land, and reduced the minimum price from 200 to 125 cents per acre, furnishes, it is respectfully conceived, equitable ground for legislative interference, in favour of purchasers under the ancient system. By that system, the price could be reduced to 164 cents per acre, by prompt payment. If the Act abolishing credit, had fixed the minimum price at 164 cents, instead of 125 cents, no equitable ground for legislative interference could exist. It is not contended, that the vender of an article, under ordinary circumstances, does an injury to a purchaser, by subsequently selling the same article to others, at a lower rate. But, if he has in his possession such a quantity of the article sold, as to enable him, for an indefinite time, to determine the price of the article, he affects the interest of every previous purchaser by such reduction, who may be constrained, from any cause whatever, to sell that article. The extent of the national domain will, for ages, enable the Government to determine the price of unimproved lands, similarly situated. It is admitted, that the Government has been induced to adopt this measure, by the most grave considerations. The most prominent of these, was the necessity of preventing the further increase of a debt, then about 22,000,000 dollars, strongly affecting the interests and feelings of a great number of Citizens. If its increase was an object of deep solicitude, its diminution by an act of grace, founded upon equitable principles, will be in strict accordance with the motives in which that measure originated. Difficulties may occur in adjusting the details of such a measure, unless it be presented as a simple act of grace. Under this point of view, it should be confined, in its operation, to the debtors of the Government for public lands; and, should affect them only to the extent of the debt which they may respectively owe.

During the excessive circulation of Bank Notes, not convertible into specie, and to which the Government, from necessity, for some time gave currency, and the high price which every description of domestic produce commanded, large quantities of public land were sold at public auction, at prices greatly beyond their real value. In many instances, the first payment which the Government has received, could not be obtained by the purchaser, if he were able to convey the land in fee simple. The propriety of legislative interference to change the relations between Debtor and Creditor, for the benefit of either, may well be questioned. Circumstances, however, may arise, which will influence an upright and benevolent Creditor to relax his demands,

and to grant relief to his Debtor, voluntarily, which he might resist as an act of power. Such, it is respectfully conceived, is the situation of the Government, in relation to the Purchasers of public land, who, in a moment of infatuation, have engaged to pay for a portion of the National Domain, a sum greatly beyond its value, and which will never be paid. In all cases of this kind, the forfeiture of the sum already advanced will inevitably occur, if relief, to some extent, is not granted.

In conformity with the foregoing views, the following propositions for the relief of the Purchasers of public land, and for the purpose of increasing the payments into the Treasury, in the ensuing year, are respectfully submitted.

1. That every Purchaser of public land be permitted, on or before the 30th of September next, to abandon any legal sub-division of his purchase; and that the payments made upon the part abandoned be applied to the discharge of the instalment due upon the remainder; the right to abandon, in no case, to involve any repayment by the Government to any Purchaser. In all cases, the part retained, to be in the most compact form that the situation of the whole quantity purchased will permit.

2. The difference between the former and present minimum price for cash payment being equal to 23.78 on the former, it is respectfully proposed, that on payment of the whole purchase money, for any tract of land, on or before the 30th day of September next, a deduction of 25 per cent shall be made, and that any interest which may have accrued to The United States, in such cases, shall be remitted. An act of greater liberality, and which would still further increase the Receipts into the Treasury, during the next year, would be to allow a deduction of 37½ per cent. on all such payments, which is equal to the difference between 200 and 125 cents.

3. That all sums which may be due by Purchasers of public lands, who shall not avail themselves of the preceding conditions, shall be payable in 10 equal annual instalments, without interest; provided that such payments shall be punctually made, upon the several days, in each successive year, upon which the purchases were respectively made; any failure in making such payments, to revive the original terms and conditions of sale.

If these, or analogous, provisions should be adopted, the payments from the public land, during the year 1821, will be greatly increased; the Debt due on that account greatly diminished; and the Revenue resulting from that source acquire, in future years, a more uniform character.

If then, it be assumed, that the Revenue which will accrue from the Customs will be equal to the mean sum, between 17 and 20,000,000

of dollars, the annual Revenue for the 4 succeeding years may be estimated as follows, viz.

Customs	18,500,000
Public Lands	2,500,000
Bank Dividends, at 6 per cent	420,000
Incidental Receipts	80,000
Making an aggregate of ..... Dollars	21,500,000

But if the annual Receipts from the Customs shall be estimated, for the next 4 years, at the average sum of 17,000,000 dollars, the annual Revenue for that period will be equal to 20,000,000 dollars.

The annual expenditure for the same period, may be estimated as follows, viz.

Civil, Diplomatic, and Miscellaneous ..	2,000,000
Public Debt	5,477,000
War Department, including Fortifications, Ordnance, Indian Department, Military and Revolutionary Pensions, Arming the Militia, and Arrears prior to the 1st of January 1817	5,850,000
Naval Department, including 1,000,000 dollars for the permanent increase of the Navy	3,420,000
Making the aggregate amount of ..... Dollars	16,747,000

The balance of the Sinking Fund, after paying the interest of the Funded Debt, and providing for the annual reimbursement of the 6 per cent. deferred Stock, has not in this estimate, been considered as a charge upon the Treasury, before the year 1825; as the price of the Public Stocks precludes the possibility of purchase within the rates prescribed by Law.

This estimate is below that which is required for 1821, but it is believed to be less than the annual expenditure which will be required for the next 4 years. According to this estimate, the means will exceed the indispensable expenditure, during that period, 3,253,000 dollars.

After the year 1823, the annual expenditure upon the Navy will be diminished by 1,000,000 dollars. The expenditure of the Government, after that year, including the entire appropriation for the Public Debt, is estimated as follows, viz.

Civil, Diplomatic, and Miscellaneous ..	2,000,000
Public Debt	10,000,000
Military Department, including Fortifications, Ordnance, Indian Department, Military and Revolutionary Pensions, Arming the Militia, and Arrearages prior to the 1st January, 1817, ...	5,850,000

Naval Department 2,420,000

Making the aggregate amount of .....Dollars 20,270,000 which after the year 1824, would leave an annual deficit of 270,000 dollars.

If this sum should not be met by the annual increase of Revenue, resulting from the increase of Population during these and succeeding years, and the increased consumption of foreign articles resulting therefrom, it may be supplied by a corresponding reduction in those items of expenditure which depend absolutely upon the will of the Legislature, unconnected with the existing Laws regulating the permanent expenditure.

It is, therefore, respectfully submitted, that it is inexpedient to resort, at this time, to the imposition of additional Taxes upon the Community. The condition of the Currency, in several of the States of the Union, furnishes strong inducements to abstain from additional taxation, at this time. The obligation of the Government to receive the Notes of the Bank of The United States, without reference to the place where they are payable, has given to them their universal currency. All Notes issued south and west of Washington have, in consequence of the state of exchange between these places and the Commercial Cities to the east of this place, centered in those Cities. The Bank has consequently found itself constrained to direct those branches to refuse to issue their Notes, even upon a deposit of specie. The effect of these causes, combined, has been, the exclusion from circulation, in all the States west and south of the seat of Government, of the Notes of the Bank of The United States and its offices. In several of those States there is no sound paper circulation. To resort to internal taxation, under such circumstances, would be to require of the Citizens of those States, what will be impossible for them to perform. Wherever paper circulates as money, which is not convertible into specie, it circulates to the exclusion of specie and of paper, which is convertible into gold and silver coin. In all such places, the payment of direct or internal taxes in specie, or in the Notes of the Bank of The United States, will be impracticable. Preliminary to a resort to internal taxation of any kind, the Charter of the Bank of The United States ought to be amended, so as to make the bills of all the Offices of the Bank, except that at the seat of Government, receivable only in the States where they are made payable, and in the States and Territories where no Office is established. The effect of this modification would be, to make the Notes of the Offices of the Bank of The United States, except the Office in this District, a local currency, which will centre and continue in the local circulation of the States in which they are issued. The Notes thus issued will render the local circulation of

all the States sound, and furnish the Citizens the means of discharging their contributions to the Government. This measure will also place the State Institutions, to the south and west of this City, in a more eligible situation, in relation to the Offices of the Bank of The United States, by enabling them to adjust their accounts with those Offices by the exchange of Notes, instead of liquidating their balances by the payment of specie. Should it, however, be judged expedient by the Legislature to lay additional burthens upon the People, for the purpose of meeting the existing or any probable future deficiency, it is respectfully submitted, that the importation of Foreign Spirits be prohibited, and that a duty upon domestic spirits, equal to the amount of that now collected upon foreign spirits and to such deficiency, be imposed on the distillation and sale of domestic spirits. In any event, a resort to Loans, to the extent of the deficiency for the year 1821, will be indispensable.

Of the sum of 3,000,000 dollars, authorized by the Act of the 15th of May last, to be raised by Loan, 2,000,000 dollars have been obtained at a premium of 2 per cent. upon stock bearing interest at the rate of 6 per cent. per annum, redeemable at the will of the Government; and 1,000,000 dollars at par, upon stock bearing interest, at the rate of 5 per cent., redeemable at any time after the 1st day of January, 1832. There is no just reason to doubt, that any sum which may be necessary to be raised by Loan, can be obtained upon terms not less favorable; but, as it is probable, that the surplus of the Revenue, after satisfying all demands upon the Treasury, authorized by existing Laws, during the years 1822, 1823, and 1824, will be equal to the redemption of any debt which may be contracted in 1821, it is respectfully submitted, that the President of The United States be authorized to borrow, from the Bank of The United States, or from other Banks or Individuals, the sum which may be necessary for the service of that year, at par, and at a rate of interest, not exceeding 6 per cent. per annum, redeemable at the will of the Government.

All which is respectfully submitted.

WM. H. CRAWFORD.

Treasury Department, December 1, 1820.

STATEMENT 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 1817, 1818, *and* 1819.

Years.	Duties on			Debentures Issued.	Bounties & allowances.	Gross Revenue.	Expenses of Collection.	Nett Revenue.
	Merchandize.	Tonnage, &c.	Passports, &c.					
1817	21,995,642 12	223,005 45	12,608 00	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	14,030 00	3,343,938 08	154,587 89	22,574,873 63	746,422 15	21,828,451 48
1819	21,228,683 28	131,217 51	8,640 00	3,301,812 42	167,100 01	17,899,628 36	782,925 40	17,116,702 96

Statement, shewing the Amount of American and Foreign Tonnage employed in Foreign Trade, during the Years 1817, 1818, *and* 1819, *as taken from the Records of the Treasury.*

Years.	American Tonnage in Foreign Trade.	Foreign Tonnage in Foreign Trade.	Total Amount of Tonnage.	Proportion of Foreign Tonnage to the whole amount of Tonnage employed in the Foreign Trade of The United States.
1817	780,136	212,420	992,556	24.4 to 100
1818	755,101	161,413	916,514	17.6 to 100
1819	783,579	85,554	869,133	9.8 to 100

Statement, exhibiting the value and quantities, respectively, of Merchandize on which Duties actually accrued during the year 1819, *(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 Merchandize, Tonnage, Passports and Clearances.*

MERCHANDIZE PAYING DUTIES AD VALOREM.					
1,679,284	Dollars	at 7½	per cent	125,946 28	
13,971,593	—	at 15	—	2,095,738 95	
5,979,736	—	at 20	—	1,195,947 23	
16,355,698	—	at 25	—	4,088,924 43	
11,215	—	at 27½	—	3,084 12	
1,882,399	—	at 30	—	564,719 79	
5,542	—	at 32½	—	1,801 05	
39,885,467					8,076,161 85
1. Wines,	1,255,266 galls. at 40.37 cents average			506,836 60	
2. Spirits,	4,477,628 galls. at 43.75 cents average			1,959,125 12	
Molasses,	11,910,729 galls. at 5 cents average			595,536 45	
3. Teas,	5,480,884 lbs. at 31.70 cents average			1,737,450 09	
Coffee,	20,825,869 lbs. at 5 cents average			1,041,293 45	
4. Sugar,	71,665,401 lbs. at 3.04 cents average			2,181,703 29	
5. Salt,	2,975,862 bushels, at 20 cents average			595,172 40	
6. All other articles				1,014,621 29	
					9,631,738 69
				Dollars	17,707,900 54
Deduct duties refunded, after deducting therefrom duties on Merchandize, the particulars of which could not be ascertained, and difference in calculation,					112,992 25
				Dollars	17,594,908 29
2½ per cent. retained on drawback,				92,711 77	
Extra duty of 10 per cent. on merchandize imported in Foreign Vessels				50,505 22	
Interest and Storage				21,645 57	
					164,862 56
Nett amount of duties on merchandize,				Dollars	17,759,770 85
Duties on tonnage				109,782 95	
Light money				21,434 56	
					131,217 51
Passports and Clearances					8,640 00
Gross Revenue				Dollars	17,899,628 36
Deduct expenses of collection					782,925 40
Nett Revenue				Dollars	17,116,702 96

Statement of Moneys received into the Treasury, from Internal Duties and other objects, during the year 1819.

		Dollars
From arrears of Internal Duties, (New) - -		227,444 01
New Direct Tax - - -		80,850 61
Old Internal Duties -	2,149 62	
Old Direct Tax - -	2,800 17	
Postage of Letters - - -	71 32	
Fees on Letters Patent - - -	3,060 00	
Cents and half Cents coined at the Mint - - - - -	38,535 00	
Fines, Penalties, and Forfeitures -	2,120 89	
Nett proceeds of prizes captured by public armed Vessels - - -	8 52	
Sale of Vessels on Lake Champlain	7,601 00	
Surplus proceeds of property sold for Direct Tax 1815 - - -	125 40	
Do. Do. 1816 - - -	2,558 58	
Interest on balances due by Banks to The United States - -	2,249 83	
		61,280 33
First instalment payable by the Bank of The United States - - - - - - -		500,000 00
Dividend on Stock in the Bank of The United States - - - - - - - -		175,000 00
	Dollars	1,044,574 95

JOSEPH NOURSE, *Register.*

Treasury Department, Register's Office, November 30, 1820.

Statement of the Debt of The United States, on the 1*st January,* 1820.

Deferred 6 per Cent. Stock, (unredeemed amount).....	2,563,020 89	
3 per Cent. Stock	13,295,915 44	
Louisiana 6 per Cent. Stock.....	2,216,408 78	
6 per Cent. of 1796.....	80,000 00	
Exchanged 6 per Cent. of 1812.....	2,668,974 99	
		20,824,320 10
6 per Cent. Stock of 1812, loan of 11,000,000.....	6,187,006 84	
Do. of 1813, loan of 16,000,000	15,521,136 45	
Do. do. do. 7,500,000	6,836,232 39	

6 per Cent Stock of 1814, loan of 25,000,000 and 3,000,000.....	13,011,437 63	
Do. 1815, do.	9,490,099 10	
Treasury Note 6 per Cent. Stock.....	1,424,471 79	
Do. 7 do.....	8,604,629 27	
5 per Cent. Stock, (subscription to the Bank of The United States,).....	7,000,000 00	
		68,075,013 47
Amount, 1st January, 1820..Dollars		88,899,333 57
Unredeemed amount, 1st January, 1819.....		92,648,177 35
Add Stock issued in 1819, viz.:		
3 per Cent.....	304 68	
Treasury Note 6 per Cent. Stock.....	37,348 09	
Do. 7 per Cent. Stock....	13,160 00	
		50,812 77
Dollars		92,698,990 12
Deduct Stock purchased and reimbursed in 1819:		
Purchased, as per Statement accompanying the Report of 10th Dec. 1819....	711,957 55	
Reimbursed, Louisiana Stock, on the 21st October, 1819.....	2,601,871 14	
Deferred do. in 1819..	485,827 86	
		3,799,656 55
As above, 1st January, 1820..Dollars		88,899,333 57

Treasury Department, Register's Office, 10th November, 1820.

JOSEPH NOURSE, *Register.*

SUPPLEMENTARY REPORT of the Secretary of the Treasury, on the state of the Finances of The United States.—21st December, 1820.

SIR, *Treasury Department, 21st December*, 1820.

IN conformity with the provisions of the 8th Section of the Act of the 1st of May, 1820, entitled "An Act in addition to the several Acts for the establishment and regulation of the Treasury, War, and Navy Departments," Statements are annexed to the estimates of the Public

Expenditure for the year 1821, which are herewith transmitted, shewing—

	Dollars
1. That the permanent Appropriations, and those for a term of Years not yet expired, amount to.....	11,381,975 00
2. That of the sums appropriated for 1820, and previous years, it is estimated that there will remain on the Books of the Treasury, on the 1st January, 1821,	6,907,619 03
3. That there will be, on that day, in the hands of the Treasurer, as Agent of the War and Navy Departments.....	927,241 29
4. That the whole amount of unexpended balances of Appropriations, subject to the disposition of the Executive Government, during the year 1821, is estimated at.....	7,834,860 32
5. That of that sum, there will be required, to defray the expences incurred in 1820, or necessary to effect the objects for which the several appropriations were made.....	3,632,659 41
6. And that there will remain unexpended, and not necessary to effect the objects for which the several Appropriations were made.....	4,202,200 91

As it is ascertained that the sum of 4,202,200 91 dollars, with the exception of 1,860,437 57 dollars, which have been deducted from the estimates of the War Department for 1821, and which will form a part of the expenditure of that Department during the year, will not be required, if that amount should be directed to be carried to the account of the Surplus Fund, the estimates for the year 1821, and the balance against the Treasury on the first day of that year, as presented in this Report, will remain to be provided for.

It may be proper to observe, that all sums which will be carried to the account of the Surplus Fund, on the 31st day of this month, are not comprehended in any of the foregoing Statements.

Inaccuracies having been discovered in the estimate of the probable expenditure of the year 1821, presented in the Annual Treasury Report of the 1st instant, resulting, principally, from the different manner of keeping the Warrant and Appropriation Accounts in the Treasury, War, and Navy Departments, I avail myself of this occasion to correct those inaccuracies, and to present the amount of the deficiency which will have to be provided for during the ensuing year.

	Dollars
The receipts into the Treasury during the year 1820, and the amount remaining in the Treasury on the 1st day of January of that year, were estimated in the Annual Report at.....	22,326,244 63
The payments from the Treasury, to the 30th September last, amounted to.....	16,908,413 80

Which, being deducted from the aggregate amount above stated, leaves for the service of the 4th quarter			Dollars 5,417,830 83
The payments made in the 4th quarter, and those which are required to complete the service of the year 1820, are as follows:			
Civil, Diplomatic, and miscellaneous, already made	476,920 05		
and to be made	930,293 51	Dollars	
		1,407,213 56	
Military Department, already made	93,688 90		
and to be made	665,164 61		
		758,853 51	
Naval Department, already made	1,446,228 00		
and to be made	1,110,000 00		
		2,556,228 00	
Public debt, payments already made, and to be made		4,900,000 00	
Making the aggregate sum of			9,662,295 07
And leaving a balance against the Treasury, on the 1st January, 1821, of		Dollars	4,204,464 24

To avoid complexity, the sums estimated to be necessary to complete the service of the year 1820, or to effect the objects for which the several Appropriations were made, are, in the above Statement, considered a charge upon the Treasury during the 4th quarter of the year; although it is probable that a portion of those sums may not be drawn until late in the ensuing year, and, possibly, a small part not before the year 1822. In the Annual Report no sum was charged upon the 4th quarter, but what was understood would be drawn.

The estimates of the Receipts into the Treasury during the year 1821, presented in the Annual Report of the Treasury, amounts to		16,550,000 00
The estimate of the Public Expenditure for that year is as follows:		
Civil, Diplomatic, and Miscellaneous	1,769,850 04	
Civilizing the Indians, and Indian trade	29,200 00	

Military Department, including Fortifications, Ordnance, Indian Department, Revolutionary and Military Pensions, arming the Militia, arrears prior to the 1st January, 1817, and the sum of 1,860,437 57,

which has been deducted from the estimates, and is not included in the above balance against the Treasury

	6,798,515 18	
Naval Department including the gradual increase of the Navy	3,428,676 81	
Public Debt, being the amount of Principal and Interest payable in the year 1821.....	5,477,776 76	
Amounting together to.....	Dollars 17,504,018 79	
Which presents an excess of expenditure, beyond the receipts, of.....		Dollars 954,018 79
Which added to the balance estimated against the Treasury on the 1st January, 1821, of.....		4,204,464 24
Leaves to be provided for, the sum of.....		5,158,483 03
But the Secretary of the Navy has stated, in his Letter of the 18th instant, herewith transmitted, that, of the Appropriation of 1,000,000 dollars, for the gradual increase of the Navy, not more than 500,000 dollars, will be required in 1821; and, the residue being deducted,.....		500,000 00
Will leave a balance against the Treasury of... Dollars		4,658,483 03

It will be perceived that this balance is less than that presented in the Annual Report of the Treasury, by 2,793,103 74, dollars which amount consists, 1st, of the sum which, it has since been found, will not be wanted for the Naval Service; 2d, of balances of Appropriations, for Civil List, and miscellaneous objects, which it appears, upon subsequent examination, will not be required; 3d, of an excess in the estimate of the charge for the Military Service, resulting from the different mode of keeping the Warrant and Appropriation Accounts in the different Departments; and, 4th, of the balance in the hands of the Treasurer, on the 1st of January, 1820, as Agent of the War Department, which ought to have been deducted from that charge, as it had already been drawn from the Treasury.

In determining the amount of the Loan which will be necessary for the service of the year 1821, if that shall be the only mode resorted to for meeting the deficiency, it is proper to state, that, of the sum now in the Treasury, there are upwards of 600,000 dollars of special deposite, which cannot be available during the year. The time necessary to transfer the revenues collected in the Western States, and those bordering on the Gulf of Mexico, beyond what is expended in

those States, to the places where they will be expended, may be estimated, upon an average, at 6 months. One half of the sums collected in those States, may, therefore, be considered, through the year, as in a situation not to be applicable to the demands upon the Treasury; as it will be in transitu between the places of collection and those of expenditure. If this amount be stated at 600,000 dollars, there will be, through the year, the sum of 1,200,000 dollars which cannot be considered as available.

To insure the prompt discharge of all demands upon the Treasury, and to place the Public Credit beyond the reach of accident, the sum of 1,000,000 dollars ought to remain in the Treasury. It is probable that, of the Appropriations for 1821, nearly that amount will remain in the Treasury, or in the hands of the Treasurer, as Agent, at the end of the year. But it is considered unsafe to trust to that contingency. It is, therefore, respectfully submitted that provision be made for raising the sum of 7,000,000 dollars in aid of the funds which it is estimated will be received into the Treasury during the year 1821. If that amount should be raised by Loan, the interest of the debt thus created will increase the Public expenditure, and render the amount proposed to be raised indispensable. I remain, &c.

The Hon. John W. Taylor, WM. H. CRAWFORD.
Speaker of the House of Representatives.

SIR, *Treasury Department, 13th December,* 1820.

IN presenting the Estimates for the service of the year 1821, it is necessary, under the Act of the last Session, to estimate the sum remaining from former appropriations for the Navy Department, which will not be required to defray expenses incurred in the present year.

To enable me to perform this duty, I have the honour to request, that you will state what amount of the balance on hand of the appropriation for the gradual increase of the Navy, and of the appropriation for 1821, will be required by the Department, in the course of that year.

The balance now in the Treasury is estimated at 1,610,000 Dollars.* I have the honour to be, &c.

WM. H. CRAWFORD.

The Hon. Smith Thompson, Secretary of the Navy.

SIR, *Navy Department, 18th December,* 1820.

IN reply to your Letter of the 13th instant, in relation to the amount that will be required in 1821, of the balance on hand of the appropriation for the gradual increase of the Navy, and of the appropriation for the same object for that year, I have the honour to

* Subsequent to the date of this Letter, there was drawn from the Treasury 500,000 Dollars on account of the gradual increase of the Navy.

transmit a Copy of a Letter from the Commissioners of the Navy, which contains the information required; and I would respectfully add, that it is believed, there will be no necessity for equipping, during the year 1821, any of the Vessels authorized to be built under the Act for the gradual increase of the Navy, so that it may be safely calculated that only one-half of the appropriation under that Act for the ensuing year will be required.

I have the honour to be, &c.

SMITH THOMPSON.

The Hon. Wm. H. Crawford, Secretary of the Treasury.

SIR, *Navy Commissioners' Office, 15th December,* 1820.

THE Commissioners of the Navy, in reply to the Letter of the Honourable the Secretary of the Treasury to you, dated 13th instant, which you were pleased to refer to this Board, have the honour to state:

That, if the unexpended balance of the appropriation for the gradual increase of the Navy, was, at this time, 1,610,000 Dollars, and it should not be decided to equip, during the year 1821, any of the Ships built under the gradual increase Law, then this unexpended balance would be amply sufficient to cover all the probable expenditures during the year 1821, without the aid of any part of the appropriation for 1821; but, it is understood, that of this unexpended balance, only 1,030,000 Dollars belong to the gradual increase; hence, it is probable, that this unexpended balance, and 500,000 dollars of the appropriation for the year 1821, will be required to meet existing engagements, and enable the Department to proceed in the execution of the Law of 29th April, 1816; and, if it should be determined to equip any of the Ships built under this Law during the year 1821, an additional sum, proportioned to the number of Ships to be equipped, would be required.

I have the honour to be, &c.

The Hon. The Secretary of the Navy. JOHN RODGERS.

SIR, *Department of War, 14th November,* 1820.

I HEREWITH transmit the estimates of this Department for the year 1821, amounting to 4,585,352 61 dollars, of which 2,590,136 17 dollars is on account of the army, including the Military Academy; 1,381,079 dollars on account of Fortifications and Ordnance; 614,137 44 dollars on account of Pensions, arrearages prior to the first of January, 1817, and the Indian Department; and, agreeably to your request, I have annexed to the estimates the probable amount of the balances of the appropriations which will remain at the termination of this year, and may be made applicable to the service of the year 1821.

The estimate for the pay of the Army is made on the supposition that the military establishment will be full; but as, in point of fact,

that never is the case, and as the military establishment, including officers, will probably not much exceed 10,000 in the aggregate, at the commencement of the next year, it is believed that the sum of 1,136,784 dollars will be sufficient under this head for the year 1821; from which the probable balance remaining on the first of January next, amounting to 166,029 dollars, being deducted, will give 970,755 dollars to be appropriated for pay.

Under the head of appropriation for forage, there will probably be a deficit of 8,973 dollars, which, added to the estimate, gives the sum of 51,573 dollars to be appropriated for the service of the next year. It is proper to observe, that it is impossible to estimate accurately the amount under this head of disbursement, as, under the Act of Congress, and the regulations of the Department, the officers have, to a limited extent, the right of drawing forage in kind, or commuting it at the rate of 8 dollars per month for each horse, and that it is only in the latter case that it is paid out of the appropriation for forage. The expense in the former case is charged to the appropriation for the Quartermaster's Department.

The balance of the appropriation for retained bounties, &c. which will probably remain at the end of the year, will about equal the estimate, and consequently no appropriation will be required for the next year.

Appropriations equal to the estimates will be required, for subsistence to the officers and clothing for their servants.

Of the appropriation for bounties and premiums, there will be a probable balance of 52,082 dollars, which will be more than sufficient to meet the estimate for next year, and consequently no appropriation will be required. The large amount which will remain under this head of appropriation is principally to be accounted for by a credit amounting to 35,364 56 dollars, with which it was credited, and subsistence debited, in the settlement of the account of Robert Brent, late Paymaster-general of the Army; the effect of which has been to increase by that amount the former, and diminish the latter appropriation.

A balance of 12,489 dollars will probably remain of the appropriation for the contingent expenses of the recruiting service, which, being deducted from the estimate for the next year, leaves 14,511 dollars to be appropriated.

No balance will remain of the appropriation for contingencies of the Army.

The appropriation for subsistence on the settlement, since the last Session of Congress, of the accounts of Ward and Johnson, under their contract of the 20th July, 1815, and those of William T. Rathbone, under his contract of the 5th November, 1817, has become entitled to a credit of 130,205 44 dollars against the Indian Department, which accounts, for the want of a sufficient appropriation in the latter Depart-

ment, remain suspended at the office of the Second Comptroller, and will require for their passage an increase of appropriation for Indian affairs equal to that amount. Of the sum thus brought to the credit of subsistence, about 65,000 dollars will be required for the service of this year, (subsistence having been debited nearly to that amount in the settlement of other accounts) and the remainder, viz. 65,205 44 may be considered as a balance at the end of the year, and deducted from the estimate, which will leave to be appropriated for the subsistence of the army, in the year 1821, 301,304 56 dollars. Of the appropriation for clothing, a balance will remain, amounting probably to 13,162 dollars, which, deducted from the estimate, will leave 369,125 56 dollars to be appropriated.

About 6,000 dollars will remain unexpended of the appropriation for the Medical and Hospital Department, which, being taken from the estimate, will leave 40,527 93 dollars to be appropriated.

In the Quartermaster's Department there will be a deficiency of about 20,000 00 dollars. It has been found impossible to bring the expenditure within the sum appropriated by that amount, which, being added to the sum estimated, will give 483,540 00 dollars to be appropriated.

The expenditure under the appropriations for the Military Academy, and for fortifications, will about equal the appropriation.

A balance will remain of the current expenses of the Ordnance Department of about 42,671 00 dollars, which, taken from the estimate, will leave to be appropriated 57,329 00 dollars.

Of the appropriation for the National Armories, a balance will remain of about 10,000 00 dollars, which will leave 350,000 00 dollars to be appropriated.

The payments under the appropriation for arrearages, previous to the 1st January, 1817, will about equal the appropriation.

Under the operation of the Act of the 1st May last, a balance will remain of the appropriation for revolutionary pensions of 1,391,731 13 dollars, which, it is believed, will be more than sufficient to meet the disbursements of next year, and no appropriation will accordingly be required.

A balance of 101,068 00 dollars will remain of the appropriation for invalid and commutation pensions, which, deducted from the estimate, will leave 213,932 00 dollars to be appropriated.

The payments under the appropriation for half-pay pensions will about equal the appropriation.

The expenditure under the appropriation for Indian Affairs will not equal the appropriation of the last Session by a few thousand dollars, but, as that appropriation will be debited as soon as there is a sufficient appropriation by the sum of 130,205 44 dollars, as has already been stated under the head of subsistence, it will be necessary to make provision in the next year's appropriation to meet this debt.

It is believed that 170,000 00 dollars will be sufficient to meet the current disbursements of next year, to which add 130,205 44 dollars, and it will give 300,205 44 to be appropriated for the next year. It is proper to observe that this debit against the Indian Department has arisen principally from provisions issued in holding Indian Treaties, which, being issued by the Contractors, were in the first instance paid out of the appropriation for subsistence, but on the settlement of their accounts was brought to the debit of the appropriation for Indian Affairs.

I have the honour to be, &c. J. C. CALHOUN.

The Hon. William H. Crawford, Secretary of the Treasury.

REPORT of the Secretary of War, of a Plan for the Reduction of the Army of The United States.—12th December, 1820.

SIR, *War Department, 12th December*, 1820.

IN obedience to a Resolution of the House of Representatives of the 11th of May last, "directing that the Secretary of War report to this House, at the commencement of the next Session, a plan for the reduction of the Army to 6000 non-commissioned officers, musicians' and privates, and preserving such parts of the corps of engineers, as, in his opinion, without regard to that number, it may be for the public interest to retain; and, also, what saving of the public revenue will be produced by such an arrangement of the Army as he may propose in conformity with this Resolution;" I have the honour to make the following Report.

I deem it proper, before a plan is presented in detail for reducing the Army, as proposed in the resolution, to state briefly the general principles on which it is conceived our military peace establishment ought to be organized. It will be readily admitted, that the organization of the Army ought to have reference to the objects for which it is maintained, and ought to be such as may be best calculated to effect such objects; as it must be obvious, on the slightest reflection, that on considerations connected therewith ought to depend, not only its members, but also the principles on which it ought to be formed.

The necessity of a Standing Army in peace is not believed to be involved in the subject under consideration, as the Resolution presupposes the propriety of maintaining one; and in fact its necessity is so apparent, that, even those least friendly to the Army, have never attempted to abolish it, or even to reduce it, since the late War, much below the number proposed in the Resolution. The objects for which a Standing Army in peace ought to be maintained may be comprized under two classes; those which, though they have reference to a state

of war, yet are more immediately connected with its duties in peace; and those which relate immediately and solely to war. Under the first class may be enumerated, as the leading objects, the garrisoning of the Forts along our Atlantic Frontier, in order to preserve them, and to cause the sovereignty of The United States to be respected in their immediate neighbourhood, and the occupying of certain commanding Posts in our Inland Frontier, to keep in check our savage neighbours, and to protect our newly formed and feeble settlements in that quarter. These are, doubtless, important objects; but are by no means so essential as those which relate immediately and solely to a state of war; and, though not to be neglected wholly, ought not to have any decided influence in the organization of our Peace Establishment. Without, therefore, making any farther remark on this point of the inquiry, I will proceed to consider the other class, on which, as it comprises the great and leading inducements to maintain in this country a regular Army in peace, the prominent features of its organization ought to depend.

However remote our situation from the Great Powers of the World, and however pacific our policy, we are, notwithstanding, liable to be involved in war; and, to resist with success its calamities and dangers, a standing Army in peace, in the present improved state of the military science, is an indispensable preparation. The opposite opinion cannot be adopted, without putting to hazard the independence and safety of the Country. I am aware that the Militia is considered, and in many respects justly, as the great national force; but, to render them effective, every experienced Officer must acknowledge, that they require the aid of regular Troops. Supported by a suitable Corps of trained Artillerists, and by a small but well disciplined body of Infantry, they may be safely relied on to garrison our Forts, and to act in the field as light Troops. In these services, their zeal, courage, and habit of using fire-arms, would be of great importance, and would have their full effect. To rely on them beyond this, to suppose our Militia capable of meeting in the open field the regular Troops of Europe, would be to resist the most obvious truth, and the whole of our experience as a Nation. War is an art, to obtain perfection in which, much time and experience, particularly for the Officers, are necessary. It is true, that men of great military genius occasionally appear, who, though without experience, may, when an Army is already organized and disciplined, lead it to victory; yet I know of no instance, under circumstances nearly equal, in which the greatest talents have been able, with irregular and undisciplined Troops, to meet with success those that were regularly trained. Genius without much experience may command, but it cannot go much further. It cannot at once organize and discipline an Army, and give it that military tone, and

habit, which only, in the midst of imminent danger, can enable it to perform the most complex evolutions with precision and promptitude. Those qualities, which essentially distinguish an Army from an equal assemblage of untrained individuals, can only be acquired by the instruction of experienced Officers. If they, particularly the company and regimental Officers, are inexperienced, the Army must remain undisciplined, in which case, the genius, and even the experience, of the Commander, will be of little avail. The great and leading objects, then, of a military establishment in peace, ought to be to create and perpetuate military skill and experience; so that, at all times, the Country may have at its command a body of Officers, sufficiently numerous, and well instructed in every branch of duty, both of the Line and Staff; and the organization of the Army ought to be such, as to enable the Government, at the commencement of hostilities, to obtain a regular force, adequate to the emergencies of the Country, properly organized and prepared for actual service. It is thus only, that we can be in the condition to meet the first shocks of hostilities with unyielding firmness; and to press on an enemy, while our resources are yet unexhausted. But if, on the other hand, disregarding the sound dictates of reason and experience, we should in peace neglect our military establishment, we must, with a powerful and skilful enemy, be exposed to the most distressing calamities. Not all the zeal, courage, and patriotism of our Militia, unsupported by regularly trained and disciplined Troops, can avert them. Without such Troops, the two or three first campaigns would be worse than lost. The honour of our arms would be tarnished, and the resources of the Country uselessly lavished; for, in proportion to the want of efficiency, and a proper organization, must, in actual service, be our military expenditures. When taught by sad experience, we would be compelled to make redoubled efforts, with exhausted means, to regain those very advantages, which were lost for the want of experience and skill. In addition to the immense expenditure which would then be necessary, exceeding, manifold, what would have been sufficient to put our peace establishment on a respectable footing, a crisis would be thus brought on of the most dangerous character. If our liberty should ever be endangered by the military power gaining the ascendancy, it will be from the necessity of making those mighty and irregular efforts to retrieve our affairs, after a series of disasters, caused by the want of adequate military knowledge; just as, in our physical system, a state of the most dangerous excitement and paroxysm follows that of the greatest debility and prostration. To avoid these dangerous consequences, and to prepare the Country to meet a state of war, particularly at its commencement, with honour and safety, much must depend on the organization of our military peace establishment; and I have, accordingly, in the Plan about to be proposed,

for the reduction of the Army, directed my attention mainly to that point, believing it to be of the greatest importance.

To give such an organization, the leading principles in its formation ought to be, that, at the commencement of hostilities, there should be nothing either to new model or to create. The only difference, consequently, between the peace and the war formation of the Army, ought to be in the increased magnitude of the latter; and the only change in passing from the former to the latter, should consist in giving to it the augmentation which will then be necessary.

It is thus, and thus only, the dangerous transition from peace to war may be made without confusion or disorder; and the weakness and danger, which otherwise would be inevitable, be avoided. Two consequences result from this principle. First, the organization of the Staff in a peace establishment ought to be such, that every branch of it should be completely formed, with such extension as the number of troops and posts occupied may render necessary; and, secondly, that the organization of the Line ought, as far as practicable, to be such that, in passing from the peace to the war formation, the force may be sufficiently augmented, without adding new regiments or battalions; thus raising the war on the basis of the peace establishment, instead of creating a new Army to be added to the old, as at the commencement of the late War. The next principle to be observed, is, that the organization ought to be such as to induce, in time of peace, Citizens of adequate talents and respectability of character, to enter and remain in the military service of the Country, so that the Government may have Officers at its command, who, to the requisite experience, would add the public confidence. The correctness of this principle can scarcely be doubted, for, surely, if it is worth having an Army at all, it is worth having it well commanded.

These are the general principles upon which I propose to form the organization of the Army, as proposed to be reduced under the Resolution. By reference to Tables A and B, which contain the proposed and present organizations, it will be seen, that the principal difference between them is in the reduction of the rank and file. The present organization of the Staff, with its branches, is retained, with slight alterations. The principal changes in it are, in that of the Commissary-general of purchases, and the Judge Advocates, by which it is intended that they should conform more exactly to the principles on which the other branches are now formed. It is believed that the true principle of its organization is, that every distinct branch of the Staff should terminate in a Chief, to be stationed, at least in Peace, near the seat of Government, and to be made responsible for its condition. It is thus that the Government may at all times obtain correct knowledge of the condition of the Army in every particular, and be enabled to introduce method, order, and economy, in its disburse-

ments. It is, at present, with slight exceptions, thus organized, and the beneficial effects of it have already been strikingly exemplified by experience. Since the passage of the Act of the 14th of April, 1818, which gave the present organization to the Staff, the expense of the Army has been greatly reduced, while, at the same time, the various articles supplied have been improved in quality, and in the punctuality with which they have been issued; and while the movements of the Army have, at least for the present, been rendered more expensive by occupying the distant frontier posts at the mouth of the St. Peter's and at the Council Bluffs. By a statement from the Adjutant and Inspector General, and the books of the second Auditor, (marked C,) containing the Army disbursements from 1818 to 1820 inclusive, it appears that the expense of the Army in 1818, the year in which the present organization commenced, amounted to 3,748,445 dollars and 1 cent, while the amount of warrants issued for current disbursements to the 1st of November this year, has amounted only to 2,616,526 dollars and 11 cents, and the disbursements of the whole year will, probably, not exceed 2,700,000 dollars. In the year 1818, the aggregate average number of the military establishment, including the Cadets, amounted to 8,199, and that of this year to 9,611. It is admitted, that, during the same period, a considerable reduction has taken place in many of the articles which constitute the supplies of the Army, the effect of which has been to reduce its expense; but, on examination, it will appear that the diminution on this account is much less than what, on the first impression, might be supposed. Many of the more considerable items, which constitute the expenses of the Army, are fixed by Law, and do not fluctuate with the change of prices, such as the pay of the Officers and Men, the subsistence of the former, and the allowance to them for servants, forage, transportation of baggage, &c. All of the items estimated for, by the Paymaster-General, excepting clothing for Servants, which is of small amount, partake of this character; to which, if we add those in the Quarter-Master General's estimates, which, although the price of some of them have in the period under consideration been reduced, yet that has been at least balanced in the increased expenditure of that Department for the 2 last years, by the extension and increased number of the military posts; it will result, that the reduction in the expense of the Army by the diminution of prices is substantially confined to the clothing, medical, and subsistence departments. Some pains have been taken to ascertain this diminution, in the various articles supplied by them, and it has resulted in the belief, that the average of those supplied by the clothing and medical departments were, in the year 1818, about 7 per cent. higher than in this, and in the subsistence about 40 per cent. With this data, it is ascertained, (see Table D,) that the expense of the Army this year, had no diminution

in price since 1818 taken place, would have amounted, deducting for the difference of the average number of the 2 years, and allowing for the expenditure of the Seminole War in 1818, to about 2,791,038 dollars and 55 cents. This sum, deducted from 3,748,445 dollars and 1 cent., the expense of the Army in 1818, gives for the actual saving, after allowing for the diminution of prices, the sum of 957,356 dollars and 46 cents, (see Table D,) which has been effected through the organization of the present Staff, by enabling the Department to superintend, in its minute details, as well the various disbursements of the Army, as the measures taken to prevent the waste of public property. The amount of saving may not appear to be very great, but it is confidently believed, that it cannot be materially reduced by any just mode of calculation of which the subject is susceptible.

As great as this result is, it is only in War that the benefits of a proper organization of the Staff can be fully realized. With a complete organization, and experienced Officers, trained in time of Peace to an exact and punctual discharge of their duty, the saving in War (not to insist on an increased energy and success in our military movements) would be of incalculable advantage to the Country. The number of Deputies and Assistants in each branch ought to be regulated by the exigency of the service, and this must obviously depend much more on the number of posts, than on the number of Troops; and as no material change can, consistently with the public interest, be made as to the posts, under the proposed reduction, little diminution can be made in the number of subordinate Officers belonging to the Staff.

It is also proposed to retain the 2 Major and 4 Brigadier-Generals. Although it is not probable that there will be concentrated, in time of peace, at any one point, a force equal to the command of a single Major, or even a Brigadier-General, yet it is conceived that it is important to the service that they should be retained. As 2 Regiments, with a proper proportion of Artillery and light Troops, constitute, in our service, 1 brigade, and 2 brigades a division, the command of a Major General, the number of regiments and battalions, under the proposed organization, thus gives a command equal to that of 2 Major and 4 Brigadier-Generals. But a more weighty, and, in my opinion, decisive reason, why they should be retained, may be found in the principle already stated, that the organization of the peace establishment ought to be such as to induce Persons of talent and respectability to enter and continue in the Military Service. To give to the Officers of the Army the necessary skill and acquirements, the Military Academy is an invaluable part of our establishment; but that alone will be inadequate. For this purpose, respectability of rank and compensation must be given to the Officers of the Army, in due proportion to the other pursuits of life. Every prudent Individual, in

selecting his course of life, must be governed, making some allowance for natural disposition, essentially by the reward which attends the various pursuits open to him. Under our free institutions, every one is left free to make his selection; and most of the pursuits of life, followed with industry and skill, lead to opulence and respectability. The profession of arms, in the well established state of things which exists among us, has no reward but what is attached to it by Law; and if that should be inferior to other professions, it would be idle to suppose Individuals, possessed of the necessary talents and character, would be induced to enter it. A mere sense of duty ought not, and cannot, be safely relied on. It supposes that Individuals would be actuated by a stronger sense of duty towards the Government, than the latter towards them.

If we may judge from experience, it would seem that the Army, even with these important commands, which, from their rank and compensation, must operate strongly on those who have a military inclination, does not present inducements to remain in it, stronger than, nor even as strong as, those of most of the other respectable pursuits of life.

The number of resignations has been very great, of which many are among the most valuable Officers. Should the number of Generals be reduced, the motive for entering or continuing in service must also be greatly reduced; for, like the high prizes in a lottery, though they can be obtained by a few only, yet they operate on all those who adventure; so those important stations which they occupy are, with those who are the best qualified to serve their Country, the principal motive to enter or remain in the Army. To retain them is, in fact, the cheapest mode of commanding such talents; for, to pursue the metaphor, if the high prizes were distributed among all the tickets, there would be but few adventurers, so, if the compensation attached to the General Officers were distributed proportionably among the other Officers, the inducement which the Army now holds out for a Military profession, to Individuals of suitable character, would be almost wholly lost. If the Generals were reduced to 1 Major, and 2 Brigadiers, the saving would not exceed 14,432 dollars annually, which, distributed among the Officers in proportion to their pay, would give to a Lieutenant but 25 dollars 59, additional pay, and to a Captain 30 dollars 87, annually, a sum too inconsiderable to have much effect.

I will proceed next to make a few remarks on that portion of the organization which proposes to reduce the rank and file, without a correspondent reduction of the battalions and regiments. By a reference to the Table A, it will be seen that it is proposed to add the riflle regiment to those of the Infantry, and unite the Ordnance, and the light and heavy Artillery into one corps of Artillery, which, when thus blended, will form 9 regiments of Infantry, and 5 battalions of Artillery.

from the latter of which the corps of Ordnance is to be taken, to consist of 1 Colonel, and Lieutenant Colonel, 2 Majors, 7 Captains, and as many Lieutenants as the President may judge necessary. This organization will require all the Officers of the Line of the present Army to be retained. The reasons for the union of the corps, as well as the other details, will be found explained in the proper place in the annexed Tables.

No position connected with the organization of the Peace establishment is susceptible of being more rigidly proved, than that the proportion of its Officers to the rank and file ought to be greater than in a War establishment. It results immediately from a position, the truth of which cannot be fairly doubted, and which I have attempted to illustrate in the preliminary remarks, that the leading object of a regular Army, in time of Peace, ought to be, to enable the Country to meet with honour and safety, particularly at the commencement of War, the dangers incident to that state; to effect this object as far as practicable, the Peace organization ought, as has been shown, to be such, that, in passing to a state of War, there should be nothing either to new model, or to create; and that the difference between that, and the War organization ought to be simply in the greater magnitude of the latter. The application of this principle has governed in that portion of the formation of the proposed Military establishment, now under consideration. The Companies, both of the Artillery and Infantry, are proposed to be reduced to their minimum peace formation, the former to consist of 64 Privates, and Non-commissioned Officers, and the latter of 37, which will give to the aggregate of both Corps thus formed, 6,316, Non-commissioned Officers, Musicians, and Privates. Without adding an additional Officer, or a single Company, they may be augmented, should a just precaution, growing out of our Foreign relations, render it necessary, to 11,558; and, pending hostilities, by adding 288 Officers, the 2 Corps. on the maximum of the War formation, may be raised to the respectable force of 4,545 of the Artillery, and 14,490 of the Infantry, making in the aggregate 19,035, Officers, Non-commissioned Officers and Privates, (see Table E.) The War organization thus raised on the basis of the Peace establishment, will bring into effective operation the whole of the experience and skill of the latter, which with attention, would, in a short period, be communicated to the new Recruits, and the Officers recently appointed, so as to constitute a well disciplined Force. Should the organization of full Companies, on the contrary, be adopted for the Peace establishment, this process could be carried to a very limited extent. 6,000 Men so organized can be augmented on the full War establishment only to 9,115 by doubling the Battalions. (See Table E.) Any additional force beyond that, must be obtained by adding new Regiments and Battalions, with all of the disadvantages of inexperience in the Officers and Men,

without the means of immediate instruction. This was the fatal error at the commencement of the late War, which cost the Country so much treasure and blood. The Peace establishment, which preceded it was very imperfectly organized, and did not admit of the necessary augmentation; nor did the Government avail itself of even its limited capacity in that respect. The Forces raised were organized into new Corps, in which, consequently, every branch of military duty was to be learned by the Officers as well as Men. But with all of these disadvantages, the experience and discipline of the old establishment was of immense use, and has not been duly appreciated. The Officers belonging to it gradually diffused their military knowledge through the Army, and contributed much to the brilliant results of the Campaign of 1814. For the truth of this assertion, I might with confidence appeal to those Officers who then acquired so much glory for themselves and their Country.

Another reason remains to be urged, why, in the Peace establishment, the number of Officers ought to be great compared with the actual Force. At the commencement of War, an adequate number of experienced Officers is of greater importance than that of disciplined Troops, even were it possible to have the latter without the former; for it is not difficult to form, in a short time, well disciplined Troops by experienced Officers, but the reverse is impossible. The qualifications of the Officers are essentially superior to those of the Soldiers, and are more difficult to be acquired. The progress of military science has not added much to the difficulty of performing the duty of the Soldier, or of training him, but it has greatly to that of the Officer. No Government can, in the present improved state of the military science, neglect, with impunity, to instruct a sufficient number of its Citizens, in a science indispensable to its independence and safety, and to perfect which instruction, it is necessary that some portion of them (the number to be regulated by the resources of the Country and its relation with other Governments) should make arms their profession.

Table F. exhibits the estimate of the saving which will be made by the proposed organization.

I have thus presented an organization which I deem the most effective, and which in the future exigencies of the Country, may be of the utmost importance. A different one, requiring for the present an expenditure something less than that proposed, might in some respects be more agreeable at this moment; but believing that nothing in our situation, or in our relation with other Powers, however pacific at this time, can give a certain assurance of uninterrupted Peace, a state which may exist in the imagination of the Poet, but which no Nation has yet had the good fortune to enjoy, I have deemed it my duty to present that organization which will most effectually protect the

Country against the calamities and dangers of any future Contest in which it may be our misfortune to be involved.

Economy is certainly a very high political virtue, intimately connected with the power and the public virtue of the Community. In Military operations, which, under the best management, are so expensive, it is of the utmost importance; but by no propriety of language can that arrangement be called economical, which, in order that our Military Establishment in Peace should be rather less expensive, would, regardless of the purposes for which it ought to be maintained, render it unfit to meet the dangers incident to a state of War.

With a single observation, which was omitted in its proper place, I will conclude my remarks. The Plan proposed for the reduction of the Army gives 6,316, Non-commissioned Officers, Musicians, and Privates, instead of 6,000, the number fixed in the Resolution. It was found difficult to form an organization on proper principles, which would give that precise number, and, as the difference was not deemed very material, I have ventured to deviate to that extent from the terms of the Resolution. I have the honour to be, &c.

J. C. CALHOUN.

The Hon. John W. Taylor, Speaker of the House of Representatives.

(A.)—*Organization of the Army, as proposed under the Resolution of the House of Representatives of* 11*th May*, 1820.

GENERAL STAFF.—2 Major Generals, 4 Aids de Camp, 4 Brigadier Generals, 4 Aids de Camp, 1 Judge Advocate, 6 Topographical Engineers, 4 Assistant Topographical do. 1 Adjutant and Inspector General. 2 Adjutants General, 4 Assistant Adjutants General, 2 Inspectors General, 4 Assistant Inspectors General, 10 Regimental Adjutants, 8 Battalion Adjutants.

Quarter Master's Department.—1 Quarter Master General, 2 Deputy Quarter Masters General, 16 Assistant Deputy Quarter Masters General, 10 Regimental Quarter Masters, 8 Battalion Quarter Masters.

Paymaster's Department.—1 Paymaster General, 19 Paymasters.

Purchasing Department.—1 Commissary General, 1 Assistant Commissary General, 2 Store-keepers.

Subsistence Department.—1 Commissary General, with as many Assistant Commissaries as the Service may require.

Medical Department.—1 Surgeon General, 2 Assistant Surgeons General, 1 Apothecary General, 2 Assistant Apothecaries General, 25 Surgeons, 44 Assistant Surgeons.

Engineer Corps.—1 Colonel, 1 Assistant Engineer, 1 Lieutenant Colonel, 2 Majors, 6 Captains, 6 Lieutenants, 6 Second Lieutenants.

Military Academy.—12 Professors and Masters, 250 Cadets.

ARTILLERY.—1 Colonel Commandant, 1 Colonel of Ordnance, 1 Lieutenant Colonel of Ordnance, 2 Majors of Ordnance, 5 Lieutenant Colonels of Regiments, 5 Majors of Regiments, 7 Captains of Ordnance, 5 Captains of Light Artillery, 40 Captains of Artillery, 10 Lieutenants of Light Artillery, 80 Lieutenants of Artillery, 10 Second Lieutenants of Light Artillery, 80 Second Lieutenants of Artillery.—Total 247 Officers.——15 Serjeants of Light Artillery, 120 Serjeants of Artillery, 30 Corporals of Light Artillery, 240 Corporals of Artillery, 5 Corporals of the Train, 5 Armorers, 5 Smiths, (Light Artillery,) 5 Trumpets, (Light Artillery,) 40 Drummers, 90 Gunners, (Light Artillery,) 720 Gunners, (Artillery) 180 Matrosses, (Light Artillery,) 1,440 Matrosses, (Artillery,) 10 Workmen, 45 Soldiers of the Train, (Light Artillery)—Total 2,950 Privates.

INFANTRY.—9 Colonels, 9 Lieutenant Colonels, 9 Majors, 90 Captains, 90 Lieutenants, 90 First Lieutenants, 90 Second Lieutenants—Total 297 Officers.——360 Serjeants, 360 Corporals, 9 Armorers, 9 Drum Majors, 90 Drummers, 2,520 Privates, 18 Workmen.—Total 3,366 Privates—75 Artificers, Workmen of Ordnance.—Total 6,391 Men, rank and file.

STAFF.—The chief reduction which is practicable in the Staff, is that of the purchasing Department. It is reduced to 1 Commissary-General, stationed at Washington; 1 Assistant and 2 Store-keepers, at New York and Philadelphia, where all Stores purchased for the Army will be concentrated, and from whence they will be distributed to the Quarter Masters of every Corps. By abolishing the distinction between the Battalion and Regimental Paymasters, several Corps may occasionally, when assembled on one point, be paid by the same Officer. The difficulty of finding suitable Persons willing to accept of the appointment of Surgeons' Mates, has likewise been the reason for suppressing that rank, and allowing in their steads a certain number of Assistant Surgeons with the rank and appointment of Post Surgeons, and abolishing all distinctions of rank and pay between Surgeons employed in a Post, Battalion, or Regiment. In small Posts, the Assistant Commissaries of Subsistence may be charged with the functions of Quarter Masters.

ARTILLERY.—By uniting the 3 Corps of the Ordnance, Light Artillery, and Artillery, in one, appointing one general Staff at the head of it, and making its Officers pass in rotation through the 3 Services, the organization of the Army will be rendered more simple, and the instruction of the Officers much more complete. The present Regiment of Light Artillery being organized to manœuvre 60 guns, is stronger than our occasions require; being on foot, and performing Garrison duty, it cannot practise its peculiar manœuvres, nor qualify itself for the Service which it will be called upon to perform in the field. It is therefore proposed to convert it into an additional Regiment of Foot

Artillery, which will only be changing its denomination, and to add a Company of Light Artillery to each of the 5 Regiments of Artillery. This arm will thus be distributed on the Frontier, and by allowing 28 saddle, and 32 train, horses to each Company, with 10 Soldiers of the Train to serve them, it will be enabled to manœuvre 2 pieces at a time, with their caissons.

2 Lieutenants and 2 Second Lieutenants in each Company are more than the Service indispensably requires. A certain number of Officers of this rank can, therefore, always be spared from regimental Service, and appointed as Assistants in the Ordnance Department. But it is necessary to maintain some Supernumerary Captains for this purpose, for, if their number did not pass that of the Companies of Artillery, it would be impossible to spare a Captain of Artillery from his Company. Lest misapprehension should arise on this subject, it is proper to state, that Officers of Artillery detailed on the Ordnance Service, are exclusively under the controul of the Ordnance Department. The Service of the Arsenals is to be provided for out of the Artillery, and the Cannoneers will thus perfect themselves in the composition of Fire Works, &c. A single Company of Ordnance Artificers will be retained in Peace.

As 3 or 4 experienced pointers are sufficient for each piece, it is proposed to form them into a peculiar Class, as in Europe. All augmentations or reductions of the Artillery will then fall on the Matrosses, who can be trained in a few weeks. The proposed organization allows 3 Sergeants, commanding 2 guns, to each Company, (of whom the senior may perform the duties of Orderly and Quarter Master Sergeant) 6 Corporals, commanding each 1 gun, 3 Gunners, and 6 Matrosses, (the least number that can manœuvre it,) to each gun. By raising the force of each Company to 100 men, in time of War, the whole Corps will be able to manœuvre 90 guns in the field, viz. 30 by the Light Artillery, and 60 by 10 Companies of Foot, and 900, or even 1,800 guns in Forts and Batteries, by allowing 6 Cannoneers, or even 3, with the aid of the Militia, to serve alternately 2 guns.

Infantry.—The proposed organization in the reduction of each Regiment to the minimum Force, will leave it adapted to the purposes of Military Service and Instruction, by preserving in each Corps all its necessary component parts. To execute the modern manœuvres of the field, each Battalion must divide itself into 2 half Battalions, 4 Divisions, 8 Platoons, and 16 Sections, and 32 Squads, exclusive of its Flank Companies. Experience has pointed out that, in time of War, its front should not pass 200 files, exclusive of Flank Companies, lest it become weak and wavering. But it cannot in Peace be reduced below 128 Files, or 64 to a half Battalion, 32 to a Division, 16 to a Platoon, 8 to a Section, 4 to a Squad, as the various fractions would become too diminutive for any service, if reduced below that number.

The propriety of reducing each Regiment to its minimum force, rather than reducing the number of Regiments, and making them somewhat stronger, has been chiefly deduced from the following principle: the desire of avoiding to create new Regiments, with raw inexperienced Officers at their head, in the time of War. Each Regiment of the Army can be formed into 2 Battalions, equally intermixed with old Soldiers at the approach of War, and that by a very simple operation, provided that, some time previously, care may have been taken to augment the number of their Officers, and fill up their ranks to a higher complement. 9 Regiments which, on the proposed organization, form only 3,663 men in time of Peace, may then be raised to near 16,000 in time of War, without creating new Corps; by doubling the number of Battalions, and raising their front to 250 Files, including the Flank Companies, and forming them in 3 ranks. It is, therefore, evident, that the reduction of each Regiment of Infantry, when formed on this small scale, whilst it makes a very trifling economy, for the present, deprives us of the power of forming a large and effective Force in time of War.

The mode of doubling the Battalion is simply to form a Battalion of each half Battalion, a Division of each Platoon, a Platoon of each Section, &c. and fill up their ranks to the proper number, with a care to place the Recruits in the second ranks.

Note. As this Estimate is predicated on the smallest numbers that can perform the requisite manœuvres in the School of Company and Battalion, and, as experience proves that no organization can be kept full, an increase of one-sixth to the rank and file, would render the Corps at all times efficient and perfect, and would greatly improve the proposed organization.

(B.)

PRESENT ORGANIZATION OF THE ARMY OF THE UNITED STATES.

CORPS.	General Staff.	Engineer Department.†	Ordnance Department.	Regiment of light Artillery.	Corps of Artillery	First Regiment of Infantry.	Second do.	Third do.	Fourth do.	Fifth do.	Sixth do.	Seventh do.	Eighth do.	Regiment of Riflemen.
Major Generals	2	-	-	-	-	-	-	-	-	-	-	-	-	-
Brigadier Generals	4	-	-	-	-	-	-	-	-	-	-	-	-	-
Adjutant and Inspector General	1	-	-	-	-	-	-	-	-	-	-	-	-	-
Quartermaster General	1	-	-	-	-	-	-	-	-	-	-	-	-	-
Adjutants General	2	-	-	-	-	-	-	-	-	-	-	-	-	-
Inspectors General	2	-	-	-	-	-	-	-	-	-	-	-	-	-
Assistant Adjutants General	4	-	-	-	-	-	-	-	-	-	-	-	-	-
Assistant Inspectors General	4	-	-	-	-	-	-	-	-	-	-	-	-	-
Deputy Quartermasters General	2	-	-	-	-	-	-	-	-	-	-	-	-	-
Assist. Dep. Quartermasters General	16	-	-	-	-	-	-	-	-	-	-	-	-	-
Topographical Engineers	-	6	-	-	-	-	-	-	-	-	-	-	-	-
Assistant Topographical Engineers	-	4	-	-	-	-	-	-	-	-	-	-	-	-
Paymaster General	1	-	-	-	-	-	-	-	-	-	-	-	-	-
Judge Advocates	2	-	-	-	-	-	-	-	-	-	-	-	-	-
Surgeon General	1	-	-	-	-	-	-	-	-	-	-	-	-	-
Post Surgeons	40	-	-	-	-	-	-	-	-	-	-	-	-	-
Apothecary General	1	-	-	-	-	-	-	-	-	-	-	-	-	-
Assistant Apothecaries	2	-	-	-	-	-	-	-	-	-	-	-	-	-
Commissary General of Purchases	1	-	-	-	-	-	-	-	-	-	-	-	-	-
Deputy Commissaries of Purchases	2	-	-	-	-	-	-	-	-	-	-	-	-	-
Assistant Commissaries of Issues	6	-	-	-	-	-	-	-	-	-	-	-	-	-
Store-keepers	-	-	*18	-	-	-	-	-	-	-	-	-	-	-
Commissary General of Supplies	1	-	-	-	-	-	-	-	-	-	-	-	-	-
Chaplains	1	-	-	-	-	-	-	-	-	-	-	-	-	-
Colonels	-	1	1	1	-	1	1	1	1	1	1	1	1	1
Lieutenant Colonels	-	1	1	1	4	1	1	1	1	1	1	1	1	1
Majors	-	2	2	1	4	1	1	1	1	1	1	1	1	1
Paymasters	-	-	-	1	8	1	1	1	1	1	1	1	1	1
Surgeons, regimental	-	-	-	1	-	1	1	1	1	1	1	1	1	1
Surgeons' Mates, regimental	-	-	-	1	-	2	2	2	2	2	2	2	2	2
Captains	-	6	10	10	32	10	10	10	10	10	10	10	10	10
First Lieutenants	-	6	10	10	64	10	10	10	10	10	10	10	10	10
Second Lieutenants	-	6	10	20	64	10	10	10	10	10	10	10	10	10
Third Lieutenants	-	-	10	-	-	-	-	-	-	-	-	-	-	-
Armorers	-	-	-	1	8	1	1	1	1	1	1	1	1	1
Sergeant Majors	-	-	-	1	-	1	1	1	1	1	1	1	1	1
Quartermasters Sergeants	-	-	-	1	32	1	1	1	1	1	1	1	1	1
Principal Musicians	-	1	-	2	-	2	2	2	2	2	2	2	2	2
Master Mechanics	-	-	*3	-	-	-	-	-	-	-	-	-	-	-
Mechanics	-	-	*72	-	-	-	-	-	-	-	-	-	-	-
Artificers	-	20	*88	80	-	-	-	-	-	-	-	-	-	-
Laborers	-	-	*121	-	-	-	-	-	-	-	-	-	-	-
Sergeants	-	-	-	40	160	40	40	40	40	40	40	40	40	40
Corporals	-	-	-	40	256	40	40	40	40	40	40	40	40	40
Musicians	-	-	-	20	128	20	20	20	20	20	20	20	20	20
Privates and Matrosses	-	-	-	680	3,200	680	680	680	680	680	680	680	680	680
Total commissioned Officers	96	32	44	37	176	37	37	37	37	37	37	37	37	37
Total, non-commissioned Officers Musicians, Privates, &c.	-	21	302	765	3,784	785	785	785	785	785	785	785	785	785
Aggregate	96	53	346	811	3,950	822	822	822	822	822	822	822	822	822

* The Officers, Mechanics, Artificers, and Labourers, of the Ordnance, with (*) prefixed, are unlimited by law, and the members now in service are assumed as the organization.

† The Chief Engineer, and senior Officer of the Corps, is allowed 1 Assistant. The 4 Sergeants, 4 Corporals, 4 Musicians, and 80 men, composing the company of Bombardiers, Sappers, and Miners, attached to the Engineers, are, by law, added to the Peace Establishment of 10,000 rank and file.

Adjutant and Inspector General's Office, December, 1820.

D. PARKER, *Adjutant and Inspector General.*

(C.) *ABSTRACT from the Annual General Returns of the Army, shewing the Number of Officers, Non-Commissioned Officers, Musicians, and Privates, in each year, as reported by the latest Returns received at this Office; together with the Academic Staff, and Cadets of the Military School, at West Point; Abstract of the Recruiting Returns; and Statement of Annual Expences.*

RETURNS.	Commissioned Officers.	Non-commissioned Officers Musicians, & Privates.	Army Aggregate.	Staff of the Military Academy not of the Army.	Cadets of the Military Academy.	Grand Total.
December, 1817	640	7,581	8,221	8	253	8,482
December, 1818	644	7,032	7,676	9	231	7,916
December, 1819	641	8,047	8,688	9	244	8,941
September, 1820	683	8,469				
As the Returns of this year are only rendered for the third quarter, I have to add the Recruits of the several Rendezvous, and an estimate for those which will be enlisted during the fourth quarter		885	10,037	8	236	10,281

NOTE.—A Division of the aggregates at the close of 1817, and 1818, will give the average strength of the Army, for 1818—8,199; and, in like manner, the average strength of the Army for 1820 will be 9,611.

Abstract of the Recruiting Returns, shewing the Number of Men enlisted in each of the following years, viz:

1817, 3,939. 1818, 4,238. 1819, 4,304. 1820, 3,211. The number of Recruits for this year, 1820, is taken from the Returns of the 3 first quarters, and an estimate for the present quarter.

Adjutant and Inspector General's Office, 2nd December, 1820. D. PARKER, *Adjutant and Inspector General.*

Statement of the annual Expenses of the Army proper, consisting of the following appropriations, viz: pay, subsistence, forage, clothing, bounties, and premiums, expenses of recruiting, hospital department, contingencies, Quartermaster's department, and Military Academy, (building excepted) during the years 1818, 1819, *and to the* 30*th November,* 1820, *inclusive.*

For the year, 1818, 3,748,445 01 dollars.—1819, 3,351,363 12 dollars.—1820, 2,616,526 11 dollars.

TREASURY DEPARTMENT, *Second Auditor's Office, 5th Dec.* 1820. WM. LEE.

(D.)

Comparative Statement of Expenditure for the Army, 1818–1820.

	DOLLARS.	DOLLARS.
The expenditure for the Army, in 1818		3,748,445 01
The expenditure for the Army in 1820, estimated not to exceed	2,700,000 00	
Add 40 per cent, on 537,976 00 dollars, (the appropriation for subsistence for 1820) being the estimated difference of the prices of provisions at the time of completing the contracts for the supply of the Army in 1818 and 1820,	215,190 40	
Add 7 per cent. on 342,145 dollars (the amount of the appropriation for clothing, and for the medical and hospital departments, for 1820) being the estimated difference of the prices of the articles of those departments in 1818 and 1820	23,950 15	
Add (excess of Recruits in 1818 over 1820) 1,137 men at 24 dollars per man.....	27,288 00	
	2,966,428 55	
Deduct (excess of the aggregate of the Army in 1820 over 1818) 1,412 men at 195 dollars per man.....	275,340 00	
The amount that the Army in 1818 would have cost, on the basis of the present expenditure, allowing, as above, for diminution of prices since that period, and the excess of Recruits made in that year over 1820, and deducting for the excess of the number of men in the latter over the former.....		2,691,088 55
		1,057,356 46
Deduct the estimated increased disbursements under regular heads of appropriation, on account of the Seminole War....		100,000 00
Reduction in consequence of the improved organization. Dollars		957,356 46

NOTES.—For other items of expenditure than those in the subsistence, purchasing, and medical and hospital departments, see the body of the Report. In addition to the appropriation for the service of the Militia, the Seminole War caused an increase of disbursements under some of the regular heads of appropriation, the exact amount of which cannot be ascertained without dissecting most of the accounts of the disbursements in that quarter, during its operation. The principal increase of disbursements was on account of subsistence. It is believed that the sum proposed to be deducted is ample.

The year 1818 is assumed instead of 1817, the year preceding the present organization of the Staff of the Army. It would have been desirable to have formed the Table on the data to be furnished by that year, but, on examination, it was found, that some items of expenditure, growing out of the late war, were so blended with the current expenditure of that year, as to render the separation impossible, without great labor and much time. It is believed, however, that, could the current expenditure of 1817 be ascertained, the result would be not less favorable. It is proper to observe, that, although the Act modifying the Staff, as it is now organized, passed in April, 1818, it did not go into operation, so as to produce any material effect on the disbursements, until after the termination of that year.

The full effect of the present organization, it is believed, is not yet experienced; as it requires considerable time to carry into perfect operation a system which comprehends so great an extent of detail. As far as can be judged by the estimates for 1821, the disbursements of that year will show a still more favorable result than that of this year.

(E.)—*TABLE containing, 1st. The present Organization and Force of the Army; 2d. The proposed Organization at its Minimum; 3d. The proposed Organization raised to its Maximum, but without doubling the Battalions, or augmenting the Number of Officers; 4th. The Maximum to which it can be raised, in case of necessity, by doubling the Battalions and Officers of Infantry.*

	Present Organization.								Proposed Organization at its Minimum Force.					Proposed Organization at its Maximum.					Proposed Organization, doubling the Battalions, and augmenting the Officers of Infantry.
Artillery Officers.	Ordnance Corps.	Light Artillery, each Company.	Light Artillery Regt. 10 Comp.	Artillery Company, 32.	Artillery Battalion, 4.	Total Artillery, 4 Batt. 32 Comp.	Total of the 3 Corps.		Each Comp. of Light Artillery.	Each Comp. of Foot Artillery.	Each Regiment of Artillery, of 1 Compy. of Light and 8 of Foot.	Total (including the Ordnance Department.)		Each Comp. of Light Artillery.	Each Comp. of Artillery.	Each Regiment of Artillery, 1 Comp. of Horse and 8 of Foot.	Total, including Ordnance.		Observations on the Artillery.
Officers.																			
Colonels . . .	1	-	1	-	-	-	2	-	-	-	-	2	-	-	-	-	2		The Artillery cannot, like the Infantry, have the number of its Officers and Companies augmented on a sudden. Its force, when its 45 Companies are raised to their maximum cannot, therefore, be augmented nor pass the number in the last table. The number of Matrosses may be increased, if absolutely required, but, by recurring to the preceding table, it will be seen that the present 45 Companies, at 100 men each, can serve 90 guns in the Field, and 1,800 in Forts and Batteries.
Lieut. Colonels.	1	-	1	-	1	4	6	-	-	-	1	6	-	-	-	1	6		
Majors . . .	2	-	1	-	1	4	7	-	-	-	1	7	-	-	-	1	7		
Captains . . .	10	1	10	1	8	32	52	-	1	1	9	52	-	1	1	9	52		
Lieutenants . .	10	1	10	2	16	64	84	-	2	2	18	90	-	2	2	18	90		
2d Lieutenants .	10	2	20	2	16	64	94	-	2	2	18	90	-	2	2	18	90		
3d Lieutenants .	10	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Cadets . . .	-	2	20	-	-	-	20	-	-	-	-	-	-	-	-	-	-		
Total .	44	6	63	5	42	168	275	275	5	5	47	247	247	5	5	47	247	247	247
Privates.																			
Sergeant Majors	-	-	1	-	-	-	1	-	-	-	-	-	-	-	-	-	-		
Quartermas. Serg.	-	-	1	1	8	32	33	-	-	-	-	-	-	-	-	-	-		
Sergeants . .	-	4	40	5	40	160	200	-	3	3	27	135	-	4	4	36	180		
Corporals . .	-	4	40	8	64	256	296	-	6	6	54	270	-	6	6	54	270		
Artificers . .	-	8	80	-	-	-	80	-	-	-	-	-	-	6	6	54	270		
Gunners . . .	-	-	-	-	-	-	-	-	18	18	162	810	-	18	18	162	810		
Matrosses . .	-	58	580	100	800	3,200	3,780	-	36	36	324	1,620	-	60	60	540	2,700		
Drums. trump. .	-	-	-	-	-	-	-	-	1	1	9	45	-	1	1	9	45		
Musicians . .	-	-	22	-	32	128	150	-	-	-	-	-	-	-	-	-	-		
Armor. & Workm.	-	-	1	-	1	4	5	-	-	-	4	20	-	-	-	4	20		
Work. of Ordn. .	426	-	-	-	-	-	426	-	-	-	-	75	-	It is impossible to anticipate what number may be required of these.					
Soldiers of Train	-	-	-	-	-	-	-	-	10	-	10	50	-						
Total .	426	74	765	114	945	3,780	4,545*	4,971†	74	64	590	3,025	3,025	95	95	859	4,295	4,295	4,295

* Exclusive of Ordnance. † With Ordnance.

(L.)—TABLE containing the present Organization [illegible]

Infantry and Riflemen.	Present Organization. Each Compy.	Each Reg.	Total.		Proposed Organization at its Minimum Force. Each Compy.	Each Reg.	Total.		Proposed Organization at its Maximum. Each Compy.	Each Reg.	Total.		Proposed Organization, doubling the Battalions, and augmenting the Officers of Infantry. Each Compy.	Each Battn.	Each Reg.	Total.	
Officers.																	
Colonels	-	1	9	-	-	-	1	9	-	-	-	1	9	-	-	-	1	9	
Lieutenant Colonels	-	1	9	-	-	-	1	9	-	-	-	1	9	-	-	1	2	18	
Majors	-	1	9	-	-	-	1	9	-	-	-	1	9	-	-	1	2	18	
Captains	1	10	90	-	-	1	10	90	-	-	1	10	90	-	1	10	20	180	
Lieutenants	1	10	90	-	-	1	10	90	-	-	1	10	90	-	1	10	20	180	
Second Lieutenants	1	10	90	-	-	1	10	90	-	-	1	10	90	-	1	10	20	180	
Total	3	33	297	297		3	33	297	297		3	33	297	297	3	32	65	585	585
Privates.																	
Sergeant Majors	-	1	9	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Quarter Master Sergeants	-	1	9	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Sergeants	4	40	360	-	-	4	40	360	-	-	4	40	360	-	4	40	80	720	
Corporals	4	40	360	-	-	4	40	360	-	-	4	40	360	-	4	40	80	720	
Privates	68	680	6,120	-	-	28	280	2,520	-	-	68	680	6,120	-	68	680	1,360	12,240	
Drummers	-	-	-	-	-	1	10	90	-	-	1	10	90	-	1	10	20	180	
Musicians	-	22	198	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Armorers, Drum Majors, and Regimental Workmen	.	1	9	-		-	4	36	-	-	-	4	36	-	-	-	5	45	
Total	76	785	7,065	7,065		37	374	3,366	3,366		77	774	6,966	6,966	77	770	1,545	13,905	13,905
Front of each Battalion.	288 Files on 2 ranks, besides 72 Files of Flank Companies.				**Front of each Battalion**	128 Files on 2 ranks, besides 32 Files of Flank Companies.			**Front of each Battalion.**	192 Files on 3 ranks, besides 48 Files of Flank Companies.								
	572 Officers, 12,036 Privates, exclusive of the Staff, Engineers, and Bombardiers.				544 Officers, 6,391 Privates, exclusive of Staff and Engineers.				544 Officers, 11,261 Privates, exclusive of Staff, Engineers, Ordnance Workmen, and Troops of the Artillery Train.				832 Officers, 18,200 Privates, exclusive of Staff, Engineers, Troops of the Ordnance, and Artillery Train.				

N. B. It is a received principle in Tactics, that the Force of a Battalion should never pass 200 Files, exclusive of its Flank Companies, who act separately.

(F.)—*Statement showing the Saving of Expenditure by the proposed Organization of the Army.*

	Dollars,
Pay for Officers and Men, Subsistence for Officers, Forage for Officers, and Clothing for Officers' Servants.....	419,702 70
Subsistence Department.....	194,595 76
Quarter Master's Department.....	100,000
Clothing Department.....	153,650
Bounties, Premiums and Recruiting.....	25,296
Medical Department.....	11,960
Total amount of Saving by the proposed Organization -	Dollars, 905,204 46

Note. The Estimate of Saving is made on the basis of the Expenditure of 1820, and on the supposition of the Rank and File of the Army, under the existing Organization and that which is proposed, not being full by one sixth. Should a reduction be made, as proposed, the actual Appropriations of the next Year, under the various heads, must be determined by the principles which have governed in forming the general Estimates for that Year, and may differ in some respects from the Saving above calculated. As the ranks would be nearly full in the first Year after the reduction, some allowance would have to be made on that account.

ACT of Congress "to reduce and fix the Military Peace Establishment of The United States."—2nd March, 1821.

SEC. I. BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that from and after the 1st day of June next, the Military Peace Establishment of The United States shall be composed of 4 Regiments of Artillery, and 7 Regiments of Infantry, with such Officers of Engineers, of Ordnance, and of the Staff, as are hereinafter provided for.

II. And be it further enacted, that each Regiment of Artillery shall consist of 1 Colonel, 1 Lieutenant Colonel, 1 Major, 1 Sergeant-Major, 1 Quarter Master Sergeant, and 9 Companies, 1 of which shall be designated and equipped as Light Artillery; and that there shall be attached to each Regiment of Artillery 1 Supernumerary Captain to perform Ordnance Duty, and that each Company shall consist of 1 Captain, 2 First Lieutenants, 2 Second Lieutenants, 4 Sergeants, 4 Corporals, 3 Artificers, 2 Musicians, and 42 Privates. That each Regiment of Infantry shall consist of 1 Colonel, 1 Lieutenant-Colonel, 1 Major, 1 Sergeant-Major, 1 Quarter-Master-Sergeant, 2 Principal Musicians, and 10 Companies, each of which shall consist of 1 Captain, 1 First Lieutenant, 1 Second Lieutenant, 3 Sergeants, 4 Corporals, 2 Musicians, and 42 Privates; and that to each Regiment of Artillery

and Infantry there shall be 1 Adjutant, who shall be taken from the Subalterns of the Line.

III. And be it further enacted, that the Corps of Engineers, (Bombardiers excepted,) and the Topographical Engineers, and their Assistants, shall be retained in service as at present organized.

IV. And be it further enacted, that the Ordnance Department shall be merged in the Artillery; and that the President of The United States be, and he is hereby, authorized to select from the Regiments of Artillery such Officers as may be necessary to perform Ordnance duties, who, while so detached, shall receive the pay and emoluments now received by Ordnance Officers, and shall be subject only to the Orders of the War Department; and that the number of enlisted Men in the Ordnance Department be reduced to 56.

V. And be it further enacted, that there shall be 1 Major-General, with 2 Aids-de-camp, 2 Brigadier Generals, each with 1 Aid-de-camp; and that the Aids-de-camp be taken from the Subalterns of the Line, and in addition to their other duties, shall perform the duties of Assistant-Adjutant-General.

VI. And be it further enacted, that there shall be 1 Adjutant-General, and 2 Inspectors-General, with the rank, pay, and emoluments of Colonels of Cavalry.

VII. And be it further enacted, that there shall be 1 Quarter-Master-General; that there shall be 2 Quarter-Masters, with the rank, pay, and emoluments of Majors of Cavalry; and 10 Assistant Quarter-Masters, who shall, in addition to their pay in the Line, receive a sum not less than 10 dollars, nor more than 20 dollars per month, to be regulated by the Secretary of War.

VIII. And be it further enacted, that there shall be 1 Commissary General of subsistence; and that there shall be as many Assistant Commissaries as the service may require, not exceeding 50, who shall be taken from the Subalterns of the Line, and shall, in addition to their pay in the Line, receive a sum not less than 10, nor more than 20 dollars per month; and that the Assistant Quarter-Masters, and Assistant Commissaries of Subsistence, shall be subject to duties in both Departments, under the Orders of the Secretary of War.

IX. And be it further enacted, that there shall be 1 Paymaster-General, with the present compensation, and 14 Paymasters, with the pay and emoluments of Regimental Paymasters; and that there shall be 1 Commissary of Purchases, and 2 Military Store-Keepers, to be attached to the purchasing Department.

X. And be it further enacted, that the Medical Department shall consist of 1 Surgeon-General, 8 Surgeons, with the compensation of Regimental Surgeons, and 45 Assistant Surgeons, with the compensation of Post Surgeons.

XI. And be it further enacted, that the Officers, Non-Commissioned

Officers, Artificers, Musicians, and Privates, retained by this Act, except those specially provided for, shall have the same rank, pay, and emoluments, as are provided in like cases, by existing Laws; and that the Force authorized and continued in service under this Act shall be subject to the rules and articles of war.

XII. And be it further enacted, that the President of The United States cause to be arranged the Officers, Non-Commissioned Officers, Artificers, Musicians, and Privates, of the several Corps now in the service of The United States, in such manner as to form and complete, out of the same, the Force authorized by this Act, and cause the Supernumerary Officers, Non-Commissioned Officers, Artificers, Musicians, and Privates, to be discharged from the service of The United States.

XIII. And be it further enacted, that there shall be allowed and paid to each Commissioned Officer, who shall be discharged from the Service of The United States in pursuance of this Act, 3 months pay, in addition to the pay and emoluments to which he may be entitled by Law at the time of his discharge.

XIV. And be it further enacted, that the system of "General Regulations of the Army," compiled by Major-General Scott, shall be, and the same is hereby approved and adopted for the Government of the Army of The United States, and of the Militia, when in the service of The United States.

[Approved 2d March, 1821.]

ACT of Congress to amend the Act, entitled "An Act for gradual increase of the Navy of The United States."—3d March, 1821.

SEC. I. BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the Ist Section of the Act, entitled "An Act for the gradual increase of the Navy of The United States," approved 29th April, 1816,* shall be, and the same is hereby repealed.

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* *Act of Congress for the gradual increase of the Navy of The United States.—29th April*, 1816.—Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, that for the gradual increase of the Navy of The United States, the sum of 1,000,000 of dollars per annum, for 8 years, is hereby appropriated; including the sum of 200,000 dollars per annum, for 3 years, or the unexpended balance thereof, appropriated by An Act approved on the 3d day of March, 1815 entitled, "An Act concerning the Naval Establishment."

II. And be it further enacted, That the President of The United States be, and he is hereby authorized, to cause to be built 9 Ships, to rate not less than 74 guns

II. And be it further enacted, that, instead of the appropriation therein contained, there shall be, and is hereby appropriated, the sum of 500,000 dollars per annum, for 6 years, from the year 1821, inclusive, to be applied to carry into effect the purposes of the said Act.

[Approved 3d March, 1821.]

DOCUMENTS accompanying the Bill to amend the Act, entitled an Act for the Gradual Increase of the Navy of The United States.—Presented to Congress 5th January, 1821.

(1.)—*Report of the Secretary of the Navy.*

SIR, *Navy Department, 11th December,* 1820.

I HAVE the honour to acknowledge the receipt of your Letter of the 8th instant, on behalf of the Committee on Naval Affairs, and to furnish, in compliance with your request, the following statement, which contains the information required.

Columbus, 74 guns;

Peacock, Sloop of War, 18 guns;

Spark, (Brig) 14 guns; these Vessels are employed for the protection of our commerce in the Mediterranean, to prevent the Barbary States from committing depredations on the persons or property of Citizens of The United States. The *Spark* is principally employed as a Despatch Vessel to and from the Ports of Barbary.

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each, and 12 Ships, to rate not less than 44 guns each, including one 74 and three 44 gun Ships, authorized to be built by An Act bearing date on the 2d day of January, 1813, entitled "An Act to increase the Navy of The United States;" and in carrying this Act into effect, the President shall be, and he is hereby authorized, as soon as the timber and other necessary materials are procured, and the timber properly seasoned, to cause the said Ships to be built and equipped; or, if in his judgment, it will more conduce to the public interest, he may cause the said Ships to be framed and remain on the stocks, and kept in the best state of preservation, to be prepared for service in the shortest time practicable, when the public exigency may require them.

III. And be it further enacted, that for the defence of the Ports and Harbours of The United States, the President shall be, and he is hereby authorized to cause to be procured the Steam Engines, and all the imperishable materials necessary for building and equipping 3 Steam Batteries, on the most approved plan, and best calculated for the waters in which they are to act: and such materials shall be secured in the best manner, to insure the completing such Batteries in the shortest time practicable, when they, or either of them, in the opinion of the President, may be required for the public service; and the President is further authorized to cause to be completed and kept in the best state of preservation, the block Ship now on the Stocks, near New Orleans.

IV. And be it further enacted, that the monies appropriated by this Act shall not be transferred to any other object of expenditure, nor shall any part thereof be carried to the Fund denominated the "Surplus Fund."

[Approved, 29th April, 1816.]

Ontario, Sloop of War, 18 guns; in readiness to proceed to the Mediterranean, to relieve the Sloop of War *Peacock*, ordered to The United States.

Constellation, Frigate, 36 guns; cruizing in the Pacific Ocean for the protection of our trade and whale fisheries.

Macedonian, Frigate, 36 guns; returning to The United States from the Pacific, after being relieved by the *Constellation*.

Congress, Frigate, 36 guns; cruising in the India Seas, and the several Straits, to afford convoy and protection to our trade to and from China, and to give security against the Native Pirates.

Corvette *John Adams*, 24 guns;

Corvette *Cyane*, 24 guns;

Hornet, Sloop of War, 18 guns; cruising on the Coast of Africa, for the suppression of the Slave-trade, and capture of piratical Vessels, with instructions to cruise, for the same purpose, on their return to The United States, off the Coast of Guiana, and among the West India Islands.

Enterprise, Brig, 14 guns: cruising in the West Indies, Gulf of Mexico, and occasionally round the Bahamas, and along the Southern Coast of The United States.

Lynx, Schooner, 6 guns.

Nonsuch, Schooner, 8 guns; cruising as the Brig *Enterprise*; all these Vessels being employed to carry into effect the several Acts of Congress for the suppression of the Slave-trade and punishment of the crime of Piracy.

Gun Boats Nos. 158 and 168; cruising for the same objects along the Coasts of Georgia, Florida, &c.

Three small Vessels, mounting one gun each, are employed off the Mississippi in the protection of the trade and revenue of The United States.

The objects contemplated in the orders to the several Ships and Vessels of the Navy are briefly explained against their names and stations.

As respects the Force now employed in the Mediterranean, it is presumed to be not greater than the service and the interests of The United States require for the purposes of protection; the other Ships and Vessels are cruising separately, and are considered necessary for the service to which they have been assigned.

I have the honour to be, &c,

SMITH THOMPSON.

The Honourable Philip P. Barbour, Chairman, Naval Committee, House of Representatives.

(2.)—*Report of the Secretary of the Navy.*

SIR, *Navy Department, 18th December*, 1820.

YOUR Letter of the 15th instant has been received, and as most of the information required was to be furnished by the Navy Commissioners, it was referred to them. A full answer to your enquiries would, however, require much time to make the necessary calculations, and as I understood from you in conversation on Saturday evening, that your object was to ascertain whether the time for building the Vessels authorized by the Act of April 29th, 1816, for the gradual increase of the Navy, might not be extended, without any material injury to the timber and materials on hand, and contracted for under the Act, I have had a conversation with the Commissioners on that subject, and their opinion is, that the time for building might be extended for 3 years, and only 500,000 instead of 1,000,000 of dollars, expended annually.

I take this opportunity to repeat what I mentioned to you in conversation, that the actual balance on hand of the appropriation for the gradual increase of the Navy is a little short of 1,000,000 of dollars; the reason why a much larger balance appears by the Report of the Secretary of the Treasury is, that requisitions to the amount of the expenditures had not been made on the Secretary; and the Treasurer, as Agent for the Department, had paid, out of moneys in his hands, for other purposes, expenses for the gradual increase of the Navy, and for which that fund was indebted for other appropriations; this has now been rectified by a requisition, and the true balance appears by the books of the Treasury. I have, &c.

SMITH THOMPSON.

The Honourable P. P. Barbour, Chairman of the Naval Committee, House of Representatives.

SIR, *Navy Commissioners' Office, 9th December*, 1820.

IN reply to the queries propounded by the Honourable Mr. Barbour, in his Letter to you of the 24th ult. which you were pleased to refer to this Board, the Commissioners of the Navy respectfully report:

That the "whole of the materials necessary for the construction and equipment of the Vessels authorised by the Act of 1816" have not been procured:

That, of the 9 Ships of the Line, and 10 Frigates, authorised by the Act referred to,

1 Ship of the Line has been built, equipped, and sent to sea.

3 other Ships of the Line have been built and launched.

2 other Ships of the Line are now on the Stocks, and nearly all the materials necessary for their construction have been procured.

3 Frigates are now on the Stocks, and the materials necessary for their construction are all procured.

That all the materials of wood, iron, copper, lead, &c. required for the other 3 Ships of the Line, and 7 Frigates, with the exception of the following estimated deficiency, have been procured, and are now deposited at the several building yards, viz.

The deficiency estimated is, 30,000 cubic feet of live oak, 140,250 cubic feet of white oak, 2,032 knees; 153,945 cubic feet of yellow pine, 15,000 cubic feet of white pine; 45,000 locust treenails; 136,761 lbs. of copper; 56,738 lbs of composition; 89,640 lbs of lead; 655,735 lbs. of iron, and other articles; the whole cost of which will, probably, not exceed 350,000 dollars; which sum may be estimated as the probable cost of the materials yet to be procured for the construction of the Ships.

The materials for equipment, yet to be procured, will cost not less than 1,650,000 dollars. These materials essentially consist of cannon, carronades, shot, blocks, gun carriages, canvas, cordage, paints, leather, water casks, boats, anchors, kentlege, cabooses, &c.

With respect to preserving "the materials of wood, by covering, or by immersion," it is believed that, by immersion, all the materials of wood, used in the construction of Ships of war, might be preserved for a great length of time, while in a state of immersion; but whether immersion does not essentially injure the durability of timber, after it is taken out of the water, is a question upon which the most experienced professional men differ in opinion.

On the one side it is urged, that the sap juices of timber possess certain acescent fermentative qualities, destructive in their nature and tendency; that their removal is indispensable to the preservation of the timber; that water, being more fluid, in its natural state, than air, and the most penetrative of all bodies, excepting fire, finds its way through smaller pores, enters the timber, and neutralizes, dissolves, or displaces, these sap juices more speedily and effectually than can be done by any other advisable process.

While this hypothesis is, to a certain extent, admitted, that is, so far as to its being necessary that these sap juices should be displaced, it is contended, on the other hand, that their expulsion may be produced by other and more advisable means; less sudden, but more salutary in their operation, and unattended with any of the ills arising from immersion: that a succession of wet and dry divests the fibres of the wood of their natural tenacity, adhesiveness, and organization, when exposed in the open air; the wet swelling, and the dry separating, the soft fibres: that one of the tendencies of immersion is, to render the wood porous, and subject it peculiarly to the action of the atmosphere: that, in this porous state, timber, confined, as it must be when brought into use, where there cannot be a free circulation of air,

and where a greater or less degree of humidity must prevail, the interstices become filled with putrid, corroding matter, and decay ensues: that timber exposed to intense frosts, after immersion, by which it becomes water soaked, or saturated with water, the pores of the wood become over-distended, and in that state remaining fixed, the elastic adhesiveness of its fibres, and their power of contraction, are destroyed: that a firm, adhesive, consolidated state of fibre, is essential to great durability: that this state can never be produced after the timber shall have been saturated with water, and its pores once distended: that, if the timber be not cut while in a vegetating state, and be kept under shelter, exposed neither to rain, to the heat of the sun, nor to piercing winds, yet having a free circulation of dry air, nature will expel the sap juices, without the aid of any artificial means.

It is further contended that timber of close texture, such as live oak, or the best white oak, when once saturated with water, cannot, by any known process, be dispossessed of its moisture, in any reasonable time: that, when put into a ship, it imparts to the surrounding atmosphere a degree of humidity, which damages the provisions and stores, and generates diseases among the crew: that timber, in a dry state, is not subject to the destructive effects of frost, one of the most insinuating and irresistible of all, operating on the texture of bodies.

Water swells and expands the pores of wood; and the fibres, thus expanded, become, when exposed to frost, still more distended. The contexture of the wood, by frequent exposure to wet and frost, loses its natural adhesiveness, and, by remaining saturated, and in a frozen state, the pores become so fixed in an unnatural state of expansion, as to lose all power of contraction. This, it is observed, is the condition of the oak and pine imported into England from Canada; and to these causes the best Writers attribute the "dry rot," so destructive to British Vessels. The Canada timber is brought down the St. Lawrence in large rafts, continues months in water, and in that saturated state, is landed and exposed to frost; every attempt to season it, under cover, is unavailing; its pores never close again, and when used as ship timber, dry rot ensues, which, when once commenced, can never be arrested but by taking out all the pieces in any degree affected.

Experiments have been made to arrest the dry rot in ships, by sinking them for months in salt water, but without success. The texture of the wood was found to be essentially injured by being thus water soaked, and it became more subject to this disease than before it was sunk. The ships were also injured in their fastenings, and the atmosphere within them was kept in a constant state of humidity, whence, amongst other ill effects, proceeded injury to provisions and stores, and sickness to the crews.

When timber begins to decay, it communicates and operates by infection on adjacent pieces, and there are no means of arresting a general decay but by removing every piece affected. Hence, the importance of using none but timber sound, imporous, and well seasoned, in the construction of Ships.

Among other considerations the following facts are adduced, as sustaining the objections to immersion:

In the early periods of the British Marine, the custom, originating from necessity, was to transport all the Navy timber to the Dock Yards in Vessels; it was taken immediately to the Yards and there landed in a dry state without having been subjected to immersion; and no other timber than that grown in Great Britain was used.

In the year 1515 the *Great Henry* was launched, and without having sustained any essential repairs, she was fit for service in 1553, 38 years after she was launched, when she was accidentally burnt; after about 5 years' service she was placed in a "pond" with a covering over her.

In the year 1636 the *Sovereign of the Seas*, "the first great ship ever built in Great Britain," after having been on the Stocks two years, was launched; in the year 1696, it was determined to repair her; the frame was found perfectly sound; and, according to Blackburn, "the timber was so firm and hard as almost to resist the edge of tools." By accident she was burnt in the year 1696, after having been a number of years in service; she also was placed in a pond with a covering over her.

The timber with which these Vessels were built having been conveyed to the Building Yards in Vessels and not in rafts, and having consequently been delivered into the Yards in a dry state, has been considered one of the essential causes of their great durability.

Between the years 1636 and 1696, British timber became scarce, and foreign timber was, of necessity, resorted to. This foreign timber was at that period, it is understood, almost universally rafted down the waters near which it grew, and to its having been thus rafted and exposed to wet, was attributed the very rapid decay of the 30 Ships authorised to be built in 1677. Charnock observes "the scarcity of British timber, which was complained of in the loudest terms so early as the reign of Charles 1st, began to be felt very considerably after the conclusion of the last Dutch War; at the time the vote for building 30 new Ships had passed through Parliament in 1677, much labour and exertion became necessary to collect as much as proved sufficient for the purpose. The Navy Board, with every effort it could make, was unequal to the task; and, the deficiency being through necessity supplied by Foreign plank, in all probability caused the early decay of the vessels in question."

It is a remarkable fact that there are, at this time, but 2 Vessels

in the British Navy as old as the *Sovereign of the Seas* was at the time she was burnt, viz. the *Sussex*, a 90, and the *Prospero*, an 18 gun Vessel.

Blackburn remarks, " the Rhine Oak brought down that river from the Forests in large rafts, remaining for months soaked in water, and afterwards landed and exposed to intense frost, sustains very material injury, the fibres of the wood being expanded in so powerful a degree, lose their natural texture and remain porous, and the water it imbibes, changing its state and becoming corrosive, dry rot ensues." The French Ships built at Antwerp, a few years since, with the Rhine Oak were found in a state of decay from the dry rot, some of them even while building.

The Oaks of North Europe, naturally porous, absorb much water, and from similar causes incur similar consequences. Hence, neither the Dutch nor the Danish Ships are durable.

The Oaks of The United States, excepting probably the Live Oak, are sufficiently porous to become saturated in a short time; and, if exposed, in this state, to the action of frost, or of extreme heat, similar effects would inevitably result. The effect of heat and cold is known to be similar in many respects; they both penetrate into substances in the same manner. A cannon, for instance, filled with water securely confined in it, will burst upon being exposed either to extreme heat or intense frost; and it will be remembered that wood is far less tenacious than iron, and far more liable to the action of heat and cold.

The Oaks with which the Ships are built at St. Petersburgh are brought down the Rivers in Crafts, from a very long distance in the interior, being sometimes two years on their passage. This method of bringing their Ship Timber to the Building Yards is resorted to, it is understood, from the apprehension that rafting it would affect the durability of their Ships. The Russians, for greater preservation, char the ends of the beams, and such other timber as is practicable, and cover their Ships with painted canvas, to preserve them from the snow and rain, and render them more durable.

Lescalier, a distinguished French writer, on the subject of timber, observes:

" Timber cut in good or bad season preserves a greater or less degree of moisture. Some of it remains, especially in the interior of the logs, although the outside of them appear always dry after they have been kept for some time. This moisture, which derives its origin mostly from the sap, contains a great deal of acid congenial to fermentation, and consequently favorable to produce the rot. It is this moisture which must be attacked and driven from the heart of the timber—dryness alone will make it solid and durable. We think it by no means advantageous to lay it in the water, for the purpose of preserving it—water is a dissolvent which in time penetrates, and rots all;—Sea

water possesses this quality in a less degree than fresh water, but it has it in a great measure. The English do not put the timber in the water for the purpose of preserving it. It is the same with several other Maritime Nations, who use a great quantity of timber, and possess a considerable knowledge respecting it. The best means known to this day, to preserve timber, appears to be that of keeping it in well constructed and airy sheds, in a vertical position, so that the moisture which remains in the interior of the logs, in running along the fibres of the wood, may be enabled to issue from the lower end.

"We perceive that wood used on land, for beams in houses, and other purposes, kept dry and under shelter, will preserve itself for ages.

"We see the English construct the frames of their Vessels, and leave them to dry for a long time on the stocks, under the shelter of great awnings, before they finish them completely. Moisture destroys the timber, and dryness preserves it. Timber not only rots when it has been exposed to humidity, but it is likewise exposed to injury from the effect of insects which find their way into it.

"Water seems to be favorable for the decomposition of the sap in the timber immersed; but it substitutes in its place another kind of moisture not less destructive, of which the timber, though afterwards exposed to the air, will not easily get clear—it weakens and destroys the grain of the wood."

In reply to that part of the query which calls for information as to the practicability of preserving the materials of wood by immersion, the Commissioners of the Navy beg leave to observe; that, although wood, so long as it shall be immersed, may be kept in a sound state for a great length of time, yet they are not able to discern any advantage resulting from immersion to wood intended to be used in the open air; that injuries certainly arise from saturating timber, and particularly large pieces, intended for use above water; and that, as regards timber intended for use under water, the bottom of ships for instance, immersion may not be so injurious: but, even in that case, if the timber could be dry seasoned, and rendered hard and imporous, prior to its being used, it would be greatly preferable to immersion. This, however, could not be conveniently practised, particularly with the large massy timber intended for keels and keelson pieces. Immersion, then, may to a certain extent be resorted to from necessity, but not from choice in any case.

With respect to preserving materials of wood by covering them, the Commissioners would remark, that our live oak is a species of wood particularly subject to rents and warps: that this timber, the strongest, firmest and most durable of any grown in The United States, is used for the frames of our ships: that, owing to its great weight, (76 pounds the cubic foot) and the expense of hauling and transporting it to the building yards, it is cut to moulds in the forest: that each piece has its appropriate place in the ship, and will not suit for any other place: that

the pieces, if stowed in sheds, will spring out of place, and cannot be again restored to their original mould: that it is of the first importance to preserve the form and shape of each and every piece, which cannot be done, under sheds, where the timber has been cut to mould; that if it were intended to place live oak timber for frames, under sheds, it should be got out considerably larger than the moulds, in order to make allowance for its springing, which would involve much additional expense in hauling, transporting, and fashioning, when in a hard dry state, to moulds: that, if the principle of immersion be discarded, as it should be to the greatest possible extent, there exists, within the knowledge of the Commissioners, no means by which the form and shape of live oak timber, got to moulds, can be preserved, except by putting the frames together, and bolting, planking, and staying them so effectually, as to prevent the possibility of their springing.

With respect to other materials of wood, the result of the experiments made many years since, would seem to indicate the inefficacy of covering as a means of preservation. The white oak and pine, collected under the Act of 1799, and placed under sheds, was, in a few years, found in such a state of decay, as to be unfit for use. The Commissioners know but little of the history of the oak and pine collected at that period. Whether the trees had attained their full growth; whether they were not cut in a vegetating state; whether, when stowed, the timber was properly stuck, so as to admit a free circulation of air; whether the sheds were of a sufficient width and height to protect it against the sun, or sufficiently tight to secure it against rains and piercing winds; whether the timber had not been water-soaked, prior to its being placed under sheds,—are points, upon which the Commissioners possess no positive information. Since, however, universal experience affirms the efficacy of this method of preserving ship timber, the Commissioners are persuaded that these causes of decay must have existed in a greater or less degree; and that the result of experiments so partial and unsatisfactory, should, by no means, deter us from adopting it, as far as circumstances may render it expedient to do so.

White oak and pine, cut in the right season, when in a proper state, and brought to the yards dry, and carefully placed under sheds affording protection against the sun, rain, and piercing winds, yet admitting a free circulation of pure dry air, could, it is confidently believed, be preserved in a perfectly sound state for a great length of time, probably as long as the furniture of a house.

Lescalier remarks, "there ought to be built in every yard, a sort of great square and flat oven, with several fire places underneath, in order to keep up a sufficient degree of heat, say 45 to 48 degrees, to dry the timber very slow without causing it to crack. This process would expel the air contained in the interior, and extract the acquired moisture, destroy the worms or other insects which might have found their way into the timber, and render it perfectly sound to the very

heart. Until it should be thought proper to use it, it should be kept under sheds well aired," &c.

The Commissioners beg leave here to observe, that, if the objections already urged to the practice of immersion, should not be considered as conclusive, still it would be highly improper to resort to it at any of our building yards, where the worm is known to frequent,—Norfolk and New York for instance. Again, at some of our building yards, the bottom of the timber docks is so soft that live oak, which is 13⅔ pounds per cubic foot heavier than water, would sink in the mud in the course of two or three years, if not less time, so far that its recovery would be difficult. We have heard of instances of white oak, which is 20 pounds per cubic foot lighter than live oak, sinking in the mud so far as to be irrecoverably lost.

Those who have heretofore advocated immersion as a means of preserving timber, admit that, to be effectual, the timber must be at all times completely covered with water; that to deposit it in water of less depth, at low tide, than its own diameter, would expose it to serious injury from the sun. In constructing a dock, reference must be had to the rise and fall of water; the diameter of navy timber varies from 12 to 28 inches, and the timber must never be placed where there is not, at low water, a depth of water at least equal to these diameters; it should, to cover the timber completely, exceed them two or three inches. Hence, it is obvious, that the expense of constructing suitable docks, even in the most favourable situations, would be no inconsiderable item.

At this time, we use docks for timber to a certain extent, but this arises more from necessity than choice; sheds are unquestionably greatly preferable for every species of timber used for navy purposes, excepting, possibly, live oak cut to moulds; but not having suitable sheds or other means, we are compelled to resort to immersion, as less injurious to the timber than sun, rain, and frost, or an exposure to a succession of wet and dry.

It will, it is presumed, Sir, appear obvious, that neither immersion nor covering would answer as a system of preservation, applicable to all our building yards; and that both methods combined would not answer at such of our yards as are frequented by the worm. The question then presents itself,—What plan would it be most expedient to adopt, in reference to the preservation of the materials of wood, as a system applicable alike to each of our building yards?

This subject has justly commanded every attention which could be bestowed upon it. Considering it as we do, vitally interesting to the present and future prosperity of the Navy, of which we have the honour to be Members, we have investigated it with an anxiety proportioned to its importance. Every means of information, within our reach, has been resorted to, and having satisfied our minds upon the

subject, we respectfully submit the result, with a degree of confidence not usually felt by us on such occasions.

To avoid all the disadvantages of immersion, and secure all the advantages, without any of the ills, of covering timber in pieces, the Commissioners of the Navy are of the opinion, that the whole frame should be put together, and planked, bolted, and stayed so firmly, that no piece could spring out of its place or shape, and covered so effectually, as to be protected against the sun, moisture, and high piercing winds, yet to admit a free circulation of pure dry air.

In favour of this system, innumerable considerations present themselves; among others, the Commissioners beg leave to submit the following:—

1st. This is the only method applicable to all our building yards as a system for the preservation of our ship timber.

2d. As to the efficacy of this means of preserving timber, there is, as far as is known to us, but one opinion, and that decidedly in its favour.

3d. The expense of stowing and unstowing under sheds, or of docking and undocking, in either case considerable, would thus be in a very great measure avoided.

4th. If put under sheds, it is not possible, without incurring great expense, to arrange the pieces of timber in the order in which they would be wanted when required to be put together. They are generally stowed away as they are received from the contractors; hawse pieces, fashion pieces, knees, floor timbers, counter timbers, &c. &c. are brought together, and necessarily stowed promiscuously: nor could this be otherwise well done, unless we had an extent of shedding far greater than is required by promiscuous stowage. Similar objections, though probably in a less degree, exist to immersion; whereas by framing the pieces together, they are always in place; no expense of removal is incurred; and they are not liable, as they would be either by shedding or immersion, in a greater or less degree, to be lost or misapplied.

5th. The ships in this state could always, when required, be launched and fitted for service in a short time.

6th. It is the most economical, as well as most effectual mode, for the preservation of ship timber, that can, in our opinion, be devised. The covering, or housing, should be first made, and the ship should be built under this covering. A very great and decided advantage thence results as respects workmanship, as well as materials. The artificers can always make a full day's work at any season, and can perform more work in the same time, than they can do when exposed to the weather.

Many instances might be adduced of the great durability of ships thus built and preserved; one, if not more, occurred at Venice. A ship built there remained on the stocks, under cover, for sixty years, when, on being examined, no mark of decay could be discovered in her

timbers; they were somewhat shrunk, which was ascribed, no doubt justly, to their having been put in the ship in an unseasoned state. Escalier observes, "we perceive that wood used on land, kept dry and under shelter, will preserve itself for ages." Thus preserved, the wood acquires a close texture, a hard consolidated fibre, which prevents its imbibing moisture, and enables it to resist all the destructive effects thence arising.

As to "the probable difference between the injury to vessels launched, and those which are framed and kept upon the stocks," the Commissioners have to observe:

That, before vessels are launched, they must be caulked and coppered, and, after they are launched, they must be safely moored; the copper and cables would wear, the oakum in a few years would decay, recaulking would become necessary. These are injuries and expenses to which vessels kept on the stocks are not subject.

A vessel afloat, in still water, and well covered, could no doubt be preserved for a great length of time; but if exposed to be agitated by the winds and waves, it would be impossible to cover her as effectually as she could be on the stocks, where she would be immoveable, and operated upon, as she would be in such a situation, by winds from every point of the compass, her sides as far as she could be careened by such winds would be exposed to alternate wet and dry—whence decay would ensue in the parts so exposed, and occasional repairs would become indispensable to the preservation of the Ship—repairs which obviously would not be required on vessels kept on the stocks.

"What sum would be sufficient to pay the wages of the workmen at the several navy yards, for one year?"

The Commissioners understanding this question as confined to the wages of the workmen employed on the Vessels authorized by the Act of 29th April, 1816, have to observe, that, at this time, our monthly expenditure, at the several building yards, is

At Norfolk		6913 39
Washington		6524 18
Philadelphia		2661 22
New York		2779 89
Boston		1712 50
Portsmouth		237 44
Making the whole monthly expenditure		20,828 62
And the annual expenditure	Dollars	249,943 44

At some of the building yards, particularly at Portsmouth, the expenditure will shortly be increased; but at others it will be reduced—a reduction of wages being contemplated, and which it is believed can be made without injury to the public service; and our impression is, that the reduction in the one class of cases will be equal to the

increase in the other: so that in the opinion of the Commissioners, the sum of 250,000 dollars, or 260,000 dollars, would be sufficient to pay the wages of the workmen employed on the Vessels authorized by the Act of 29th April, 1816, at the several Navy Yards, for one year.

"As to the probable cost at which sheds might be erected," it is thought, that to place all the timber (other than the live oak) now deposited at the several building yards, and that yet to be delivered under existing contracts, under sheds calculated to protect it effectually, would probably involve an expense of 75,000 to 80,000 dollars.

"What is the whole amount of existing engagements, in relation to the Vessels directed to be built by the Act of 1816?"

The Commissioners, on the 31st of January last, had the honour of reporting to you, that the engagements, by contracts, for materials for building (exclusively of purchases made by the Navy Agents from time to time, at the different building yards) amounted, at that time, to the sum of 2,771,892 45 dollars.

The engagements since that period are estimated at 490,750 34 dollars; viz.

For Iron	51,960	
Staves	18,343	
Augers	1,500	
Tanks	102,850	
Cannon	188,000	
Timber	73,229	
Kentledge	11,750	
Blocks	9,468 34	
Cordage	18,450	
Anchors	14,000	
White lead	1,200	
		Dollars.
		490,750 34

These engagements are generally by contract, and do not include those made for labour, which, as before stated, amount to 20,828 dollars per month. How far these contracts have been executed, or what amount will hereafter become payable upon them, cannot be stated with precision, in consequence of some of the Returns, made by the Agents, not being perfect, and others not having yet been made. The Commissioners have invariably kept one great object in view: that is, to confine the expenditures to the amount of the appropriation; and they have therefore no hesitancy in observing, that the unexpended balance of the appropriation is abundantly sufficient to meet every engagement made by them.

The engagements for steam batteries have not been increased since the 31st January last. At that period, as the Commissioners had then the honour of stating to you, they amounted to 223,555 dollars.

Of which sum there has probably been paid to the Contractors 117,476 49 dollars, leaving the sum of 106,078 51 yet to be paid, when the Contractors shall have executed their respective contracts.

All which is respectfully submitted. I have, &c.

JOHN RODGERS.

The Hon. Smith Thompson, Secretary of the Navy.

COMMERCIAL Statements, accompanying the Report of the Committee of the House of Representatives of The United States, on Manufactures.—15th January, 1821.

(1.)—*Statement shewing the estimated value of the Domestic and Foreign Merchandise annually Exported from The United States to Foreign Countries.*—1789 *to* 1820.

YEARS.	Articles the growth, produce, or manufacture, of The United States.	Articles the growth, produce or manufacture, of Foreign Countries re-exported.	Total value of the Exports from The United States.
1st August, 1789 to 30th September, 1790.	Dollars. - - -	Dollars. - - -	Dollars. 20,205,156
Years ending 30th Sept.			
1791	- -	- - -	19,012,041
1792	- -	- - -	20,753,098
1793	- -	- - -	26,109,572
1794	- - -	- - -	33,026,233
1795	- - -	- - -	47,989,472
1796	40,764,097	26,300,000	67,064,097
1797	29,850,206	27,000,000	56,850,206
1798	28,527,097	33,000,000	61,527,097
1799	33,142,522	45,523,000	78,665,522
1800	31,840,903	39,130,877	70,971,780
1801	47,473,204	46,642,721	94,115,925
1802	36,708,189	35,774,971	72,483,160
1803	42,205,961	13,594,072	55,800,033
1804	41,467,477	36,231,597	77,699,074
1805	42,387,002	53,179,019	95,566,021
1806	41,253,727	60,283,236	101,536,963
1807	48,699,592	59,643,558	108,343,150
1808	9,433,546	12,997,414	22,430,960
1809	31,405,702	20,797,531	52,203,233
1810	42,366,675	24,391,295	66,757,970
1811	45,294,043	16,022,790	61,316,833
1812	30,032,109	8,495,127	38,527,236
1813	25,008,152	2,847,845	27,855,997
1814	6,782,272	145,169	6,927,441
1815	45,974,403	6,583,350	52,557,753
1816	64,781,896	17,138,556	81,920,452
1817	68,313,500	19,358,069	87,671,569
1818	73,854,437	19,426,696	93,281,133
1819	50,976,838	19,165,683	70,142,521
1820	51,683,640	18,088,029	69,691,647

(2.)—*STATEMENT of the Annual Receipts of The United States, from the 4th March, 1789, to the 30th of September, 1820.*

YEARS.	CUSTOMS.	INTERNAL REVENUE.	DIRECT TAX.	POSTAGE.	PUBLIC LANDS.	MISCELLANEOUS.	AGGREGATE.	EXPENSES OF COLLECTION OF THE CUSTOMS.	RATE PER CENT.
	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	D. C.
4th March, 1789 to 31st Dec. 1791..	4,399,472	- - -	- -	- -	- -	19,440	4,418,913	239,541	5 16
Year 1792	3,443,070	208,942	- -	- -	- -	9,918	3,661,932	161,754	4 48
1793	4,255,306	337,705	- -	11,020	- -	10,390	4,614,423	188,362	4 23
1794	4,801,065	274,089	- -	29,478	- -	23,799	5,128,432	221,090	4 40
1795	5,588,461	337,755	- -	22,400	- -	5,917	5,954,534	260,359	4 43
1796	6,567,987	475,289	- -	72,909	4,836	16,506	7,137,529	291,206	4 24
1797	7,549,649	575,491	- -	64,500	83,540	30,379	8,303,560	343,434	4 35
1798	7,106,061	644,357	- -	30,500	11,963	18,692	7,820,575	375,879	5 02
1799	6,610,449	779,136	- -	41,000	- -	45,187	7,475,773	412,183	5 86
1800	9,080,932	809,396	734,223	78,000	443	74,712	10,777,709	440,373	4 62
1801	10,750,778	1,048,033	534,343	79,500	167,726	266,149	12,846,530	482,772	4 29
1802	12,438,235	621,898	206,565	35,000	188,628	177,905	13,668,233	489,972	3 78
1803	10,479,417	215,179	71,879	16,427	165,675	115,518	11,064,097	402,345	3 69
1804	11,098,565	50,941	50,198	26,500	487,526	112,575	11,826,307	491,636	4 24
1805	12,936,487	21,747	21,882	21,342	540,193	19,039	13,560,693	536,113	3 97
1806	14,667,698	20,101	55,763	41,117	765,245	10,004	15,559,931	586,711	3 84
1807	15,845,521	13,051	34,732	3,614	466,163	34,935	16,398,019	578,634	3 52
1808	16,363,550	8,210	19,159	- -	647,939	21,802	17,060,661	560,705	3 31
1809	7,296,020	4,044	7,517	- -	442,252	23,638	7,773,473	496,036	6 36
1810	8,583,309	7,430	12,448	- -	696,548	84,476	9,384,214	434,042	4 81
1811	13,313,222	2,295	7,666	37	1,040,237	60,068	14,423,529	440,180	3 20
1812	8,958,777	4,903	859	85,039	710,428	41,125	9,801,132	476,794	5 05
1813	13,224,623	4,755	3,805	35,000	835,655	236,571	14,340,409	407,762	2 99
1814	5,998,772	1,662,984	2,219,497	45,000	1,135,971	119,399	11,181,625	348,779	5 49
1815	7,282,942	4,678,100	2,162,673	135,000	1,287,959	150,282	15,696,916	472,040	6 08
1816	36,306,874	5,124,708	4,253,635	149,787	1,717,985	123,994	47,676,985	780,799	2 10
1817	26,283,348	2,678,100	1,834,187	29,371	1,991,226	80,389	32,896,623	726,494	2 68
1818	17,176,385	955,270	264,333	20,070	2,606,564	37,547	21,060,171	738,321	4 12
1819	20,283,608	229,593	83,650	71	3,274,422	54,009	23,925,356	773,797	3 67
1st January to 30th September, 1820.	12,378,513	77,731	29,423	6,465	1,124,645	28,995	13,645,777	- -	- -
TOTAL Dollars	341,069,111	21,871,209	12,608,446	1,088,155	20,393,777	2,053,374	399,084,075	13,158,128	

(3.)—*Value of Exports and Imports of The United States, for the Year ending on the 30th September* 1819.

COUNTRIES.	EXPORTS.			IMPORTS.			EXCESS OF EXPORTS.	EXCESS OF IMPORTS.
	DOMESTIC.	FOREIGN.	TOTAL.	AD VALOREM.	SPECIFIC.	TOTAL.		
	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.
Russia	143,752	485,869	629,621	133,619	2,065,564	2,199,183	-	1,659,562
Sweden and Dependencies	444,674	109,461	554,135	23,671	1,108,562	1,132,233	-	578,098
Denmark and do.	1,198,232	842,500	2,040,732	86,155	2,448,671	2,534,826	-	494,094
Holland and do.	2,699,388	2,130,726	4,830,114	797,708	2,401,580	3,199,288	1,630,826	
England and do.	26,908,038	2,833,701	29,741,739	38,059,268	7,758,815	45,818,083	-	1607 6,344
Hamburgh, &c.	1,985,412	1,543,760	3,529,172	2,111,431	183,147	2,294,578	1,234,594	
France and Dependencies	8,108,922	2,933,279	11,042,201	4,814,440	2,544,118	7,358,558	3,683,643	
Spain and do.	4,404,971	3,703,288	8,108,259	521,217	7,310,442	7,831,659	266,600	
Portugal, &c.	1,950,844	312,736	2,263,580	160,716	1,516,087	1,676,803	586,777	
Italy, &c.	108,373	1,007,338	1,115,711	576,909	191,283	768,192	347,519	
Turkey, Levant, &c.	4,025	129,883	133,908	76,921	101,088	178,009	-	44,101
China	74,896	1,512,076	1,586,972	6,135,838	4,277,515	10,413,353	-	8,826,381
All other Countries	2,945,311	1,621,066	4,566,377	342,282	1,399,605	1,741,887	3,940,201	
Dollars	50,976,838	19,165,683	70,142,521	53,840,175	33,306,477	87,146,652		

PROCLAMATION respecting the Discriminating Duties on Norwegian Ships in the Ports of The United States.— 20th August, 1821.

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 the Ships and Vessels, and on goods, wares, and merchandize, 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 favour 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, through the Chargé d'Affaires of The United States in Sweden, under date of the 30th day of January, 1821, that thenceforward all discriminating or countervailing duties in the Kingdom of Norway, so far as they operated to the disadvantage of The United States, had been and were 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 merchandize, imported into The United States, as imposed a discriminating duty of tonnage between Vessels of the Kingdom of Norway and Vessels of The United States, and between goods imported into The United States in Vessels of the said Kingdom of Norway and Vessels of The United States, are repealed, so far as the same respect the produce or manufacture of the said Kingdom of Norway.

Given under my Hand, at the City of Washington, this 20th day of August, in the year of our Lord 1821, and the 46th year of the Independence of The United States.

JAMES MONROE.

By the President:
JOHN QUINCY ADAMS, *Secretary of State.*

* See Page 521.

LETTER from the Secretary of War to the Congress of The United States, transmitting information in relation to the progress of the Board of Engineers, in the selection of sites of Fortifications, &c —12th February, 1821.

SIR, *Department of War, 12th February, 1821.*

IN compliance with a Resolution of the House of Representatives of the 9th instant, directing "that the Secretary of War report to that House the progress which had been made by the Board of Engineers, in determining the sites and plans of Fortifications of the Coast of The United States; the sites which may have been selected; the estimates of the expense in completing the several works; the number of troops necessary to garrison them in peace, and in war; the progress made in erecting the Fortifications; the advantages resulting from the system when completed, particularly in reducing the expense of defending the Atlantic frontier;" I have the honor to enclose a Report of the Board of Engineers, marked A, and a Report of the Engineer Department, marked B, which give the information required by the Resolution.

It may be proper to observe, that the projected Fortifications have been distributed into three classes, according to their relative importance, and that it is determined to erect those of the first class, previous to the commencement of the second and third classes, with the exception of the works at Mobile Point and Dauphin Island. These works were commenced in preference to those projected at Bayou Bienvenue, and Fort St. Philip; for, although the latter are placed in the first class, it was not however deemed proper to commence with them, as they were much less extensive than the two former, and could be completed in a short time, should the state of our relations with other Powers render it necessary.

The contractors for the works at the Rigolets were, by the arrangements with them, to have erected those contemplated at Chef Menteur, but so many impediments have been encountered, that it has been necessary for them to confine their operations wholly to the former.

I have the honour to be, &c.

J. C. CALHOUN.

The Hon. John W. Taylor, Speaker of the House of Representatives.

(A.)—*Report of the Board of Engineers.*

SIR, *City of Washington, 7th February, 1821.*

THE following summary of the operations of the Board of Engineers, called for by your order, is respectfully submitted.

The Commission charged with reconnoitering the frontiers of The United States, has completed the three most important sections of the maritime boundaries, viz. The Coast of the Gulf of Mexico, the Coast between Cape Hatteras and Cape Cod, and the Coast between Cape

Cod and the River St. Croix. The Coast between Cape Hatteras and Cape Fear has likewise been surveyed; and the only section which remains to be examined, to complete the reconnaissance of the Coast, is South Carolina and Georgia.

The Reports presented in 1818, 1819, 1820, and 1821, to the Hon. Secretaries of the War and Navy Departments, were accompanied by every necessary plan, table, &c. and embrace every naval and military consideration, both as to the attack, and as to the defence, of the Frontier, as to fixing the sites of the great Naval Depots, and as to protecting, by the general system of defence, the general system of internal navigation. We must refer to the details of these Reports to show the importance of establishing a complete system for the protection of the Frontiers, and the necessity of building this system upon principles harmonising with the modern system of warfare. It will be seen, that most of the existing Forts only defend single points, and satisfy only a few essential conditions; and that they have not been planned with a view to the defence of the Frontiers, considered as one great and combined system, whose several parts should be connected, and should mutually support each other. The Navy Yards (excepting that of Charlestown near Boston) have all been improperly placed; the conveniencies for the erection of the necessary establishments having alone been taken into consideration, while all the other requisites for points so important, such as security against attacks by sea or land, facility of receiving all kinds of building materials, in time of war as well as in time of peace, vicinity to a place of rendezvous, have been overlooked.

A defensive system for the Frontiers of The United States is therefore yet to be created; its bases are, 1st, a Navy; 2d, Fortifications; 3d. Interior communication by land and water; and 4th, A regular Army and well organized Militia: these means must all be combined so as to form a complete system.

The Navy must, in the first place, be provided with proper establishments for construction and repair, harbors of rendezvous, stations, and ports of refuge. It is only by taking into view the general character as well as the details, of the whole Frontier, that we can fix on the most advantageous points for receiving these naval depots, harbors of rendezvous, stations and ports of refuge.

On these considerations; Burwell's Bay in James' River, and Charlestown near Boston, have been especially recommended by the Commission, as the most proper sites for the great Naval Arsenals of the south and of the north. Hampton roads and Boston roads as the chief rendezvous, and Narraganset Bay as an indispensable accessary to Boston roads. See Reports of 1819 and 1820.

It is also from an attentive consideration of the whole Maritime Frontier, of the interior, and of the coastwise navigation, that Mobile

Bay on the Gulf of Mexico, St. Mary's in the Chesapeake, the Delaware, New York Bay, Bayard's Bay, New London, Marblehead, Portsmouth, Portland, the mouths of the Kennebeck and Penobscot, and Mount Desert Bay, have been fixed upon as Stations and Ports of refuge; as necessary and essential to our Merchant Vessels as to our Navy.

Smithville and Beaufort, North Carolina; Annapolis and Baltimore, Maryland; New Haven, Connecticut; Salem in Massachusetts; and Wiscasset, in Maine; have likewise been examined with attention, with a view to secure them from attack by sea or land. See Reports of 1819, 1820, and 1821.

St. Mary's River and Savannah in Georgia, Beaufort, Charlestown and Georgetown in South Carolina, will be examined and surveyed in the course of this year.

After determining the general and connected system of Naval Depots, Harbors of rendezvous, Stations and Ports of refuge, the Commission, in the next place, traced the scheme of Fortifications necessary to protect this system, and at the same time to guard the whole Frontier against invasion. The Forts projected by the Commission for this purpose satisfy one or more of the following conditions:

1. To close important Harbors to an Enemy, and secure them to the Navy of the Country.

2. To deprive an Enemy of strong positions, where, protected by his Naval superiority, he might fix permanent quarters in our Territory, maintain himself during the war, and keep the whole Frontier in perpetual alarm.

3. To cover our great Cities against attack.

4. To prevent, as much as possible, the great avenues of interior navigation from being blockaded, by a Naval Force, at their entrance into the ocean.

5. To cover the coastwise and interior navigation; and give to our Navy the means necessary for protecting this navigation.

6. To cover the great Naval Establishments.

A rapid review of the Works which have been projected by the Commission, will exhibit with sufficient distinctness, the advantages which must result from their construction.

In Louisiana, the Forts projected at the Turn of Plaquemines, at the Bayou Bienvenue, at the Chef Menteur, at the Rigolets, form altogether a system of defence, not only covering New Orleans, but preventing an enemy from taking and holding his position at the northern point of the Delta of the Mississippi, where, presenting a small front, easily fortified in a few days, and impossible to turn, he might defy all the Forces of the West. Supposing even that he were expelled from it, he might, in his retreat, pillage and burn all the habitations, and carry off the slaves from both sides of the river for a length of

150 miles. This whole projected system of works will cost a little more than 1,000,000 dollars: a sum small indeed to avert such calamities, and which bears no sort of proportion to the effects which it will produce. The Fortifications projected at the mouth of Mobile Bay, prevent as far as practicable its blockade, secure the communication of the Tombigbee and Alabama with the Ocean, as well as that which is proposed to connect these Rivers with the Tennessee; protect also the communication between Mobile Bay and Lake Pontchartrain by the interior Channel, lying between the Main and the Chain of Islands bounded by Cat Island to the West, and Dauphine Island to the East, and deprive an enemy of a Station whence he might act either against New Orleans, or the Establishments which the United States may form hereafter in Pensacola. At present, Fort Boyer, at Mobile Point, which could not hold out three days against a regular attack, and Fort St. Philip, which is much too small and weak to defend the Mississippi, are the only protection for Louisiana.

The Forts which will be projected at St. Mary's River and Savannah, in Georgia, Beaufort, Charlestown, and Georgetown, in South Carolina, will have for object to secure the communication between the Sea and the Interior, to prevent the Blockade of the Rivers and Harbours of the States, to secure Naval Stations, necessary in guarding the Coasting Trade, and to cover the great commercial Cities against attack by Land or Sea.

The Forts of Smithville and Beaufort, North Carolina, will have for object to close the only two important issues by which the interior of that State communicates with the ocean: they defend the access to the interior navigation, which, sooner or later, will be opened between the Chesapeake and Cape Fear River, and which, by means of Canals, will secure in time of war the arrival of naval approvisionnements at the Maritime Depot of Burwell's Bay, while in time of Peace it will give to the Commerce of the Country in general, and of North Carolina in particular, great facilities for avoiding the dangerous and difficult navigation of Albemarle and Pamlico Sounds.

In the Chesapeake, the projected Works at the entrance of Hampton Road, have for object to close this road against an enemy, and to secure it to The United States; to secure the interior navigation between the Chesapeake and the more Southern States; to make sure of a naval place of arms, where the Navy of the United States may protect the Chesapeake, and the Coasting Trade; to cover the Public Docks, &c. at Norfolk, and those which may be established in James River; and to prevent an enemy from making a permanent establishment at Norfolk.

While on this subject we will observe, that an enemy might land

in Lynnhaven Bay, and, in one day's march, reach the narrow position which lies to the east of Suffolk: bounded, on one side, by the Dismal Swamp, and, on the other, by Bennett's Creek, near the Mouth of the Nansemond, this position cannot be turned, and may easily be fortified. An enemy might there defy all the Forces of Virginia and North Carolina. Secure of a retreat as long as his Fleet occupied Hampton Road, he would compel The United States to make the greatest possible sacrifices, both in men and money, before he could be driven out. But if Hampton Road is fortified, he will only be able to anchor in the open road of Lynnhaven Bay: his march thence upon Suffolk may be turned by our Forces crossing at Hampton Road, and he will, therefore, find it impossible to take permanent quarters in the country. The expense at which these results will be obtained is 1,800,000; a trifling sum if compared with the magnitude of the advantages which will be procured, and the evils which will be averted.

At Baltimore, the Forts projected at Hawkins' Point, and on the shoal of Soeller's Point, cover the Harbour; and the last mentioned work will force an enemy to land, if he intends attacking the Town, at a greater distance from it, and will thus prevent him from turning the defensive position which our forces might take against him. The Batteries at St. Mary's secure a good station to the Vessels of war charged with guarding the Chesapeake; protect an anchorage accessible by Vessels of the largest class; and, as do also the Batteries at Annapolis, offer a safe asylum to Merchant Vessels which might find it impossible to reach Baltimore. St. Mary's is not at all defended, and Fort M'Henry, at Baltimore, has no influence whatever over an attack by land, and cannot even secure the City and Harbour from bombardment.

In the Delaware, the Fort on the Pea Patch Island, and the one on the Delaware shore opposite, defend the water passage as far below Philadelphia as localities will permit: they force an enemy to land 40 miles below the City to attack it by land, and thus afford time for the arrival of succours; they secure to the Forces of the Country successive defensible positions, where part may delay an enemy, while part file upon his flanks, or cross the River in his rear, and cut him off from his Fleet. At present, Fort Mifflin, 7 miles below the City, is the only obstacle an enemy would encounter: he might, therefore, land very near the City, and attack it within a few hours of his landing. The two projected Forts will also have the advantage of covering the Canal destined to connect the Chesapeake with the Delaware, if the junction of the Canal be, as in all probability it must be, to the north of the Pea Patch.

The projected Works on the waters of the Hudson and East Rivers, have for object to cover the City of New York against an attack by

land or sea; to protect its numerous Shipping; to prevent, as much as possible, the blockade of that immense River, which will soon have added to the wealth of its own shores the productions of the boundless regions on the northern and western Lakes; and to cover the interior navigation, which is projected to connect the waters of the Delaware with those of the Bay of New York, by a Canal from the Rariton. The Forts projected at the Narrows, and at the pass of Throgg's Neck on the East River, while they defend the entrances into the Bay, force the enemy to land in the Sound, at a great distance from the City, and place Brooklyn Heights at the bottom of an interior curve of the Frontier of which these works occupy the extremities in rear of an enemy moving upon Brooklyn, and afford time, by their resistance, for the Militia to assemble and march to the relief of the City; thus greatly diminishing the chances of success to the enterprise. The expense of these Works will be about 1,800,000 dollars.

As to the Forts projected for the East Bank and Middle Ground, they will complete the defence of the City, by depriving an enemy of the landing place in Gravesend Bay, the only spot on the south shore of Long Island where he can safely land to march on Brooklyn. They will also deprive him of the possibility of establishing himself on Staten Island; and thus reduce the points of attack to one in the Sound. Besides thus strengthening the defences of the City, they will prevent an enemy from anchoring in the outer Harbour, to blockade the Hudson, alarm the Country, and intercept the interior communication by the Rariton.

The Harbour of New York, in its present state, is scarcely at all defended against a sea attack; and the City is not at all defended against an attack by land. An invading enemy might reach the City within two or three days, either by the Sound or Harbour, and, after accomplishing his object, would find his retreat secure.

The Batteries projected for Newhaven, protect that City against depredations, and secure a port of refuge in the Sound to Merchant Vessels escaping from Privateers. The existing Batteries are too small to offer any resistance.

The Forts at New London will secure to the largest Vessels a safe and excellent anchorage at all seasons: as the Thames never freezes, they protect a good station, whence our Navy can, at all times, keep good watch over the coasting Merchant Vessels, and, especially, over the navigation of Long Island Sound.

The projected defences of Narraganset Bay will deprive an enemy of the possibility of occupying that excellent road-stead, and secure it to The United States. The possession of this Bay will be to us of inestimable advantage. It is the only one on the Coast which Vessels can enter with a N. W. wind, and as the same winds serve for en-

tering both New York and Boston harbours, (N. N. W. to S. S. W. round by the East) while Narraganset Bay is accessible with all winds from N. W. to E. round by the W.; it follows, that, on this part of the Coast, Vessels may be certain of making a harbour with every wind of the Compass, except the four points from N. W. to N.N.W. Narraganset Bay and Hampton Roads are also the only Harbours from Hatteras to Cape Cod, which are proper for Naval rendezvous. This Bay is besides a most important Station for protecting the transit of Vessels from the Vineyard into Long Island Sound. If Narraganset Bay was left in its existing state, as to defence, an enemy would seize it without difficulty, and, by the aid of his naval supremacy, form an establishment in Rhode Island for the war. For this purpose it would be sufficient for him to occupy the position of Tiverton Heights, opposite Howland's Ferry, which is of narrow front, easy to secure, and impossible to turn. He might then defy all the Forces of the Eastern States; drive The United States to vast expense of blood and treasure; and, while his troops would thus put in alarm and motion all the population of the East, feigned expeditions against New York, by Long Island Sound, would equally alarm that State and the neighbouring ones; and, if he merely contented himself with menacing the Coast, it is difficult to calculate the expenses into which he would drive the Government. The advantages which The United States will derive from the occupation of this Bay, and those of which this occupation will deprive an enemy, seem to us of infinitely more importance than the sum of 1,600,000 dollars, which will be required to close and fortify it completely.

The Forts projected to cover Boston will have for object to defend the Channel at its junction with the Ocean, to cover Nantasket Road against an attack by Sea, to render any attempt against the Naval Depot and Arsenal at Charlestown and the City of Boston impracticable, and to secure and facilitate the sailing out and in of the Fleets of The United States.

The Works projected for Plymouth, Provincetown, and Marblehead, will deprive an enemy who might attempt to blockade Boston, of important anchorages; and, whilst the occupation of these points will render a blockade of that Port almost impossible, it will secure, at the same time, a refuge to our own Vessels which may be prevented by contrary winds from entering Boston Harbour. These Works will also deprive an enemy of landing points, whence he might march upon Boston and Charlestown, and thus secure these important positions against an attack by Land.

The Works projected at Salem protect that City and its Commerce from the depredations of a hostile Naval Force, and deprive the Land Forces of an enemy of a landing place, whence the whole

Country might be alarmed, and the Naval Depot at Charlestown be menaced.

The Forts projected at Portsmouth and Portland secure to the Union these Ports, important both to the commercial and naval interests of the Country; they protect the sailing in and out of the Ships destined to guard the Coasting Trade. The defence of these harbours by proper Forts will enable the Government to form, under their cover, Victualling and Repairing Establishments, and thus convert these harbours into Ports of refuge for the Navy.

The works projected at the mouths of the Kennebeck, Sheepscut, and Penobscot, will secure the entrance of these rivers, protect the Navy stationed on the Coast to guard the coasting trade, and afford Asylums to our Privateers and Merchant Vessels when chased, and safe points whence the Privateers can keep watch upon, and act against, the commerce of an enemy.

The Forts to be erected for the defence of Mount Desart Bay will deprive an Enemy of an important station whence he might menace and paralyze all the navigation of the coast of the State of Maine, and by which he would shorten the line of his operations against that of the Coasts of New Hampshire and Massachusetts. These Forts will secure to The United States a position from which will result the following advantages; 1st, A nearer and better point of departure for operations in time of War, against the British establishments in New Brunswick and Nova Scotia, and against the commerce of those Provinces. 2d. This position will protect, as far as the local circumstances of Country will allow it, the eastern extremity of the maritime Frontiers of the Union, being that nearest the Possessions of another Power. 3d. It will secure a port of refuge for our Navy and Privateers, in the vicinity of a much frequented cruising ground.

From this rapid sketch we may deduce the urgent reasons and the almost absolute necessity for fortifying each of the points designated. But we refer to the Reports of the Commission in 1818, 1819, 1820, and 1821, for ampler information; as well as to give exact ideas of the manner in which these several points depend upon and support each other, of their mutual relations, and in short of all the Naval and Military properties of the frontier, both defensively and offensively considered.

To give, however, an idea of the chain of reasoning by which the Commission directed its researches, and which governed its plans, we shall select one of the plainest cases of all those which came under its consideration. We will trace for this purpose the attack and defence of one of our Cities in its actual state of defence, and then, on the supposition that the works projected by the Commission have been executed. It matters not where our choice falls, for unhappily all our

Cities are in the like predicament of total insecurity; and, as to the projected works, we believe they will place every important point of our Frontier equally above every species of attack, whether by surprise of by force. We shall select Philadelphia, because its attack in neither case involves any complication in the movements for defence. We suppose an Enemy to have arrived at Fort Mifflin within a very few hours of the annunciation of its appearance off the Capes. His attack will be instantly made by one or other of these methods.

1st. He will transfer the Troops to the Row-boats of the Squadron and pass them by the Forts, hugging the Jersey shore, while the fire of the Forts is engaged by an attack of his numerous heavy Ships and Bomb-vessels; land just below the City, seize and destroy the Schuylkill Bridges and take position north of the City, where he can only be assailed in front. His retreat will be conducted like his advance.

2nd. He may land upon the Pennsylvania shore, and by a rapid march seize the Schuylkill Bridges.

3rd. He may land in Jersey, and cannonade the City from Camden, covering his incendiary Batteries with his Troops.

4th. He may assault the Forts in the first place, (and he would hardly fail of capturing them) and there will remain no further impediment to his advance upon the City, and nothing to interrupt his retreat from it. Arriving suddenly from the Ocean, as he may, with an Army of 20,000 Men, an able Enemy *must* succeed by either of these methods, and perhaps by others more complicated; and his retreat can be effected too, before a sufficient force can come in to jeopardise his Forces. It must be remembered that an Enemy has so many points of attack, amongst which to choose on the instant, that our Forces, divided upon them all, can offer but a slight resistance at the particular point he may prefer.

We will now suppose the lower defences completed, and an Enemy suddenly arrived before them. The numerous and well covered Artillery possessed by the these works and covering the obstructions which it is proposed to fix in the Channel during a War, must render hopeless every attempt to force the water passage to Philadelphia, and leave him only the chance of reaching the City by land. His march will be either through Delaware or Jersey, or by dividing his Forces, along both shores of the River. The defence must be nearly the same in all these cases: 2 Corps, 1 in Delaware and 1 in Jersey, each of about 2,000 Men, will be prepared to meet his advance under cover of the first natural obstacles: whether these Corps continue to act on different sides of the River, or unite, which, having the navigation of the River secured to them by the Forts below, they are at liberty to do, will depend upon whether or not the Enemy divides his Forces. These Corps will have improved every natural advantage before hand by the

addition of field works, and they will now defend them vigorously ; every disposition they make for defence, whether feigned or real, will oblige corresponding arrangements for attack, and thus, though too inferior to resist long at any one point, their repeated efforts produce that delay which is finally to defeat the Enemy's design. Considering the rapidity with which, by their command of the River, they can send detachments to strike at the rear of the Enemy's columns ; considering that they have constructed works of strength upon positions naturally strong ; that they have destroyed the bridges and obstructed the road ; considering their superiority over the Enemy in a perfect knowledge of the Country, and that their Forces are hourly augmenting ; we cannot doubt that the march which would, without resistance, have consumed 4 days, will be extended to 6. The Enemy, arrived at last before the City, will find all means of communicating with it destroyed or removed ; and, if it be not even now too late, must instantly begin his retreat. For should he attempt the cannonade with incendiary batteries, they can hardly begin to produce effect before he will be surrounded by greatly outnumbered Forces. The Tables give a concentration at Philadelphia in 6 days of 83,991 Militia. (See Report of 1820.)

From the general exposition which we have given, it will be seen, that all the Fortifications projected by the Board are not of the same pressing necessity, nor of like importance ; that some are required immediately, and that the commencement of others may be delayed. In classing them we shall observe ; that the works of the most urgent necessity are, those which are destined to prevent an Enemy, in time of War, from forming a permanent establishment, or even a momentary one, on the soil of the Union ; those which defend our great Naval Arsenals ; and those which protect our chief commercial Cities.

In the second grade we will place those which defend Stations for our Navy, and commercial Cities of secondary importance, which either from natural or artificial defences, existing works, &c. are not entirely without protection, and can wait until the chief and more important points are secured, at least against a first attack.

Finally, in the third class, we will range the works which will complete the defensive system in all its parts, but whose construction may, without imminent danger, be deferred until the Frontier has received all the successive degrees of strength which the gradual erection of the Forts of the first and second class will give to it.

The Table A, joined to this Report, has been drawn up on this principle, and shews :

1st. That the works to be erected, during the first period, will cost 8,010,054 dollars ; will require 2,540 Men at most to garrison them in time of Peace, and 20,305 in case of Siege.

2nd. That the works of the second class will cost 4,711,031, dollars,

will require 1,030 Men, at most, to garrison them in Peace, and 8,615 in case of Siege.

3rd. That the expense of the works belonging to the 3rd class will amount to 5,073,970 dollars, their Garrisons in time of Peace to 1,120 Men, and, in case of a Siege, to 9,042 Men.

4th. That the total expense of completely fortifying the Maritime Frontier will amount to 17,795,055 dollars, the Troops necessary to guard these Fortifications in Peace to 4,690 Men, at most, and 37,962 Men in time of War; supposing them, which is beyond all probability, all besieged at once.

The time required to construct these works must depend entirely upon the annual appropriations which the nation may grant to this branch of the public service. All that can be said upon this subject is, that, in an undertaking of such vital importance, to the safety, prosperity and greatness, of the Union, there should not be an instant's relaxation of effort and perseverance. A work of such magnitude must, with every possible effort, be the work of years; but each year, with *limited* means, will produce its fruit, and the final result is to endure for ages. However long it may be before sensible effects are produced, the result will be certain, and should no danger threaten the Republic in our own days, future generations may owe the preservation of their Country to the precaution of their fore-fathers France was at least 50 years in completing her maritime and interior defences, but France, on more than one occasion since the reign of Louis XIV. has been saved by the fortifications erected by his power, and by the genius of Vauban. However slow the progress of this system may be, from the necessity of a sparing application of the public funds to this purpose, it is essential to disburse something in this way each year, so as to give to the Frontier an annual increase of strength. We must, therefore, insist upon the advantage of dividing the construction of the works into several periods, according to their more or less immediate urgency, and of beginning them successively in that order. By these means satisfactory results as to the augmentation of the strength of the Frontier, will be obtained as early as possible, whilst, if we were to begin them all at once, we should be a great while without defence upon any one point.

We shall now enter into the question of the expence of erecting these Forts, and garrisoning them for War, and compare it with the expense of defending the Coast in its present state. To render this question as clear as possible, we shall only examine it with respect to New Orleans, Norfolk, Baltimore, Philadelphia, New York, and Narraganset Bay.

Supposing that an Enemy had concentrated about 20,000 Men at Halifax or Bermuda; The United States must, on hearing of this Force, at once prepare to receive them at all the points mentioned above. As

it will be impossible to foresee on which of these points the first blow will be struck, it will be necessary to have Troops encamped at each of them; and to meet an attack with a Force at least numerically equal to that of the Assailant, the Force kept constantly under arms in these camps must be at least equal to one half of the hostile expedition, whilst as many more must be kept in readiness, and within call. The points are so immediately accessible in some cases, and so remote from succour in others, that after the point of attack is known, by the appearance of the Enemy before it, there will remain no time for reinforcements to arrive. By manœuvering in front of any of these places, he will induce us to concentrate our Forces there, when suddenly profiting of a favourable breeze, he will sail to another, which he may reach in a few hours, and seize, if a Force is not stationed there likewise, at least equal to his own. Neither in such a case, can reinforcements be directed against him in time, for all the Forces under march will have received a direction upon the point he has just quitted. Our whole Coast will thus, by a single expedition, be kept in alarm from Louisiana to Maine; and such is the extent and exposure of the Maritime Frontier, that an Enemy may ruin us by a War of mere threatenings. If our Cities are not garrisoned, they will become his prey at once; if they are, the Treasury will be gradually emptied, the credit of the Government exhausted, the wearied and starving Militia will desert to their homes, and nothing can avert the direful consummation of tribute, pillage, and conflagration.

The Table B, joined to this Report, shows that, to be in readiness on every vulnerable point, it will be necessary to maintain 67,000 men, encamped and under arms, at the six places above mentioned; and 53,000 ready to march and within call. This number is really below that which would be required; for these points being exposed, according to our hypothesis, to an attack from 20,000 regular and disciplined Troops, 20,000 Militia would not be able to repel them, unless aided by entrenchments, requiring a time to perfect them which would not be allowed us, and involving expenses which we have not comprised in our estimates. Besides, to have 20,000 men, and especially new levies, under arms, it will be necessary, considering the epidemics which always attack such troops, to carry the formation of this corps to at least 25,000 men. The State of Louisiana, being more remote from all succour, requires a larger force under arms than the other points: we have fixed this force at 17,000, considering that the State might furnish 3,000 within call.

These premises considered, and taking in all expenses, 1,000 regular troops, including officers, cost 300,000 dollars per annum, and 150,000 dollars for a campaign of six months; 1,000 militia including officers, cost 400,000 dollars per annum, and 200,000

dollars in a campaign of six months, or 200 dollars per man for six months.

But, if we take into consideration the diseases which infallibly attack men unaccustomed to a military life, the expense of hospitals in consequence, the frequent movement of detachments from the camp to their homes, and from the interior to the camp, and the first cost in camping utensils, accoutrements, &c. which is the same for a campaign of six months as for a year, this expense cannot be rated at less than 250 dollars for every militia man, and 250,000 dollars for every 1,000 men for six months.

From these bases the 67,000 men of the militia necessary to guard the above-mentioned points, in the present situation of the maritime frontier, will cost, in a campaign of six months, 16,750,000 dollars.

In strict justice, we should add to this expense, which is, we believe, greatly undervalued, amongst many other things, the loss of time, and the interruption of the labour of the citizens who have left their business to assume arms for their defence. This is a real loss to the Nation, and a heavy tax on individuals. And, while reflecting on the dreadful mortality which rages in the camps, of men unaccustomed to the fatigues and privations of a military life, we cannot help remarking how much greater the loss of a citizen is than of a soldier.

The latter is generally an isolated being: he has prepared the sacrifice of his life by entering the Army: it is the peculiar and constant duty of his profession. The former is a man of business—the father of a family—and his loss involves with it a large circle of domestic sorrow and suffering.

The total expense of constructing the works at New Orleans, Norfolk, Baltimore, Philadelphia, New York, and Narraganset Bay, will amount to 11,147,695 dollars, (see Table B, and the Reports presented in 1818, 1819, 1820.) Their garrisons might consist of the same number of regular troops in time of war as in time of peace; and the remainder might be furnished by the militia, held in readiness to throw themselves into the Forts on the first appearance of an enemy. By these means 2,720 Regulars, and 21,000 Militia, either in the forts or in small corps upon advantageous positions, making 23,720 men, would suffice after the erection of these works, and 36,280 might be kept in readiness to march when called upon. We should have only 23,720 to pay and support, instead of 67,000: and the expense would be 5,658,000 dollars instead of 16,750,000 dollars. The difference 11,092,000 dollars, being about equal to the expense of the Forts, it follows that the cost of their erection will be compensated, by the saving they make, in a single campaign of six months. It is proper to add, that though the expense of these works be great, that expense is never to be renewed; while with troops, on the contrary, the expense is

annually repeated, if not increased, until the end of the war. Besides, the disbursements for Fortifications are made in time of peace, slowly, and to an extent exactly correspondent with the financial prosperity of the Country. Armies, however, are most wanted, and must be paid in periods of great emergency, when the ordinary sources of revenue are dried up, and when the Treasury can only be kept supplied by a resort to means the most disagreeable to, and the most burthensome upon, the People.

The defence of our Maritime Frontier by permanent Fortifications, and even the expense of erecting these Fortifications, will thus be a real and positive economy. The points of attack being reduced to a few, instead of awaiting an attack on every point, and holding ourselves every where in readiness to repel it, we shall force an enemy to direct his efforts against these few points, with which we shall be well acquainted beforehand, and which we shall have disposed to withstand all his attempts. There is no doubt but that such circumstances will render an enemy more backward in risking his expeditions, and that we shall not only therefore be better able to resist attack, but that we shall also be less frequently menaced with invasion.

Some prominent military writers have opposed the principle of fortifying an extensive Land Frontier; but no military or political writer has ever disputed the necessity of fortifying a Maritime Frontier. The practice of every Nation, ancient and modern, has been the same in this respect. On a Land Frontier, a good, experienced, and numerous Infantry, may dispense with permanent Fortifications, although they would prove excellent auxiliaries and supports, when properly disposed and organized; but though disciplined troops can, rigorously speaking, without their aid, cover and protect a frontier, undisciplined troops never can. On a Maritime Frontier the case is totally different. Troops cannot supply the place of the strong batteries which are disposed along the important places. The uncertainty of the point on which an enemy may direct his attack, the suddenness with which he may reach it, and the powerful masses which he can concentrate, at a distance out of our reach and knowledge, or suddenly, and at the very moment of attack, are reasons for erecting defences on every exposed point, which may repel his attack, or retard it until reinforcements can arrive, or the means of resistance be properly organized. By land we are acquainted with the motions of an enemy, with the movements and directions of his columns; we know the roads by which he must pass: but the ocean is a vast plain without obstacles; there his movements are performed out of our sight and knowledge, and we can receive no intelligence of his approach until he has already arrived within the range of the eye. In a word, the vulnerable points of a sea-coast frontier are

left to their fate, if they are not covered by permanent Fortifications; and their only chance of safety must then depend upon the issue of a battle, always uncertain, even when regular and well disciplined troops, inured to danger, have been assembled beforehand, and have made all possible preparation for the combat.

If we overlook for a moment the many points of the Maritime Frontier which the enemy might invade, with the most serious consequences to The United States; if we suppose that there exists no object on that Frontier worth the trouble and expense of a great expedition; these Fortifications will even yet be highly necessary. For we still have one great object to attain—the security of our Navy: this cannot be protected without Fortifications, especially in struggling with an adversary superior in numbers and jealous of a supremacy on which may ultimately depend his political importance. A Navy can neither be augmented nor secured without Fortifications; nor can it enjoy, without them, the advantages which the localities of the Frontier might otherwise afford: accidents may and must happen to it, and it is only in closed and fortified Harbours that it can repair the losses and disasters of a course of War; and from them, when refitted and refreshed, recommence its operations. England herself, notwithstanding the great naval superiority which she possesses at this moment over the rest of the world, and the excellent organization of her Militia, strengthens and augments the Fortifications of her Frontier every day: and no Nation of Europe, France excepted, possesses a stronger and more complete system of permanent defences along its Coast.

Lastly, the defensive system of our sea-coast by permanent Fortifications being completed, and the Union being protected against all danger of invasion from that quarter, she can direct all her resources towards her Navy. Her national quarrels will then all be decided upon the Ocean, and no longer upon her own Territory: her Wars will all be maritime, a species of warfare in unison with the institutions of the Country, less costly in men and money, and which, by keeping off all aggressions from her own Territory, will preserve untouched her industry, her agriculture, her financial resources, and all the other means of supporting a just and honourable War.

As for the garrisons which these Forts will require in time of War, a small portion of them, equal in number to the garrisons necessary in time of Peace, may be composed of regular Troops; the surplus, of Militia, practised to the manœuvres of Artillery; for the greatest part of the Troops required for the defence and service of these great coast batteries should be composed of artillery.

To this end every State might organize a certain number of Battalions of Militia Artillery, proportioned to the exigencies and armament of the Forts upon its Coast, or within the sphere of activity of its

military force. These Battalions should be within call of the Forts, as long as no invading expedition is announced; but as soon as some operation of an enemy should menace the Frontier, they should throw themselves into the Forts, and remain there as long as the precise point of attack should remain uncertain. This system of defence for the Coast was established in France, where it succeeded very well; it appears to us to harmonize as well with the institutions and spirit of the Country, as with the principles of economy which should direct and govern all the expenses of the Government.

In the present Report we have taken no account of the Interior and Land Frontiers of the Union: they have not yet been sufficiently reconnoitered to enable us to give an exact idea of the system of defensive works which they may require. All that we can say by anticipation is, that, from their general topographical features, these Frontiers can be covered at a very moderate expense, by such a defensive system, that no enemy will be able to invade them without exposing himself to disasters almost inevitable; and that the Armies of The United States, supposing all her warlike preparations well organized beforehand, will be enabled, at the very opening of the first campaign, to carry the theatre of War beyond her own Territory.

If, to our general system of permanent Fortifications and Naval Establishments, we connect a system of interior communications by land and water, adapted both to the defence and to the commercial interests of the Country; if to these we add a well-constituted regular Army, and perfect the organization of our Militia; the Union will not only completely secure its Territory, but preserve its National Institutions from those violent shocks and revolutions, which, in every age and in every Nation, have been too often incident to a state of War.

Accompanying this Report is a general Map of The United States.

All which is most respectfully submitted.

BERNARD, *Brigadier General.*

J. D. ELLIOTT, *Captain U. S. Navy.*

JOSEPH G. TOTTEN, *Major, Engineers, Bt. Lieut. Col.*

(A.)—*DIVISION of the Proposed Fortifications for the Defence of the Maritime Frontiers of the Union in three Classes, according to the urgency of their Construction; exhibiting the Strength of their required Garrisons, in time of Peace and in time of War, and the Expense of erecting them.*

FIRST CLASS—TO BE ERECTED DURING THE FIRST PERIOD.

DESIGNATION OF FORTS.	GARRISONS.		EXPENSE OF CONSTRUCTION.
	For a Siege.	*For Peace Estab.*	
In Louisiana.	Men.	Men.	Dollars.
Fort St. Philip	400	80	77,810
Fort at Plaquemines	750	100	392,927
Fort at Chef Menteur	400	80	260,517
Fort at Rigolets	400	80	264,517
Fort at Bayou Bienvenue	224	25	94,582
	2,174	365	1,094,353
In Virginia.			
Fort at Old Point Comfort	2,625	600	816,814
Fort at the Ripraps	1,130	200	904,355
	3,755	800	1,721,169
In Pennsylvania.			
Fort at the Pea Patch Island	.. 1,560	.. 150	 258,000
In New-York.			
Fort at New Utrecht Point	1,140	100	424,995
Fort at Tompkins' Point	970	100	485,988
Fort at Wilkins' Point	1,336	100	456,845
Fort at Throg's Point	1,540	100	471,181
	4,986	400	1,839,009
In Rhode Island.			
Fort at Brenton's Point	2,400	200	730,166
Fort at Dumpling's Point	1,350	200	579,946
Fort at Rose Island	580	25	82,411
Dyke on the N. W. passage	..	..	205,000
	4,830	425	1,597,523
In Massachusetts.			
Fort on the Channel of Boston Harbour	.. 2,000	.. 300	 1,000,000
In New Hampshire.			
Fort at Portsmouth	.. 1,000	.. 100	 500,000
Total,....	Men. 20,305	Men. 2,540	Dollars. 8,010,054

Although all the works to be erected in the first period are indispensable to the defence assigned to that class, it is proper to give a list which will show, by the order in which they stand, the relative importance of the works, in anticipation of such a state of the Treasury as may not permit their simultaneous commencement, viz.:

1st. Fort at Chef Menteur,
Fort at Rigolets,
Fort at Bayou Bienvenue,
Fort at Old Point Comfort,
Fort at Ripraps,
Fort at Pea Patch.
2d. Fort at Brenton's or Dumpling's Point.
Dyke over Narraganset passage.
3d. Fort St. Philip.
Fort at Plaquemines.
4th. Fort Tompkins.
Fort at Throg's Point.
5th. Fort at Narrows, Boston.
6th. Fort at New Utrecht Point.
7th. Fort Portsmouth, New Hampshire.
8th. Fort at Dumpling's or Brenton's Point.
9th. Fort at Wilkins' Point.
10th Fort at Rose Island.

NOTE.—Where the places are in *Italic*, in the above and following Table, either the projects are as yet unfinished, or they have not as yet been commenced. The war and peace garrisons, and the expense, exhibited by the Table in those cases, are, therefore, a very uncertain approximation.

SECOND CLASS.—TO BE ERECTED DURING THE SECOND PERIOD.

DESIGNATION OF FORTS.	GARRISONS. For a Siege.		For Peace Estab.		EXPENSE OF CONSTRUCTION.	
In Alabama.					Dollars.	
Fort at Mobile Point	900		100		693,292	
Fort at Dauphin Island	900		100		693,292	
		1,800		200		1,386,584
In Georgia.						
Fort at Savannah	..	1,000	..	100	..	700,000
In South Carolina.						
Fort at Charleston	..	1,000	..	100	..	700,000
In North Carolina.						
Fort at Smithville	400		50		100,000	
Fort at Beaufort	400		50		100,000	
		800		100		200,000
In Maryland.						
Fort at Soeller's Point	835		60		673,205	
Fort at Hawkins' Point	845		120		244,377	
		1,680		180		917,582
In Pennsylvania.						
Batteries opposite Pea Patch Island Fort	..	760	..	100	..	347,257
In Connecticut.						
Fort Hale	220		25		31,815	
Fort Wooster	155		25		27,793	
		375		50		59,608
In Massachusetts.						
Fort at Marblehead	400		50		100,000	
Fort at Salem	400		50		100,000	
		800		100		200,000
In Maine.						
Fort at Portland	..	400	..	100	..	200,000
Total..	Men.	8,615	Men.	1,030	Dollars.	4,711,031

THIRD CLASS.—TO BE ERECTED DURING THE THIRD PERIOD.

In Louisiana.						
Fort at Grande Terre	400		80		264,517	
Tower at Passe aux Herons	36		10		16,677	
Tower at Bayou Dupré	36		10		16,677	
		472		100		297,871
In Georgia.						
Fort at St. Mary's River	..	400	..	50	..	100,000
In South Carolina.						
Fort at Beaufort	400		50		100,000	
Fort at Georgetown	400		50		100,000	
		800		100		200,000
In Maryland.						
Fort at St. Mary's	380		60		203,602	
Fort at Annapolis	380		60		100,000	
		760		120		303,602
In New York.						
Fort on the Middle Ground	1,760		150		1,681,411	
Fort on the East Bank	1,760		150		1,681,411	
		3,520		300		3,362,822
In Connecticut.						
Fort Trumbull	460		75		77,445	
Fort Griswold	830		75		132,230	
		1,290		150		209,675
In Massachusetts.						
Battery at Plymouth	200		50		100,000	
Battery at Provincetown	200		50		100,000	
		400		100		200,000
In Maine.						
Fort on the Kennebeck	300		50		100,000	
Fort on Wiscasset	300		50		100,000	
Fort on Penobscot	400		50		100,000	
Fort at M. Desert Bay	400		50		100,000	
		1,400		200		400,000
Total..	Men.	9,042	Men.	1,120	Dollars.	5,073,970

RECAPITULATION.	GARRISONS. For a Siege.	In Time of Peace	EXPENSE OF CONSTRUCTION.
First period	20,305	2,540	8,010,054
Second period	8,615	1,030	4,711,031
Third period	9,042	1,120	5,073,970
Total..	Men 37,962	Men 4,690	Dol 17,795,055

(B.)

Table, exhibiting the Cost of the projected Fortifications for Sea Coast Defence; the Forces necessary to protect them with the existing Works; the Forces necessary for perfect security, with the aid of the proposed Defences; and the Expense of the Troops in both cases.

PLACES.	Aggregate cost of the proposed works. Dollars.	Comparison of the Force necessary to defend them without or with the projected works. Number of Troops necessary with the existing works. Under pay.	Within call.	Number of Troops required with the projected works. Under pay. Regulars.	Militia.	Total.	Within call. Militia.	Expense of the Troops kept under pay, with the existing works. N.B. Supposing them all Militia, and serving 6 Months, and costing, on an average, 250 dollars per Man.	Expense of the Troops kept under pay, with the proposed works. Expense of the Regulars for 6 Months, at 150 dollars per Man.	Expense of the Militia for 6 Months, at 250 dollars per Man.	Expense of Militia and Regulars.
New Orleans	1,094,355 55	17,000	3,000	365	5,000	5,365	4,635	4,250,000	54,750	1,250,000	1,304,750
Norfolk	1,731,170 35	10,000	10,000	800	4,000	4,800	5,200	2,500,000	120,000	1,000,000	1,120,000
Baltimore	917,542 58	10,000	10,000	180	3,000	3,180	6,820	2,500,000	27,000	750,000	777,000
Philadelphia	605,257 71	10,000	10,000	250	3,000	3,250	6,750	2,500,000	37,500	750,000	787,500
New York	5,201,844 27	10,000	10,000	700	3,000	3,700	6,300	2,500,000	105,000	750,000	855,000
Narraganset Roads .	1,597,524 83	10,000	10,000	425	3,000	3,425	6,575	2,500,000	58,750	750,000	808,750
Total..	11,147,695 29	67,000	53,000	2,720	21,000	23,720	36,280	16,750,000	403,000	5,250,000	5,653,000
		Total, 120,000				Total, 60,000					

RECAPITULATION.

Expense for defending the above-mentioned points, during a campaign of 6 months. With the existing works..... Dollars 16,750,000
With the projected works 5,658,000

Difference ..... Dollars 11,092,000

N.B. In one campaign, of 6 months, the difference of expense between the two systems will amount, within a few thousand dollars, to the whole cost of the projected works. The expense of the Troops above stated results from a calculation which gives the expense of a Regular Soldier 300 dollars per annum, and the expense of a Militia Soldier 500 dollars per annum; the expense of Officers being, in both cases, included. No attempt to estimate the enormous contingent expenses in assembling, organizing, and providing, Militia Forces, of hospitals, waste of property, loss of time, &c. will avail: the above estimate is, undoubtedly, below the real cost. The Forces under pay, necessary for defence with the proposed works, consist of the Peace Establishment, Garrisons of Forts, (for which see the Reports of 1818, 1819, 1820,) doubled by additions of Militia, and moveable corps of Militia, stationed upon the approaches of an Enemy.

(B.)—*Report of the Engineer Department.*

SIR, *Engineer Department, 10th February,* 1821.

So much of the information, required by the Resolution of the House of Representatives of yesterday's date, as is contained in the following sentence, "the progress made in erecting the Fortifications," will be found in the following Extract from a Report on the same subject, made on the 9th ult, for the use of the Committee of Ways and Means.

EXTRACT.

Fort Delaware is about five sixths finished and will be completed in the course of this year.

Fort Washington is still further advanced, and will be finished in the course of the ensuing summer.

Fort Monroe has progressed two fifths towards completion. Its appearance would not indicate that state of advancement, and yet the operations so far have been advantageously conducted. The reason is, that in this work, as in all works of magnitude, the operations have been mostly confined to the collection of materials, depositing them in the places where they will be used, and maturing arrangements prepatory to the commencement of constructions; and therefore make no show. The constructions of masonry were commenced last summer, in the course of which was completed a casemated work capable of presenting to the channel of entrance a battery of 40 32-pounders. The masonry in future, by reason of the preparations above stated, in which are included immense excavations, part of them applied to the opening of a canal, following the course of the ditch around the work, having locks, &c. from the use of which great facilities and economy in transportation of materials, &c. may be expected, will be carried on with rapidity. The Fort will be completed in 5 years.

Fort Calhoun has received one half of the stone intended for the formation of the breakwater, or that part of its foundation to be below the surface of the water; the remainder will be deposited in the course of next year, after which it should be permitted to settle during 1 or 2 years before the superstructure be commenced, the completion of which will occupy 3 years more.

The Fort on Mobile Point exhibits but little advancement. The impracticability of procuring the requisite materials by purchase, obliged the contractor to fabricate them, and the means by which even that could be effected were difficult of attainment, in some instances, it having become necessary to create them. Under such embarrassments much delay was unavoidable: nevertheless, extensive arrangements for the preparation and transportation of materials have been matured. According to the terms of the contract, this Fort should be completed on or before the 1st of next July, but the difficulties above stated will no doubt protract the completion, to at least 2 years beyond that period.

The Fort on Dauphin Island, although in all respects situated similarly to that on Mobile Point, is in better condition. The period limited in the contract for its completion, will expire on the 1st December next, but the Fort will not be finished until some time in the following year.

The Fort on the Rigolets Pass, under circumstances not materially differing from those stated, in reference to the 2 works last noticed, has been more successfully managed than either of them. The contract will expire on the 1st December next, and the work will probably be completed within that time, or shortly after.

All which is respectfully submitted,

W. K. ARMISTEAD, *Colonel, Engineers.*

Hon. J. C. Calhoun, Secretary of War.

TREATY between The United States and the Creek Nation of Indians.—Signed at the Indian Spring, 8th January, 1821.

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 Creek Nation of Indians, at the Indian Spring, on the 8th day of January, in the year of our Lord 1821, by Commissioners on the part of the said United States, and certain Chiefs, Head Men, and Warriors, of the said Nation of Indians, in Council assembled, on the part and in behalf of the said Nation; which Treaty is in the words following, to wit:

Articles of a Treaty entered into at the Indian Spring, in the Creek Nation, by Daniel M. Forney, of the State of North Carolina, and David Meriwether, of the State of Georgia, specially appointed for that purpose, on the part of The United States; and the Chiefs, Head Men, and Warriors, of the Creek Nation, in Council assembled.

ART. I. The Chiefs, Head Men, and Warriors, of the Creek Nation, in behalf of the said Nation, do, by these presents, cede to The United States all that tract or parcel of land, situate, lying, and being, east of the following bounds and limits, viz: beginning on the east bank of Flint River, where Jackson's line crosses, running thence, up the eastern bank of the same, along the water's edge, to the head of the principal western branch; from thence, the nearest and a direct line to the Chatahooche River up the eastern bank of the said river, along the water's edge to the Shallow Ford, where the present Boundary Line between the State of Georgia and the Creek Nation touches the said

river: provided, however, that if the said line should strike the Chatahooche River below the Creek Village Buzzard-Roost, there shall be a set-off made, so as to leave the said Village 1 mile within the Creek Nation; excepting and reserving to the Creek Nation the title and possession, in the manner and form specified, to all the land hereafter excepted, viz: 1000 acres to be laid off in a square, so as to include the Indian Spring in the centre thereof; as also, 640 acres on the western bank of the Oakmulgee River, so as to include the improvements at present in the possession of the Indian Chief General M'Intosh.

II. It is hereby stipulated by the Contracting Parties, that the title and possession of the following tracts of land shall continue in the Creek Nation, so long as the present occupants shall remain in the personal possession thereof, viz: 1 mile square each, to include, as near as may be in the centre thereof, the improvements of Michey Barnard, James Barnard, Buckey Barnard, Cussena Barnard, and Efau Emathlaw, on the east side of Flint River; which reservations shall constitute a part of the Cession made by the Ist Article, so soon as they shall be abandoned by the present occupants.

III. It is hereby stipulated by the Contracting Parties, that, so long as The United States continue the Creek Agency at its present situation on Flint River, the land included within the following Boundary, viz: beginning on the east bank of Flint River, at the mouth of the Boggy branch, and running out at right angles, from the river 1½ mile; thence up and parallel with the river 3 miles; thence parallel with the 1st line to the river; and thence down the river to the place of beginning; shall be reserved to the Creek Nation for the use of The United States Agency, and shall constitute a part of the Cession made by the Ist Article, whenever the Agency shall be removed.

IV. It is hereby stipulated and agreed, on the part of The United States, as a consideration for the land ceded by the Creek Nation by the Ist Article, that there shall be paid to the Creek Nation by The United States 10,000 dollars in hand, the receipt whereof is hereby acknowledged; 40,000 dollars, as soon as practicable after the Ratification of this Convention; 5,000 dollars annually, for 2 years thereafter; 16,000 dollars, annually, for 5 years thereafter; and 10,000 dollars, annually, for 6 years thereafter; making in the whole, 14 payments in 14 successive years, without interest, in money or goods and implements of husbandry, at the option of the Creek Nation, seasonably signified, from time to time, through the Agent of The United States residing with the said Nation, to the Department of War. And, as a further consideration for said Cession, The United States do hereby agree to pay to the State of Georgia whatever balance may be found due by the Creek Nation to the Citizens of said State, whenever the same shall be ascertained, in conformity with the reference made by

the Commissioners of Georgia, and the Chiefs, Head Men, and Warriors, of the Creek Nation, to be paid in 5 annual instalments, without interest, provided the same shall not exceed the sum of 250,000 dollars; the Commissioners of Georgia executing to the Creek Nation a full and final relinquishment of all the Claims of the Citizens of Georgia against the Creek Nation, for property taken or destroyed prior to the Act of Congress of 1802, regulating the intercourse with the Indian Tribes.

V. The President of The United States shall cause the line to be run from the head of Flint River to Chatahooche River, and the reservations made to the Creek Nation, to be laid off in the manner specified in the Ist, IId, and IIId Articles of this Treaty, at such time and in such manner as he may deem proper, giving timely notice to the Creek Nation; and this Convention shall be obligatory on the Contracting Parties, as soon as the same shall have been ratified by the Government of The United States.

Done at the Indian Spring, this 8th day of January, 1821.

D. M. FORNEY.
D. MERIWETHER.
J. MARSHALL. WM. M'INTOSH.

[Marks of 24 Indians.]

In presence of:
I. M'INTOSH,
DAVID ADAMS,
DANIEL NEWMAN, } *Commissioners of Georgia.*
D. B. MITCHELL, *Agent for I. A.*
WILLIAM MERIWETHER, *Sec'y, U. S. C.*
WILLIAM COOK, *Secretary, C. G.*
WM. HAMBLY,
SL. HAWKINS,
GEORGE LOVETT, } *Interpreters.*

Articles of Agreement, entered into between the Undersigned Commissioners, appointed by the Governor of the State of Georgia, for and on behalf of the Citizens of the said State, and the Chiefs, Head Men, and Warriors, of the Creek Nation of Indians.—8th January 1821.

WHEREAS, at a Conference opened and held at the Indian Spring, in the Creek Nation, the Citizens of Georgia, by the aforesaid Commissioners, have represented that they have claims to a large amount against the said Creek Nation of Indians: Now, in order to adjust and bring the same to a speedy and final settlement, it is hereby agreed by the aforesaid Commissioners, and the Chiefs, Head Men, and Warriors, of the said Nation, that all the talks had upon the subject of these claims at this place, together with all claims on either side, of whatever nature or kind, prior to the Act of Congress of 1802, regulating the

intercourse with the Indian Tribes, with the Documents in support of them, shall be referred to the decision of the President of The United States, by him to be decided upon, adjusted, liquidated, and settled, in such manner, and under such rules, regulations, and restrictions, as he shall prescribe: Provided, however, if it should meet the views of the President of The United States, it is the wish of the Contracting Parties, that the liquidation and settlement of the aforesaid claims shall be made in the State of Georgia, at such place as he may deem most convenient for the parties interested, and the decision and award, thus made and rendered, shall be binding and obligatory upon the Contracting Parties.

In witness whereof, we have hereunto set our hands and seals, this 8th day of January, 1821.

J. M'INTOSH.

Present:
D. M. FORNEY.
D. MERIWETHER.

DAVID ADAMS.
DANIEL NEWMAN.
WILLIAM M'INTOSH.
TUSTUNNUGEE HOPOIE his ⋊ mark.
EFAU EMAUTHLAU his ⋊ mark.

Whereas a Treaty or Convention has this day been made and entered into, by and between The United States and the Creek Nation, by the provisions of which The United States have agreed to pay, and the Commissioners of the State of Georgia have agreed to accept, for and on behalf of the Citizens of the State of Georgia, having claims against the Creek Nation, prior to the year 1802, the sum of 250,000 dollars:

Now, know all Men by these presents, that we the Undersigned, Commissioners of the State of Georgia, for, and in consideration of, the aforesaid sum of 250,000 dollars, secured by the said Treaty or Convention to be paid to the State of Georgia, for the discharge of all bona fide and liquidated claims, which the Citizens of the said State may establish against the Creek Nation, do, by these presents, release, exonerate, and discharge, the said Creek Nation from all and every claim and claims, of whatever description, nature, or kind, the same may be, which the Citizens of Georgia now have, or may have had, prior to the year 1802, against the said Nation. And we do hereby assign, transfer, and set over, unto The United States, for the use and benefit of the said Creek Nation, for the consideration hereinbefore expressed, all the right, title, and interest, of the Citizens of the said State, to all claims, debts, damages, and property, of every description and denomination, which the Citizens of the said State have, or had, prior to the year 1802, as aforesaid, against the said Creek Nation.

In witness whereof we have hereunto affixed our Hands and Seals, at the Mineral Spring, in the said Creek Nation, this 8th day of January, 1821.

J. M'INTOSH.
DAVID ADAMS.
DANIEL NEWMAN.

Present:
D. M. FORNEY.
D. MERIWETHER.
D. B. MITCHELL, *Agent for Indian Affairs.*

Now, therefore, be it known, that I, James Monroe, President of 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 2d day of March, in the year 1821; and of the Independence of The United States the 45th.

JAMES MONROE.

By the President:
JOHN QUINCY ADAMS, *Secretary of State.*

LETTER from the Secretary of the Treasury to Congress, transmitting Statements of goods, wares, and merchandize, exported from The United States to Foreign Countries, during the Year ending 30th September, 1820.—*28th December*, 1820.

SIR, *Treasury Department, 28th December*, 1820.

I HAVE the honour to transmit, herewith, a Statement of Goods, Wares, and Merchandize, exported from The United States to Foreign Countries, during the Year ending the 30th September, 1820.

I have the honour to be, &c.

WM. H. CRAWFORD.

The Honourable 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 1820.

WHITHER EXPORTED.	Domestic Produce.	Foreign Produce.	Total Value to the Dominions of each Power
Russia	159,851	1,222,470	1,382,321
Prussia	4,839	- -	4,839
Sweden	85,878	11,354	
Swedish West Indies	450.015	99,619	646,866
Denmark and Norway	83,560	154,694	
Danish West Indies	1,589,519	641,865	2,469,638
Holland	3,950,102	2,949,929	
Dutch West Indies and American Colonies	431,600	120,638	
Dutch East Indies	56,104	179,963	7,688,336
England, Man, and Berwick	20,327,475	293,719	
Scotland	1,794,741	16,830	
Ireland	1,143,406	7,387	
Gibraltar	809,043	710,649	
British East Indies	5,740	10,630	
British West Indies	877,415	11,079	
British American Colonies	2,885,801	- -	28,893,915
The Hanse Towns and Ports of Germany	1,714,196	877,079	2,591,275
French European Ports on the Atlantic	5,180,266	1,494,932	
French European Ports on the Mediterranean	281,623	639,922	
French West Indies and American Colonies	- -	21,037	
French East Indies	1,265,939	227,496	9,111,215
Spanish European Ports on the Atlantic	249,468	68,408	
Spanish European Ports on the Mediterranean	30,785	49,918	
Teneriffe and the other Canaries	76,638	61,637	
Manilla and the Phillipine Islands	992	7,914	
Floridas	107,924	24,207	
Honduras, Campeachy, and Musquito Shore	82,092	94,959	
Spanish West Indies and American Colonies	3,439,365	2,545,717	6,840,024
Portugal	83,031	- -	
Madeira	223,928	7,773	
Fayal and the other Azores	29,697	2,613	
Cape de Verd Islands	33,905	42,880	
Other African Ports	9,158	270	
Coast of Brazil and the other American Colonies	667,501	224,995	1,325,751
Hayti	525,921	118,437	644,358
South America	113,746	127,447	241,193
Italy and Malta	77,117	1,134,073	1,211,190
Trieste and other Austrian Ports in the Adriatic	30,788	556,794	587,582
Turkey, Levant, Egypt, Mocha, and Aden	31,369	661,817	693,186
China	231,932	1,247,769	1,479,701
Asia, generally	51,485	11,942	63,427
West Indies, generally	2,011,135	497,821	2,508,956
Europe, generally	379,694	585,330	965,024
Africa, generally	40,054	36,855	76,909
South Seas	17,544	9,417	26,961
Northwest Coast of America	41,068	193,363	234,431
Morocco and Barbary States	190	4,381	4,571
Total, Dollars	51,683,640	18,008,029	69,691,669

Summary of the value of Exports from each State, during the Year ending 30th September, 1820.

STATES.	DOMESTIC.	FOREIGN.	TOTAL.
	Dollars.	Dollars.	Dollars.
Maine - - -	1,082,568	25,463	1,108,031
New Hampshire - -	223,082	17,718	240,800
Vermont - - -	395,869	- -	395,869
Massachusets - -	3,861,435	7,147,487	11,008,922
Rhode Island - -	569,902	502,860	1,072,762
Connecticut - -	415,830	6,101	421,931
New York - - -	8,250,675	4,912,569	13,163,244
New Jersey - - -	20,531	- -	20,531
Pennsylvania - -	2,948,879	2,794,670	5,743,549
Delaware - - -	89,493	- -	89,493
Maryland - - -	4,681,598	1,927,766	6,609,364
*District of Colombia -	1,156,468	48,447	1,204,915
Virginia - - -	4,549,137	8,820	4,557,957
North Carolina - -	807,944	375	808,319
South Carolina - -	8,690,539	192,401	8,882,940
Georgia - - -	6,525,013	69,610	6,594,623
Ohio - - - -	2,218	- -	2,218
Louisiana - - -	7,242,415	353,742	7,596,157
Mississippi - - -	96,636	- -	96,636
Michigan Territory -	73,408	- -	73,408
Total, Dollars -	51,683,640	18,008,029	69,691,669
*Georgetown - -	457,724	31,400	489,124
Alexandria - - -	698,744	17,047	715,791
Total, Dollars -	1,156,468	48,447	1,204,915

Summary Statement of the value of the Exports of the Growth, Produce, and Manufacture of The United States, during the year ending on the 30th September, 1820.

THE SEA. 2,251,000	Dollars.	Dollars.	Dollars.
Fisheries:			
Dried fish, or cod fishery - -	-	964,000	
Pickled fish, or river fishery, (herring, shad, salmon, mackerel).....		538,000	
Whale (common) oil and bone.....	636,000		
Spermaceti oil and candles	113,000		
		749,000	
THE FOREST. 5,304,000			2,251,000
Skins and furs.....	-	575,000	
Ginseng.....	-	174,000	
Product of Wood			
Lumber, (boards, staves, shingles, hoops, and poles, hewn timber, &c).....	3,203,000		
Oak bark and other dye	108,000		
Naval stores (tar, pitch, rosin, turpentine)	292,000		
Ashes, pot and pearl.....	952,000		
		4,555,000	5,304,000
AGRICULTURE. - 41,485,000			
Product of animals:			
Beef, tallow, hides, live cattle.....	858,000		
Butter and cheese.....	302,000	1,160,000	
Pork (pickled) bacon, lard, live hogs....	1,179,000		
Horses and mules.....	85,000		
Sheep.....	23,000		
		1,287,000	
Vegetable food:			
Wheat flour and biscuit.....	-	5,564,000	
Indian corn and meal.....	-	843,000	
Rice.....	-	1,715,000	
All other (rye, oats, pulse, potatoes, &c.)	-	279,000	10,848,000
Tobacco.....	-	-	7,969,000
*Cotton.....	-	-	22,309,000
All other agricultural products:			
Flaxseed.....	-	276,000	
Hops.....	-	13,000	
Wax.....	-	62,000	
Various items (poultry, maple sugar, &c.)	-	8,000	
			359,000
MANUFACTURES. 2,019,000			
Domestic materials:			
Soap and tallow candles.....	585,000		
Leather, boots, shoes, sadlery	212,000		
Hats.....	24,000		
Grain, spirits, beer, starch.....	85,000		
Wood, (including coaches and other carriages).....	337,000		
Cordage.....	54,000		
Iron.....	57,000		
Various items (snuff, tobacco, lead, linseed oil, &c).....	262,000		
		1,616,000	
Foreign materials:			
Spirits from molasses.....	207,000		
Sugar refined.....	4,000		
Chocolate.....	1,000		
Gunpowder.....	130,000		
Brass and Copper.....	19,000		
Medicinal Drugs.....	42,000		
		403,000	2,019,000
UNCERTAIN. 625,000			
Articles not distinguished in Returns:			
Manufactured.....	-	324,000	
Raw produce.....	-	301,000	
			625,000
Total, Dollars -	-	-	51,684,000

* Sea Island, valued at 32 cents per lb.—Upland ditto, at 16 do.

Statement of the Duties collected on the Importations of Articles which were afterwards re-exported, without being entitled to drawback.

SPECIES OF MERCHANDISE.	Amount of Duty.
Goods paying duties ad valorem at 7½ per cent.	1,181 77
15 do	36,823 80
20 do	15,900 40
25 do	30,274 50
30 do	7,081 20
Wines, Madeira	1,023
Burgundy, Champaign, &c.	21
Claret, in Bottles or Cases	748 50
Lisbon, Oporto, &c.	45 50
Teneriffe, Fayal, &c.	160 80
all other	2,512 80
Spirits from Grain	4,153 61
Other Materials	5,999 56
Molasses	568 05
Beer, Ale, and Porter, in Bottles	308 25
Oil, Foreign Fishing, Whale and other Fish	8,682 65
Olive	11 50
Duck, Russia	912
Ravens	42 50
Russia Sheetings, brown	777 00
white	75
Teas, Souchong	716
Imperial, Gunpowder, &c.	275
Hyson and Young Hyson	886 80
Hyson Skin and other Green	56
Coffee	29,831 99
Cocoa	570 06
Sugar, Brown	98,055 60
White, Clayed, &c.	19,847 36
Almonds	100 68
Fruits, Currants	5 25
Prunes and Plumbs	57 27
Figs	43 65
Raisins, in Jars or Boxes	579 45
all other	131 14
Cheese	99
Soap	98 15
Spices, Nutmegs	47
Cinnamon	464 75
Cloves	43 75
Spices, Pepper	94,484 16
Pimento	110 82
Cassia	173 70
Snuff	86
Indigo	1,999 80
Cotton	832 86
Gunpowder	196 92
Paints, Ochre, Dry	172 88
White and Red Lead	121 32
Lead, Manufactures of	14 15
Cordage, Cables and Tarred	44 22
Untarred and Yarn	12
Twine, Packthread, and Seines	12 08
Copper and Composition, Nails and Spikes	40
Iron, Nails	417 04
In Bars or Bolts, Rolled	75
Hammered	45
Castings	5 25
Sheet, Rod and Hoop	16,827 60
Steel	207
Salt	100 20
Coal	88 20
Fish, Pickled, Salmon	8
Glass, black quart Bottles	131 04
Window, 8 by 10 inches	75
10 by 12	46 75
Boots	18
Shoes, Leather, for Men &c.	32
Cigars	307 50
Cards, playing	12
Total Dollars	380,290 08

Treasury Department, Register's Office, December 27th, 1820.

JOSEPH NOURSE, *Register.*

(A).—General Statement of Tonnage Accounts, shewing the Increase of Tonnage from December 31, 1818, to December 31, 1819, inclusive.

Dr.

	Register'd Tonnage	Enroll'd Tonnage	Licens'd Tonnage	Aggregate Tonnage
	Tons.	Tons.	Tons.	Tons.
To balance, as appears by general statement of tonnage, on Dec. 31, 1819...	612,930	589,287	58,533	1,260,751
Amount of tonnage sold to Foreigners, as per Collectors' returns for 1819.....	11,364	—	—	11,364
Amount of tonnage lost at sea, as per Collectors' returns for 1819.....	18,743	5,421	—	24,164
Amount of tonnage condemned as unseaworthy, per Collectors' returns for 1819	10,105	2,924	—	13,029
To this difference, which it is presumed arose from the transfer of enrolled to the account of registered tonnage....	—	2,653	—	2,653
	653,143	600,287	58,533	1,311,964

Cr.

	Register'd Tonnage	Enroll'd Tonnage	Licens'd Tonnage	Aggregate Tonnage
	Tons.	Tons.	Tons.	Tons.
By Balance, as per statement rendered for the year 1818.....	606,088	562,306	56,788	1,225,184
By amount of registered and enrolled tonnage, built during the year 1819..	41,837	37,980	—	79,817
By this difference, which arose from the transfers of enrolled Vessels to the account of registered tonnage, and from corrections made at this office.. ...	5,217	—	—	5,217
By this difference, being an increase in the licensed tonnage under 20 tons..	—	—	1,744	1,744
	653,143	600,287	58,533	1,311,964

NOTE.—*The increase of the Registered Tonnage for the year* 1819, *is shewn as follows:*

	Registered Vessels.				Register'd Tonnage
	Ships.	Brigs.	Schrs.	Sloops.	Tons.
There were built during the year 1819.....	52	70	96	12	41,837
There were sold to Foreigners, per Collectors' returns for the year 1819.....	4	16	59	7	11,364
There were lost at sea, per ditto	23	45	40	8	18,743
There were condemned as unseaworthy, per ditto.....	14	25	8	--	10,105
The difference in favour of new registered Vessels is.....	—	—	—	—	1,624
	41	86	107	15	41,837
The difference in the enrolled tonnage above, brought down					2,653
The real and nominal increase appears to be.....					35,567
					38,220

NOTE.—*The increase of the Enrolled Tonnage for the year* 1819, *is shewn as follows:*

	Registered Vessels.				Register'd Tonnage
	Ships.	Brigs.	Schrs.	Sloops.	Tons.
There were built during the year 1819.....	1	12	377	230	37,980
There were sold to Foreigners, per Collectors' returns for the year 1819.....	—	—	—	—	—
There were lost at sea, per ditto	—	6	42	31	5,421
There were condemned as unseaworthy, per ditto	1	2	14	26	2,924
The difference in favour of new enrolled Vessels is.....	—	4	321	173	29,634
	1	12	377	230	37,980
The difference in favour of new Registered Vessels, brought over					1,624
do. in favour of new enrolled Vessels, brought down..					29,634
do. in the registered tonnage above, do.					5,217
do. in the licensed tonnage under 20 tons do.					1,744
					38,220

Recapitulation of the Tonnage of The United States, for the Year 1819.

			Tons.	95ths.
The aggregate amount of the Tonnage of The United States on the 31st December, 1819, is stated at ...			1,260,751	61
Whereof,				
Permanent registered tonnage	540,841	08		
Temporary do. do.	72,089	36		
Total registered tonnage			612,930	44
Permanent enrolled and licensed tonnage	570,416	08		
Temporary do. do.	18,871	44		
Total enrolled and licensed tonnage			*589,287	52
Licensed Vessels under 20 tons employed in the Coasting Trade...	47,502	26		
Cod Fishery	11,031	34		
Total licensed tonnage under 20 tons			58,533	60
As above			1,260,751	61

* Of the enrolled and licensed tonnage there was employed, in

the Coasting Trade.....	523,556	20	
Whale Fishery.....	686	35	
Cod Fishery.....	65,044	92	
As above.....			589,287 52

Treasury Department, Register's Office, 27th December 1820.

JOSEPH NOURSE, *Register.*

***LETTER from the Secretary of the Treasury, transmitting two Statements of Goods, Wares, and Merchandize, imported into The United States in American and Foreign Vessels; between the* 1st *October*, 1818, *and the* 30th *September*, 1819. 22d *January* 1821.**

SIR, *Treasury Department, 22d January*, 1821.

IN conformity with a Resolution of the House of Representatives, of May 29th, 1798, I have the honour to transmit, herewith, two Statements of Goods, Wares, and Merchandize, in American and Foreign Vessels; together with an aggregate view of both; from the 1st of October, 1818, to 30th September, 1819. I have, &c.

WM. H. CRAWFORD.

The Hon. The Speaker of the House of Representatives.

(1.) ***GENERAL Statement of Goods, Wares, and Merchandise, imported into The United States in AMERICAN Vessels, commencing the 1st day of October 1818, and ending the 30th day of September, 1819.***

	Value of Merchandise paying Duties ad valorem				
	At 7½ per cent.	At 15 per cent.	At 20 per cent.	At 25 per cent.	At 30 per cent.
Importations from Europe.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.
Russia	26	120,153	9,903	67	3,424
Sweden	-	12,182	264	863	41
Denmark and Norway	-	-	-	-	-
Holland	100,381	393,000	141,477	36,413	24,418
England, Man, and Berwick	830,972	5,481,547	5,681,311	15,175,591	958,194
Scotland	1,061	252,142	36,424	1,074,486	7,143
Ireland	242	819,063	15,829	21,723	10,841
Guernsey, Jersey, &c.	-	-	-	-	-
Gibraltar	3,580	74,395	2,719	4,908	5,244
Hamburg, Bremen, &c.	247,576	86 ,643	47,828	65,914	22,435
French European Ports on the Atlantic	481,483	2,413,550	20,827	273,297	525,540
Do.....do.....Mediterranean	2,378	689,907	2,528	1,215	39,020
Spanish....do.....Atlantic	12	82,315	2,630	189	2,468
Do....do.....Mediterranean	3,256	14,490	66	28	10,658
Portugal	4,760	25,574	653	2,497	10,254
Fayal, and the other Azores	540	12,985	4,319	3,043	3,534
Italy	54,729	221,021	5,567	2,127	229,370
Trieste, and other Austrian Ports on the Adriatic	13,259	42,470	4,057	95	11,076
Total...	1,744,255	10,903,437	6,276,402	16,662,456	1,863,660
Importations from Asia and Africa.					
ASIA.					
Dutch East Indies	-	25,142	119	42	1,063
British do	221,599	736,453	4,813	2,811,852	10,444
French do	-	-	-	-	-
Manilla and Phillippine Islands	794	16,386	47	145	2,361
Turkey, Levant, &c.	2,174	54,947	-	13,521	6,279
China	5,791	4,993,650	84,713	1,015,918	35,766
Asia, generally	290	10,904	242	37	4
AFRICA.					
Bourbon and Mauritius	-	925	-	-	-
Teneriffe and the other Canaries	-	2,236	349	-	61
Madeira	-	7,749	246	-	673
Cape de Verd Islands	8	3,322	36	-	570
Morocco and Barbary States	222	2,274	-	-	-
Africa, generally	28	48,859	220	1,575	171
Total...	230,906	5,902,847	90,785	3,843,090	57,392
Importations from West Indies, American Colonies, &c.					
Swedish West Indies	1,044	3,580	167	1,117	2,611
Danish do	3,271	41,003	2,984	22,141	12,590
Dutch do	1,652	15,129	3,300	1,422	1,744
British do	3,867	32,339	976	724	1,626
Do American Colonies	9,859	56,919	14,353	13,651	3,678
French West Indies	3,049	35,446	751	1,961	4,028
Floridas	31	4,706	293	1,389	424
Honduras, Campeachy, &c.	26,110	28,915	75	35,555	1,228
Spanish West Indies	15,129	176,148	4,480	23,438	30,676
Newfoundland, &c.	-	-	-	-	-
Coast of Brazil	4,731	14,508	859	440	56,673
Hayti	775	47,917	4,003	31,895	18,399
Uncertain Ports, Places, &c.	-	692	1,078	23	31,619
Total,..	69,518	457,302	33,319	133,756	165,296

(2.) *General Statement of Goods, Wares, and Merchandize, imported into The United States in FOREIGN Vessels, commencing the 1st day of October,* 1818, *and ending the 30th day of September,* 1819.

	Value of Merchandize paying duties ad valorem.				
	At 7½ per cent.	At 15 per cent.	At 20 per cent.	At 25 per cent.	At 30 per cent.
Importations from Europe.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.
Russia	—	17	—	—	29
Sweden	—	911	501	2	224
Denmark and Norway	—	20	—	—	13
Holland	10,668	27,967	10,354	686	2,054
England, Man, and Berwick	35,862	479,096	828,723	970,532	178,136
Scotland	1,701	293,933	178,345	327,109	8,435
Ireland	—	260,958	14,323	16,747	13,314
Gibraltar	—	449	—	—	165
Hamburg, Bremen, &c.	81,600	544,111	106,589	10,534	21,208
French European Ports on the Atlantic	86,673	291,234	74,253	92,050	134,809
do. do. Mediterranean.	2,610	7,890	1,623	1,053	12,679
Spanish do. Atlantic	—	—	—	—	—
Portugal	—	—	—	—	—
Fayal, and the other Azores.	—	1,331	—	—	13
Italy	5,586	12,456	—	1,345	44,708
TOTAL	224,700	1,920,373	1,214,711	1,420,058	415,787
Importations from West Indies, American Colonies, &c.					
Swedish West Indies	—	14 2	7	—	15
Danish do.	—	2,305	7	473	1,348
Dutch do.	—	620	—	—	57
British do.	—	5,130	219	—	1,005
do. American Colonies	3,095	9,847	6,657	12,946	3,030
French West Indies	1,037	9,204	3,864	3,956	10,600
Floridas	4	652	136	684	44
Honduras, Campeachy, &c.	8,456	2,182	—	62	1,194
Spanish West Indies, &c.	415	11,665	3	7,308	1,324
Coast of Brazil	—	1,292	3	—	29
Hayti	—	8,056	827	133	181
Uncertain Ports, Places, &c.	48,046	4,365	2,019	5,703	768
TOTAL	61,053	55,460	13,742	31,265	19,595

Importations from Asia and Africa, in Foreign Vessels.

FROM.	Value of merchandize paying duties ad valorem.			Wines.	Spirits from other materials than grain	Beer, &c. in Bottles.	Brown Sugar.	Manufactured Tobacco, other than snuff, &c.	Indigo.
	At 7½ per cent.	At 15 per cent.	At 20 per cent.	Sherry and St. Lucar.					
ASIA.	Dolls.	Dolls.	Dolls.	Galls.	Galls.	Galls.	Lbs.	Lbs.	Lbs.
British East Indies..	19,646	8,751	546	1.277	-	-	88,301	14	230
AFRICA.									
Madeira.....	-	74	-	-	3,215	625	37,316	-	-
Total....	19,646	8,825	546	1,277	3,215	625	125,617	14	230

(3.) *General Aggregate of Importations from each Nation and its Dependencies, in American and Foreign Vessels, commencing on the* 1*st day of October,* 1818, *and ending the* 30*th day of September* 1819.

FROM.	Value of Merchandize paying duties ad valorem.				
	At 7½ per cent.	At 15 per cent.	At 20 per cent.	At 25 per cent.	At 30 per cent.
	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.
Russia.....	26	120,170	9,903	67	3,453
Sweden and Dependencies....	1,044	16,815	939	1,982	2,891
Denmark do.....	3,271	43,328	2,991	22,614	13,951
Holland do.....	112,701	461,858	155,250	38,563	29,336
Great Britain do.....	1,131,484	8,511,022	6,785,238	20,430,269	1,201,255
Hamburg, Bremen, the other Hanse Towns, &c.....	329,176	1,407,754	254,417	76,448	43,636
France and Dependencies.....	577,230	2,323,156	303,846	373,532	726,676
Spain do.....	54,207	339,695	8,079	68,794	50,438
Portugal do.....	10,039	66,835	6,116	5,980	71,746
Italy.....	60,315	233,477	5,567	3,472	274,078
Turkey, Levant, and Egypt....	2,174	54,947	—	13,521	6,279
China.....	5,791	4,993,650	84,713	1,015,918	35,766
All other Countries.....	62,620	165,437	12,446	39,461	62,218
Total....	2,350,078	19,248,144	7,629,505	22,090,621	2,521,723

PAPERS relative to the Change of Government at Naples, and to the Proceedings of the Allied Sovereigns of Austria, Prussia, and Russia, at Troppau, Laybach, &c.—1820, 1821.

LIST OF PAPERS.

No.			1820.	Page.
1.	Proclamation of the King of Sicily	Naples,	7th July	1129
2.	Circular of the Austrian Government to the different Courts of Germany	Vienna,	25th July	1130
3.	Message of the King of Sicily, on the Opening of the National Parliament	Naples,	1st Oct.	1131
4.	The Sicilian Minister for Foreign Affairs to the Austrian Government	Naples,	1st Oct.	1135
5.	Report of the Sicilian Minister for Foreign Affairs to the National Parliament	Naples,	Oct.	1141
6.	The Emperors of Austria and Russia, and The King of Prussia, to the King of Sicily	Troppau,	20th Nov.	1147
7.	The King of France to the King of Sicily	Paris,	3rd Dec.	1148
8.	Circular to the Austrian, Prussian, and Russian Missions at Foreign Courts	Troppau,	8th Dec.	1149
9.	Message of the King of Sicily to the National Parliament	Naples,	7th Dec.	1151
10.	Address of the National Parliament to the King	Naples,	8th Dec.	1153
11	Message of the King to the National Parliament	Naples,	8th Dec.	1155
12.	Address of the National Parliament to the King	Naples,	9th Dec.	1156
13.	Message of the King to the National Parliament	Naples,	10th Dec.	1157
14.	The King of Sicily to the Emperors of Austria and Russia, and The King of Prussia	Naples,	11th Dec.	1158
15.	Address of the National Parliament to the King of Sicily	Naples,	12th Dec.	1158
16.	Reply of the King of Sicily to the Address of the National Parliament	Naples,	12th Dec.	1159
17.	Message of the King to the National Parliament	Naples,	13th Dec.	1159
18.	Viscount Castlereagh to the British Ministers at Foreign Courts	London,	1821. 19th Jan.	1160
19.	The King of Sicily to the Prince Regent	Laybach,	28th Jan.	1162
20.	Speech of the Prince Regent, on the Closing of the National Parliament	Naples,	31st Jan.	1164
21.	Circulars to the Austrian, Prussian, and Russian Ministers at Naples	Laybach,	31st Jan.	1165
22.	Note Verbale of the French Chargé d'Affaires	Naples,	9th Feb.	1172
23.	The Sicilian Minister for Foreign Affairs to the British Envoy	Naples,	10th Feb.	1172
24.	The British Envoy to the Sicilian Minister for Foreign Affairs	Naples,	11th Feb.	1173
25.	The French Chargé d'Affaires to the Sicilian Minister for Foreign Affairs	Naples,	12th Feb.	1173
26.	Speech of the Prince Regent, on the Opening of the National Parliament	Naples,	13th Feb.	1174
27.	Declaration of the Austrian Government	Vienna,	13th Feb.	1175
28.	Report of the Sicilian Minister for Foreign Affairs to the Prince Regent	Naples,	15th Feb.	1181
29.	Address of the National Parliament to the Prince Regent	Naples,	15th Feb.	1185
30.	Manifesto of the Sicilian Government	Naples,	17th Feb.	1187

No.			1821.	Page.
31.	Proclamation of the King of Sicily	Laybach,	23rd Feb.	1190
32.	Proclamation, &c. of the Austrian General Frimont to the Neapolitans	Foligno,	27th Feb.	1192
33.	Message of the Prince Regent of Sicily, on the Closing of the National Parliament	Naples,	28th Feb.	1193
34.	Speech of the Prince Regent, on the Opening of the National Parliament	Naples,	1st March	1194
35.	Convention of Armistice between the Austrian and Sicilian Armies	Capua,	20th Mar.	1194
36.	Convention for the Occupation of Naples by the Austrian Troops	Aversa,	23rd Mar.	1195
37.	Circular to the Russian Ministers at Foreign Courts	Laybach,	28th April 10th May	1196
38.	Declaration of the Allied Sovereigns, on the breaking up of the Conferences	Laybach,	12th May	1199
39.	Circular of the Allied Sovereigns to their Ministers at Foreign Courts	Laybach,	12th May	1201
40.	Proclamation of the King of Sicily	Naples,	15th May	1205

No. 1.—*Proclamation of The King of Sicily, relative to the nomination of the Prince Regent as his Vicar-General and Alter-Ego, and the adoption of the Spanish Constitution.—Naples, 7th July,* 1820.

(Traduction.)

FERDINAND I. par la grâce de Dieu, &c.

Ayant conféré, à notre bien-aimé Fils toutes les facultés nécessaires pour pourvoir au Gouvernement de notre Royaume, en le déclarant notre Vicaire-Général, avec l'Alter-ego, il a déjà posé les bases de la Constitution que nous avons promise, en prenant pour règle celle qui, rédigée et adoptée pour le Royaume d'Espagne en 1812, a été sanctionnée par Sa Majesté Catholique au mois de Mars de cette année, sauf les modifications que la Représentation Nationale constitutionnellement convoquée, croira convenable de proposer pour l'adapter aux circonstances particulières de nos Etats. Nous confirmons cet Acte de notre Fils bien-aimé, et promettons sur notre foi et parole royale, d'observer la Constitution, en nous réservant de la jurer d'une manière solennelle, d'abord devant la Junte Provisoire, qui, à l'instar de celle qui fut établie en Espagne, sera nommée par notre bien-aimé Fils et Vicaire-Général, ensuite devant le Parlement Général, aussitôt qu'il sera légalement convoqué. Nous ratifions, en outre, dès à présent, tous les Actes subséquens qui seront faits par notre Fils bien-aimé, pour l'exécution de la Constitution, et ensuite des facultés et des pleins-pouvoirs que nous lui avons confiés. Nous déclarons que tout ce qu'il fera sera regardé par nous comme fait par nous-même et à notre escient.

FERDINAND.

No. 2.—Circular of the Austrian Government to the different Courts of Germany.

(Confidentielle.) *Vienne, le 25 Juillet*, 1820.

Les derniers événemens qui se sont passés dans le Royaume de Naples, ont prouvé avec plus de force et d'évidence qu'aucun autre fait antérieur de ce genre, que même dans un État administré avec régularité et sagesse chez un peuple tranquille, tempérant et content de son Gouvernement, le venin des sectes révolutionnaires peut produire les secousses les plus violentes, et amener une prompte catastrophe; car il est complétement prouvé, que ce sont les menées des Carbonari qui, seuls, sans choc extérieur, sans prétexte, même apparent, ont excité ces mouvemens séditieux qui ont déterminé dans un moment d'angoisse et de détresse Sa Majesté le Roi de Naples à abdiquer le Gouvernement, à dissoudre toutes les autorités existantes, et à proclamer une Constitution Etrangère à son Pays, qui n'a même pas encore été approuvée dans celui où elle a pris naissance, ou en d'autres termes d'ériger l'anarchie en Loi. L'Empereur est convaincu que cet événement inattendu aura fait la plus vive impression sur toutes les Cours d'Allemagne. Il apprend par un exemple remarquable combien il est dangereux de voir d'un oeil indifférent l'activité des associations secrètes et les conspirations qu'elles ourdissent dans les ténèbres, et combien les Princes d'Allemagne ont fait sagement d'employer la vigilance et la sévérité contre les premiers symptomes de ces coupables tentatives.

Les interêts de Sa Majesté l'Empereur sont particulièrement compromis dans ces malheureux évènemens, à raison de ses rapports politiques et personnels, de sa proche parenté avec plusieurs maisons princières d'Italie, et de la situation géographique de ses propres Pays. L'état de choses politiques établi en 1815, sous la garantie de toutes les Puissances de l'Europe, appeloit l'Empereur à être le gardien naturel et le protecteur de la tranquillité publique en Italie. L'Empereur est fermement résolu à remplir cet important devoir, à éloigner de ses frontières et de celles de ses voisins tous les mouvemens tendant à troubler l'ordre, à ne souffrir aucun empiétement sur les droits et les rapports assurés aux Princes d'Italie par les Traités; et, si les mesures légales et administratives ne suffisent pas, à prendre les moyens les plus efficaces pour leur assurer une protection suffisante.

Heureusement la situation actuelle des Puissances de l'Europe, et l'esprit de paix, dont elles sont toutes animées, sont garants que ces mesures ne conduiront pas à des hostilités politiques ni à des guerres entre les Etats. Si la force, à laquelle Sa Majesté, d'après son équité et sa bonté généralement reconnues, n'auroit recours qu'à la dernière extrémité, devenoit absolument nécessaire, jamais on ne l'employeroit contre une puissance légitime, mais seulement contre les Rebelles armés.

Même dans ce cas, que l'Empereur ne suppose possible qu'avec beaucoup de peine, Sa Majesté ne reclameroit pas le secours immédiat

et l'accession de ses Confédérés d'Allemagne. Des mesures nécessaires pour le maintien de la paix et de l'ordre en Italie sont entièrement hors des limites de la sphère déterminée pour la co-opération de la Confédération Germanique, et loin de vouloir s'écarter des principes posés en commun à cet égard, Sa Majesté est prête au contraire à tous les efforts et à tous les sacrifices pour écarter le plus efficacement possible des frontières du Territoire de la Confédération le cas de cette co-opération, et tout danger qui pourroit y donner lieu. Mais en revanche il est très important et très désirable que l'Autriche, en consacrant ses soins et ses forces à une entreprise aussi salutaire et d'une utilité si générale, puisse compter avec une entière certitude sur une tranquillité inaltérable dans l'intérieur de l'Allemagne.

Quelques soins que l'Empereur soit dans le cas de donner maintenant ou à l'avenir aux affaires d'Italie, Sa Majesté n'en continuera pas moins de s'occuper avec le même intérêt de celles d'Allemagne, et de remplir dans toute leur étendue ses devoirs en qualité de Membre de la Confédération. Mais c'est un grand sujet de satisfaction et de tranquillisation pour Sa Majesté de pouvoir se dire qu'il n'y aura rien à craindre pour notre commune Patrie, aussi longtemps que les Cours d'Allemagne seront guidées, par ce vif sentiment des devoirs que leur impose l'état critique où se trouve aujourd'hui le monde politique, cet esprit de concorde, de fermeté et de sagesse qui s'est manifesté si clairement dans les dernières négociations de Vienne, et qu'ont montré avec tant de dignité, même depuis leur conclusion, quelques uns des Prémiers Gouvernemens Allemands. Une grande gloire est reservée à l'Allemagne si elle trouve, dans la prudence et résolution de ses Souverains, le maintien invariable de ses Constitutions existantes, le bon esprit de ses Peuples et la puissante garantie de sa Confédération, les moyens et les forces dont elle a besoin pour conserver au milieu des orages du temps actuel qui ménace de tout détruire sa tranquillité intérieure, ses institutions légales, son indépendance, sa dignité et son ancien caractère. Sa Majesté est convaincu qu'aucun de ses illustres Confédérés ne sera insensible à cette gloire, et elle s'estimera elle-même heureuse d'y avoir part un jour, pouvant se rendre le témoignage qu'elle n'aura épargné aucun effort, ni aucun sacrifice, pour atteindre un but si grand et si honorable. ——— METTERNICH.

No. 3.—Message of the King of Sicily, on the Opening of the National Parliament.—Naples, 1st October, 1820.

MESSIEURS LES DÉPUTÉS, (Traduction.)

JE commence à rendre graces à Dieu, qui a couronné ma vieillesse en m'entourant des lumières de mes bien-aimés Sujets. Je vois en vous la Nation comme une famille dont je pourrai connaître les besoins et satisfaire les vœux. Je n'ai jamais eu d'autre désir pendant le long règne que l'Etre Suprême m'a accordé, que de chercher le bien et de le faire. Dorénavant vous me prêterez votre appui pour remplir ce de-

voir sacreé, et en apprenant de votre propre bouche quels sont les vœux de la Nation, je serai délivré des incertitudes que je pourrais éprouver en les interprétant moi-même.

Pour parvenir à ce but, l'objet de tous nos soins, je dois réclamer votre attention sur les importantes opérations qui vous sont confiées, et sur les difficultés que nous avons à vaincre. En les connaissant, vous éprouverez un plus grand désir de n'agir qu'avec prudence et sagesse, et nous acquerrons la gloire d'avoir su triompher des obstacles que nous présentaient les circonstances du tems, et les conséquences même des événemens passés.

D'abord vous êtes chargés du soin important de faire les modifications nécessaires à la Constitution Espagnole pour l'adapter à nos besoins. Beaucoup de nos institutions peuvent s'allier avec un ordre politique quelconque ; telles sont la division de notre territoire, le systême d'adminstration publique, et notre ordre judiciaire. Je suis sûr que le Parlement saura surtout éviter le plus possible les changemens dans l'ordre intérieur et dans tout ce qui a généralement la sanction de l'expérience. Nous consoliderons la Constitution ; nous l'établirons sur les bases de nos anciennes institutions, et sur les idées qui nous sont familières. Je ne prétends pas cependant que cette considération vous empêche de proposer les changemens inévitables qui sont nécessaires pour rendre solide, durable, et utile à la masse de la Nation, le nouvel ordre politique que nous fondons. Mon ame se repose avec tranquillité sur la sagesse du Parlement, qui saura choisir le juste milieu entre la nécessité et l'utilité.

Je vous recommande surtout d'assurer l'ordre public, sans lequel tout systême politique et civil resterait inefficace. Vous saurez donner de la vigueur au Gouvernement, dont la force se confond avec celles des Lois quand elles en dirigent la marche. Conservez avec soin les garanties individuelles des Citoyens ; mais soumettez les volontés particulières à la volonté générale, et donnez à l'autorité qui la représente tous les moyens convenables de se faire respecter. Voilà le premier caractère du Gouvernement civil de toute Nation qui veut faire respecter son indépendance.

L'attachement inviolable que la Nation a manifesté pour notre sainte réligion Catholique, m'assure que le Parlement en conservera la pureté, et avec elle le plus bel ornement de la Constitution. Nous n'avons jamais persécuté qui que ce soit à cause de ses opinions ; nous avons toujours laissé à Dieu le jugement de la croyance d'autrui ; notre sol n'a jamais été souillé par les persécutions réligieuses, même dans les tems de fanatisme et de préjugés ; mais les Peuples qui professent une autre croyance n'ont pas le droit de troubler, même par l'exemple, l'unité et la pureté de notre doctrine. Les devoirs de l'hospitalité ne peuvent l'emporter sur ceux que nous nous devons à nous-mêmes. Etablissez heureusement, comme je l'espère, les bases de notre ordre politique, et

invoquez l'assistance et la protection de l'Etre Suprême pour tous les travaux dont dépend la réorganisation du royaume, nous pourrons facilement pourvoir à tous nos services intérieurs.

Je dois avant tout manifester la satisfaction que j'éprouve en voyant autour de moi les Députés de l'une et de l'autre Sicile. Ces deux parties de ma famille, également chères à mon cœur, et dont j'ai reçu des preuves éclatantes d'attachement, n'ont jamais été séparées pour moi. Les désordres partiels ne décident point de la volonté ni de l'esprit d'une Nation. J'ai toujours été persuadé que la Sicile au-delà du Phare n'aurait jamais démenti le noble caractère qui l'a toujours distinguée, et je vois avec plaisir qu'elle s'est hatée de confirmer mon opinion. Des lumières des deux Peuples auxquels la nature a prodigué le jugement et les sentimens généreux, je ne puis qu'attendre des mesures, des lois et des réglemens, tels qu'ils assurent par des liens indissolubles d'amitié et de réciprocité, leur félicité respective.

Afin de nous donner une connaissance exacte de la situation du Royaume, j'ai ordonné à mes Secrétaires et Ministres d'Etat de présenter le plutôt possible, un Rapport sur la situation de chaque partie. J'ai manifesté le même désir à la Junte Provisoire du Gouvernement, qui a assisté de ses conseils mon bien-aimé Fils et Vicaire, qui a si bien répondu à ma confiance et à celle de la Nation.

L'état de nos relations extérieures est délicat; il presente des difficultés, mais nous les vaincrons probablement en unissant la modération à une attitude noble et ferme. La nécessité de cette attitude vous convaincra aussi de la nécessité des sacrifices pécuniaires auxquels la Nation doit se résoudre.

L'état de nos Finances n'est pas seulement la conséquence de notre position actuelle, mais aussi des circonstances dans lesquelles nous nous trouvons depuis 1815. Vous verrez, dans le Rapport du Secrétaire d'Etat, Ministre des Finances, les efforts que j'ai faits pour satisfaire à tous les besoins extraordinaires, et préparer à la Nation une prospérité durable.

Les mêmes circonstances ont influé et influent encore sur le Ministère de la guerre. Votre sagesse vous fera aisément distinguer entre l'état momentané et l'état permanent, pour que l'Armée remplisse le but auquel elle est destinée, et ne dévienne pas onéreuse à la Nation. Nos Milices nous presentent une force qui n'est point à charge au Trésor, et qui est de la plus grande utilité pour conserver l'ordre et la tranquillité. Les mêmes considérations se présenteront à vous, quand vous porterez vos regards sur les moyens que nous devons principalement employer pour la protection du commerce maritime et de la défense de nos côtes. L'intérêt de notre commerce, combiné sur les bases de la politique, vous sera présenté par notre Ministre, Secrétaire-d'Etat des affaires de l'Intérieur. Il formera un des plus grands et des plus importants objets de vos délibérations.

Vous trouverez préparées toutes les autres institutions dont dépend la prospérité intérieur du Royaume ; j'ai conservé depuis 1815 toutes celles que l'expérience et le vœu National m'ont fait reconnaître comme nécessaires et utiles.

Je recommande à vos soins les Etablissemens d'éducation, de bienfaisance, d'humanité, les Prisons surtout, dont l'état est encore loin de celui auquel j'aurais desiré le porter.

Le Ministère de la Justice est à-peu-près fondé sur les mêmes bases que j'ai trouvées établies. J'ai profité de l'exemple et de l'expérience, et j'ai adopté les Lois qui m'ont paru les meilleures, parceque je ne suis capable d'aucune autre passion que de celle du bien public. Mon Ministre des grâces et justice vous proposera des projets nécessaires pour perfectionner cette partie importante du Gouvernement. Si vous jugez d'autres changemens nécessaires pour la liberté des personnes et la sécurité des propriétés, vous devez être persuadés qu'en les proposant vous ne ferez toujours que dévancer mes vœux.

Quant aux affaires Ecclésiastiques, le dernier Concordat a fait disparaître toutes les anciennes difficultés avec la Cour de Rome. Il a rendu le calme aux consciences, diminué le nombre des Evêques, et préparé la dotation et l'amélioration de l'ordre du Clergé. Pour obtenir tous ces avantages, il a fallu faire beaucoup de transactions ; j'y ai consenti, parcequ'elles ne blessaient que mes prérogatives royales, auxquelles je n'ai pas voulu sacrifier l'intérêt principal de mes Peuples. Je suis persuadé que dans toutes les transactions futures, le Parlement n'aura de guide que le respect dû au saint siège, et la nécessité de resserrer toujours davantage les relations d'amitié qui doivent exister entre deux Etats voisins et liés par un intérêt commun.

Après ce court exposé de notre état, il ne me reste plus qu'à vous dire, que mes forces ne me permettant pas encore de reprendre les rènes du Gouvernement, je continue à les confier à mon fils bien-aimé et héritier, le duc de Calabre, en qualité de mon Vicaire-général ; j'ai été satisfait de la manière dont il a répondu à ma confiance et à la votre. L'expérience servira à le rendre plus mûr pour le Gouvernement et plus cher à vos yeux. J'aurai le mérite envers la Nation, d'avoir non-seulement formé son cœur, mais de lui avoir aussi indiqué les moyens de la rendre heureuse.

Messieurs les Députés, jamais l'histoire de la Monarchie n'a présenté une époque aussi importante que celle-ci. Toute l'Europe a les yeux fixés sur vous ; le Tout-Puissant, qui règle la destinée des Peuples, nous a mis dans la position d'acquérir par la modération et la sagesse l'estime de toutes les Nations, et il est en notre pouvoir de consolider nos Institutions, de les rendre permanentes, durables, et telles qu'elles fassent notre prospérité.

Quant à moi, je ne ferai que seconder le vœu de mes Peuples ; je leur resterai uni avec la même confiance qu'ils m'ont témoignée ; je

désire emporter avec moi leur reconnaissance dans le tombeau, et mériter le seul éloge d'avoir toujours voulu leur bonheur.

No. 4.—The Sicilian Minister for Foreign Affairs to the Austrian Government.—Naples, 1st October, 1820. (Traduction.)

Sa Majesté le Roi du Royaume des Deux-Siciles, après avoir renouvellé en présence du Parlement National le serment solennel d'observer le nouveau pacte qui a réuni en un seul les intérêts de son auguste dynastie et de ses Peuples, croit que le premier et le plus important de ses devoirs est celui de prendre toutes les mesures qui peuvent contribuer à affirmir son ouvrage, et le préserver des atteintes que de fausses combinaisons politiques ou des préventions mal fondées pourraient lui susciter.

C'est pourquoi Sa Majesté a ordonné au Soussigné, son Secrétaire d'Etat et Ministre des Affaires Etrangères, de faire sans délai, à Son Altesse Monsieur le Prince de Metternich, Ministre d'Etat, des Conférences et des Affaires Etrangères de Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohème, la communication suivante:

Dès que le Roi se décida à seconder les vœux unanimes de ses Peuples en adoptant pour ses Etats la Constitution d'Espagne, l'un de ses premiers soins fut de faire connaître au Cabinet de Vienne, le seul avec lequel il avait des engagemens, les circonstances qui avaient donné lieu à cet évènement, et de l'assurer en même temps qu'il ne pouvait apporter aucune altération aux rapports d'amitié et de bonne correspondance heureusement existans entre les deux Cours.

Le Prince de Cariati fut chargé de cette mission honorable; mais tous ses efforts pour s'en acquitter n'eurent aucun succès; le Ministère Autrichien ayant décliné sous divers prétextes toute explication sur les événemens de Naples. Une fatale prévention s'était emparée déjà de son esprit, et il s'etait prononcé contre notre réforme politique avant même d'avoir pu s'en former une juste opinion, et presque au premier bruit qui lui en était parvenu.

Désirant éclairer la Cour Impériale de Vienne sur l'état véritable de nos affaires, le Roi s'empressa d'écrire lui-même à Sa Majesté l'Empereur, son auguste Neveu et gendre. Le Duc Nicolas de Serra Capriola fut chargé de présenter la Lettre Royale à Sa Majesté Impériale et Royale Apostolique, et d'annoncer au Ministère Autrichien la destination du Duc de Gallo à l'Ambassade de Vienne, à la place du Prince Ruffo, qui, par une désobéissance inexcusable aux ordres de son Gouvernement, avait démérité de la confiance de son Souverain, et de la Nation. Malheureusement la mission du Duc de Serra Capriola n'eut pas un succès plus heureux que celle du Prince de Cariati. Il n'eut pas la permission de voir Sa Majesté l'Empereur; on lui déclara que Sa Majesté Impériale ne se croyait pas tenue de répondre à la Lettre du Roi qu'elle avait reçue sur la supposition que son contenu fut d'une nature purement confidentielle. Des ordres furent en même

temps expédiés par la Chancellerie Autrichienne aux Frontières de l'Empire, pour que le Duc de Gallo ne continuât pas son voyage à Vienne.

Cet Ambassadeur, qui était muni des Lettres de créance du Roi, et d'autres Lettres confidentielles de Sa Majesté pour l'Empereur, fut obligé en effet de s'arrêter à Klagenfurth ; et ayant adressé des remonstrances au Ministère Autrichien contre un traitement aussi inconvenant qu'irrégulier, Monsieur le Prince de Metternich lui répondit, par une Note du 2 Septembre dernier, qu'à la suite d'une subversion qui sape dans ses fondemens l'édifice social, et qui menace à la fois la sûreté des Trônes, celle des institutions reconnues, et le repos des Peuples, Sa Majesté Impériale agirait en contradiction des principes qui lui ont servi de règle invariable, si elle acceptait la mission dont le Duc de Gallo était chargé.

Il faut convenir que, plus on réfléchit sur ces phrases, moins on en comprend le sens lorsqu'on a suivi de bonne fois et sans passion les événemens de Naples. Parce que le Roi, libre dans son Palais, au milieu de son Conseil composé de ses anciens Ministres, a pris la détermination de satisfaire le vœu général de ses Peuples, en leur accordant un régime plus adapté à leurs besoins, plus conforme aux lumières du siècle, et qu'il leur aurait accordé plus tôt si on ne lui avait caché leurs désirs, le Cabinet de Vienne croit que l'édifice social est sapé dans ses fondemens ! Lorsque la légitimité des droits de la famille régnante a été hautement proclamée, garantie et confirmée par le vœu général de la Nation ; lorsque cette Nation a montré, dès le premier instant du changement politique, la vénération la plus profonde et le dévouement le plus absolu au Roi et à la Famille Royale, on prétend que la sûreté des Trônes est menacée ! Quant tout le monde sait que nous avons porté jusqu'au scrupule le respect pour les droits pour l'indépendance et pour les institutions des autres Nations, nous étant refusés à nous immiscer d'une manière quelconque dans les affaires de Bénévent et de Ponte-Corvo, quoique ces Etats soient enclavés dans le Royaume, et que les habitans aient adressé au Roi les plus vives instances pour être réunis à la Monarchie des Deux Siciles ; et, lorsqu'en exécutant à la lettre une stipulation onéreuse que des circonstances extraordinaires nous avaient imposée, nous payons, avec la plus grande exactitude, au Prince Beauharnais, les 5,000,000 de francs que le Gouvernement s'était engagé à lui fournir, on soutient que les institutions reconnues et le repos des Peuples sont en danger !

Heureusement les faits qu'on vient de citer sont trop notoires pour être révoqués en doute, et le Cabinet de Vienne n'a pas pu se le dissimuler long-temps à lui-même. En effet, dans les explications confidentielles que Son Altesse Monsieur le Prince de Metternich a eues avec le Prince de Cimitile, il nous a attaqués avec d'autres armes. Suivant l'opinion de Son Altesse, les *Carbonari* ont été les seuls auteurs

des évènemens survenus à Naples; ils ont forcé la volonté du Roi et de la majorité de la Nation, ont provoqué l'Armée à la révolte, et proclamé une Constitution défectueuse qui n'offre aucune garantie de stabilité.

Tels sont, en résumé, les nouveaux griefs que le Ministère Autrichien a articulés au Prince de Cimitile contre notre réforme politique. Examinons-les avec calme et sans amertume.

Lorsqu'une secte, une faction quelconque, emporte par la force une concession, il est dans la nature des choses que tôt ou tard un opposition se forme, s'agrandit, et quelquefois acquiert elle-même l'ascendant du parti triomphant. Chez nous, au contraire, loins d'apercevoir la moindre trace de dissidence, on ne voit qu'une union parfaite de sentimens, de principes et de volontés. Dévouement sans bornes pour le Roi et pour son auguste Dynastie, attachement inviolable au Régime Constitutionnel, résolution de le défendre jusqu'à la dernière extrémité, voilà la profession de fois de tous les Habitans des Deux-Siciles. Nous n'en exceptons pas même les Palermitains, dont la différence d'opinion porte sur d'autres points d'un intérêt moins général; à la réserve de ce qui s'est passé parmi eux, aucune violence, aucune réaction n'a troublé la tranquillité du Royaume. Les ordres du Gouvernement sont respectés; la justice est exactement administrée, les impôts sont payés, la discipline de l'Armée est maintenue, la liberté individuelle, celle des opinions, est pleine et entière; et si une zèle exagéré pour le bien public a causé d'abord quelques aberrations, elles ont disparu bientôt à la voix ferme et paternelle du Gouvernement. Les élections des Députés au Parlement, ce thermomètre infaillible de l'esprit public, suffiraient elles seules pour prouver que la Nation n'est animée que d'un seul sentiment, celui de son bien-être. Des hommes distingués par leurs vertus, par leurs services, par leurs talens, ont été choisis d'un bout à l'autre du Royaume pour représenter la Nation. Il n'y a eu aucune disparité d'opinion sur ces choix. Les meilleurs Citoyens ont obtenu la préférence. Veut-on encore un argument incontestable que ce n'est pas une secte qui a opéré notre réforme politique? Ceux qui ont été les premiers à se prononcer pour le nouveau Régime, ceux enfin que la renommé a proclamés les promoteurs de notre changement politique, n'ont pas été élus. Pense-t-on que, si une secte avait opéré ce changement, comme on veut le faire croire, elle n'aurait pas exigé que ses chefs figurassent parmi les Représentans de la Nation? Un argument encore plus puissant contre l'opinion qu'on veut accréditer en Europe, que le Gouvernement soit ici à la merci d'une secte, nous le tirerons du grande exemple de modération et de longanimité que nous avons donné aux Nations civilisées, en permettant que la Légation et les Consulats Autrichien exerçassent ici librement leurs fonctions, tandis que notre Ambassadeur était obligé de s'arrêter à Klagenfurth, et que notre Consul était renvoyé de Milan sans aucun égard, et sur l'invitation de la

Police. S'il était moins fort par lui-même, s'il était dominé par une secte dont les passions sont toujours fougueuses et indomptable, le Gouvernement aurait-il pu contenir les effets de l'orgueil national justement irrité par un traitement pareil ?

Quant aux défauts que le Ministère Autrichien impute à la Constitution d'Espagne, nous observons d'abord qu'aucune Puissance Etrangère n'a le droit de trouver bon ou mauvais le régime qu'un Souverain indépendant a jugé convenable d'adopter pour ses Etats. Mais si l'on voulait juger de la stabilité des Gouvernemens par les institutions qui les régissent, certes, ce n'est plus un problème à notre époque, si l'on peut obtenir plus aisément cette stabilité par le système arbitraire ou par le constitutionnel. La Charte d'Espagne peut avoir des défauts, sans doute, mais ses principes portent l'empreinte de la raison et de toutes les vertus. La Nation, d'ailleurs, a un intérêt trop direct à perfectionner ses institutions pour qu'elle ne s'occupe pas des modifications qu'elle jugera convenables pour adapter à ses besoins le nouveau système qui la régit, d'autant plus que l'Acte de la Proclamation du Roi a laissé au Parlement National le droit de les proposer. Que le Cabinet de Vienne se rassure donc sur ce point, car nous avons infiniment à cœur de donner à notre régime toute la stabilité dont l'ouvrage des hommes peut être susceptible, persuadés que le premier mérite d'un Gouvernement Constitutionnel est celui de prémunir l'Etat contre les secousses occasionnées par le despotisme ou par la licence; et la sagesse des hommes recommandables que la Nation a choisis pour la représenter, secondée par la rectitude et les sentimens paternels du Roi, est un garant bien assuré que ce que nous avançons ne sera pas démenti.

Ayant démontré jusqu'à l'évidence combien sont dénués de fondement et de justice les torts qu'on nous impute, nous entrerons franchement dans la discussion du dernier argument que le Ministère Autrichien pourrait opposer, quoique jusqu'ici il ne l'ait pas produit.

Il existe dans le Traité signé à Vienne le 12 Juin, 1815, entre les Cours des Deux-Siciles et l'Autriche, un Article Secret conçu en ces termes :

" Les engagemens que Leurs Majestés prennent par ce Traité, pour assurer la paix intérieure de l'Italie, leur faisant un devoir de préserver leurs Etats et Sujets respectifs de nouvelles réactions, et du danger d'imprudentes innovations qui en amèneraient le retour, il est entendu entre les Hautes Parties Contractantes, que Sa Majesté le Roi des Deux-Siciles, en rétablissant le Gouvernement du Royaume, n'admettra pas des changemens qui ne pourraient se concilier, soit avec les anciennes institutions Monarchiques, soit avec les principes adoptés par Sa Majesté Impériale et Royale Apostolique, pour le régime intérieur de ses Provinces Italiennes."

Les phrases vagues et ambiguës de cet Article, exigent une explication. On sait qu'en diplomatie le sens littéral des Traités est

seul qui fasse état. Le Roi, s'étant conformé à l'intelligence renfermée dans l'Article cité lors de la restauration du Gouvernement de Naples, a rempli sa promesse. Et il est à propos de remarquer ici qu'il s'agissait d'une simple intelligence, et non pas d'une condition ou de quelque engagement obligatoire pour un temps indéfini.

Sur quel fondement l'Autriche pourrait-elle donc faire un tort au Roi d'avoir cédé aux vœux unanimes de ses Peuples qui lui demandaient la Constitution d'Espagne? Au reste, en admettant même par hypothèse, que l'Article sus-énoncé fût obligatoire pour toujours, il faudrait démontrer, pour réclamer contre son infraction, que le changement opéré dans la forme de notre Gouvernement soit en opposition avec les institutions monarchiques. Nous soutiendrions au contraire, que les Constitutions affermissent les Trônes, puisqu'elles mettent hors de toute atteinte les personnes des Souverains et garantissent la légitimité de leurs droits: mais ce n'est pas ici l'occasion de discuter sur les théories. Il s'agit seulement de prouver, et nous croyons avoir prouvé suffisamment, qu'à défaut de toute raison, l'Autriche ne pourrait pas même se prévaloir d'une stipulation qui se rapportait à d'autres temps, et à d'autres circonstances, pour justifier une opposition à notre réforme politique.

A quoi donc devons-nous attribuer l'attitude que l'Autriche a prise, et prend journellement contre nous? quel peut être le but de l'augmentation aussi excessive que précipitée des Troupes Autrichiennes en Italie? Tant que le Roi a pu croire, qu'en prenant cette mesure le Cabinet de Vienne n'avait en vue que de maintenir le bon ordre et la tranquillité intérieure de ses Etats Italiens, Sa Majesté a respecté le droit que chaque Puissance a de faire chez elle tout ce qui peut lui paraître convenable. Mais lorsque la Cour de Vienne refuse obstinément d'entrer en aucune explication avec celle des Deux-Siciles, et de recevoir les Représentans et les Agens du Roi; lorsque l'Empereur refuse de répondre aux Lettres confidentielles de Sa Majesté; lorsque le Cabinet Autrichien a fait circuler des Notes aux Puissances Alliées, à la Confédération Germanique, aux Gouvernemens Italiens, contre le nouvel ordre de choses établi à Naples; lorsqu'enfin les Journaux de Vienne et de Milan se permettent officiellement des propos contre nous, qu'un Gouvernement qui se respecte ne devrait jamais autoriser; le Roi manquerait au sentiment de sa dignité, à ce qu'il doit à la Nation brave et généreuse dont la Providence lui a confié les destinées, s'il se montrait indifférent à une conduite aussi inconcevable de la part d'un Gouvernement ami et allié.

En conséquence, Sa Majesté a chargé le Soussigné de s'adresser à Son Altesse Monsieur le Prince de Metternich, pour lui demander une explication positive et catégorique sur le but de ces armemens extraordinaires, et sur l'attitude que l'Autriche a prise envers le Gouvernement Napolitain, attitude aussi contraire aux liens et aux sentimens

d'amitié existans entre les deux Cours, que peu conforme aux principes de fraternité et de désintéressement que les Souverains Alliés ont proclamé à la face du monde entier.

Le Roi, qui a reçu tant de preuves de la cordialité et de l'attachement de Sa Majesté l'Empereur, Son auguste Neveu et Gendre, ne doute pas que les éclaircissemens contenus dans cette Note, en dissipant les sinistres impressions que la malveillance, ou les passions individuelles de quelque ennemi du repos de l'Europe, ont pu lui inspirer, lui feront renoncer à tout projet hostile contre une Nation qui a admiré de près ses grandes vertus. Et certes, si quelque chose en pouvait ternir l'éclat, ce serait l'aggression que l'Autriche pourrait méditer contre le Royaume des Deux-Siciles. La postérité aurait peine à concevoir une pareille injustice, et un attentat aussi sanglant aux droits des Nations, d'autant plus odieux, que la même Puissance qui s'en rendrait coupable n'a pas contrarié les plus petits Etats de l'Allemagne qui se sont donné une Constitution, et n'a fait aucune démarche, au moins publique, envers l'Espagne dont nous avons suivi l'exemple.

On ne pourrait donc qu'attribuer à d'autres vues la guerre que l'Autriche entreprendrait contre une Nation pacifique, occupée uniquement de son bien-être, et très-empressée à maintenir la meilleure intelligence avec toutes les Puissances Etrangères, et à cimenter les relations particulières existantes entre les Cours de Naples et de Vienne.

La haute opinion que Sa Majesté le Roi a des qualités individuelles de Sa Majesté l'Empereur d'Autriche, lui est garante de la justice et de la sagesse qui présideront à ses délibérations; et il croit ne pas se tromper en pensant que bientôt le Gouvernement Autrichien reviendra de ses préventions contre nous, et que les liens d'amitié qui unissaient naguère les deux Etats, se resserreront encore plus pour l'avantage réciproque des deux Nations. Mais si malheureusement cet espoir ne se réalisait pas, le Roi et la Nation entière, résolus à défendre, jusqu'à la dernière extrémité, l'Indépendance du Royaume et la Constitution qui est le *palladium* de nos droits, et le plus ferme appui de la Monarchie légitime, sont prêts à s'ensevelir plutôt sous les ruines de la Patrie qu'a plier sous un joug Etranger. L'exemple de la résistance héroïque des Espagnols au despotisme de Napoléon nous encouragerait; et si les rapports que le Cabinet de Vienne reçoit de Naples sont véridiques, il ne croira pas exagéré ce que nous avançons.

Le Soussigné prie donc Son Altesse Monsieur le Prince de Metternich de vouloir bien mettre cette Note sous les yeux de Sa Majesté Impériale et Royale Apostolique, et d'y donner au plus tôt une réponse précise, afin que nous sachions à quoi nous en tenir sur les intentions de la Cour de Vienne.

LE DUC DE CAMPOCHIARO.

Son Altesse M. le Prince de Metternich.

No. 5.—Report of the Sicilian Minister for Foreign Affairs to the National Parliament.—Naples, October, 1820.

MESSIEURS LES DÉPUTÉS, (Translation.)

LE vœu de tous les bons Citoyens est exaucé. Notre Patrie est enfin placée sous le Régime Constitutionnel. La Nation a pris cette noble attitude qui lui convient. L'alliance du Trône avec la liberté des Peuples n'est plus un problème. Cet heureux temps où chacun est maître de penser tout ce qu'il veut, et de dire tout ce qu'il pense, que le plus libéral des Ecrivains Romains célèbre sous l'empire des Nerva et des Trajan, nous le voyons arrivé pour nous sous le Règne de Ferdinand, et assuré pour l'avenir par la grande âme de son Successeur, le Duc de Calabre.

Le Ministre d'un Gouvernement qui a travaillé loyalement pour le bien de l'Etat doit se présenter avec confiance devant les Représentans de la Nation pour lui rendre compte de ses opérations.

Très-souvent l'intérêt des Peuples ne permet pas toujours de publier tous les Actes de ses relations diplomatiques; mais le but vers lequel a tendu le nouveau Ministère des Affaires Etrangères, a été d'éclairer les Députés de la Nation sur les faits, afin qu'ils puissent en apprécier l'importance et la gravité.

A l'époque de notre réforme politique, le Royaume des Deux-Siciles était en paix avec toutes les Puissances Etrangères.

Mais pendant les 5 Ans qui se sont écoulés depuis la restauration sur le Trône Napolitain de l'auguste dynastie des Bourbons, jusqu'à notre régénération politique, le Gouvernement a dû faire des Traités.

Je vais en tracer l'analyse rapide et succincte, pour donner seulement une idée aux Représentans de la Nation des engagemens que le Gouvernement a contractés avec les Puissances Extérieures, en me réservant d'en fournir au Parlement tous les Documens authentiques.

Outre les Actes d'Accession aux décisions du Congrès de Vienne du 9 Juin, 1815, et au Traité de la Sainte-Alliance du 26 Septembre de cette Année, toutes les transactions suivantes ont été faites et ont reçu leur pleine et entière exécution jusqu'au 6 Juillet, 1820.

Un Traité d'Alliance offensive et défensive entre l'Autriche et les Deux-Siciles, stipulé à Vienne le 12 Juin, 1815, obligeait le Royaume de Naples à un contingent de 25,000 Hommes; par une Convention conclue le 4 Février, 1819, ce contingent a été réduite à 12,000 Hommes.

La sûreté de notre navigation, et le rachat des Captifs occasionèrent le Traité avec le Dey d'Alger, qui porte la date du 3 Avril, 1816, le Traité du 17 Avril avec le Bey de Tunis, et du 29 Avril de la même année avec le Pacha de Tripoli.

Pour obtenir la cessation du privilège d'entrée en franchise dans le Port de Naples, des Bâtimens sous Pavillons Anglais, Français et Espagnols, on fit des stipulations avec la première de ces Puissances

le 26 Septembre, 1816; avec la seconde le 28 Février, 1817; et avec la troisième le 15 Août de la même année. On leur accorda une réduction de droit de 10 pour cent sur toutes les marchandises importées par les Bâtimens de ces trois Nations.

Plusieurs Conventions ont été faites à diverses époques avec l'Etat Romain. Elles eurent pour objet la remise réciproque des Malfaiteurs et Déserteurs, de régler le transit par les Douanes Frontières des deux Etats, et notamment pour les Possessions enclavées des Domaines de Ponte-Corvo et de Bénévent; enfin le Concordat du 6 Février, 1818, réglait toutes les affaires ecclésiastiques du Royaume.

Pour satisfaire aux demandes de la Russie, de l'Autriche et de la Prusse, qui réclamaient une indemnité en faveur du Prince Eugène Beauharnais, le Gouvernement des Deux-Siciles, par la médiation de l'Angleterre, fut imposé à 5,000,000. La Déclaration officielle de la Russie à ce sujet nous a été notifiée le 10 Novembre; celle de l'Autriche le 25 Novembre, et enfin celle de la Prusse le 3 Janvier, 1818.

La liquidation des Créances provenant de fournitures militaires donna lieu à une Convention avec la Russie, en date du 8 Août, 1818.

Un Traité avec la Sardaigne fut stipulé le 29 Mai, 1819, pour l'extradition réciproque des Malfaiteurs.

Enfin un autre Traité fut conclu le 11 Décembre, 1819, pour le transport à Rio-Janeiro d'un certain nombre de Condamnés aux Galères.

Troits contrats de mariage ont été conclus dans la Famille Régnante:

Le premier, en date du 15 Avril, 1816, entre la Princesse Caroline-Ferdinande, première fille de Son Altesse Royale le Duc de Calabre, et le Duc de Berri, Neveu de Sa Majesté le Roi de France.

Le deuxième, en date du 26 Juillet, 1816, entre le Prince de Salerne et Son Altesse Royale l'Archiduchesse Marie-Clémentine, fille de Sa Majesté l'Empereur d'Autriche.

Le troisième enfin, du 3 Août, 1818, entre la Princesse Louise-Charlotte, seconde fille de Son Altesse Royale le Duc de Calabre et Son Altesse Royale l'Infant Don François de Paolo, Frère de Sa Majesté le Roi d'Espagne.

Le premier acte du nouveau Ministre des Affaires Etrangères, à son installation, qui eut lieu le 6 Juillet, fut de donner communication des changemens survenus dans le Gouvernement Napolitain à tous les Ambassadeurs Etrangers, accrédités près la Cour de Naples. Cette communication fut pareillement faite aux Ministres de Sa Majesté près les Cours Etrangères.

Le Gouvernement, qui devait supposer, avec raison, que l'Autriche pouvait s'alarmer des évènemens qui avaient eu lieu dans le Royaume de Naples, sentit la nécessité d'expédier à Vienne le Prince de Cariati,

pour raconter à cette Cour le véritable état des choses, et pour s'expliquer avec elle sur les dispositions d'un Article Secret du Traité du 12 Juin, 1815, qui présente quelque ambiguité dans sa rédaction. Le Prince de Cariati était aussi chargé d'apprendre au Prince Ruffo, notre Ambassadeur à Vienne, les motifs qui avaient engagé Sa Majesté à obtempérer aux désirs de son Peuple, en adoptant la Constitution d'Espagne, et d'intimer au Prince Ruffo les ordres les plus pressans pour qu'il ait à donner au Cabinet Autrichien les assurances positives que toutes les transactions avec le Gouvernement de Naples seraient scrupuleusement exécutées.

La désobéissance du Prince Ruffo aux ordres de son Gouvernement, et peut-être aussi l'aversion du Cabinet Autrichien pour les nouvelles institutions, encore accrue par l'idée du danger que l'exemple des Deux-Siciles pouvait produire sur le Royaume Lombardo-Vénitien, ont rendu infructueuse la mission du Prince de Cariati. Le Prince de Metternich fit répondre à notre Envoyé que les changemens survenus à Naples étaient l'œuvre d'une faction, que ces changemens tendaient au bouleversement de l'ordre social, et que l'Autriche ne pouvait jamais les reconnaître.

Sur ces entrefaites, le Roi, qui avait juré la Constitution, notifia cet acte par des Lettres autographes à tous les Souverains de l'Europe. Le Gouvernement dut enjoindre à tous ses Agens à l'Extérieur de recevoir le serment de tous ses Sujets, et de délivrer des Passe-ports à tous les bannis pour cause d'opinion.

Dans les premiers jours d'Août, le Duc de Serra Capriola fut dépêché vers l'Empereur d'Autriche, avec des Lettres confidentielles du Roi et du Prince Vicaire Général. Il portait au Prince Ruffo l'ordre de venir à Naples rendre compte de sa conduite; mais cette mission n'eut pas un meilleur succès que celle du Prince de Cariati. Le Ministre Autrichien se refusa à présenter le Duc de Serra Capriola à l'Empereur; mais il se chargea de lui remettre les Lettres du Roi et du Prince Héréditaire: il témoigna, au sujet des évènemens de Naples, les mêmes préventions qu'il avait montrées au Prince de Cariati. De son côté, Ruffo, persistant dans sa désobéissance aux ordres qu'on lui avait signifiés, fut destitué.

Le Duc de Gallo, qui devait le remplacer, et dont la nomination avait été annoncée par M. de Serra Capriola, à peine arrivé a Klagenfurth, dut y arrêter sa marche par ordre du Cabinet Autrichien. Il se plaint au Prince de Metternich d'une mesure si étrange, et il en reçoit cette réponse: "Que l'Empereur son Maître était dans l'impossibilité de le recevoir; qu'en agissant différemment il paraîtrait renoncer aux principes qui lui servaient de règle; qu'à la suite d'une subversion qui détruisait de fond en comble l'édifice social, et menaçait la sûreté des Trônes, compromettait l'existence des anciennes institu-

tions et le repos des Peuples, Sa Majesté l'Empereur, quels que soient les liens d'affection qui l'attachent au Roi et à sa Famille, ne pouvait méconnaître ces mêmes principes, et agir d'une manière contradictoire." D'après cette notification, notre Ambassadeur quitta les Etats Autrichiens, et se retira à Bologne.

Le Prince Cimitile, chargé d'une Mission Extraordinaire à Saint-Pétersbourg, vit aussi à Vienne le Prince de Metternich, et, dans les Conférences qu'il eut avec ce Ministre, il en reçut à peu près les mêmes paroles que ses devanciers.

C'est à Vienne aussi que le Prince Cimitile apprit du Ministre Russe près de cette Cour, que l'Empereur Alexandre ne le recevrait pas comme Envoyé du nouveau Gouvernement. Ce Ministre lui écrivit : " Que son Souverain, étant intimement lié avec ses Augustes Alliés, par des Traités et par les plus indissolubles nœuds, toute démarche de sa part, qui semblerait une espèce d'initiative, paraîtrait une déviation de ses principes, relativement surtout aux affaires actuelles du Royaume de Naples, qui réclament l'intervention de tous les Chefs de l'ordre Européen." Le Ministère Autrichien força bientôt le Prince Cimitile à quitter les Etats de l'Empereur, et à se retirer à Bologne.

Tels sont les deux seuls Documens officiels qui nous fassent connaître les dispositions des grandes Puissances à notre égard. Par le premier, éclatent les injustes préventions que l'Autriche a conçues et ses desseins hostiles. Le second nous apprend que la Russie est fermement résolue à ne pas prendre l'initiative dans nos affaires, et à ne rien négocier qui ne soit d'accord avec ses Alliés. Les autres Puissances, qui suivent apparemment le même système que l'Autriche et la Russie, n'ont pas répondu aux Communications de notre Roi, et toutes, plus ou moins, agissent avec nous avec une grande froideur, à l'exception de l'Espagne, de la Suisse et du Royaume des Pays-Bas, qui ont répondu à nos participations d'une manière amicale.

Toutefois, la Cour d'Autriche montra plus qu'aucune autre sa répugnance et son opposition contre notre nouveau système de Gouvernement. Elle seule a adressé des Notes aux grandes Puissances, à la Confédération Germanique, pour les engager dans des démarches hostiles contre nous. Si nous sommes bien informés, elle a offert aux Cours de Sardaigne, de Toscane et de Rome, d'occuper militairement ces Pays. Cette proposition ayant été refusée, l'Autriche a renforcé son Armée de 32,000 Hommes, ce qui porte le nombre de ses Troupes, dans cette partie de ses Etats, à 70,000 Combattans. Elle a augmenté de 4,000 Hommes les Garnisons des Châteaux de Ferrare et de Comacchio, qu'elle a le droit d'occuper d'après les décisions du Congrès de Vienne ; elle a, si l'on en croît les bruits publics, disposé la marche en Italie de 20,000 autres Hommes. Enfin elle a établi une espèce d'inquisition dans ses Etats contre tout ce qui porte le nom Napolitain;

et ici qu'il me soit permis de rendre hommage à la modération et à la générosité de notre Nation. Elle a répondu à ces provocations par des sentimens et des actes bien différens. Tandis que notre Ambassadeur était arrêté à la Frontière d'Autriche, la Légation Autrichienne restait à Naples tranquille spectatrice de nos changemens; elle y était respectée comme toutes les autres, et n'a jamais cessé de correspondre avec notre Gouvernement; elle en a obtenu tous les égards et toutes les facilités qu'elle pouvait désirer: sûrs de nous-mêmes, nous lui avons permis d'adresser à sa Cour tous les rapports qu'elle a voulu. Quelle preuve plus grande, avons-nous pu donner que nous n'avions rien à craindre des Détracteurs de notre Révolution?

Aurions nous permis à un Agent de la Cour qui nous montrait tant d'animosité de rester témoin de nos affaires, d'assister à nos débats, si nous avions eu à nous reprocher le moindre excès? Il y a plus, lorsque les gazettes de Vienne et de Milan, nous traitaient fort mal, nos journaux, qui pouvaient user de toute la liberté de la presse, répondaient avec modération; notre Consul était renvoyé de Milan, et les Consuls Autrichiens jouissaient de tous leurs droits dans le Royaume. Cette conduite ne doit pas être taxée de faiblesse; elle est le résultat d'un sentiment de longanimité qui se montre dans toutes les opérations d'un Gouvernement libéral.

Tous les efforts pour faire entendre raison à l'Autriche ayant été inutilement tentés, le Gouvernement a cru de sa dignité de demander une explication franche et cathégorique sur les préparatifs militaires de cette Puissance en Italie. Une Note a été envoyée au Prince de Metternich, et des Copies en ont été remises à tous les Agens Diplomatiques de l'Europe.

Un Congrès des Grandes Puissances doit s'assembler à Troppau ou à Teschen, vers la fin de ce mois. Si, comme on l'annonce, il est question des affaires de Naples, il faut espérer que la vérité et la justice y triompheront, que les Monarques de l'Europe, mieux instruits de nos affaires, respecteront nos droits comme nous avons respecté ceux des autres, et qu'ils se souviendront de notre conduite à l'égard des Principautés de Bénévent et de Ponte-Corvo.

Ce qui peut en nous justifier cette espérance, c'est la conduite qu'ont tenue les Principales Puissances envers les Etats d'Allemagne qui ont adopté le Régime Constitutionnel, et envers l'Espagne elle-même. L'Empereur Alexandre, qui s'était d'abord prononcé contre les changemens politiques de ce pays, est déjà revenu à des sentimens plus favorables. Nous savons en effet que le nouveau Ministre de Sa Majesté Catholique à Saint-Pétersbourg, a été reçu en cette qualité, Sa Majesté l'Empereur de toutes les Russies lui ayant permis d'y déployer son caractère diplomatique.

Les assurances données dans le Parlement Anglais par les Lords Liverpool et Castlereagh, que l'Angleterre n'interviendrait pas dans les

affaires de la Péninsule, sont aussi d'un bon augure pour notre Pays, qui se trouve dans la même situation que l'Espagne, et qui a grand intérêt à conserver ses relations politiques et commerciales avec la Grande-Bretagne. Enfin, par les communications verbales que nous avons reçues du Ministre Anglais résidant à Naples, relatives à l'envoi d'une Escadre dans la Méditerranée, nous avons acquis la certitude que cette flotte, depuis long-temps destinée pour nos mers, n'a d'autre objet que d'y protéger le commerce Anglais, et de veiller à la sûreté des Iles Ioniennes.

Mais si notre espoir était trompé, le noble élan qu'a pris la Nation, et la justice de sa cause, lui feront défendre son indépendance, ses droits et le Trône Constitutionnel, avec toute l'énergie et peut-être aussi avec tout le succès dont l'Espagne a donné un si mémorable exemple.

En attendant, le Gouvernement a dû tenter tous les moyens diplomatiques: il a ordonné au Prince de Cimitile, son Envoyé Extraordinaire à Londres, de se rendre, sans délai, à sa destination. Nous avons l'assurance qu'il y sera bien accueilli, quoiqu'il n'y déploiera peut-être pas de suite le caractère diplomatique dont il est revêtu.

Le Duc de Gallo attendra de nouveaux ordres à Bologne pour se porter en avant, et tenter tous les moyens d'entrer en pour-parler avec le Gouvernement Autrichien.

Le Duc de Serra Capriola est chargé d'exposer à l'Empereur Alexandre le véritable état du Royaume, et le danger que courrait l'Europe si l'on violait les droits de la Nation Napolitaine.

Notre ancien Ministre à Londres, Comte Ludolf, qui s'est toujours montré digne de la confiance du Roi, a la même Mission que le Duc de Serra Capriola.

Le Prince de Castelcicala, s'étant refusé à prêter le serment à la Constitution, a été destitué. Le Gouvernement a chargé de ses affaires à Paris le Chevalier Brancia; le Prince Cariati est en outre chargé d'une Mission Extraordinaire, près de Sa Majesté Très-Chrétienne. Les liens qui l'unissent a notre Roi, et la politique bien entendue de la France, doivent nous donner l'espoir que ces deux Missions auront un heureux résultat.

Le Duc de Canzano est allé à Madrid pour resserrer encore plus, s'il est possible, les liens que nous unissent à l'Espagne, et pour combiner avec son Gouvernement les moyens de se soutenir mutuellement. Nous avons à nous louer sur ce point important du zèle du Prince de Scilla, que Sa Majesté vient d'appeler à Naples à d'autres fonctions.

Après avoir pourvu à tous nos besoins de ce côté, qu'il me soit permis maintenant, Messieurs, de vous entretenir des intérêts de la famille Royale, qui se confondent heureusement avec ceux de la Nation. La part très-vive que le Parlement prend au bonheur de cette auguste Famille lui fera apprendre avec joie qu'un mariage est arrêté entre l'Enfant Don Michel, second Fils de Sa Majesté Très-Fidèle le Roi de Portu-

gal et du Brésil, et la Princesse Christine, Fille de notre Prince Vicaire Général. L'assentiment du Parlement pour cette union, et le règlement pour la dot, étant dans les attributions du Parlement, le Gouvernement se flatte, Messieurs, que vous donnerez une nouvelle preuve de votre respectueux attachement à la Dynastie des Bourbons, en sanctionnant la proposition spéciale qui vous en sera faite très-incessamment.

Tel est, Messieurs, le tableau de nos relations politiques, et ce tableau n'est pas riant. Mais si les Monarques de l'Europe font un seul moment taire leurs préventions, s'ils recherchent la vérité et qu'ils consultent les seules impulsions de leurs âmes, tous les nouages qui obscurcissent notre horizon se dissiperont, et la paix ne s'éloignera pas de notre Patrie.

Le Ministre des Affaires Extérieures, fidèle à son mandat, pour détourner de cette Nation les fléaux de la guerre, ne négligera aucun des moyens de conciliation dont il peut disposer; mais si ces moyens ne s'accordaient pas avec la dignité et l'indépendance de la Nation, il ne nous resterait plus qu'à implorer le Dieu des Armées.

LE DUC DE CAMPO CHIARO.

No. 6.—The Emperors of Austria and Russia, and the King of Prussia, to the King of Sicily.

MONSIEUR MON FRÈRE, *Troppau, le 20 Novembre,* 1820.

DE tristes circonstances ne m'ont pas permi de recevoir les Lettres que Votre Majesté m'a adressées depuis quatre mois. Mais les évènemens aux quels ces Lettres ont dû se rapporter, n'ont cessé de faire le sujet de mes plus sérieuses méditations, et les Puissances Alliées se sont réunies à Troppau pour considérer ensemble les suites dont ces évènemens menacent le reste de la Péninsule Italienne, et peut-être l'Europe toute entière. En nous décidant à cette délibération commune, nous n'avons fait que nous conformer aux transactions de 1814, 1815, et 1818; transactions dont Votre Majesté, ainsi que l'Europe, connaît le caractère et le but, et sur lesquelles repose cette alliance tutélaire, uniquement destinée à garantir de toute atteinte l'indépendance politique et l'intégrité territoriale de tous les Etats, et à assurer le repos et la prospérité de l'Europe par le repos et la prospérité de chacun des Pays dont elle se compose. Votre Majesté ne doutera donc pas que l'intention des Cabinets assemblées ici ne soit de concilier l'intérêt et le bien-être, dont la sollicitude paternelle de Votre Majesté doit désirer faire jouir ses Peuples, avec les devoirs que les Monarques Alliés ont à remplir envers leurs Etats et envers le Monde. Mais nous nous félicitérions, mes Alliés et moi, d'exécuter ces engagemens solemnels avec la coöpération de Votre Majesté, et fidèles aux principes que nous avons proclamés, nous demandons aujourd'hui cette coöpération. C'est dans ce seul but, que nous proposons à Votre Majesté de se réunir à nous

dans la Ville de Laybach. Votre présence, Sire, hâtera, nous en sommes sûrs, une conciliation aussi indispensable, et c'est au nom des intérêts les plus chers de Votre Royaume, et avec cette bienveillante sollicitude, dont nous croyons avoir donnée plus d'un témoignage à Votre Majesté, que nous l'invitons à venir recevoir de nouvelles preuves de la véritable amitié, que nous lui portons, et de la franchise qui fait la base de notre politique. Recevez l'assurance, &c.

Sa Majesté Le Roi des Deux-Siciles.

No. 7.—The King of France to the King of Sicily.

MONSIEUR MON FRÈRE, *Paris, le 3 Décembre*, 1820.

DANS les graves circonstances où les évènemens des 5 dernier mois ont placé les Etats que la Providence a confiés aux soins de Votre Majesté, elle n'a pu douter un moment de l'intérêt constant que je lui portois et des vœux que je formois pour son bonheur personnel et pour celui de ses Peuples.

Votre Majesté n'ignore pas les puissans motifs qui m'ont empêché de lui exprimer plutôt les sentimens dont j'étois animé, et de lui faire parvenir, dans l'effusion de la plus sincère amitié, les conseils que peut-être j'étois à plus d'un titre autorisé à lui offrir, mais aujourd'hui je ne me crois plus permis d'hésiter, informé par mes Alliées réunis à Troppau, de l'invitation qu'ils font parvenir à Votre Majesté, je dois me joindre à eux, et comme membre d'une Alliance dont le seul but est d'assurer la tranquillité et l'indépendance de tous les Etats, et comme Souverain d'un Peuple, ami de celui que Votre Majesté gouverne, j'y ajoute encore, comme parent sincèrement affectionné; je ne saurois trop fortement insister auprès d'elle pour qu'elle vienne prendre part en personne à la nouvelle réunion qui va se former.

Avec mes Alliés, Sire, je vous dirai que leur intention dans cette réunion, est de concilier l'intérêt et le bien-être dont la sollicitude paternelle de Votre Majesté doit désirer de faire jouir ses Peuples, avec les devoirs qu'eux mêmes ils ont à remplir envers leurs Etats et envers le Monde: la gloire la plus pure attend Votre Majesté; elle concourra à raffermir en Europe les bases de l'ordre social, elle préservera ses Peuples des malheurs qui les menacent, elle assurera par l'accord si nécessaire du pouvoir et de la liberté, leur bonheur et leur prospérité pour un longue suite de générations.

Si mes infirmités me l'eussent permis, j'aurois voulu accompagner Votre Majesté à cette auguste réunion, mais lorsqu'elle verra que pour lui écrire dans une pareille occasion, je suis forcé de me servir d'une main étrangère, elle jugera facilement de l'impossibilité où je me trouve de suivre à cet égard l'impulsion de mon cœur.

Elle peut toutefois compter que ceux de mes Ministres qui y assistent en mon nom, ne négligeront rien pour suppléer à tout ce qu'elle aurait pu attendre de moi-même.

Votre Majesté en prenant une détermination conforme au désir que mes Alliés et moi, nous lui manifestons, donnera à ses Peuples une marque de son affection, d'autant plus grande que cette détermination, j'en ai la conviction intime, sera pour Votre Majesté le moyen le plus assuré de leur garantir les bienfaits de la paix et d'une sage liberté.

Je prie, &c.

Sa Majesté Le Roi des Deux-Siciles. LOUIS.

No. 8.—Circular to the Austrian, Prussian, and Russian Missions at Foreign Courts.

Troppau, le 8 Décembre, 1820.

INFORMÉS des bruits aussi extravagans que faux, que la malveillance des uns et la crédulité des autres ont concouru à répandre et à accréditer sur l'objet et les résultats des Conférences de Troppau, les Cours Alliés ont jugé nécessaire de fournir à leurs Missions respectives dans les Pays étrangères des informations authentiques, propres à les mettre en état de dissiper les erreurs et les préventions, qui ont pu se former à cet égard. La pièce ci-jointe est destinée à remplir ce but. Il ne s'agit pas d'en faire l'objet d'aucune communication formelle; mais rien n'empêche qu'il n'en soit donné une lecture confidentielle. Ce même Apperçu allant être adressé à Messieurs les Ministres de ——, et de ——, vous voudrez bien concerter plus particulièrement avec eux l'usage que vous en ferez. Recevez, &c.

(Inclosure.)—Court Apperçu des premiers résultats des Conférences de Troppau.

LES évènemens qui ont eu lieu le 8 Mars en Espagne, le 2 Juillet à Naples, et la catastrophe du Portugal, ont dû nécessairement faire naître un sentiment profond d'inquiétude et de chagrin à tous ceux qui sont dans l'obligation de veiller à la tranquillité des Etats, mais en même tems leur faire reconnaître le besoin de se réunir et de délibérer en commun sur les moyens de prévenir tous les maux qui menaçaient de fondre sur l'Europe.

Il était naturel que ces sentimens fissent surtout une vive impression sur les Puissances qui avaient récemment étouffé la Révolution, et qui la voyaient relever la tête. Il n'était pas moins naturel que ces Puissances, pour la combattre une troisième fois, eussent recours aux mêmes moyens dont elles avaient fait usage avec tant de succès dans cette lutte mémorable qui a délivré l'Europe d'un joug qu'elle avait porté 20 ans.

Tout donnait lieu d'espérer, que cette Alliance fondée dans les circonstances les plus critiques, couronnée du plus brillant succès, affermie par les Conventions de 1814, 1815 et 1818, de même qu'elle avait préparé, établi et affermi la paix du monde, qu'elle avait délivré le Continent Européen de la tyrannie militaire du Représentant de la révolution, serait aussi de même en état de mettre un frein à une force

non moins tyrannique et non moins détestable, celle de la révolte et du crime.

Tels furent les motifs et le but de la réunion de Troppau. Les premiers sont si évidens, qu'ils n'ont pas besoin de développement. Le dernier est si honorable et si salutaire, que les vœux de tous les hommes de bien accompagneront sans doute les Cours Alliés dans la noble lice où elles vont entrer.

L'entreprise que leur imposent les plus saints engagemens, est grande et difficile; mais un heureux pressentiment leur fait espérer qu'elles parviendront à leur but, en maintenant invariablement l'esprit de ces Traités auxquels l'Europe doit la paix et l'union qui existe entre tous ses Etats.

Les Puissances ont exercé un droit incontestable, en concertant en commun des mesures de sureté contre les Etats dans lesquels un renversement du Gouvernement effectué par la révolte, ne dût être considéré que comme un exemple dangereux, qui devait avoir pour résultat une attitude hostile contre toutes les Constitutions et les Gouvernemens légitimes. L'exercice de ce droit devenait d'une nécessité encore plus urgente, quand ceux qui s'étaient mis dans cette situation, cherchaient à communiquer aux Etats voisins le malheur où ils s'étaient plongés, et à propager autour d'eux la révolte et la confusion.

Il y a dans cette attitude et cette conduite une rupture évidente du pacte qui garantit à tous les Gouvernemens de l'Europe, outre l'inviolabilité de leur Territoire, la jouissance des rapports paisibles qui excluent tout empiètement réciproque sur leurs droits.

Ce fait incontestable est le point d'où les Cours Alliées sont parties. Les Ministres qui pouvaient être pourvus à Troppau même d'Instructions positives de la part de leurs Cours, se concertèrent en conséquence entre eux, sur les principes de la conduite à suivre envers les Etats dont la forme de Gouvernement avait reçu des atteintes violentes, et sur les mesures pacifiques ou coërcitives, qui, dans les cas où l'on pouvait attendre des effets importans d'une influence salutaire, pourraient ramener ces Etats dans le sein de l'Alliance. On communiqua aux Cours de Paris et de Londres les résultats de ces délibérations, afin que de leur côté elles pussent les prendre en considération.

Comme la Révolution de Naples prend de jour en jour de plus profondes racines, qu'aucune autre n'expose la tranquillité des Etats voisins à un danger aussi certain et aussi imminent, et que l'on ne peut agir aussi immédiatement et aussi promptement sur aucune autre, on s'est convaincu de la nécessité de procéder, d'après les principes ci-dessus énoncés, envers le Royaume des Deux-Siciles.

Pour préparer à cette fin des mesures de conciliation, les Monarques réunis à Troppau invitèrent le Roi des Deux-Siciles à se réunir à eux à Laybach, démarche dont le but était uniquement de délivrer la volonté de Sa Majesté de toute contrainte extérieure, et de constituer

ce Monarque Médiateur entre ses Peuples égarés, et les Etats dont ils menaçaient la tranquillité. Les Monarques Alliés étant résolus de ne point reconnaître un Gouvernement produit par une révolte ouverte, ils ne pouvaient entrer en négociation qu'avec la personne du Roi. Leurs Ministres et leurs Agens à Naples ont reçu en conséquence les Instructions nécessaires.

La France et l'Angleterre ont été invitées à prendre part à cette démarche, et l'on peut espérer qu'elles ne refuseront pas d'y accéder, le principe sur lequel est fondée cette invitation étant en parfaite harmonie avec les Traités qu'elles ont consenties antérieurement, et offrant en outre une garantie des dispositions les plus pacifiques et les plus équitables.

Le système suivi par l'Autriche, la Prusse et la Russie, n'a rien de nouveau; il repose sur les mêmes maximes qui ont servi de bases aux Traités par lesquels a été fondée l'Alliance des Etats Européens. L'union intime entre les Cours qui se trouvent au centre de cette Alliance, ne peut qu'acquérir par-là plus de force et de durée. L'Alliance s'affermira par les mêmes moyens qu'ont employés pour la former les Puissances auxquelles elle doit son origine, et qui l'ont fait peu-à-peu adopter par toutes les autres, qui se sont convaincues de ses avantages plus que jamais incontestables.

Du reste, il n'est pas besoin d'autres preuves, que ni l'esprit de conquête, ni la prétention de porter atteinte à l'indépendance d'autres Gouvernemens dans leur administration intérieure, ni le projet d'empêcher des améliorations sages, entreprises librement, et compatibles avec le véritable intérêt des Peuples, n'ont eu aucune part aux Résolutions des Puissances. Elles ne désirent que de maintenir la Paix, et de délivrer l'Europe du fléau de la Révolution, et d'écarter ou d'abréger, autant qu'il est en leur pouvoir, les maux qui résultent de la violation de tous les principes de l'ordre et de la morale.

A de telles conditions, les Monarques Alliés croient pouvoir espérer, en récompense de leurs efforts et de leurs soins, l'approbation unanime du Monde.

No. 9.—Message of the King of Sicily to the National Parliament.
Naples, 7th December, 1820. (Traduction.)

FERDINAND I. par la Grace de Dieu, et par la Constitution de la Monarchie, Roi des Deux-Siciles, &c. &c. &c.

A mes fidèles Députés du Parlement.

Les Souverains d'Autriche, de Prusse, et de Russie, unis en Congrès à Troppau m'ont adressés 3 lettres, dans lesquelles ils m'invitent à me rendre personnellement à Laybach, pour prendre part au nouveau Congrès qui se tiendra dans cette dernière Ville.

D'après ces lettres dont j'ai ordonné à mon Ministre des Affaires Etrangères de vous donner communication, vous sentirez l'importance

de l'objet de cette invitation, qui est de m'interposer comme Médiateur entre les Souverains sus-dits et la Nation.

Pénétré dans le fond de mon cœur, de cette force des circonstances, et jaloux de ne négliger aucun sacrifice pour établir solidement le bonheur de la Nation, j'accepte tous les expédients qui m'offrent l'espérance de pouvoir y parvenir. En conséquence je suis résolu de convaincre toutes les difficultés que présentent mon âge avancé et la rigueur de la saison, pour me rendre promptement à l'invitation qui m'a été faite, puisque les Souverains m'ont fait déclarer qu'ils n'auraient admis aucun autre pour traiter, y compris même les Princes de ma Famille Royale. Je pars donc avec la confiance que la Divine Providence me fournira les moyens de vous donner une dernière preuve de mon amour pour vous, épargnant à la Nation le fléau d'une Guerre.

Loin de moi, loin de vous la pensée que mon adhésion à ce projet me fasse écarter un instant du bien de mon Peuple. En m'éloignant de vous, il est digne de vous, il est digne de moi, de vous donner une nouvelle, une solemnelle garantie. Je déclare donc à vous et à la Nation que je ferai tout ce qui dépendra de moi pour faire jouir mes Peuples d'une Constitution sage et libérale. Quelque mesure que les circonstances exigent relativement à notre état politique actuel, j'emploirai tous mes efforts à ce que cet état soit fondé sur les bases suivantes:

1°. Que par une Loi fondamentale de l'Etat, soit assuré la liberté individuelle et réelle de mes très aimés Sujets;

2°. Que dans la composition des Corps de l'Etat, on n'ait aucun regard aux privilèges de la naissance;

3°. Qu'aucun impôt ne puisse être établi sans le consentement de la Nation légitimement représentée;

4°. Que le compte des Dépenses publiques soit rendu à la Nation elle-même et à ses Représentans;

5°. Que les Lois soient faites d'accord avec la représentation nationale;

6°. Que le Pouvoir Judiciaire soit indépendant;

7°. Que la liberté de la presse soit conservée, sauf les Lois qui en reprimeront les abus;

8°. Que les Ministres soient responsables;

9°. Que la liste civile soit fixée.

Je déclare en outre que je ne consentirai jamais à ce qu'aucun de mes sujets soit molesté pour aucun fait politique.

Mes fidèles Députés, en me chargeant de ce soin, pour vous convaincre de mon amour et de ma sollicitude pour la Nation, je désire qu'une députation de 4 Membres au choix du Parlement, m'accompagne pour être témoin des dangers qui nous attendent et des efforts faits pour les éviter.

Il est nécessaire que jusqu'à l'issue des négociations, le Parlement ne propose aucune innovation dans les diverses branches, et que les

choses restent dans l'état actuel, et que l'Assemblée borne ses travaux à la part qu'elle est appelée à prendre dans l'organisation de l'Armée, puisque les Etats, discutés dans un tems de nécessité, doivent rester fixés pour l'année prochaine comme ils le sont pour celle qui va finir. C'est ma ferme volonté de porter la plus grande économie dans toutes les dépenses, aussitôt que les circonstances le permettront.

En partant, je laisse au milieu de vous ce que j'ai de plus cher. Vous continuerez à avoir pour ma Famille Royale les sentimens d'attachement que vous avez toujours professés.

Je confirme à mon très-cher fils, le Duc de Calabre, les fonctions de mon Vicaire, spécifiées dans mes Actes du 6 Juillet et du 11 Octobre, de cette Année.

Je suis convaincu que vous accueillerez cette communication comme une preuve de mes sentimens, et comme l'effet de la nécessité qui nous oblige à préférer à tout intérêt secondaire le salut de notre Patrie.

FERDINAND.

Le Secrétaire d'Etat, Ministre des Affaires Etrangères,
LE DUC DE CAMPOCHIARO.

No. 10.—*Address of the National Parliament to the King of Sicily. Naples, 8th December,* 1820.

SIRE, (Traduction.)

L'ÉCRIT que Votre Majesté vient de nous adresser, en date d'hier, n'a pas moins occupé notre attention, que celle du Public. Depuis long-tems nous désirions connaître les véritables intentions des Hauts Alliés à notre égard, et pleins de confiance dans leur justice, nous les croyions au-dessus des interprétations odieuses que nos ennemis donnaient à quelques apparences. Le premier trait de lumière que ces Augustes Monarques ont fait briller à nos yeux est tout-a-fait propre à confirmer nos présages. Loin de vouloir faire la guerre à un Peuple innocent qui ne les a jamais provoqués, ils désirent faire asseoir dans leurs Conseils Votre Majesté, le fondateur et le protecteur de notre statut politique.

Si Votre Majesté se rend à cette honorable invitation, elle ne peut s'y rendre que dans l'intention d'assurer toujours de plus en plus le don qu'elle nous a fait. Il plut à Votre Majesté de nous faire ce don le 6 Juillet. Vous l'avez ratifié bientôt devant la Junte Provisoire, et vous n'avez pas manqué de le confirmer par un serment. Le Décret du 22 du même mois, en réglant la Convocation des Assemblées Electorales, exprima la nécessité de conserver les bases de la Constitution d'Espagne, avec la faculté de l'adapter aux circonstances du Royaume. Chacun de ces Actes était suffisant pour garantir notre sécurité, mais non pas pour contenter la bienveillance de Votre Majesté. Le premier jour d'Octobre sera toujours cher à vos sentimens vertueux, à notre reconnaissance, et à l'admiration de la postérité. Nous vîmes

Votre Majesté pénétrée d'une tendre joie, déposer aux pieds des autels le vœu inviolable de maintenir intacte la Constitution d'Espagne, sauf les modifications que nous lui proposerions. Nous entendîmes retentir partout les cris de " vive le Roi," que cet acte majestueux fit sortir de toutes les bouches. Le nom de Votre Majesté fut dès-lors gravé pour toujours dans tous les cœurs et particulièrement dans les nôtres. Nous établîmes un mode de choisir les Conseillers-d'Etat. Votre Majesté crut que son pouvoir n'était pas suffisamment maintenu ; et, en désapprouvant notre Décret, elle nous rappela en termes exprès notre serment commun, le serment de respecter les bases de la Constitution d'Espagne.

Si la liberté de Votre Majesté ne résultait pas suffisamment de cette série de faits, rien ne serait plus propre à en fournir une preuve, que votre intervention personnelle au Congrès de Laybach. Jamais, dans le fait, un Monarque n'est plus vivement pressé par son caractère élevé, de faire preuve de loyauté, de constance et d'attachement à son Peuple, que lorsqu'il a ses semblables pour témoins et pour admirateurs.

Sans nous soustraire à l'influence de ces graves considérations, nous ne pouvons, dans les circonstances, accepter le Projet que Votre Majesté nous a fait proposer, savoir, de vous faire accompagner par quatre Députés. Ce n'est pas leurs yeux vigilants qui pourraient nous rassurer ; c'est la bonté du cœur de Votre Majesté, c'est le sentiment de votre propre dignité, votre parole royale, votre serment solemnel et réitéré, c'est le regard observateur de l'Europe entière, c'est le jugement indépendant et sévère de la postérité.

Mais le rédacteur du respectable Message, qui nous a été présenté en votre nom, a sensiblement dévié de ces principes. Il a indiqué les bases d'une Constitution politique, comme s'il s'agissait d'en former une nouvelle ; il nous a tracé une marche totalement opposée à la ligne de nos fonctions.

Il n'arrivera jamais qu'on impute à Votre Majesté une chose qui est si manifestement contraire à ses intentions connues, à ses habitudes et à ses protestations réitérées. Nous n'avons jamais douté que ses paroles ne fussent sorties du fond de son cœur ; et le cœur du fils de Charles III. est naturellement le temple de la bonne foi. Nous croirions mal apprécier la séverité des principes des Hauts Alliés, si nous paroissions les croire capables de vous demander le plus petit sacrifice de vos sublimes volontés. Nous ferions un tort plus grave à Votre Majesté si nous croyions toutes les forces du monde assez puissantes pour vous arracher un tel sacrifice.

Vous n'avez donc désiré intervenir aux Conseils de Laybach, que pour défendre la Constitution que vous avez daigné admettre : vous ne pouvez vous présenter sous aucun autre caractère, que celui d'un Monarque indépendant qui protège son Peuple, qui garantit son

serment, qui plaide la cause de sa conscience, celle de sa gloire, celle de la fidélité de son Royaume, enfin qui se prépare à tracer un long sillon de lumière à travers les siècles.

C'est uniquement pour un objet si digne de sa grande âme, que Votre Majesté peut vaincre le poids des années, la rigueur de la saison, et la difficulté des chemins. C'est uniquement pour cet objet que l'Assemblée Nationale peut consentir à se séparer un moment de vous.

Oserait-on supposer une hypothèse absurde ? Oserait-on imaginer un désaccord, vraiment impossible, entre l'objet de votre voyage et votre générosité, ainsi que votre confiance ? Nous ferions ce qu'un Parlement, digne de votre estime, est obligé de faire.

Sévères Gardiens de la Constitution d'Espagne, nous ne nous permettrions pas d'opposer à vos pas, aucun obstacle physique.

Nous y opposerions notre amour, notre reconnaissance, vos sermens, la dignité de votre sceptre, la sainteté inviolable de nos devoirs réciproques, enfin la paix du Royaume. Votre Majesté se féliciterai elle-même de présider à un Peuple dont les Représentans soutiennent la vraie gloire du Trône. Nous serions encore plus fiers d'appartenir à un Prince dont la règle est la vertu, et dont la conduite est tracée par l'intérêt de son Peuple.

Sire, tels sont les sentimens du Parlement National. Ces sentimens ont dicté le Décret que nous venons de rendre. Votre Majesté le trouvera conforme à ses vues sublimes, puisque ses vues furent toujours conformes à la religion, à l'humanité, et à son amour pour sa dynastie.

Naples, le 8 Décembre, 1820.

Le Président, CHEVALIER RUGGIERO.

No. 11.—*Message of the King of Sicily to the National Parliament. Naples, 8th December,* 1820.

FERDINAND I. par la Grace de Dieu, etc. (Traduction.)

A mes fidèles Députés du Parlement.

J'ai appris avec une profonde douleur que tout le monde n'a pas vu du même œil la résolution qui vous a été communiquée dans la séance d'hier, 7 du courant.

Pour écarter toute équivoque, je déclare, que je n'ai jamais eu l'idée de violer la Constitution jurée ; mais comme dans mon Décret Royal du 7 Juillet, j'ai réservé à la Représentation Nationale le droit de proposer à la Constitution d'Espagne les modifications qu'elle aurait jugées nécessaires ; par cette raison j'ai cru et je crois encore que mon intervention au Congrès de Laybach pouvait être utile aux intérêts de la Patrie, en faisant agréer aux Puissances Etrangères des projets de modification, tels que, sans porter aucunement atteinte aux droits de la Nation, ils repoussassent tout prétexte de guerre ; bien at-

tendu que, dans tous les cas, aucune modification ne pourrait être acceptée sans avoir été consentie par la Nation et par moi.

Je déclare, en outre, qu'en m'adressant au Parlement, j'ai entendu et j'entends me conformer à l'Article 172, § 2* de la Constitution.

Enfin je déclare que je n'ai pas entendu suspendre, pendant mon absence, les Actes Législatifs du Gouvernement, mais ceux uniquement qui regardent les modifications à apporter à la Constitution.

Naples, le 8 Décembre, 1820. FERDINAND.

Le Secrétaire d'Etat, Ministre des Affaires Etrangères,

LE DUC DE CAMPOCHIARO.

No. 12.—Address of the National Parliament to the King of Sicily. Naples, 9th December, 1820.

SIRE, (Traduction.)

PAR votre Message du 8 de ce mois, Votre Majesté a daigné déclarer qu'elle n'avait jamais pensé à violer la Constitution jurée. Vous avez voulu par-là ajouter une nouvelle assurance à celles que vous nous avez données antérieurement, et affermir la confiance que vous avez su nous inspirer depuis si long-tems. La plus vive reconnaissance est à peine en état de répondre à une conduite aussi magnanime. Nous en sommes pénétrés au plus haut degré, et nous regardons comme un devoir de vous la témoigner. Le souvenir précieux et sacré de votre serment réveille à la fois en nous le sentiment de tous nos devoirs, et de tous nos droits, et de tous les titres que notre pacte social nous a donnés à être heureux. Nous ne pouvons donc perdre de vue que la Constitution Espagnole, que vous avez accordée aux vœux de notre Nation, n'est plus désormais susceptible d'autres modifications que de celles que le Parlement jugera utiles. C'est à quoi tendent les Décrets du 6 et du 26 Juillet; telle est la clause expresse de cette formule auguste par laquelle vous avez mis sous la protection divine notre nouvelle forme de Gouvernement; telles sont les qualités qui nous autorisent à déployer les facultés contenues dans l'Article 172. § 2. de la Constitution Espagnole.

Les Hauts Alliés de Votre Majesté apprendront de vous avec plaisir dans le grand Congrès de Laybach, que la gloire d'avoir consenti à la liberté de vos Peuples appartient entièrement à la libre résolution de Votre Majesté, et que le droit d'y consentir est indépendant de toute Puissance Etrangère, comme celui de régler sa propre famille et d'être juste envers les siens. Ces sages et puissans Souverains du monde ne penseront pas à priver un Bourbon du plus grand privilège de l'autorité d'un Monarque, et ils ne seront pas moins équitables

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* Paragraph 2 of Art. 172 of the Spanish Constitution of 1812 :—Le Roi ne peut sortir du Royaume sans le consentement des Cortès ; s'il le fait, il est censé avoir abdiquer.

envers Votre Majesté, qu'ils ne l'ont été envers votre Auguste Parent, le Roi d'Espagne. Jamais les vœux des Peuples ne s'éleveront en vain jusqu'à eux. Ils ont toujours consulté dans leurs jugemens le droit des gens et l'opinion des sages, ainsi que les décisions lentes et sévères de l'histoire.

C'est ainsi que vous en agirez aussi envers nous. Votre Majesté a ajouté un nouveau fleuron à sa Couronne par la liberté de son Peuple. Vous l'embellirez bientôt encore par le mérite d'avoir garanti cette liberté. La gloire de l'avoir fait n'appartient qu'à vous. La reconnaissance pour une telle entreprise est un devoir pour nous, pour nos contemporains, pour la postérité et l'humanité entière.

Naples, le 9 Décembre, 1820.

RUGGIERO, *Présaen*

No. 13.—*Message of the King of Sicily to the National Parliamen Naples,* 10*th December,* 1820.

FERDINAND I. par la grace de Dieu, &c. (Traduction.

A mes fidèles Députés du Parlement.

Votre décision, en date du 8 de ce mois, porte entre autres choses, que le Parlement n'a la faculté de donner son adhésion à mon départ qu'autant qu'il aurait pour but de soutenir la Constitution d'Espagne, jurée en commun.

Sur ce je déclare que mon intervention au Congrès de Laybach n'a pas d'autre but que celui de soutenir la Constitution d'Espagne jurée en commun, et notre pacte social, et d'ajouter, au moyen des manifestations que vous m'avez faites par votre Message du 9, que telle est la volonté décidée et unanime de mes Peuples. Si mon Message du 7 a reçu une autre interprétation, je crois avoir dissipé tout équivoque par mon Message du 8.

Après cette déclaration, je désire que le Parlement décide d'une manière positive s'il consent à mon intervention au Congrès de Laybach, dans le but de soutenir la volonté générale de la Nation pour la Constitution adoptée, et d'éloigner en même tems les menaces de guerre.

En cas d'affirmative, je désire que le Parlement s'explique sur la confirmation du Vicariat-Général, dans la personne de mon très-cher fils le Duc de Calabre.

Le Parlement, en plaçant en moi une confiance que le justifierai, avec la faveur de Dieu, n'a pas cru nécessaire de choisir quatre Membres pour m'accompagner. Sur ce point, je dois vous dire que je désirais et que je désire que quatre Députés m'accompagnent, parceque j'aimais et j'aime à profiter de leurs lumières. Si après cette explication, le Parlement trouve cette mesure utile, je ne pourrai en être que satisfait. Je n'entends cependant pas l'exiger comme une condition à mon intervention au Congrès.

Finalement, d'après la réflexion que les Souverains rassemblés à

Laybach attendent de moi une prompte réponse, je désire que le Parlement prononce bientôt sur ce que je viens de lui exposer.

Naples, le 10 Décembre, 1820. FERDINAND.

Le Ministre, Secrétaire d'Etat,

DUC DE CAMPOCHIARO.

No. 14.—*The King of Sicily to the Emperors of Austria and Russia, and the King of Prussia.*—(Traduction.)

MONSIEUR MON FRÈRE ET GENDRE, *Naples, le* 11 *Décembre*, 1820.

SI dans les circonstances actuelles mon cœur a pu s'ouvrir encore aux impressions de la joie, c'était sans doute au moment où j'ai reçu la Lettre de Votre Majesté Impériale, datée de Troppau et celles des Monarques Alliés qui y sont réunis. J'ai été touché au-delà de toute expression de la grandeur d'ame qui dirige toutes vos démarches pour le bien des Nations Européennes et de l'intérêt particulier, et sincère, et dont j'ai déjà eu antérieurement de fréquentes preuves, que vous prenez pour ma personne, et pour les Peuples que la Providence a confiés à mes soins, et dont le bonheur, le repos et le bien-être, sont le but de tous mes efforts. D'après cette expression franche de mes sentimens, Votre Majesté pourra aisément imaginer avec quelle vive reconnaissance j'ai reçu l'invitation que vous m'avez adressée, ainsi que Leurs Majestés l'Empereur de Russie et le Roi de Prusse, de prendre part aux délibérations de Laybach, qui n'ont pour objet que d'affermir la plus sainte des alliances. Je vois dans cette invitation un nouveau bienfait de la Providence qui m'ouvre une voie pour travailler avec mes illustres Alliés, à un ouvrage qui rendra leur nom cher à la postérité la plus reculée, et avoir ainsi quelque part à la gloire qui les attend. Votre Majesté ne doutera pas de mon empressement à me rendre à une telle invitation, et mon départ sera aussi prompt que les circonstances pourront le permettre.

Ce sera une consolation particulière pour moi de revoir Votre Majesté Impériale, et de faire personnellement connaissance avec Leurs Majestés l'Empereur de Russie et le Roi de Prusse, de devoir à votre sagesse et à votre bienveillance la tranquillité de mon Pays, et ma plus agréable occupation sera d'imprimer à tous les Membres de ma Famille, les sentimens de reconnaissance dont mon cœur est pénétré.

Agréez l'assurance, &c.

Sa Majesté l'Empereur d'Autriche, &c. FERDINAND.

No. 15.—*Address of the National Parliament to the King of Sicily.*

SIRE, *Naples, 12th December*, 1820. (Traduction.)

EN répondant au 3e Message de Votre Majesté, nous avons l'honneur de lui envoyer le Décret qu'elle nous a proposé de rendre. La Constitution, qui ne reconnait pas le caractère de Vicaire Général du Royaume dans le cas de l'absence du Roi, ne nous a laissé d'autre moyen de seconder vos intentions, relativement à l'administration proisoire du Royaume, que celui de transformer ce caractère en celui

de Régent. Nous ne doutons pas que notre résolution ne soit entièrement conforme aux vues de Votre Majesté, et nous avons en conséquence transmis au Régent vos prérogatives pour le tems de votre absence.

Quant à ce qui concerne votre départ pour Laybach, et les Personnes qui doivent vous accompagner, nous n'avons rien à ajouter à ce que nous vous avons déjà représenté dans les Adresses antérieures, si ce n'est le vœu de jouir constamment de votre présence, et la peine que nous éprouvons d'en être privés pour quelque tems. Mais de même que notre confiance dans vos sermens est entière, de même votre influence sur le maintien de la Constitution Espagnole et le bien-être de vos Peuples, aura son entier effet.

Nous sommes sûrs qu'après le Congrès, Votre Majesté reviendra jouir au milieu de nous d'une paix glorieuse, l'ouvrage de votre amour paternel, ou prendre part à la défense de la Nation. C'est la seule manière dont le Parlement National peut consentir à ce que le Roi s'éloigne de son Peuple chéri.

Nous régarderons toujours comme un nouveau gage de Votre désir de faire ce qui nous est avantageux, la formation immédiate du Conseil-d'Etat, et l'accomplissement de ce qui dépend de vous pour rendre efficaces les modifications de notre statut politique que nous vous transmettons.

Nous ne cesserons, Sire, de faire des vœux ardens pour Votre gloire. Nous sommes convaincus que les Votres seront toujours dirigées vers le bien-être du Royaume, ou ce qui revient au même, vers la liberté de la Nation.

Naples, le 12 Décembre, 1820.

No. 16.—*Reply of the King of Sicily to the Address of the National Parliament.—Naples, 12th December,* 1820. (Traduction.)

Je m'en vais au Congrès pour remplir ce que j'ai juré. C'est avec plaisir que je laisse auprès de vous mon très cher fils le Duc de Calabre, en qualité de Régent du Royaume. J'espère que Dieu me donnera les forces indispensables à mon intention.

No. 17.—*Message of the King of Sicily to the National Parliament.—Naples, 13th December,* 1820.

Ferdinand I. par la grace de Dieu, &c. (Traduction.)

A mes fidèles Députés du Parlement.

La part que je prends au bien-être de mes Peuples exige que je ne retarde pas d'un instant mon voyage pour Laybach où les Monarques Alliés se rendent déjà. Vous demandez que je règle d'abord tout ce qui est relatif à la nomination des Conseillers d'Etat et aux modifications à la Constitution. La briéveté du tems ne me permet de m'occuper que de ce qui concerne le Conseil d'Etat, et c'est un devoir pour moi d'établir ce Corps avant mon départ, afin que la marche des af-

faires n'éprouve aucun retard pendant mon absence. Les modifications à la Constitution demandent un mûr examen que je ne peux pas terminer pendant le peu d'heures qui me restent jusqu'à mon départ. Je laisse donc ce soin à mon fils chéri, le Prince Régent, Duc de Calabre, qui est revêtu de tous mes pouvoirs. Mais si vous croyez nécessaire que je le fasse moi-même, on peut me les envoyer, ou attendre mon retour de Laybach, que j'espère effectuer dans peu de tems.

Comme les trois mois fixés par la Constitution pour la durée de votre Session, seront bientôt expirés, et que cependant tous les objets dont vous avez à vous occuper ne sont point encore règlés, je désire qu'en vertu de l'Article 107 du Statut, la Session actuelle du Parlement soit prolongée d'un mois; les besoins de la Patrie l'exigent.

Naples, 13 Décembre, 1820. FERDINAND.

No. 18.—*Visct. Castlereagh to the British Ministers at Foreign Courts.* (Circular.) *Foreign Office, 19th January,* 1821.

I SHOULD not have felt it necessary to have made any communication to you, in the present state of the discussions begun at Troppau and transferred to Laybach, had it not been for a Circular Communication, which has been addressed by the Courts of Austria, Prussia and Russia, to their several Missions, and which, His Majesty's Government conceive, if not adverted to, might (however unintentionally) convey, upon the subject therein alluded to, very erroneous impressions of the past, as well as of the present, sentiments of the British Government.

It has become, therefore, necessary to inform you, that the King has felt himself obliged to decline becoming a Party to the measures in question.

These measures embrace 2 distinct objects;

1st. The establishment of certain general principles for the regulation of the future political conduct of the Allies, in the cases therein described:

2dly. The proposed mode of dealing, under these principles, with the existing affairs of Naples.

The system of measures proposed under the former head, if to be reciprocally acted upon, would be in direct repugnance to the fundamental Laws of this Country.—But, even if this decisive objection did not exist, the British Government would, nevertheless, regard the principles on which these measures rest, to be such as could not be safely admitted as a system of international Law. They are of opinion that their adoption would inevitably sanction, and, in the hands of less beneficent Monarchs, might hereafter lead to, a much more frequent and extensive interference in the internal transactions of States, than they are persuaded is intended by the August Parties from whom they proceed, or can be reconcileable either with the general interest, or with

the efficient authority and dignity of Independent Sovereigns. They do not regard the alliance as entitled, under existing Treaties, to assume, in their character as Allies, any such general powers, nor do they conceive that such extraordinary powers could be assumed, in virtue of any fresh diplomatic transaction amongst the Allied Courts, without their either attributing to themselves a supremacy incompatible with the rights of other States, or, if to be acquired through the special accession of such States, without introducing a federative system in Europe, not only unwieldy and ineffectual to its object, but leading to many most serious inconveniences.

With respect to the particular Case of Naples, the British Government, at the very earliest moment, did not hesitate to express their strong disapprobation of the mode and circumstances, under which that Revolution was understood to have been effected; but they, at the same time, expressly declared to the several Allied Courts, that they should not consider themselves as either called upon, or justified, to advise an interference on the part of this Country: they fully admitted, however, that other European States, and especially Austria and the Italian Powers, might feel themselves differently circumstanced; and they professed, that it was not their purpose to prejudge the question as it might affect them, or to interfere with the course which such States might think fit to adopt, with a view to their own security; provided only, that they were ready to give every reasonable assurance, that their views were not directed to purposes of aggrandizement, subversive of the Territorial system of Europe, as established by the late Treaties.

Upon these principles, the conduct of His Majesty's Government, with regard to the Neapolitan Question, has been, from the first moment, uniformly regulated, and Copies of the successive Instructions sent to the British Authorities at Naples, for their guidance, have been, from time to time, transmitted for the information of the Allied Governments.

With regard to the expectation, which is expressed in the Circular above alluded to, of the assent of the Courts of London and Paris to the more general measures proposed for their adoption, founded, as it is alleged, upon existing Treaties,—in justification of its own consistency and good faith, the British Government, in withholding such assent, must protest against any such interpretation being put upon the Treaties in question, as is therein assumed.

They have never understood these Treaties to impose any such obligations; and they have, on various occasions, both in Parliament and in their intercourse with the Allied Governments, distinctly maintained the negative of such a proposition: that they have acted with all possible explicitness upon this subject, would at once appear from reference to the deliberations at Paris in 1815, previous to the conclusion of the

Treaty of Alliance;—at Aix-la-Chapelle in 1818;—and, subsequently, in certain discussions which took place in the course of the last year.

After having removed the misconception to which the passage of the Circular in question, if passed over in silence, might give countenance; and having stated in general terms, without however entering into the argument, the dissent of His Majesty's Government from the general principle upon which the Circular in question is founded; it should be clearly understood, that no Government can be more prepared than the British Government is, to uphold the right of any State or States to interfere, where their own immediate security, or essential interests, are seriously endangered by the internal transactions of another State.—But, as they regard the assumption of such right, as only to be justified by the strongest necessity, and to be limited and regulated thereby, they cannot admit that this right can receive a general and indiscriminate application to all revolutionary movements, without reference to their immediate bearing upon some particular State or States, or be made prospectively the basis of an Alliance.—They regard its exercise as an exception to general principles, of the greatest value and importance, and as one that only properly grows out of the circumstances of the special case; but they, at the same time, consider, that exceptions of this description never can, without the utmost danger, be so far reduced to rule, as to be incorporated into the ordinary diplomacy of States, or into the Institutes of the Law of Nations.

As it appears that certain of the Ministers of the 3 Courts have already communicated this Circular Dispatch to the Courts to which they are accredited, I leave it to your discretion to make a corresponding communication, on the part of your Government; regulating your language in conformity to the principles laid down in the present Dispatch. You will take care, however, in making such communication, to do justice, in the name of your Government, to the purity of intention which has no doubt actuated these August Courts, in the adoption of the course of measures which they are pursuing. The difference of sentiment which prevails between them and the Court of London on this matter, you may declare, can make no alteration whatever in the cordiality and harmony of the Alliance on any other subject, or abate their common zeal in giving the most complete effect to all their existing Engagements. I am, &c.

His Majesty's Ministers at Foreign Courts. CASTLEREAGH.

No. 19.—*The King of Sicily to The Prince Regent of Sicily.*

(Traduction.)

MON TRÈS-CHER FILS, *Laybach, le* 28 *Janvier,* 1821.

Vous connaissez les sentimens qui m'animent pour la félicité de mes Peuples, et les motifs pour lesquels seulement j'ai entrepris, malgré mon âge et la saison, un aussi long et aussi pénible voyage. J'ai re-

connu que notre Pays était menacé de nouveaux désastres, et j'ai par conséquent cru qu'aucune considération ne devait m'empêcher de faire la tentative que les devoirs les plus sacrés me dictaient.

Dès mes premières entrevues avec les Souverains, et à la suite des communications qui me furent faites des délibérations qui avaient eu lieu entre les Cabinets réunis à Troppau, il ne m'est plus resté aucun doute sur la manière dont les Souverains jugeaient les événemens arrivés à Naples, depuis le 2 Juillet jusqu'à ce jour.

Je les ai trouvés irrévocablement déterminés à ne pas admettre l'état de choses qui est résulté de ces événemens ou qui pourrait en résulter, à le regarder comme incompatible avec la tranquillité de mon Royaume, ainsi qu'avec la sureté des Etats voisins, et à le combattre par la force des armes, dans le cas où la force de la persuasion n'en produirait pas la cessation immédiate.

Voilà la déclaration que tant les Souverains, que leurs Plénipotentiaires respectifs, m'ont faite, à laquelle rien ne peut les faire renoncer.

Il est au dessus de mon pouvoir, et, je crois, au-dessus de tout pouvoir humain, d'obtenir un autre résultat. Il ne reste donc aucune incertitude sur l'alternative où nous sommes placés, ni sur l'unique moyen qui nous reste pour préserver mon Royaume du fléau de la guerre.

Dans le cas où cette condition, sur laquelle les Souverains Alliés insistent, serait acceptée, les mesures qui en seront les suites ne pourront être regularisées qu'avec mon intervention. Je dois en outre vous avertir que les Monarques exigent quelques garanties jugées momentanément nécessaires, pour assurer la tranquillité des Etats voisins.

Quant au système qui doit succéder à l'état actuel de choses, les Souverains m'ont fait connaître le point de vue général sous lequel ils considèrent la question.

Ils regardent comme un objet de la plus haute importance pour la sûreté et la tranquillité des Etats voisins de mon Royaume, et par conséquent pour l'Europe entière, les mesures que j'adopterai pour donner à mon Gouvernement la stabilité dont il a besoin, sans pourtant vouloir restreindre ma liberté dans le choix de ces mesures. Ils désirent sincèrement, qu'environné des hommes les plus loyaux et les plus sages parmi mes Sujets, je consulte les intérêts vrais et permanens de mes Peuples, sans perdre de vue ce qu'exige le maintien de la paix générale; ils désirent qu'il résulte de mes soins et de mes efforts, un systême de Gouvernement propre à garantir pour toujours le repos et la prospérité de mon Royaume, ainsi qu'à tranquilliser en même temps les autres Etats d'Italie, en ôtant tous les motifs de ces inquiétudes que les derniers événemens de notre Pays leur avaient causés.

Mon désir est, mon très-cher fils, que vous donniez à la Lettre présente toute la publicité qu'elle doit avoir, afin que personne ne puisse se méprendre sur la situation périlleuse où nous nous trouvons. Si cette Lettre produit l'effet que me permettent d'espérer, et la conscience de

mes intentions paternelles, et ma confiance dans vos lumières, dans le jugement droit et la loyauté de mes Peuples, c'est à vous qu'il appartiendra de maintenir l'ordre public jusqu'à ce que je puisse vous faire connaître d'une manière plus explicite ma volonté sur la réorganisation de l'Administration. Je suis, &c.

S. A. R. le Duc de Calabre. FERDINAND.

No. 20.—Speech of The Prince Regent of Sicily, on the Closing of the National Parliament.—Naples, 31st January, 1821.

MESSIEURS LES DÉPUTÉS, (Traduction.)

NOUS voilà arrivés au terme de la première période de vos Sessions, et j'ai le plaisir de vous manifester ma satisfaction pour la conduite que le Parlement a tenue, et pour le respect qu'il n'a cessé de manifester pour le Trône.

Mon cœur est particulièrement sensible aux marques d'affection que le Parlement m'a témoignées dans toutes les occasions, ainsi qu'à ma famille, et surtout à la manière à la fois cordiale et respectueuse, avec laquelle le Parlement et la Nation, dont vous êtes les Représentans, ont confiée au Roi, mon auguste Père, la défense de la cause de son Indépendance. Je me flatte de pouvoir vous annoncer bientôt que ses efforts auront obtenu un heureux résultat. En attendant je puis vous annoncer que sa santé précieuse, malgré un long voyage dans une saison rigoureuse, n'a point été altérée.

J'ai vu avec une véritable satisfaction tout ce que vous avez fait pour améliorer nos Finances, pour la réorganisation de l'Armée, et pour mettre le Royaume dans un état respectable de défense.

Je ne puis qu'applaudir aussi à ce que l'enthousiasme dont la Nation est animée ne l'a point fait écarter de cette sagesse et de cette modération qu'elle devait garder vis-à-vis des Puissances Etrangères, ayant toujours manifesté les plus grands égards envers les Agens que ces Puissances ont conservés au milieu de nous, égards dus au caractère dont il sont revêtus.

Je ne puis également que louer le zèle que vous avez mis à améliorer toutes les branches de l'Administration publique, en les faisant concorder avec la Constitution jurée d'un commun accord. Je regrette seulement que, malgré la prolongation du Parlement, que j'avais prononcée d'après le pouvoir que m'en donnait la Constitution, le temps ait été néanmoins trop court pour atteindre l'état de perfection que mon cœur eût désiré, et pour pouvoir faire jouir à l'instant même le Peuple des Deux-Siciles de tous les avantages du nouveau système. Je me flatte que, dans la prochaine Session, aidé de votre expérience, de votre sagesse, et de votre active coopération, les affaires publiques se perfectionneront, au moyen du plus parfait accord, avec l'autorité qui émane du Pouvoir Exécutif, n'ayant d'autre désir que celui de voir se consolider le bonheur et la gloire de la Patrie.

Je vois avec plaisir que les Membres du Parlement restent à Naples, d'abord parce qu'ils s'occuperont, dans le court intervalle qui nous sépare de la prochaine Session, à préparer les travaux auxquels ils devront se livrer; ensuite, je suis bien aise qu'ils y soient, si, d'après les circonstances, je me trouvais dans le cas. ainsi que la Constitution l'a prévu, de demander à la Députation permanente une Convocation Extraordinaire du Parlement, voulant toujours agir d'un parfait accord avec la Nation, et répondre ainsi à la confiance qu'elle a mise en ma Personne. FRANCOIS.

No. 21.—*Circular* (A.) *to the Austrian, Prussian, and Russian Ministers at Naples.*

MONSIEUR LE COMTE. *Laybach, le* $\frac{19}{31}$ *Janvier*, 1821.

POUR mettre Votre Excellence en état de bien connaître l'objet de l'importante Commission que Sa Majesté l'Empereur vous confie par la présente, et que vous aurez à remplir de concert avec le Ministre de Prusse, le Chargé d'Affaires d'Autriche, et celui de France, nous vous faisons connaître, Monsieur le Comte, les explications mutuelles qui, depuis l'arrivée du Roi de Naples à Laybach, ont eu lieu entre ce Monarque et les Souverains Alliés, ainsi que le résultat auquel ont conduit les délibérations de leurs Plénipotentiaires au Congrès.

Sa Majesté le Roi de Naples, éminemment intéressé à connaître dans toute leur étendue, les intentions des Souverains Alliés, relativement aux affaires de Son Royaume, a fait remettre pour cet effet à la Conférence des Plénipotentiaires un Message portant:

" Qu'ayant accepté avec intérêt l'invitation de ses Augustes Alliés, dans l'espérance de concilier le bien-être dont il désirait faire jouir ses Peuples, avec le devoir que les Monarques Alliés pourraient être appelés à remplir envers leurs Etats et envers le Monde; et dans l'espoir de faire disparaître, sous les auspices de la paix et de la concorde, les obstacles qui depuis 7 mois ont isolé ses Etats de l'alliance Européenne; n'ayant pu se dissimuler l'impression désagréable que les derniers événemens arrivés dans Son Royaume avaient produite en Europe, et devant avec raison en craindre les conséquences; ayant appris avec la plus vive satisfaction que les Souverains Alliés, fidèles aux principes de justice, de sagesse, et de modération qui les ont constamment guidés, n'avaient voulu prendre aucune mesure définitive, relativement aux affaires de Naples, avant d'avoir épuisé les moyens d'une conciliation, qu'ils préféreraient à tout autre moyen, d'arriver au but pour lequel ils sont réunis, et le Roi pouvant se flatter de faire valoir un titre aussi cher à son cœur que celui de conciliateur en faveur de ses Sujets.

" Sa Majesté étant impatiente de se concerter avec ses Alliés sur le moyen d'épargner à son Pays les malheurs dont il le voyait menacé; mais que pour remplir, avec quelqu'espérance de succès, l'important

devoir que Sa Majesté s'était imposé, elle demandait avant tout à ses Augustes Alliés de lui manifester sans réserve toutes leurs pensées, convaincue comme elle l'était qu'ils ne manqueraient pas de donner au Monde, dans cette occasion, une nouvelle preuve des sentimens élevés et des vues justes et éclairées qui forment la base de leur politique."

Les Plénipotentiaires des Souverains Alliés ont fait, à cette première ouverture, la réponse suivante ;

" Sa Majesté Sicilienne n'a pas pu ignorer les impressions désagréables produites par les évènemens arrivés à Naples depuis le 2 Juillet, et les inquiétudes auxquelles ces mêmes évènemens ont donné lieu. Il appartenait plus particulièrement aux Plénipotentiaires des Souverains Alliés de faire connaitre toute l'étendue de ces inquiétudes par la gravité des causes qui les avaient fait naître.

" Pour mettre cette observation dans tout son jour, et donner à Sa Majesté pleine connaissance des considérations importantes qui ont motivé les déterminations adoptées par les Souverains, il convient d'entrer dans les développemens suivans :

" La Révolution de Naples porte en elle-même un caractère trop alarmant pour ne pas appeler l'attention des Souverains. Ils doivent diriger leurs mesures d'après les maux dont cette Révolution menace les Etats voisins. Les moyens employés par cette Révolution, les principes hautement professés par ceux qui s'en déclarent les Chefs, la marche qu'ils ont suivie, les résultats déjà connus, tout devait répandre l'épouvante dans les Etats d'Italie, et agir fortement sur les Puissances plus directement intéressées au repos de la Péninsule. Le Gouvernement Autrichien ne devait pas regarder avec indifférence une catastrophe, dont les conséquences incalculables, en bouleversant l'ordre et la paix de l'Italie, pouvaient compromettre les intérêts les plus précieux de l'Autriche, et menacer même sa propre sûreté. Fidèle au système qu'elle a invariablement suivi depuis 7 ans, la Cour de Vienne a cru, dans une circonstance aussi importante, remplir un devoir également imposé et par sa position et par ses engagemens, en invitant ses Alliés à l'éclairer de leurs lumières, et à délibérer avec elle sur des questions dignes sous tant de rapports d'occuper sérieusement la pensée et la sollicitude de toutes les Puissances.

" Cependant les Cabinets réunis à Troppau n'ont pu considérer la Révolution de Naples comme un événement absolument isolé ; ils ont reconnu ce même esprit de trouble et de désordre qui désole le Monde depuis si long-tems, et qu'on a pu croire comprimé par les salutaires effets d'une pacification générale, mais qui s'est bientôt et malheureusement réveillé de nouveau dans plus d'un Etat en Europe, et a réparu sous des formes moins effrayantes, au premier aspect que celles sous lesquelles il s'était antérieurement développé, mais plus essentiellement dangereuses pour le maintien de l'ordre social. Ces considérations ne peuvent qu'imprimer aux yeux des Souverains un

caractère singulièrement grave aux événemens arrivés dans le Royaume des Deux-Siciles, et ils sont demeurés convaincus qu'en s'occupant, dans les vues les plus justes et les plus légitimes, des moyens propres à établir l'ordre dans ce Royaume, ils travaillaient en même tems dans l'intérêt général du repos et du bonheur de l'Europe, et pour la durée de cette paix qui, après tant de désastres et tant d'efforts, avait été finalement consolidée par les transactions de Vienne, de Paris et d'Aix-la-Chapelle.

" En effet, la Révolution de Naples a donné au Monde un exemple aussi instructif que déplorable, de ce que les Nations ont à gagner lorsqu'elles cherchent les reformes politiques dans les voies de la rebellion. Ourdie en secret par une Secte dont les maximes impies attaquent à-la-fois la religion, la morale et tous les liens sociaux, exécutée par des Soldats traîtres à leurs sermens, consommée par la violence et les menaces, dirigée contre le Souverain légitime, cette Révolution n'a pu produire que l'anarchie et le despotisme militaire, qu'elle a renforcé au lieu de l'affaiblir, en créant un régime monstrueux, incapable de servir de base à un Gouvernement, quel qu'il soit, incompatible avec tout ordre public et avec les premiers besoins de la Société.

" Les Souverains Alliés, ne pouvant, dès le principe, se tromper sur les effets inévitables de ces funestes attentats, se décidèrent sur-le-champ à ne point admettre comme légal, tout ce que la Révolution et l'usurpation avaient prétendu établir dans le Royaume de Naples; et cette mesure fut adoptée par la presque totalité des Gouvernements d'Europe. Voyant d'un jour à l'autre se développer les résultats auxquels un pareil état de choses devait nécessairement conduire, les Souverains Alliés n'ont eu qu'à s'applaudir de leurs premiéres résolutions. Ni la soumission momentanée d'un Peuple qui a pu cesser d'être fidèle, ni les sacrifices pénibles que le désir d'éviter les malheurs d'une guerre civile, et de prévenir des délits encore plus inexplicables a dictés à Sa Majesté, n'ont pu induire les Souverains en erreur sur le véritable caractère de ces évènemens. Ils se sont définitivement déterminés à ne reconnaître jamais une Révolution produite par le crime, et qui, d'un moment à l'autre, pourrait troubler la paix du Monde; mais à réunir leurs efforts pour mettre un terme aux désordres aussi pernicieux pour les pays qu'ils frappent directement, que pleins de dangers pour tous les autres.

" Cependant, toujours éloignés de recourir aux mesures extrêmes, pour obtenir ce qui pourrait être obtenu par des moyens infiniment plus analogues à leurs principes et à leurs vues, les Souverains Alliés se seraient sincèrement félicités, et se féliciteraient encore s'ils pouvaient, par la force de la raison, par les moyens de conciliation et de paix, atteindre un but auquel ils ne sauraient renoncer, sans manquer à leur conscience et à leurs devoirs les plus sacrés. Animés de ces sentimens, ils ont invité Sa Majesté le Roi de Naples à prendre

part à leurs délibérations, et à y concourir par tous les moyens que pourra lui inspirer le soin du bonheur de ses Sujets et du repos de ses Etats. Les Souverains se croiraient heureux de préparer ainsi à Sa Majesté un titre de plus à l'amour et à la vénération de ses Peuples, et ce serait certainement le plus grand bien qu'il leur aurait jamais fait, s'il parvenait à les éclairer sur les maux dont ils sont menacés, et sur les desseins de ceux qui, sans posséder aucun moyen de les préserver de ces maux, n'ont que le triste pouvoir de consommer leur ruine.

" Aussitôt que, par la suppression spontanée d'un régime condamné à périr sous le poids de ses propres vices, et qui ne peut prolonger son existence qu'en augmentant incessamment les malheurs du Pays, le Royaume des Deux-Siciles sera rentré dans ses relations anciennes et amicales avec les Etats de l'Europe, et dans le sein de l'alliance générale dont il s'est séparé par sa position actuelle, les Souverains Alliés n'auront plus qu'un vœu à former, celui de voir Sa Majesté le Roi, environné des lumières et soutenu par le zèle des hommes les plus probes et les plus sages entre ses Sujets, étouffant jusqu'au souvenir d'une époque désastreuse, établir pour l'avenir dans ses Etats un ordre de choses portant en lui-même les garanties de la stabilité, conforme aux vrais intérêts de ses Peuples, et propre à rassurer les Etats voisins sur leur sûreté et sur leur future tranquillité."

A cette franche et sincère exposition des vues et des dispositions des Souverains Alliés était jointe la Déclaration suivante:

" Si, pour le malheur du Royaume des Deux-Siciles, cette dernière tentative resteroit infructueuse; si la voix de Sa Majesté le Roi n'était pas écoutée, et s'il ne restait plus d'espoir de vaincre par les conseils de la sagesse et de la bienveillance, les égaremens d'un fanatisme aveugle, ou les perfides suggestions de quelques hommes coupables; il ne resterait plus aux Souverains Alliés qu'à employer la force des armes, pour mettre à effet leurs déterminations invariables de faire cesser l'état de choses que les évènemens du mois de Juillet dernier ont produit dans le Royaume des Deux-Siciles."

Sa Majeste Sicilienne a été, en même tems, invitée à faire connaître aux Plénipotentiaires des Souverains Alliés, les mesures qu'elle jugerait convenable de prendre pour prévenir les nouvelles calamités qui menacent ses Royaumes, et pour seconder le vœu bien sincère des Souverains d'y voir l'ordre et la paix rétablis, et ses Sujets rentrés dans le sein de l'Alliance Européenne.

En conséquence de cette Déclaration, Sa Majesté a fait adresser à la Conférence des Plénipotentiaires un nouveau Message portant:

" Que, connaissant enfin dans toute leur étendue, les principes et les intentions des Souverains Alliés relativement aux affaires de son Royaume; ne pouvant se faire aucune illusion, ni conserver aucun doute sur la position dans laquelle elle se trouve; voyant que les Souverains regardent l'état de choses, produit par les événemens du

mois de Juillet dans le Royaume des Deux-Siciles, comme incompatible avec la sécurité des Pays voisins, et avec la tranquillité générale de l'Europe, au maintien de laquelle ils se croient également obligés, et par leurs devoirs envers leurs Sujets, et par des promesses solennelles; connaissant leur invariable détermination de faire cesser cet état de choses, soit par les moyens de persuasion, soit par la force des armes, si cette dernière ressource devenait nécessaire; instruite en outre par les délibérations qui ont eu lieu à Troppau, que les Souverains ont adopté cette détermination après un mûr examen de toutes les questions d'un intérêt général qui s'y rapportaient, et que par conséquent ils ne s'engageraient plus dans des discussions qui auraient pour objet de leur faire adopter un point de vue entièrement différent; réunissant toutes ces considérations, Sa Majesté devait nécessairement reconnaître l'inutilité ou plutôt l'impossibilité absolue d'une négociation fondée sur des bases irrévocablement rejetées par les Souverains Alliés; convaincue qu'elle même chercherait en vain à dissimuler que le seul et dernier service qu'elle pouvait dans ces circonstances rendre à ses Peuples, était celui de les préserver du fléau d'une guerre qui mettrait le comble aux malheurs dont ils sont accablés;

" Que, placé ainsi entre l'alternative de les abandonner à de nouvelles calamités, et la nécessité de les déterminer à renoncer, par une prompte et complette rétractation aux changemens politiques qui ont eu lieu dans le Royaume depuis le 2 Juillet, le Roi ne pouvait hésiter un moment; qu'il était décidé à embrasser la seconde alternative, avec la conviction de pouvoir répondre à Dieu et à sa conscience, du parti qu'il prenait dans une situation aussi difficile et aussi pénible, et encore avec la ferme persuasion que, quelle que puisse être l'issue de cette crise, ses augustes Alliés desirant eux-mêmes épuiser les mesures de conciliation pour éviter les mesures coercitives ou en légitimer l'usage, ne lui refuseraient dans aucun cas ni leurs conseils, ni leurs secours.

" Que le Roi pouvait se flatter encore que l'immense majorité de ses Sujets ne serait pas sourde à sa voix paternelle, et qu'au lieu de se précipiter dans un abîme de dangers, elle lui confierait le soin de veiller à leurs intérêts, de les réconcilier avec leurs voisins et avec l'Europe, et de leur préparer un avenir plus heureux.

" Que, guidé par de si puissans motifs, le Roi se proposait d'adresser à son Fils le Duc de Calabre, une Lettre, par laquelle il lui ferait connaître sa propre position, les déterminations des Souverains Alliés, et les dangers auxquels le Royaume serait inévitablement exposé, si on persistait à soutenir ce que désormais ne pourrait conduire qu'aux plus fâcheuses extrémités; que, devant dans cette Lettre se borner au langage simple et précis que l'urgence du moment et les circonstances dans lesquelles elle se trouvait, lui dicteraient à l'égard de son Fils, Sa Majesté espérait que ses Augustes Alliés seconderaient ses efforts, en adressant à leurs Agens Diplomatiques à Naples une Instruction

rédigée dans le même sens, et en leur fournissant toutes les informations dont ils pourraient faire usage, afin de coopérer au résultat heureux qui mettrait un terme aux peines de Sa Majesté et aux souffrances de ses fidèles Sujets."

A la suite de ce Message, le Roi a donné communication de la Lettre qu'il a écrite à Son Altesse Royale le Duc de Calabre, et dont Votre Excellence trouvera ci-jointe une Copie. Sa Majesté a en même tems annoncé qu'elle jugeait utile, sous plusieurs rapports, d'appeler le Duc de Gallo auprès de lui, afin que la Conférence des Plénipotentiaires lui fit connaître directement la détermination des Souverains Alliés qui a motivé la conduite du Roi, et pour qu'il puisse rendre compte au Prince, Duc de Calabre. Les Plénipotentiaires, ne voyant de leur côté aucun inconvénient à cette mesure, y ont consenti sans difficulté.

Tels ont été, Monsieur le Comte, les résultats des communications qui ont eu lieu jusqu'ici par rapport aux affaires de Naples. Pour seconder, autant qu'il est en nous, la conduite du Roi envers le Prince son Fils, nous vous invitons:

1°. A faire connaître et à certifier à Son Altesse Royale le Prince, Duc de Calabre, que les déterminations des Souverains Alliés sont en tout conformes à la Lettre qui lui a été écrite par le Roi, son Père;

2°. A déclarer qu'il appartient maintenant à Son Altesse Royale de juger et d'apprécier, et de faire juger et de faire apprécier par ceux qu'il admettra à ses conseils, d'une part les avantages qu'un oubli spontané des événemens du 2 Juillet et des résultats qu'ils ont eus, offrirait au Royaume des Deux-Siciles; de l'autre, les calamités inévitables auxquelles le Royaume serait livré, s'il refusait d'obéir à la voix paternelle de son Roi.

3° A représenter à Son Altesse Royale combien il est urgent de prendre les moyens les plus prompts et les plus convenables pour faire cesser la situation affligéante dans laquelle se trouve le Royaume, tant par les convulsions qui en agitent l'intérieur que par les dangers qui le menacent du dehors.

Votre Excellence voudra bien communiquer la présente Dépêche au Prince Duc de Calabre, en assurant Son Altesse Royale que les Souverains Alliés réunissent sincèrement leurs vœux à ceux de son auguste Père, pour que la conduite de Sa Majesté produise le plus heureux effet, prévienne toute mesure de rigueur que les Souverains n'adopteraient qu'avec un profond regret, et rétablisse le plus promptement possible l'ordre et la paix dans le Royaume des Deux-Siciles.

S. E. Le Comte de Stackelberg. NESSELRODE.

No. 21.—Circular (B.) *to the Austrian, Prussian, and Russian Ministers at Naples.*

MONSIEUR LE COMTE, *Laybach, le $\frac{19}{31}$ Janvier*, 1821.

AUX instructions que nous transmettons à Votre Excellence, par notre principale Dépêche de ce jour, se trouve réunie la traduction de la Lettre que Sa Majesté Sicilienne adresse à son auguste Fils. Nous y joignons l'explication sur la nature de la garantie à laquelle Sa Majesté Sicilienne s'est vue dans l'obligation de consentir, puisqu' elle a été exigée par ses Alliés, dans l'intérêt général de la Péninsule Italienne. Ce gage indispensable de la tranquillité d'Italie serait la présence temporaire d'une Armée d'Occupation, qui n'entrerait dans les Etats de Sa Majesté qu'au nom des Puissances, décidées à ne laisser subsister plus longtems à Naples un régime imposé par la rebellion, et attentatoire à la sûreté de tous les Etats voisins. Cette armée se trouverait sous les ordres du Roi; l'occupation ne serait jamais qu'une mesure transitoire, et elle ne pourrait, en aucun cas, porter la moindre atteinte à l'indépendance politique du Royaume des Deux-Siciles.

Vous pourrez informer Son Altesse Royale le Duc de Calabre, que vous êtes instruit de la détermination prise à cet égard par les Puissances Alliées. Si Son Altesse Royale vous engage à la rendre publique vous vous conformerez à ses intentions, et vous pourrez dans ce cas aisément annoncer la marche immédiate des Troupes, et rassurer les esprits à Naples, en faisant connaître avec franchise le véritable but et la nature de l'occupation. Si toutefois Monseigneur le Duc de Calabre jugeait plus prudent de garder le silence sur cette garantie, Votre Excellence suivrait fidèlement l'exemple de Son Altesse Royale.

Il nous reste à vous prévenir, que d'après les arrangemens faits entre les Cabinets Alliés, aucune contribution de guerre ne sera imposée au Royaume des Deux-Siciles, dans le cas où une improbation spontanée des événemens du 2 et du 6 Juillet, rendrait inutile que les Puissances Alliées recourent à la force des armes.

Dans la supposition contraire, si la guerre éclatait, il leur serait impossible d'empêcher que le Royaume n'en supportât toutes les conséquences. Ces dispositions des Alliés augmentant la responsabilité dont se chargeraient les hommes qui feraient peser sur leur patrie les suites d'un entêtement semblable. Vous êtes autorisé à informer Monseigneur le Duc de Calabre, de ce qui a été résolu à Laybach, quant aux conditions d'une dispense ou d'une nécessité d'une contribution de guerre.

La connaissance de ce fait sera sans doute utile à Son Altesse Royale, pour apprécier dans toute leur étendue les avantages qu'offre aux Napolitains la preuve de confiance que le Roi leur demande. Il dépendra du Prince de donner aux résolutions des Puissances

Alliées à ce sujet une publicité entière, ou de les laisser ignorer, suivant que Son Altesse Royale le trouvera plus conforme aux intérêts du Roi et de ses Peuples.

En attendant, comme ce sont deux choses très-différentes que de donner de la publicité à une mesure et de l'avouer, s'il arrivait que vous fassiez interroger par quelque Napolitain, tant sur la question d'une occupation transitoire, que sur les moyens d'épargner au Pays une contribution de guerre, il serait indigne d'une politique loyale de dissimuler sous l'un ou sous l'autre de ces rapports, la détermination des Puissances, et Votre Excellence n'hésiterait point à faire connaître la vérité.

S. E. Le Comte de Stackelberg. NESSELRODE.

No. 22.—Note Verbale of the French Chargé d'Affaires.

Naples, le 9 Février, 1821.

M. le Chevalier de Fontenay, Chargé d'Affaires de Sa Majesté Très-Chrétienne, dans une audience particulière qui lui a été accordée le 9 Février, 1821, par Son Altesse Royale le Prince Régent, a déclaré verbalement au Prince, que les Ministres Plénipotentiaires du Roi son Maitre à Laybach, lui avaient fait connaître qu'ils avaient adhéré aux instructions communes envoyées aux Ministres d'Autriche, de Prusse, et de Russie, dans l'espérance de pouvoir éloigner les périls qui menacent la Nation Napolitaine.

M. le Chargé d'Affaires a ajouté qu'il lui avait été prescrit d'unir ses démarches à celles des mêmes Ministres, toutes les fois qu'elles tendraient à applanir les voies de la conciliation en faveur du Roi et du Royaume de Naples, et d'épargner à ce Pays les maux inévitables qu'entraineraient une guerre et une résistance inutiles.

Pour Copie conforme,

Le Secrétaire d'Etat, Ministre des Affaires Etrangères,

LE DUC DE GALLO.

No. 23.—The Sicilian Minister for Foreign Affairs to the British Envoy.

(Traduction.) *Naples, le 10 Février*, 1821.

Après les communications officielles faites à Son Altesse Royale le Prince Régent par les Envoyés de Russie et de Prusse, et le Chargé d'Affaires d'Autriche, au nom des Puissances réunies à Laybach, et relatives aux déterminations prises à l'égard du Royaume des Deux-Siciles, le Gouvernement Royal ne saurait demeurer plus longtems dans l'incertitude sur l'objet de la réunion des Forces Navales Britanniques, stationnées depuis plusieurs mois dans la rade de Naples.

En conséquence le Soussigné, chargé du Porte-feuille des Affaires Etrangères, d'après les Ordres qu'il en a reçu de Son Altesse Royale, s'adresse à Son Excellence M. le Chevalier à Court, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Britannique, pour le prier de vouloir bien lui faire connaître avec précision les instructions

qu'il a reçues à ce sujet de sa Cour, se flattant que, par suite d'une telle communication, le Gouvernement pourra connaître clairement la manière dont le Cabinet d'Angleterre considère la question Napolitaine, qui excite tant d'intérêt dans toute l'Europe.

Dans cette attente, le Soussigné renouvelle, &c.

S. E. Le Chevalier à Court. LE COMMANDEUR PIGNATELLI.

[Une Note conforme a été remise au Chargé d'Affaires de France.]

No. 24.—The British Envoy to the Sicilian Minister for Foreign Affairs.

Naples, 11th February, 1821.

THE Undersigned has the honour to acknowledge to his Excellency the Duke of Gallo, Minister for Foreign Affairs, the receipt of the Note addressed to hin by his Excellency the Commander Pignatelli, charged, *ad interim*, with the Portfolio of Foreign Affairs, intimating the necessity of a further explanation of the motives, which induce the British Government to keep so large a Naval Force stationed in the Bay of Naples—an explanation rendered necessary by the communications made to His Royal Highness the Prince Regent by the Ministers of Austria, Russia, and Prussia, in the name of the Powers assembled at Laybach. The Undersigned acknowledges the justice of this appeal made to him, and has therefore no hesitation in giving a frank declaration of the intentions of his Government.

The British Squadron at anchor in this Bay is simply a Squadron of Observation, the presence of which is sufficiently explained by the critical circumstances of the Country, and the necessity for providing for the security of the persons and property of British Subjects under all possible chances.

The British Government, faithful to the principles it has always professed, is determined to maintain a strict Neutrality, and to take no part, either directly or indirectly, in the War, which there seems to be but too much reason to apprehend, is upon the point of breaking out. It will interfere in no way with the affairs of this Country, unless such interference should be rendered indispensable by any personal insults, or danger, to which the Royal Family may be exposed. Not foreseeing the possibility of such a case, the Undersigned flatters himself, that nothing will alter the peaceable attitude in which Great Britain is placed.

The Undersigned takes this opportunity, &c.

H. E. The Duke of Gallo. WILLIAM A COURT.

No. 25.—The French Chargé d'Affaires to the Sicilian Minister for Foreign Affairs.

Naples, le 12 Février, 1821.

LE Soussigné, Chargé d'Affaires de Sa Majesté Très-Chrétienne, a

reçu la Note que Son Excellence M. le Commandeur Pignatelli, Chargé du Portefeuille des Affaires Etrangères, lui a fait l'honneur de lui adresser le 10 Février, et dans laquelle, d'après les Ordres de Son Altesse Royale le Prince Régent, il lui a manifesté le désir d'avoir des éclaircissemens sur l'objet de la réunion de Forces Navales Françaises dans la Baie de Naples.

Les circonstances difficiles dans lesquelles ce Royaume se trouve depuis plusieurs mois, ont dû rendre nécessaire la présence des Bâtimens du Roi dans ces parages, pour y protéger les intérêts du commerce et veiller à la conservation des Sujets Français et de leurs propriétés.

Le Soussigné n'hésite pas enfin à déclarer aujourd'hui à Son Excellence M. le Duc de Gallo, Ministre des Affaires Etrangères, que l'Escadre Française se bornera à remplir les devoirs pacifiques qui lui sont prescrits dans l'intérêt des Sujets de Sa Majesté Très-Chrétienne, toutefois autant que la sureté et la dignité de la Famille Royale ne se trouveront point compromises par des circonstances qu'il ne peut et ne doit prévoir.

Le Soussigné saisit cette occasion de renouveler, &c.

Le Commandeur Pignatelli. DE FONTENAY.

No. 26.—Speech of The Prince Regent of Sicily, on the opening of the National Parliament.—Naples, 13th February, 1821.

MESSIEURS LES DÉPUTÉS, (Traduction.)

AU moment de fermer votre Sesssion Ordinaire, je vous ai annoncé que peut-être je serais dans la nécessité de demander, en vertu de la Constitution, une convocation extraordinaire du Parlement. Voici le moment arrivé où, avec une véritable satisfaction, je me vois de nouveau au milieu des Représentans de notre Nation.

Il s'agit en ce moment de délibérer sur l'objet le plus important qui se soit jamais présenté à votre examen. Constamment attaché aux principes que j'ai émis, et résolu de rester uni avec la Nation, je n'ai point négligé de faire connaître à la Députation Permanente les nouvelles que nous avions reçues, et qui pouvaient intéresser la Nation. J'ai également ordonné au Ministre des Affaires Etrangères qu'il vous fasse un Rapport exact et fidèle de sa mission, surtout ce qui concerne les résolutions prises par le Congrès de Laybach, et qui nous ont été communiquées, sur ce qui a rapport à notre état politique et sur nos relations avec les Puissances Etrangères. J'ai également ordonné aux autres Ministres de vous donner tous les éclaircissemens que vous pourriez demander, ou qui serviraient à vous faire connaître particulièrement nos ressources, tant sous le rapport de nos forces de terre et de mer, que sous celui des Finances.

Je suis persuadé que les plus sages réflexions et la médiation la plus profonde présideront à vos discussions dans une affaire de si haute importance, qui intéresse en même temps l'honneur et la félicité de

toute la Nation, qui me sont si chers, comme ils doivent l'être à tout bon Citoyen, ayant uni strictement mes intérêts aux intérêts de la Nation elle-même.

La conduite qui a dirigé jusqu'ici toutes les mesures que vous avez prises, me donne la sûre garantie que vous aurez plus que jamais pour guides l'honneur national, le respect pour le Trône et l'Ordre public, pour le maintien desquels je suis certain que le Parlement aura recours aux moyens qui dépendent du Pouvoir Législatif, et qui seront les plus convenables dans les circonstances présentes.

Prenons des mesures sages et énergiques, et, toujours fidèle à mes sermens, je jouirai de me trouver au milieu d'une Nation qui ne cesse de me manifester à chaque instant ses sentimens affectueux.

No. 27.—Declaration of the Austrian Government.

Vienne, le 13 *Février*, 1821.

Après une longue suite d'orages politiques, le Royaume de Naples fut rendu en 1815, par le secours des Armes Autrichiennes, au Gouvernement paternel de son Roi légitime. Les deux parties de la Monarchie Sicilienne, si long-temps séparées, se réunirent de nouveau, et les vœux de tous les amis du bien furent satisfaits par la perspective d'une Paix durable.

Cependant la dernière époque de la domination étrangère avait réveillé un ennemi intérieur, plus dangereux que tout autre pour le repos de la Péninsule Italienne. Il existait dans le Royaume de Naples, comme dans d'autres Pays de l'Italie, une secte ténébreuse, dont les Chefs secrets ne cessaient de méditer la destruction de tous les Gouvernemens, comme premiers pas vers l'exécution du vaste plan qui les occupait. Lorsque Murat, pour soutenir sur un Trône prêt à lui échapper, eut conçu le projet téméraire de conquérir l'Italie, le désespoir l'engagea à appeler à son secours ces mêmes Carbonaris qu'il avait plus d'une fois combattus, et dont les coupables intrigues acquirent dès lors un poids que, sans cette alliance inespérée, elles n'auraient peut-être jamais obtenu.

La vigilance du Gouvernement Royal, le zèle avec lequel il s'occupa à opérer des améliorations essentielles dans toutes les branches de l'administration, l'affection générale portée à un Souverain dont la bonté paternelle lui avait gagné les cœurs de ses Sujets, firent échouer pendant les premières années qui suivirent la restauration, toutes les entreprises de cette secte; et peut-être que, comme tant d'autres associations secretes, elles seraient insensiblement tombées dans l'impuissance et dans l'oubli, si les événemens dont le Royaume d'Espagne fut le théâtre au commencement de l'année 1820, ne lui avaient fait prendre un nouvel essor. Depuis ce moment, elle redoubla d'audace; et par l'effet contagieux du fanatisme qu'elle sut exciter, elle augmenta bientôt tellement en nombre et en influence, que les Lois et l'autorité pub-

lique ne furent plus assez puissantes pour la réprimer. Elle répandit avec une activité infatigable parmi toutes les classes d'une Nation jusque là tranquille et modérée dans ses vœux, un esprit de mécontentement et d'amertume, des dispositions hostiles contre le Gouvernement, et le désir passionné des innovations politiques; elle réussit enfin à corrompre un parti du Militaire. Forte de ce moyen, le plus criminel de tous, la secte fit éclater la révolution dans les premiers jours du mois de Juillet.

Il n'est pas possible de donner un récit plus exact et plus authentique de cette explosion, que celui qui se trouve dans une Dépêche Circulaire adressée par le nouveau Ministre des Affaires Etrangères, le jour même qu'il était entré en fonction, aux Agens Diplomatiques de Naples auprès des Cours Etrangères.

"Dans la nuit du 1er au 2," c'est ainsi que s'exprime textuellement cette Dépêche, "la plus grande partie du Régiment de Cavalerie Royale Bourbon quitta ses quartiers à Nola, et arbora un Drapeau tricolor, avec l'inscription: *Vive la Constitution!* Les Couleurs étaient celle de la *Secte des Carbonaris*, laquel depuis quelque temps avait entretenu une fermentation dans le Royaume, et demandait avec instance des formes constitutionnelles. Cette secte avait fait tant de proselytes dans l'Armée de Sa Majesté, que les Troupes chargées de ramener à l'ordre des Déserteurs de Nola, firent cause commune avec eux. La désertion de ces Troupes et de quelques Régimens de la garnison de Naples, des mouvemens simultanés dans les Provinces, l'insurrection enfin de quelques Chefs du district, prouvèrent à Sa Majesté, *que c'était le vœu du Peuple* d'obtenir un Gouvernement Constitutionnel. En conséquence, le Roi a publié une Proclamation annonçant que, *dans* 8 *jours*, il ferait connaître les bases d'une Constitution, etc."

Cette première victoire n'était que le prélude d'un attentat plus décisif. Le lendemain, les Chefs de la révolte forcèrent le Monarque à proclamer la Constitution Espagnole; et sans aucune autre mesure préparative, ils firent prêter à Sa Majesté, aux Ministres, aux Employés, aux Troupes, un serment solennel à cette Constitution, qu'au milieu de désordres et de la terreur, on déclara Loi Fondamentale du Royaume.

En signant sa première promesse, le Roi avait fait un grand sacrifice à l'agitation des esprits; et quoique Sa Majesté ne pu point se dissimuler combien le projet de former une Constitution dans 8 jours était irréfléchi et inexécutable, il lui resta au moins l'espoir de faire succéder à l'effervescence du moment des résolutions plus calmes et plus sages. Mais tout changea de face, lorsqu'après cette première concession, on vint offrir à l'acceptation immédiate du Roi un Acte rédigé 8 ans plutôt, dans un Pays Etranger, sous des auspices particulièrement difficiles et désastreux; Acte, que ni le Roi, ni ses Ministres, ni, à l'exception de quelques Conspirateurs, aucun Napolitain ne connaissait que

par des extraits de Gazettes, et dont, au moment de sa Proclamation, il n'existait pas même une traduction à Naples. Cette demarche portait trop ouvertement l'empreinte de son origine, et des moyens criminels qui pouvaient seuls la faire réussir, pour que le moindre doute eut put subsister sur la position du Monarque et celle de l'Etat. Une pareille proposition compromettant également la dignité du Souverain et les destinées du Pays, ne pouvait être arrachée à Sa Majesté que par la violence ou par les menaces ; il ne fallait rien moins que le désir d'empêcher les plus grands malheurs et de prévenir les crimes les plus affreux pour déterminer le Roi à consentir momentanément à une mesure aussi funeste. Cette explication d'un évènement inexplicable dans toute autre hypothèse, se justifiérait d'elle-même, si elle n'était pas d'ailleurs confirmée par des témoignages irréfragables.

Le grand coup frappé, et le Pouvoir Royal entièrement détruit, les Chefs de la secte et leurs principaux associés dans les premières scènes de la révolte, s'emparèrent sur-le-champ de la domination exclusive. La résistance que le Royaume des Deux-Siciles opposa à leurs entreprises arbitraires, fut étouffée dans le sang et dans les ruines. Pour donner à leur usurpation une couleur de légalité, ils créèrent bientôt, sous le titre du Parlement National, un instrument qui, dans l'espace de peu de mois, leur servit à renverser tous les droits existans et toutes les bases de l'ordre public,et moyennant lequel, sans autre pouvoir que celui de leur volonté arbitraire, ils remplacèrent les anciennes lois civiles et politiques des Deux Royaumes par des institutions inconnues, qu'aucune expérience n'avait sanctionnée, et qui n'étaient pas moins en contradiction avec le caractère qu'avec les besoins de la Nation.

Le Roi ne pouvant pas regarder comme durable un état de choses aussi peu naturel, persuadé toutefois qu'une opposition intempestive, au lieu d'arrêter le progrès du mal, ne ferait qu'attirer de nouveaux dangers sur sa personne, sa Famille et son Pays, supporta avec résignation un sort cruel qu'il n'avait point mérité. Tous les hommes éclairés du Pays, la plus grande partie même de ceux qui, séduit par le vain espoir d'un dénouement plus heureux, avaient d'abord favorisé la révolution, convaincus maintenant des effets pernicieux d'un Régime que le parti dominateur, sans jamais examiner l'intérêt du Pays, avait uniquement établi comme leplus convenable à ses vues particulières, était condamnés au silence. La masse du Peuple, bientôt revenue d'un enthousiasme éphémère, affligée de voir ses espérances déçues, et découragée par un pressentiment vague des adversités qui la menaçaient dans l'avenir, attendait avec une inquiétude muette le dévellopement final de la crise. C'est ainsi que s'explique ce calme apparent, sous le voile duquel le Parlement, impuissant lui-même, soumis aux volontés d'un petit nombre de despotes, préparés à tous les attentats, conduisit le Royaume vers une dissolution inévitable ; calme qui n'em-

pêcha pas d'ailleurs que l'anarchie la plus effrénée ne dévorât les derniers restes de la prospérité publique, et dont le vrai caractère ne pouvait être méconnu d'aucun Gouvernement étranger.

Les évènemens de Naples avaient produit une vive sensation dans toute l'Italie. Une révolution, tramée par des fanatiques obscurs, et consommée par des Soldats parjures, qui avait pu, en peu de jours, priver un Roi de sa puissance et de sa liberté, et plonger Deux Royaumes dans un abîme de désordres, devait par elle-même, et quel que fût son dévellopement ultérieur, inspirer les plus sérieuses apprehensions à tous les Gouvernemens voisins. Les maximes hautement proclamées par les auteurs de cette révolution; la facilité avec laquelle ils les faisaient circuler par des paroles et par des écrits dans toutes les parties de l'Italie; le récit journalier de leurs procédés, la confiance toujours croissante de leurs complices étrangers, tout était fait pour aggraver le poids de ces appréhensions. Aucun Prince Italien ne pouvait se cacher que la Paix intérieure et la prospérité de ses Etats étaient également menacées par l'exemple et par les résultats d'un bouleversement qui attaquait jusqu'aux fondemens les plus profonds de l'edifice social.

L'Empereur avait reconnu, dès le premier moment, que c'en était fait pour long-tems de l'ordre et de la tranquillité de l'Italie, si les Chefs et les fauteurs d'une révolte que rien ne pouvait justifier, que rien ne pouvait excuser, allaient impunément sacrifier la Monarchie Sicilienne à leurs projets insensés. Sa Majesté Impériale pénétrée de ce qu'elle devait à la conservation et à la sûreté de son Empire, à la protection de ses Peuples fidèles et heureux, à ses relations amicales avec les Princes d'Italie et à sa position dans le système politique de l'Europe, se hâter de prendre des mesures pour arrêter le progrès ultérieur des désordres, et pour manifester en même temps sans réserve la marche qu'elle était décidée à suivre à l'égard de la Révolution de Naples. Quelque pénible qu'il fût pour Sa Majesté Impériale d'imposer à ses finances une charge imprévue et considérable, dans une époque où elle s'était flattée de pouvoir employer tous ses soins à des améliorations intérieures, et où l'exécution constante des plans formés par l'administration promettoit les plus heureux résultats, toute considération secondaire devait céder au plus sacré de ses devoirs.

Dans la situation où on se trouvait, le rassemblement d'un Corps d'Armée dans les Provinces Italiennes était une mesure de la plus haute nécessité; elle fut reconnue telle par toute homme bien pensant en Autriche et en Europe. L'effet salutaire que cette mesure a eu pour la tranquillité des Etats voisins, celui qu'elle a produit à Naples même, pour encourager les amis de l'ordre et pour dérouter ses ennemis, est aujourd'hui unanimement senti dans toute l'étendue de la Péninsule Italienne.

A la même époque, Sa Majesté s'était rendu à Troppau, afin de délibérer avec ses augustes Alliés sur une question de la plus haute im-

portance, non-seulement pour l'Italie, non-seulement pour la Monarchie Autrichienne, mais pour le salut commun de l'Europe. Ces délibérations ne laissèrent heureusement aucun doute sur la manière dont toutes les Cours Alliées envisagaient l'origine et le caractère de la Révolution de Naples, et les dangers dont elle menaçait d'autres Etats.

Quant aux résolutions qu'exigeait un pareil état de choses, si des considérations particulières d'un grand poids engagèrent le Gouvernement Britannique à ne pas partager celles des autres Cours, et le Cabinet de France à n'y accéder qu'avec des restrictions, l'Empereur eut la satisfaction de se trouver entièrement d'accord sur toutes les questions avec les Souverains de Russie et de Prusse, et de se convaincre en même temps que les différences de position et de marche entre les Puissances de l'Europe n'en amèneraient aucune dans les bases de leur alliance et dans l'uniformité générale de leurs principes et de leurs vues.

Les Souverains réunis à Troppau, décidés à ne pas reconnaître les changemens que la force et la révolte avaient opérés à Naples, et à faire cesser, par des efforts communs, les resultats de ces changemens, n'en étaient pas moins animés du plus vif désir d'atteindre à ce but par des voies pacifiques, et avec tous les ménagemens dus à un Pays déchiré déjà par tant de convulsions et de calamités. C'est dans cet esprit qu'ils invitèrent Sa Majesté Sicilienne à se rendre à Laybach, pour y délibérer avec eux sur la situation présente et future de son Royaume. Cette invitation fut appuyée par Sa Majesté le Roi de France.

D'après un article de la Loi Etrangère qui doit régir le Royaume des Deux-Siciles, le Monarque ne peut dépasser les Frontières de ses Etats sans le consentement du Parlement.

Le Roi, regardant l'invitation des Souverains comme un bienfait de la Providence, se soumit à cette humiliante nécessité. Le Parlement consentit, mais il attacha son consentement à une condition sur l'effet de laquelle les instigateurs de cette mesure ne pouvaient se faire aucune illusion, et qui détruisait d'avance les calculs et les vœux des hommes modérés. Le Parlement, quoique entièrement au fait des principes des Cabinets Alliés, imposa au Roi le mandat d'insister sur le maintien, sans modification, de la Constitution établie aujourd'hui à Naples, et de mettre cette condition en avant, comme seul objet et base unique de ses explications avec les Puissances Alliées. C'est sous de pareils auspices, et ne pouvant plus compter que sur la justice et la sagesse de ses augustes Amis, que le Roi de Naples se rendit à Laybach.

Dès son arrivée dans cette Ville, Sa Majesté eut lieu de se convaincre qu'il serait absolument illusoire de vouloir fonder des propositions quelconques sur des bases irrévocablement rejetées par les Souverains Alliés. En effet, les Monarques déclarèrent à Sa Majesté, qu'ils étaient fermement résolus de ne pas laisser subsister le régime qu'une faction sans titre et sans pouvoir avait imposé au Royaume des Deux-

Siciles, par les moyens les plus criminels; régime incompatible avec la sûreté des Etats voisins, et avec le maintien de la paix de l'Europe; que si cet état de choses ne pouvait pas finir, comme Leurs Majestés le désiraient sincèrement et vivement, par un désaveu spontané de la part de ceux qui exerçaient le pouvoir à Naples, il fallait avoir recours à la force des armes; qu'aussitôt que, par l'un ou l'autre moyen, le grand obstacle à la paix aurait disparu pour Naples et pour l'Italie, les Souverains regarderaient leur ouvrage comme accompli; que ce serait alors au Roi seul, éclairé par les conseils des hommes les plus intègres et les plus instruits de son Pays, à fonder pour l'avenir la force et la stabilité de son Gouvernement, sur un régime juste et sage, conforme aux intérêts permanens des deux Peuples réunis sous son sceptre, et offrant par-là même, à tous les Etats voisins, une garantie suffisante de leur sûreté et de leur repos.

Après des déclarations aussi précises, le Roi de Naples ne pouvait pas se dissimuler que toute autre question se trouvant irrévocablement écartée, il n'avait plus, comme Père et Protecteur de son Peuple, qu'une seule tâche à remplir, celle de préserver la majorité loyale et bien intentionnée de ses Sujets des calamités et des dangers d'une guerre, provoquée par l'aveugle obstination ou l'ambition coupable de quelques individus. C'est dans cette conviction que Sa Majesté adressa à son Fils, Héritier Présomptif de son Trône, une Lettre franche et paternelle, pour lui représenter la gravité des circonstances, et la nécessité de faire tourner au salut du Royaume tous les moyens qui se trouveraient à sa disposition.

Les paroles pacifiques du Roi furent accompagnées d'instructions plus explicites données par les Cabinets d'Autriche, de Russie et de Prusse, à leurs Agens Diplomatiques à Naples; et les Plénipotentiaires de Sa Majesté le Roi de France en adressèrent également au Chargé d'Affaires de leur Souverain. L'effet de ces importantes démarches va décider de l'avenir prochain du Royaume des Deux-Siciles.

Dans cette position des choses, l'Armée destinée à accomplir les résolutions arrêtées á Laybach, a reçu l'ordre de passer le Pô, et de se porter vers les frontières Napolitaines. Il répugne à Sa Majesté Impériale de supposer que cette Armée puisse rencontrer une résistance sérieuse. Il n'y a que des ennemis du bien public, des partisans incurables d'un système conduisant directement à la ruine de la Monarchie Sicilienne, qui puissent méconnaître ce que, dans les circonstances où cette Monarchie se trouve placée aujourd'hui, le devoir envers son Souverain et le salut de ses Concitoyens prescrivent à tout guerrier loyal, comme à tout homme attaché à sa Patrie.

La grande masse de la Nation, dévouée à son Monarque, dégoûtée d'une liberté imaginaire qui ne lui a valu que la plus dure tyrannie, et fatiguée d'une existence inquiète et précaire, connaissant d'ailleurs

depuis longtems les sentimens justes et bienveillans dont l'Empereur est animé, accueillera avec confiance ceux qui, au nom de Sa Majesté Impériale et au nom de ses Augustes Alliés, viendront lui offrir paix, amitié et protection.

Si une aussi juste attente ne se réalisait pas, l'Armée saurait surmonter les difficultés qui l'arrêteraient. Et si, contre tous les calculs, et contre les vœux les plus chers des Monarques Alliés, une entreprise formée dans les intentions les plus pures, et qu'aucun esprit hostile ne dirige, dégénérait en guerre formelle; ou si la résistance d'une faction implacable se prolongeait à une époque indéfinie, Sa Majesté l'Empereur de toutes les Russies, toujours fidèle à ses principes élevés, pénétrée de la nécessité de lutter contre un mal aussi grave, et guidée par cette amitié noble et constante dont elle vient de donner encore à l'Empereur tant de gages précieux, ne tarderait pas à joindre ses Forces Militaires à celles de l'Autriche.

Dans l'ensemble des transactions qui viennent d'avoir lieu, les Monarques Alliés n'ont eu en veu que le salut des Etats qu'ils sont appelés à gouverner, et le repos du monde. C'est là tout le secret de leur politique. Aucune autre pensée, aucun autre intérêt, aucune autre question, n'a trouvé place dans les délibérations de leurs Cabinets. L'inviolabilité de tous les droits établis, l'indépendance de tous les Gouvernemens légitimes, l'intégrité de toutes leurs Possessions, telles sont les bases dont leurs résolutions ne s'écarteront jamais.

Les Monarques seraient au comble de leurs vœux, et amplement récompensés de leurs efforts, s'il était possible d'assurer sur ces mêmes bases la tranquillité au sein des Etats, les droits des Trônes, la vraie liberté et la prospérité des peuples, biens sans lesquels la paix extérieure elle-même ne saurait avoir ni prix ni durée. Ils béniraient le moment où, affranchis de toute autre sollicitude, ils pourraient exclusivement consacrer au bonheur de leurs Sujets tout ce que le Ciel leur a conféré de moyens et de pouvoir.

No. 28.—Report of the Sicilian Minister for Foreign Affairs to the Prince Regent.—Naples, 15th February, 1821.

ALTESSE ROYALE, (Traduction.)

HONORÉ par Sa Majesté le Roi du soin de l'accompagner dans les communications difficiles de Laybach, et autorisé par Votre Altesse Royale et par le Parlement à quitter mon poste pour cette Commission Extraordinaire, je me fais un devoir de rendre compte à Votre Altesse Royale des circonstances et du résultat de ma Mission. Du moment que je me chargeai de la remplir, la première difficulté que je rencontrai vint de la part du Chargé d'Affaires de l'Autriche, qui refusa de viser mes Passeports pour Laybach, en me déclarant qu'il avait ordre de n'en accorder aucun aux Ministres politiques de notre Nation; mais cette difficulté fut vaincue du moment que Sa Majesté, qui se trouvait

encore dans la rade de Baies, eut daigné faire connaître au Chargé d'Affaires, que je faisais, ainsi que les Personnes qui m'accompagnaient, partie de sa suite.

Ainsi, je rejoignis Sa Majesté le Roi à Florence, le 24 Décembre; Sa Majesté en partit le 28, en m'ordonnant de la suivre dans les 24 heures, ce que j'exécutai sur-le-champ.

Ce ne fut cependant qu'après une nouvelle demande adressée par M. le Marquis Ruffo, Secrétaire d'Etat de la maison de Sa Majesté, au Ministre Autrichien près la Cour de Florence, à l'effet d'obtenir de nouveaux Passeports, pour moi et pour mes compagnons de voyage, comme faisant partie de la suite de Sa Majesté.

J'arrivai à Mantoue le 5 Janvier; là il me fut signifié par le Délégué de cette Province, qu'il ne pouvait me laisser continuer mon voyage sans des ordres spéciaux du Cabinet de Vienne, à qui il se réservait d'envoyer un exprès pour les demander. Dans ces circonstances, je requis la faculté d'expédier un Courrier à Sa Majesté, pour l'informer de cette nouvelle difficulté, et un autre à Votre Altesse Royale; mais le Délégué me répondit qu'il ne pouvait satisfaire qu'à ma première demande, et à la charge de faire accompagner mon Courrier d'un Agent de Police.

Je restai à Mantoue dans cette position jusqu'au 8 Janvier, jour où M. le Délégue m'écrivit, qu'ayant reçu les ordres pour que je pusse continuer librement mon voyage, ainsi que les Personnes de ma suite, il m'envoyait les Passeports nécessaires.

Je partis sur-le-champ pour rejoindre le Roi à Laybach; mais, arrivé à Udine, le Délégué Impérial de cette Ville me remit une Lettre de Sa Majesté, dans laquelle elle me faisait connaître, qu'ayant reçu avis qu'elle ne pouvait amener à Laybach que les individus attachés à son service personnel, il était nécessaire que moi et les personnes de ma suite nous nous rendissions à Gorizia pour y attendre ses ordres.

J'obéis, et étant arrivé le 11 à Gorizia, je crus de mon devoir d'expédier au Roi un Courrier pour lui soumettre les observations que je jugeais convenables dans cette circonstance imprévue, et d'en adresser une autre à Votre Altesse Royale, pour l'informer de ce nouveau retardement. Mais le Commandant de la Ville me communiqua verbalement qu'il ne pouvait m'accorder cette permission, ses ordres portant qu'aucun des individus venus avec moi ne devait s'éloigner de Gorizia.

Toutefois, profitant d'une occasion extraordinaire, j'eus l'honneur de représenter respectueusement à Sa Majesté la position désagréable dans laquelle je me trouvais, et je lui fis observer que, réduit à l'impossibilité de rendre aucun service à Sa Majesté et aux intérêts de la Nation, ma présence en Allemagne serait inutile, et je la suppliai de me permettre de retourner à Naples. Le 14, Sa Majesté daigna me répondre que, dans sa Lettre précédente, elle m'avait fait connaître ses

intentions Royales. Je ne cessai pas pour cela de renouveler mes instances auprès du Commandant, à l'effet d'obtenir la permission d'expédier un Courrier, et il m'autorisa à en envoyer un seulement à Laybach. Enfin, le 29 Janvier, il m'arriva un ordre du Roi, qui m'enjoignait de me rendre sur-le-champ à Laybach, mais seul et sans aucune Personne de ma suite.

J'arrivai à Laybach le 30 au soir, et je fus accueilli par Sa Majesté avec sa bonté accoutumée. Elle me fit part que dans le Congrès, toutes les Puissances délibérantes avaient déjà pris à l'unanimité les décisions relatives à l'état politique du Royaume de Naples, lesquelles devaient être expédiées le soir même aux Ministres desdites Puissances et communiquées à Votre Altesse Royale. Le Roi ajouta qu'il y avait joint une Lettre particulière pour Votre Altesse Royale, et que les décissions susdites ayant été déjà adoptées par les Puissances délibérantes, Sa Majesté n'avait pu, malgré tous ses efforts, obtenir qu'il y fût apporté le moindre changement; enfin, qu'il n'avait pu engager les Puissances Alliés à admettre mon intervention dans ces délibérations parce que notre Gouvernement n'était pas encore reconnu: mais qu'il avait pu obtenir qu'avant d'expédier à Naples les Courriers des Puissances Alliées, on me donnât lecture des instructions adressées à leurs Ministres respectifs, afin que je pusse attester à Votre Altesse Royale, et à la Nation, le concours unanime des Puissances délibérantes dans les décisions irrévocables qu'elles faisaient communiquer à leurs Ministres.

Dans cet état de choses, j'exposai respectueusement au Roi les considérations qui, au premier moment, se presentèrent à mon esprit, et Sa Majesté me répondit qu'aucune d'elles ne lui avait échappé, mais que les circonstances impérieuses avaient rendu impossible tout changement aux décisions déjà arrêtées.

Le même soir, je fus invité, par M. le Prince de Metternich, à une Conférence, à laquelle assistèrent tous les Ministres ultramontains et Italiens, présens à Laybach.

On me dit que le but de cette Conférence était seulement de me donner connaissance des instructions que l'on envoyait à Naples relativement aux décisions des Souverains Alliés, non pour les discuter, attendu qu'elles étaient immuables, mais pour que je pusse faire connaître à Votre Altesse Royale l'unanimité avec laquelle elles avaient été prises, et leur irrévocabilité.

Après la lecture de ces instructions, je priai le Congrès de vouloir bien m'en donner une Copie, mais on me répondit que la chose était impossible, et de plus inutile, les Ministres étant chargés, comme ils l'ont fait réellement, d'en remettre une copie à Votre Altesse Royale.

Alors, la seule réponse précise que je fis, après cette lecture, était conçue en ces termes:

"Que si il m'avait été permis d'entrer en discussion sur les principes

et sur les faits contenus dans les papiers qui m'avaient été lus, j'aurais eu beaucoup d'observations à soumettre à cette Assemblée; mais puisque cela ne m'était pas accordé, et qu'il n'était question que d'entendre des résolutions déjà irrévocablement adoptées et expédiées, il ne me restait qu'á demander les instructions de Sa Majesté."

En effet, le lendemain matin je m'empressai d'en informer Sa Majesté, qui m'ordonna de partir sur-le-champ pour Naples, à l'effet de rapporter à Votre Altesse Royale et à la Nation, tout ce que j'avais entendu, et spécialement l'unanimité des Puissances délibérantes, dans les mesures énoncées par les instructions, me chargeant et me recommandant avec chaleur d'employer tous les moyens de persuasion pour éviter les malheurs incalculables de la guerre.

Je pris alors congé du Roi; je partis le même jour de Laybach, où je ne m'étais arrêté qu'environ 24 heures.

A l'égard des Puissances intervenues dans les décisions du Congrès de Laybach, mon devoir est de déclarer à Votre Altesse Royale que, sans aucun doute, l'Autriche, la Prusse et la Russie, doivent être considérées comme celles qui ont unanimement adopté la mesure d'agir hostilement contre l'ordre de choses existant à Naples. Les Plénipotentiaires Français au Congrès ne se sont pas engagés, au nom de la France, à prendre aucune part active ou hostile dans l'exécution des mesures au cas de guerre; et en effet, la Lettre de Sa Majesté Très Chrétienne à notre Monarque, et les déclarations remises ici à Votre Altesse Royale par le Chargé d'Affaires de France, doivent nous rassurer pleinement à cet égard. Sa Majesté Britannique, non-seulement n'a point concouru aux principes et aux mesures hostiles des trois Puissances susdites, mais elle a encore déclaré sa neutralité parfaite dans ce qui regarde le Royaume de Naples. Elle n'a voulu intervenir comme partie délibérante au Congrès de Laybach, ni nommer des Ministres Plénipotentiaires *ad hoc;* mais elle a seulement ordonné à ses Ministres déjà accrédités près Sa Majesté l'Empereur d'Autriche, d'assister à ses Conférences comme simples témoins, pour la tenir au courant des déterminations qui s'y prendraient. Les autres Ministres des Puissances Italiennes n'ont point pris part jusqu'ici à ces délibérations. Voilà pourquoi, dans la Conférence spéciale demandée à Votre Altesse Royale, et obtenue par les Ministres chargés de lui manifester les Résolutions du Congrès de Laybach, ne sont intervenus que les Ministres de Russie, de Prusse et d'Autriche, et que ni le Ministre d'Angleterre, ni celui de France, n'ont pas cru devoir y prendre part.

Je me suis fait un devoir d'informer Votre Altesse Royale de tous les faits que j'ai l'honneur de lui exposer dans ce Rapport; ils ont été contenus dans les Dépêches que j'ai adressées à la Secrétairerie Royale, par la voie de la poste.

S. A. R. Le Prince Régent. LE DUC DE GALLO.

No. 29.—Address of the National Parliament of Sicily to the Prince Regent.—Naples, 15th February, 1821.

ALTESSE ROYALE, (Traduction.)

LES Communications du Congrès de Laybach que Votre Altesse Royale a daigné nous faire parvenir, sont d'une telle nature qu'elles nous dispensent de la nécessité d'un long examen.

La Constitution actuelle n'existe dans le Royaume que par le vœu unanime des Peuples et par la libre adhésion de son Auguste Chef. Nous ne sommes revêtus du caractère de Députés que parceque notre élection a été provoquée par lui. Il ne l'a provoqué que dans le dessein d'activer le régime politique qu'il a adopté; il ne nous a imposé d'autres bornes que la nécessité de respecter ce même régime, nécessité qu'il a exprimée dans la formule de nos pouvoirs; nous en avons fait la base de nos sermens, qui ne sont que la répétition des siens.

Tenant dans la foi donnée, fidèle au Pacte Fondamental de la Mission que nous avons reçue, et vénérant le Dieu dont nous avons invoqué le nom, il nous était impossible de consentir à un changement essentiel dans notre Statut. Et au fait c'est ce que nous avons déclaré dans plusieurs occasions. Pourrions-nous décreter maintenant que notre Statut soit totalement bouleversé, que la nouvelle Loi de notre Patrie soit tracée sur le sabre dégainé de nos assaillans, et que la religion, protectrice des promesses, soit changée par nous en un nom vide de sens?

On dira peut-être que nous aurions dû nous adresser à nos Electeurs pour demander un supplément à nos pouvoirs; mais quand même cela nous serait permis, pourraient-ils consentir à les amplier, sans employer des moyens extraordinaires pour consulter la volonté nationale? Or le cours de cette opération n'empêcherait pas la marche des Allemands; car les instructions envoyées aux Plénipotentiaires d'Autriche, de Russie et de Prusse, annoncent cette marche, comme immédiate et irrévocable. L'expression des désirs des Peuples succéderait donc à l'occupation du Royaume, et les Peuples ne pourraient exprimer leur volonté, qu'après avoir été écrasés par le poids de la violence étrangère. D'ailleurs tous les habitans du Royaume se sont hâtés de faire connaître la disposition unanime de leurs cœurs. Les théâtres, les rues, le seuil de la demeure Royale, le vestibule du Parlement, ont retenti simultanément du cri de guerre. Les Autorités constituées, les Milices Nationales, les Troupes ont repété le même cri, qui a frappé les points les plus éloignés du Royaume.

Le croirait-on? 7,000,000 d'hommes ont reçu sans se troubler l'annonce d'une invasion décrétée par les trois Grandes Puissances Européennes! Le croirait-on? à l'arrivée de ce terrible défi, on a ordonné des repas publics, et l'anathême prononcé contre une Nation a été le mot d'ordre de sa réjouissance!

Mais les Citoyens des Deux-Siciles voient la violation du droit des

gens peinte sur les Drapeaux ennemis; ils y voient l'indépendance des Peuples foulée aux pieds, l'injustice d'une invasion non provoquée, l'esclavage, l'oppression. Ils croient voir à la tête de leurs Armées cet Etre Suprême qui punit le parjure, qui couvre de sa puissance la foi trahie, et qui protège le destin des Nations outragées.

La nécessité est le principe régulateur de la résistance; leur réserve c'est le désespoir.

Altesse, ils n'osent et ils n'oseront jamais inculper d'aucune manière leur Monarque. Toujours constans dans la confiance qu'ils lui ont accordée, toujours persuadés qu'il ne saurait proférer des mots sacrilèges, ils regardent comme les effets d'une contrainte, tous les actes qui sont incompatibles avec les promesses Royales, avec la dignité du Trône et la liberté de ses Peuples.

Nous offenserions la magnanimité des Alliés, si, en connaissant d'un coté l'insuffissance des faits qui les ont animés à la guerre, nous n'espérions pas de l'autre le développement, quoique tardif, des sentimens de leur justice. Nous serions encore plus inexcusables si, en voyant attaquer l'indépendance des Etats, principe fondamental de tout Gouvernement, de chaque Monarque Constitutionnel, et de tout Peuple libre, nous n'attendions qu'une vaine et stérile compassion. Mais comment retenir une Nation déterminée à repousser la force ou à périr? Comment serions nous insensés au point de decréter l'anarchie pour éviter l'oppression de la guerre? Nous nous bornerons, Monseigneur, plutôt à diriger un enthousiasme qu'aucune force humaine ne saurait contenir, et que le malheur ne ferait qu'augmenter; nous aurons soin de concentrer les forces de l'Etat, d'empêcher tous les crimes, et de conserver cette probité, cet attachement au Trône, et cette généreuse modération, qui, dès le commencement, ont accompagné notre changement politique. Tels sont les objets contenus dans les Décrets, que nous envoyons à Votre Altesse Royale, en le priant de les accueillir.

Votre Altesse Royale nous assure qu'elle partagera constamment les destins de la Nation, et la Nation Vous assure à son tour qu'elle trouvera un de ses destins dans le besoin d'aimer Votre Altesse Royale. Que son espoir soit aussi grand que la justice du Ciel! C'est elle qui saura éclairer les Cabinets des Princes et saura rendre nos armes redoutables. C'est elle qui fera tomber le sang que vont repandre nos enfans et nos ennemis, sur les têtes de ces Ministres mensongers, qui empoisonnent la joie des Princes par l'amertume des Peuples, et qui nourrissent leur propre pouvoir par les pleurs intarissables des innocens.

CHEVALIER GALDI, *Président.*

COLANERI. F. DE LUCA.
STRANO. DRAGONETTI. } *Secrétaires.*

No. 30.—Manifesto of the Sicilian Government.—Naples, 17th February, 1821. (Traduction.)

Le Gouvernement Constitutionnel de Naples, contre lequel le Congrès de Laybach vient de lancer l'anathême, en se préparant à repousser la plus injuste et la plus violente agression, dont l'histoire fasse mention, en appelle à l'opinion de l'Europe et de toutes les Nations Civilisées. Mais, afin que chacun puisse également juger de quel côté est la raison, de quel côté est l'injustice, dans une guerre, qui vient à éclater dans notre malheureuse Italie, après 5 années de paix à peine révolues, le Gouvernement se doit à lui-même de publier toutes les causes qui l'ont conduit à l'état politique où il se trouve actuellement.

Les besoins du Peuple des Deux-Siciles, le degré de civilisation où il étoit arrivé, éxigeoient depuis long-temps un changement dans le système intérieur de l'Etat. Dans les premiers jours de Juillet, 1820, le voeu unanime de la Nation demanda la Constitution d'Espagne. Le Roi y adhéra, sauf les modifications que les Représentans auroient proposées, lesquels Représentans avoient été convoqués principalement à ce sujet, avec l'obligation de respecter les bases de la Constitution de Cadix. Le 13 du même mois Sa Majesté jura de l'observer après la Junte Provisoire, et le 19 il en donna communication officielle aux Puissances Etrangères avec lesquelles il se trouvoit avoir des relations amicales.

Dans ces premiers momens l'esprit de modération et un respect religieux pour l'indépendance, pour les institutions et pour les droits des autres Nations, formèrent la règle de conduite du Gouvernement Napolitain. Il en proclama même les maximes en présence du monde entier, refusant d'intervenir, quoiqu'il en fut prié, dans les affaires de Bénévent et de Ponte-Corvo. L'Europe ne peut pas ne pas être convaincue des principes et du désir de ce Gouvernement de vivre en paix et bonne intelligence avec tous les autres, pour peu qu'elle examine, sans partialité, sa conduite tenue envers l'Autriche.

A peine la forme de notre régime politique fut elle changée, que la première pensée de notre cœur fut d'assurer le Cabinet de Vienne qu'un pareil changement n'altéroit en rien les rapports d'alliance et d'amitié qui existoient entre les deux Etats. Les premières ouvertures rejetées, le Roi, mettant à part tout ressentiment, repliqua aux offres qui lui furent adressées, expédia des Ambassadeurs, tenta enfin toutes les voies d'accommodement, mais toujours inutilement. Malgré cette conduite dure de la part de ce Cabinet, le Roi correspondit toujours avec les mêmes égards avec l'Ambassadeur, les Consuls, et les Sujets Autrichiens. Néanmoins la Cour de Vienne, en alléguant que la réforme de notre Constitution "abattoit les fondemens de l'édifice social, proclamoit l'Anarchie comme Loi, menaçoit la sureté des Trônes, la sureté des institutions reconnues, et le repos des Peuples" faisoit précipitamment d'immenses préparatifs de guerre dans les Etats Italiens, augmentoit les garnisons de Ferrare, de Plaisance et de Comachio, et excitoit les Puis-

sances de l'Europe à se déclarer contre le Gouvernement de Naples, à ne pas recevoir ses Ministres, et à rompre avec lui toute communication.

Sa Majesté ordonna ensuite à son Secrétaire d'Etat Ministre des Affaires Etrangères, Duc de Campochiaro, de demander en son nom à cette Cour une explication catégorique sur ses armemens et sur l'attitude qu'elle prenoit envers nous. Mais la Note adressée à ce sujet au Prince de Metternich, le jour même où le Roi, ouvrant la Première Séance du Parlement National, renouvela son serment d'être fidèle à la Constitution; cette Note dans laquelle il répondoit à toutes les accusations portées contre notre systême politique, est restée sans réponse. Les Souverains d'Autriche, de Russie, et de Prusse, avec leurs Plénipotentiaires, et ceux de France et d'Angleterre, se réunissoient au même instant à Troppau. L'objet de cette réunion fut de prendre en considération les affaires de Naples, et le résultat d'inviter le Roi à se rendre à Laybach pour coopérer avec les Souverains Alliés "afin de concilier les intérêts et le bonheur de son Peuple avec les principes qu'ils désiroient eux-mêmes voir régner sur leurs Etats et sur le Monde."

Sa Majesté accepta une mission qu'on lui proposoit "au nom d'une Alliance tutélaire, uniquement destinée à garantir de toute attaque, l'indépendance politique des Etats." Le Parlement consentit au départ du Monarque; et de cette manière repoussant les calomnies que l'on repandoit sur l'état de violence dans lequel on retenoit le Roi, il montra la noble confiance qu'il reposoit dans l'auguste médiateur. Il partit en effet, accompagné par les vœux de son peuple, mais à peine arrivé à Laybach, on le priva des conseils de son Ministre qu'il avoit amené avec lui, et il fut menacé d'une guerre désastreuse et inégale, pour l'obliger à obtempérer aux principes et aux mesures violentes décidées à Troppau. Tous les moyens qu'il employa pour l'éloigner furent inutiles. On fit alors connoître les délibérations prises par les Puissances au Congrès de Laybach; elles étoient telles qu'après plusieurs batailles gagnées on auroit pu les imposer à une Nation vaincue et humiliée. Les Envoyés de Russie et de Prusse, et le Chargé d'Affaires d'Autriche, les communiquèrent à Son Altesse Royale le Prince Régent, le 9 de ce mois, et déclarèrent qu'une Armée Autrichienne s'avançoit pour occuper le Royaume hostilement, à moins que l'on ne fit cesser immédiatement l'ordre de choses établi depuis le 6 Juillet, et que, dans le cas où on se soumettroit de suite et entièrement, cette Armée occuperoit le Pays amicalement, pour soutenir le nouvel ordre de choses, que l'on vouloit substituer.

C'est alors que Son Altesse Royale fit aux Diplomates déjà nommés, ces réponses loyales, qui, après avoir excité leur admiration et leur respect, produisirent au Parlement, où elles venoient d'être communiquées, un transport d'enthousiasme qui se repandit parmis tous les Napolitains. Chacun sut desormais que ce magnanime Prince ne vouloit rien résoudre sans consulter les Députés de la Nation, auxquels il se détermina

à communiquer les propositions qui avoient été faites, afin qu'ils résolussent le parti qu'il convenoit de prendre dans les circonstances difficiles où se trouvoit la Monarchie, et que, quant à lui, fidèle à ses sermens, il protestoit qu'il vouloit courir le sort de la Nation, de la quelle il n'auroit jamais pu se séparer.

Le Parlement Extraordinaire, ayant été assemblé, déclara dans sa mémorable Séance du 15, qu'il ne pouvoit adhérer à aucune des propositions; qu'il regardoit Sa Majesté comme n'étant pas libre; que, durant cet état de choses, Son Altesse Royale, Le Duc de Calabre, continueroit à exercer la Régence, et qu'enfin on devoit prendre toutes les mesures pour la sureté de l'Etat.

L'opinion publique avoit déjà prévenu ces démonstrations. Le Prince Régent, obligé par un serment à maintenir la Constitution qui forme actuellement la Loi Fondamentale de la Monarchie, les sanctionna. Il a cru remplir les devoirs que lui imposoit sa haute charge, non moins envers la Nation dont les intérêts lui sont confiés, qu'envers son auguste Père et Roi dont les intérêts ne peuvent se séparer de ceux de son Peuple.

Jalouse de la Constitution qui, par un bienfait de notre Roi, forme le palladium de la Monarchie des Deux-Siciles, la Cour de Vienne en prétend l'abolition; et parcequ'un Pays, qui vient de renaitre à la liberté et à l'indépendance, ne veut point obtempérer à ses volontés, elle a fait tous ses efforts pour faire croire que les intérêts de sa politique étoient ceux de l'Europe, et a juré de renverser, jusque dans ses fondemens tout notre système civil. Déjà ses troupes s'avancent sur nos frontières à cet effet. L'épée est tirée et va désoler l'Europe par une guerre sans exemple, dirigée par des principes destructifs des idées libérales et de l'indépendance des Peuples. Jamais on n'a vu un abus aussi odieux de la force. On ne devoit pas craindre que ces mêmes armées, réunies il y a peu de temps, au nom de l'ordre social, pour délivrer l'Europe de l'oppression, se tourneroient contre une Nation à la quelle on ne peut reprocher aucune faute contre le droit des gens, et qui, sans troubler ses voisins, sans offenser la légitimité en professant la vénération la plus respectueuse envers son Roi et son auguste Dynastie, cherche tranquillement à améliorer son administration domestique.

Les Puissances du second ordre doivent voir dans ce qui arrive au Royaume de Naples, le danger imminent qui plane sur elles. Le jour où notre Cause sera perdue, sera le dernier pour leur indépendance et la liberté de l'Europe.

Mais une Cause protégée par la justice et par l'opinion publique, qui intéresse tous les Gouvernemens prévoyant et tous les Peuples qui sentent leur dignité; une Cause qui sera défendue par la Nation entière des Deux-Siciles, dont le vœu unanime et fort s'est manifesté en cette solennelle circonstance; une Cause qui est devenue désormais chère à l'Europe et qui renferme avec soi les destinées du genre humain, mérite

de triompher. Le désespoir combattra contre la force; mais celui qui défend ses Lois constitutives, l'indépendance de sa Partie, qui combat contre l'Etranger qui vient l'asservir et le fouler aux pieds, n'est pas toujours le plus foible.

Enfin, le Gouvernement de Naples, quoiqu'il n'ait provoqué personne, quoiqu'il ait opposé une modération honorable aux nombreux outrages dont il a été accablé de mille manières par ceux qui, à Troppau et à Laybach, conjurèrent sa ruine, se voit aujourd'hui attaqué par une Armée Autrichienne qui prétend lui donner les Lois. Mais puisque ni les Troupes Russes, ni les Troupes Prussiennes ne marchent point contre notre Territoire, nous sommes forcés d'opposer au seul Gouvernement Autrichien la résistance qu'exige notre propre défense.

Son Altesse Royale se flatte que les augustes Monarques réunis à Laybach, voyant le noble sentiment qui réunit les habitans des Deux-Siciles, et leur volonté unanime de défendre leurs franchises et l'honneur de leur Nation, en effaçant des esprits les fausses préventions qu'on a conçues, laisseront en paix un Peuple innocent, qui ne désire rien plus ardemment que de jouir des bienfaits de son nouvel ordre politique à l'ombre d'un Trône légitime Constitutionnel; un Peuple qui, pendant l'espace de sept mois, a tenu ce noble maintien, et ce respect envers le Roi et la Famille Royale, qui ont fait dire à l'Europe qu'il s'étoit montré digne de la liberté; un Peuple enfin qui, ne prenant aucune part aux affaires des autres Pays, a bien droit de s'attendre que personne ne s'ingérera dans les siennes.

Son Altesse Royale se flatte aussi que les autres Puissances de l'Europe, étrangères à la présente contestation, voudront bien contribuer par la persuasion et par leurs bons offices à faire cesser les désastres de la guerre, prête à éclater sur nos Contrées, et qui ménace de se répandre sur la malheureuse humanité. Si l'incendie éclate au milieu de l'Italie, qui ne doit pas en craindre les suites, et qui peut dire où s'arrêteront ses terribles ravages? Mais si malheureusement on ne peut éviter une guerre exterminatrice, le Prince Régent et Son Auguste Frère se porteront à la tête de l'Armée Napolitaine, et, confondant leur sort avec celui de la Nation, combattant avec elle jusqu'à l'extrémité pour repousser l'invasion Etrangère, ils invoqueront le Suprême Arbitre des Empires qui protège l'innocence et la raison, et tôt ou tard punit les abus de la force, de l'injustice et de l'oppression.

No. 31.—*Proclamation of the King of Sicily.*

(Traduction.) *Laybach, le* 23 *Février*, 1821.

FERDINAND I. par la Grace de Dieu, Roi du Royaume des Deux-Siciles, etc. etc.

L'empressement avec lequel nous avons fait connoître nos intentions dans la Lettre écrite par nous le 28 Janvier dernier, à notre Cher-Fils, le Duc de Calabre, et la Déclaration uniforme faite en même

temps par les Représentans des Monarques Alliés, n'ont pu laisser aucun doute à nos Peuples sur les conséquences des événemens déplorables du mois de Juillet dernier, et sur les effets progressifs auxquels ils exposent aujourd'hui notre Royaume.

Nous avons nourri dans notre cœur paternel la plus ferme espérance que notre pressante exhortation auroit fait prévaloir les conseils de la prudence et la modération, et qu'un fanatisme aveugle n'auroit pas attiré sur notre Royaume le mal que nous nous sommes constamment occupé à lui éviter.

Uniquement pénétré d'une telle espérance, nous avons cru devoir prolonger notre séjour dans le lieu où se trouvoient réunis les Potentats nos Alliés, dans le but de seconder de toutes nos forces la détermination qui auroit été prise à Naples, afin de parvenir au résultat auquel tendoient nos voeux les plus ardens, comme conciliateur et comme pacificateur, seule consolation, qui, dans notre âge avancé, pouvoit compenser nos tourmens et les incommodités de la saison rigoureuse au milieu de la quelle nous avons fait un long et pénible voyage.

Mais les hommes qui momentanément sont en possession du pouvoir à Naples, opprimés par la perversité d'un petit nombre sont restés sourds à notre voix. Ils veulent fasciner l'esprit de nos Peuples en faisant des inductions aussi erronées qu'injustes sur les intentions des grands Monarques, au milieu desquels ils disent que nous sommes dans la contrainte. Les faits répondent à des imputations aussi vaines que coupables; maintenant que par l'effet de ces pernicieuses suggestions, notre séjour au milieu des Souverains nos Alliés n'a plus pour objet l'utilité qu'on pouvoit espérer, nous nous mettons immédiatement en route pour retourner dans nos Etats. Dans une telle situation de choses, nous considerons comme un devoir envers nous-mêmes et envers nos peuples de leur manifester nos sentimens royaux et paternels.

Une longue expérience acquise pendant 60 années de règne nous a appris à connoître l'esprit et les vrais besoins de nos Sujets. Nous confiant dans leurs bonnes intentions nous espérons, avec l'aide de Dieu, satisfaire à leurs besoins par un acte juste et durable.

Nous déclarons en conséquence, que l'Armée qui s'avance vers notre Royaume doit être regardée par tous nos fidèles Sujets, non comme ennemie, mais seulement comme destinée à protéger et à contribuer à consolider l'ordre nécessaire pour le maintien de la paix intérieure et extérieure du Royaume.

Nous ordonnons à notre propre Armée de terre et de mer, de considérer et d'accueillir celles de nos Augustes Alliés comme une force qui agit seulement pour le véritable intérêt de notre Royaume, et que loin de provoquer les fléaux d'une guerre inutile, elle réunisse, au contraire, ses forces pour assurer la tranquillité, et pour protéger

les amis du vrai bien et de la Patrie, qui sont les fidèles Sujets de leur Roi.

FERDINAND.

No. 32.—Proclamation of the Austrian General Frimont.—Foligno, 27th February, 1821.

NAPOLITAINS, (Traduction.)

AU moment où l'Armée sous mes ordres met le pied sur les Frontières du Royaume, je me vois obligé à vous déclarer franchement et ouvertement quel est le but de mes operations.

Une Révolution déplorable a, dans le mois de Juillet dernier, troublé votre tranquillité intérieure, et rompu les liens d'amitié qui, entre états limitrophes, ne peuvent reposer que sur la condition fondamentale d'une confiance réciproque.

Votre Roi a fait entendre à son Peuple sa voix Royale et paternelle. Il vous a ouvert les yeux sur les horreurs d'une guerre inutile, d'une guerre que personne ne vous fait, et qui seulement par votre conduite pourrait peser sur vous.

Les anciens et fidèles Alliés du Royaume vous ont aussi adressé de leur côté la parole. Ils ont des devoirs à remplir envers leurs Peuples; mais votre félicité vraie et durable ne leur est point étrangère, et vous ne la recouvrerez jamais par l'oubli de vos devoirs et par la rebellion. Rejettez volontairement une production qui vous est étrangère et ayez confiance dans votre Roi. Votre bien et le sien sont unis d'une manière inséparable.

En franchissant les Frontières du Royaume, aucune vue hostile ne guide nos pas. L'Armée qui est sous mon commandement regardera et traitera comme amis tous les Napolitains, sujets fidèles de leur Roi, qui aiment la tranquillité; elle observera partout la discipline la plus rigoureuse, et ne regardera comme ennemis que ceux qui lui opposeront une résistance hostile.

Napolitains, écoutez la voix de votre Roi et de ses amis, qui sont aussi les vôtres. Réfléchissez sur le nombre de malheurs divers que vous vous attireriez par une résistance inutile; réfléchissez que l'idée du moment, dont ces ennemis de l'ordre et de la tranquillité, qui sont vos propres ennemis, se servent pour vous séduire ne peut jamais devenir la source de votre prospérité durable.

Donné à notre Quartier-général de Foligno, le 27 Février, 1821.

JEAN BARON DE FRIMONT, *Général-en-chef.*

(Annexe.)—Manifesto of the Austrian General Frimont.—Foligno, 27th February, 1821. (Traduction.)

POUR assurer à la Nation le maintien exact de ce qui a été déclaré ci-dessus, on observera les dispositions suivantes :

1° Tout habitant paisible et tranquille jouira de la protection de l'Armée.

2° On ne levera dans le Royaume de Naples aucune contribution de guerre si l'on reçoit amicalement l'Armée. Des contributions en argent ne pourront être imposées que sur les Provinces et sur les lieux qui se comporteront d'une manière contraire à la volonté de leur Roi, à leur propre bien et à celui de leurs Concitoyens. Ces contributions seront employées à indemniser les Provinces tranquilles.

3° La prestation des objets matériels dont l'Armée aura besoin seront à la charge du pays. Mais afin de prévenir les désordres et les oppressions particulières, pour assurer la tranquillité, et qu'aucune partie ne soit surchargée de ses propres fardeaux, on donnera des quittances en règle pour chaque prestation qui aura été faite; ces quittances seront admises lors de la liquidation qui aura lieu. Les endroits qui se comporteront hostilement lors de la marche de l'Armée ne recevront pas de quittances, aussi longtems que la tranquillité n'y sera pas rétablie. Celles qui auraient été données à des endroits où l'on commettrait postérieurement des excès hostiles, n'auront aucune valeur.

Au Quartier-général de Foligno, le 27 Février, 1821.

JEAN BARON DE FRIMONT, *Général-en-chef.*

No. 33.—*Message of the Prince Regent of Sicily, on the Closing of the National Parliament.—Naples, 28th February,* 1821.

MESSIEURS LES DÉPUTÉS, (Traduction.)

LE Parlement Extraordinaire qui ferme aujourd'hui ses Séances, a mérité toute ma satisfaction par le respect qu'il a montré pour le Roi, mon Auguste Père, ainsi que par la modération et la sagesse qu'il a mises dans ses délibérations.

Adhérant aux sentimens de la Nation d'être fidèle aux sermens prêtés mutuellement, et se maintenant dans l'harmonie la plus parfaite avec le Gouvernement, le Parlement a fourni avec le plus grand zèle les moyens nécessaires à la défense de l'indépendance Nationale.

Je me plais également à vous exprimer la satisfaction que j'éprouve en voyant, qu'au milieu de la ferveur de l'enthousiasme national pour la défense commune, rien n'a troublé l'ordre ni la tranquillité de la Capitale et des Provinces, et qu'au contraire chaque Citoyen a rivalisé de zèle pour concourir au maintien de l'ordre, et je reconnais combien la conduite des Représentans de la Nation y a contribué.

La justice de notre Cause nous autorise à espérer que le Dieu des Armées voudra bénir nos efforts, et tendre Son bras tout-puissant pour nous conduire à la victoire et à la conquête d'une paix glorieuse.

FRANCOIS, *Régent.*

No. 34.—*Speech of the Prince Regent, on the Opening of the National Parliament.—Naples, 1st March,* 1821.

MESSIEURS LES DÉPUTÉS, (Traduction.)

LA manière prudente et la grande énergie avec lesquels on a fait hier la clôture du Parlement Extraordinaire, a fourni tous les moyens nécessaires pour mettre notre belle Patrie en état de se défendre vigoureusement, et pour soutenir le Trône Constitutionnel de mon Auguste Père, et m'inspire la plus grande confiance que dans cette nouvelle Session Ordinaire vous continuerez avec le même enthousiasme, et avec la même sagesse, à chercher tous les moyens de nous rendre encore plus formidables aux injustes aggresseurs de notre Patrie.

Assurés comme vous l'êtes, que de mon côté je n'ai épargné aucune peine, et n'ai omis aucun soin, pour seconder avec la plus grande promptitude possible vos efforts multipliés et admirables, tendant à soutenir notre indépendance nationale avec une vigueur magnanime. Vous devez, dis-je, avoir la certitude que j'emploierai tous les moyens que la Constitution donne au Pouvoir Exécutif pour atteindre le but désiré de repousser l'aggression de l'Ennemi.

A cet effet, je vais, conjointement avec mon Frère bien-aimé, me montre à l'Armée, afin de lui faire connaître d'une manière non équivoque que je veille sur elle, ayant soin de pourvoir à ses besoins, et qu'en parcourant les endroits qu'elle occupe, je m'intéresserai aussi à tout ce qui concerne ces mêmes Provinces.

J'ai l'espoir le mieux fondé que nos Troupes de toute arme et de tous les grades, par leur fermeté martiale, et ayant le cœur brûlant d'amour pour la Patrie, jetteront l'épouvante parmi nos aggresseurs que rien n'a provoqués, seront capables de les repousser et de s'orner des lauriers d'une glorieuse victoire, afin de goûter ensuite tranquillement les douceurs de la paix, en rentrant dans le sein de leurs familles.

En attendant, qu'une parfaite union règne parmi vous, et que dans vos sentimens et dans toutes vos opérations, triomphent ces vertus admirables qui puissent vous rendre forts et estimables, même aux yeux de nos ennemis, en montrant que vous êtes dignes de la liberté dont vous jouissez :

No. 35.—*Convention of Armistice between the Austrian and Sicilian Armies.—Signed at Capua, the 20th March,* 1821.

LES Soussignés munis des pleinpouvoirs nécessaires à cet effet, sont convenus des Articles suivans :

I°. Il y aura suspension d'hostilités sur tous les points du Royaume.

2° Les hostilités cesseront de même sur mer dans le plus court

délai possible; à cet effet des Courriers seront expédiés sur le champ par les deux Armées.

3°. L'Armée Autrichienne occupera Capoue, demain, le 21; ses postes occupera, et ne dépasseront pas la ville d'Aversa.

4°. L'occupation de la Ville de Naples et de ses Forts, sera l'objet d'une Convention particulière.

5°. L'Armée Autrichienne respectera les personnes et les propriétés, quelques soient les circonstances particulières de chaque individu.

6°. Tous les objets de propriété royale et de l'état, existant dans toutes les Provinces que l'Armée Autrichienne occupe, et qu'elle occupera; tous les arsenaux, les magazins, les parcs, les chantiers, manufactures d'armes, etc, appartiennent de droit au Roi, et seront respectés comme tels.

7°. Il y aura dans toutes les places et forts, qui seront occupés par l'Armée Autrichienne, indépendamment du Commandant Autrichien, un Gouverneur au nom du Roi. Tout le matériel de la guerre quant à la partie administrative, dépendra des directions administratives royales.

8°. La présente Convention sera ratifiée par Son Altesse Royale Monseigneur le Prince Régent, et par son Excellence Monsieur le Commandant Général de l'Armée Autrichienne, Baron de Frimont.

Signé au Grand Prieuré de Naples, devant Capoue, le 20 Mars, 1821.

LE COMTE DE FIQUELMONT,
Général Major au Service de Sa Majesté Impériale et Royale Apostolique.

LE BARON D'AMBROSIO,
Lieutenant Général au Service de Sa Majesté le Roi des Deux Siciles.

No. 36.—*Convention for the Occupation of Naples by the Austrian Army.—Signed at Aversa, 23d March,* 1821.

D'APRÈS les rapports d'amitié qui existent maintenant, et conformément aux ordres donnés par Son Altesse Royale le Prince Régent à M. le Lieutenant-Général Pedrinelli, Gouverneur de Naples, l'Armée Autrichienne entrera demain, 24 Mars, à 8 heures du matin, dans Naples, et occupera ses Forts, à l'exception de Castel-Nuovo, destiné pour caserner la Garde Royale. Cette Garde continuera le service qu'elle est dans le cas de faire, et sera employée près de la personne et au Palais de Sa Majesté. Comme, vu l'entrée des Troupes Autrichiennes à Naples, il est impossible d'y loger les Soldats Napolitains qui s'y trouvent encore, ils recevront aujourd'hui l'ordre de quitter la Ville; et, pour leur destination ultérieure, ils seront soumis aux ordres de Son Excellence M. le Baron de Frimont, Général-en-Chef. La Gendarmerie continuera de faire son service accoutumé. La Garde Bourgeoise, à la bonne conduite de laquelle on est redevable du maintien de l'ordre pen-

dant ces jours orageux, conservera son organisation actuelle; mais elle ne pourra cependant s'armer, ni faire de service sans une réquisition préalable de M. le Général en Chef de l'Armée Autrichienne.

Les ordres donnés par Son Altesse Royale le Prince Régent pour la reddition des Places de Gaëte et de Pescara, seront remis demain par M. le Lieutenant-Général Pedrinelli à Son Excellence le Général-en-Chef, avant l'entrée de l'Armée Impériale à Naples.

Les dites Places, ainsi que la Ville de Naples, seront occupées d'après les stipulations de la Convention conclue le 20 de ce mois devant Capoue. Les Garnisons des deux Forteresses seront traitées sur le même pied que les autres Troupes Napolitaines.

Fait, conclu, et signé par M. le Lieutenant-Général Pedrinelli, Gouverneur de Naples, et M. le Général-Major Comte de Fiquelmont, en vertu de leurs Pleins-pouvoirs respectifs.

Aversa, le 23 *Mars,* 1821.

LE COMTE DE FIQUELMONT,
Général-Major au Service de Sa Majesté Impériale et Royale Apostolique.

PEDRINELLI.
Lieut. Gen. au Service de Sa Majesté le Roi des Deux-Siciles.

No. 37.—*Circular to the Russian Ministers at Foreign Courts.*

MONSIEUR, *Laybach, le* $\frac{28 \text{ Avril,}}{10 \text{ Mai,}}$ 1821.

IL y a précisement un an, que nous nous sommes vus forcés de faire connoître les principes que l'Empereur avoit résolu de suivre à l'égard des Etats qui, au malheur de subir une révolution criminelle et violente, joindroient celui d'en sanctionner les fatales conséquences.

Depuis cette époque, et à dater de l'ouverture des Conférences de Troppau et de Laybach, nos Communications successives ont dû prouver à tous les Ministres et Agens de l'Empereur dans l'Etranger, non seulement que les principes de Sa Majesté Impériale ne varieroient pas, mais encore que notre auguste Maître seroit toujours prêt à concourir de tous ses moyens au succès des mesures qu'il avoit arrêtées avec ses Alliées, dans l'intérêt général du repos de l'Europe.

Par notre Circulaire du 27 Février (11 Mars) nous vous informions que, attendu les déterminations prises sous ce rapport par Sa Majesté Impériale, elle s'étoit décidée à prolonger son sejour auprès de Sa Majesté Impériale et Royale Apostolique, malgré la clôture du Congrès de Laybach.

Nos Dépêches du 8, (20) Mars, vous apprirent bientôt que la prévoyance de l'Empereur n'avoit été que trop complétement justifiée et que, fidèle à ses promesses, la Russie, sur la demande de l'Autriche et du Souverain légitime du Royaume de Sardaigne, avoit fait marcher une Armée de 100,000 hommes, afin de prévenir les funestes et trop

probables effets de la révolte militaire qui venoit d'éclater dans le Piémont.

D'heureux événemens ont succédé à ceux qu'avoient provoqués les artisans de troubles et de désordres. Tout nous autorise à espérer que l'ordre achévera de se rétablir dans les Etats de Sa Majesté Sarde. Le Gouvernement Royal y a profité de la proximité du Royaume Lombardo-Vénitien, et c'est l'assistance temporaire d'un Corps d'Occupation, composé de Troupes Autrichiennes, qu'il a reclamée, pour rendre au Piémont le bonheur d'une paix domestique, profonde et stable.

Tous nos vœux appellent ce grand et salutaire résultat. Mais comme la mesure de sureté qu'il exige, et que le Gouvernement Sarde a sollicitée lui-même, va faire l'objet d'un arrangement direct entre la Sardaigne et l'Autriche, sous la garantie des Cours Alliées; et comme la présence de nos Troupes seroit désormais inutile, l'ordre de rétrograder, leur a déjà été transmis. D'une autre part, plus la résolution de les faire agir étoit énergique, plus a été utile et vive l'impression produite par la seule nouvelle de leur mouvement, et plus il est essentiel aux yeux de l'Empereur que tous les Cabinets de l'Europe connoissent et apprécient les graves considérations qui ont porté Sa Majesté Impériale à recourir à la force des armes, et les intentions nobles et pures qui en auroient toujours dirigé et modéré l'emploi.

L'expérience de tous les âges et de tous les Pays avertit les Peuples des calamités qui forment l'inévitable cortège du crime et de la rebellion. Mais l'année dernière ces hautes et éternelles leçons des siècles furent méconnues. Les catastrophes se pressèrent avec une effrayante rapidité. Naples démontra jusqu'à l'évidence les dangers d'un pernicieux exemple. Devenu lui-même le foyer de la Révolution et le centre de l'activité des sectes, cet Etat ménaça l'Italie d'une conflagration générale; et l'Autriche, voyant une partie de ses Provinces exposée à un imminent péril, reclama d'abord l'appui moral de ses Alliés. Ami sincère de Sa Majesté Impériale Royale Apostolique, et convaincu comme elle des maux qui auroient encore une fois accablé le monde, si l'oubli de tous les devoirs avoit pu obtenir l'apologie d'un triomphe durable, l'Empereur embrassa avec franchise une cause que sa conscience lui disoit être celle de l'Europe, des Lois et des Traités. Il fit plus. Comme une intime union a été établie par des Actes solennels, entre toutes les Puissances Européenes, l'Empereur offrit à ses Alliés le secours de ses armes, pour le cas où des bouleversemens nouveaux feroient craindre de nouveaux dangers. Nous avons déjà vu comment se vérifièrent les pressentimens de Sa Majesté Impériale. Des sectaires, agissant dans les ténébres, dont ils ont besoin de couvrir leurs coupables projets, excitèrent en Piémont une insurrection qui pouvoit, par ses suites, retarder les progrès du bien dans les Deux-Siciles, et, en compromettant l'Armée qui s'avançoit vers Naples, encourager la révolte dans tout le reste de la Péninsule. Déjà même d'alarmans symptômes

autorisoient des inquiétudes pour d'autres Contrées, dès-lors les Troupes Russes dûrent marcher. Elles marchoient en effet, elles marchoient, non pour étendre la puissance de la Russie, ou porter la plus légère atteinte à l'état de possession territoriale, garanti à tous les Gouvernemens de l'Europe par les Traités conclus depuis l'année 1814, mais pour secourir les Alliés de l'Empereur, et, ainsi que nous l'avons dit plus haut, sur la demande expresse de Sa Majesté Impériale Royale Apostolique, et de Son Altesse Royale le Duc de Genevois. Elles marchoient, non pour renverser les institutions émanées de l'autorité légitime, mais pour empêcher que l'insurrection n'usurpât un pouvoir qui seroit un fléau universel. Elles marchoient enfin, non pour entraver le développement de la prospérité publique, dans quelque Etat que ce fût, mais pour favoriser le rétablissement de l'ordre dans les Pays où des hommes de malheurs ont fini par rendre indispensable l'assistance d'une Force Etrangère.

Telle a été, telle sera toujours l'unique intention de l'Empereur si jamais il se trouvoit encore dans la nécessité de mettre ses Armées en mouvement. Aucune charge ne seroit même résultée de leur passage, ni de leur présence momentanée. Elle auroit traversé paisiblement les immenses espaces qui les séparent de l'Italie; et dès que le but pour lequel deux Princes les avoient appelées, eut été atteint, l'Empereur leur auroit donné l'ordre de rentrer dans ses Etats.

Il nous est donc permis de répéter et d'affirmer que jamais l'amour de la guerre, jamais l'ambitieuse idée d'exercer une influence exclusive dans les conseils des autres Monarques, ni sur les destinées des Peuples dont la providence leur a confié le soin, n'ont été et ne seront les mobiles de la politique de Sa Majesté Impériale.

Des faits irréfragables attestent aujourd'hui la sincérité de ce langage.

La malveillance prêtoit à la Russie des vues hostiles contre la Porte. Des troubles se sont manifestés en Valachie et en Moldavie, et notre conduite, ainsi que nos déclarations, sont venues démontrer que nous observions les règles du droit des gens, et la foi des Traités, dans nos relations avec le Gouvernement Turc.

On s'est plu à répondre ensuite que nous avions abandonné nos projets contre la Turquie, pour envahir les Contrées occidentales de l'Europe. Un éclatant démenti a confondu les auteurs de ces odieuses accusations; et celle de nos Armées, qui marchoient, suivie et appuyée de toutes les forces de l'Empire, s'est arrêtée dès que nous avons eu la certitude que le Gouvernement légitime avoit recouvré la plénitude de son autorité dans le Royaume de Sardaigne.

Ainsi, Monsieur, c'est avec la conscience d'avoir rempli les devoirs d'ami et d'allié, c'est avec le dessein de toujours les remplir, et la consolante persuasion d'avoir contribué à la tranquillité de l'Italie et de l'Europe, que l'Empereur va quitter Laybach.

Il partira le $\frac{1}{13}$ Mai, et se rendra par Varsovie à St. Pétersbourg, heureux de prêter son assistance à ses Alliés, si elle leur devenoit nécessaire; plus heureux encore de jouir long-temps du spectacle d'une paix dont la Russie goûte les douceurs, et qu'elle est intéressée, autant qu'aucune autre Puissance, à maintenir et à consolider.

Le système politique de notre auguste Maître, ne devant éprouver aucun changement, tous ses Ministres et Agens continueront à suivre et à exécuter les instructions générales qu'ils ont reçues jusqu'à ce jour.

La présente Circulaire règléra leur langage sur les événemens dont elle parle, et l'Empereur vous autorise même, Monsieur, à en donner lecture et Copie au Gouvernement auprès duquel vous êtes accrédité.

NESSELRODE.

No. 38.—Declaration of the Allied Sovereigns of Austria, Prussia, and Russia, on the breaking up of the Conferences at Laybach.

Laybach, le 12 *Mai,* 1821.

L'EUROPE connait les motifs de la résolution prise par les Souverains Alliés d'étouffer les complots et de faire cesser les troubles qui menaçaient l'existence de cette paix générale, dont le rétablissement a coûté tant d'efforts et tant de sacrifices.

Au moment même où leur généreuse détermination s'accomplissait dans le Royaume de Naples, une rebellion d'un genre plus odieux encore, s'il était possible, éclata dans le Piémont.

Ni les liens, qui depuis tant de siècles unissent la Maison Régnante de Savoye à son Peuple, ni les bienfaits d'une administration éclairée sous un Prince sage et sous des Lois paternelles, ni la triste perspective des maux auxquels la Patrie allait être exposée, n'ont pu contenir les desseins des pervers.

Le plan d'une subversion générale était tracé. Dans cette vaste combinaison contre le repos des Nations, les conspirateurs du Piémont avaient leur rôle assigné. Ils se sont hâtés de le remplir.

Le Trône et l'Etat ont été trahis, les sermens violés, l'honneur militaire méconnu, et l'oubli de tous les devoirs a bientôt amené le fléau de tous les désordres.

Partout le mal a présenté le même caractère, partout un même esprit dirigeait ces funestes révolutions.

Ne pouvant trouver de motif plausible pour les justifier, ni d'appui national pour les soutenir, c'est dans de fausses doctrines que les auteurs de ces bouleversemens cherchent une apologie, c'est sur de criminelles associations qu'ils fondent un plus criminel espoir. Pour eux l'empire salutaire des lois est un joug qu'il faut briser. Ils renoncent aux sentimens qu'inspire le véritable amour de la Patrie, et mettant à la place des devoirs connus les prétextes arbitraires et indéfinis d'un changement universel dans les principes constitutifs de la Societé, ils préparent au monde des calamités sans fin.

Les Souverains Alliés avaient reconnu les dangers de cette conspiration dans toute leur étendue, mais ils avaient pénétré en même tems, la faiblesse réelle des Conspirateurs à travers le voile des apparences et des déclamations. L'expérience a confirmé leurs pressentimens. La résistance que l'Autorité légitime a rencontrée a été nulle, et le crime a disparu devant le glaive de la justice.

Ce n'est point à des causes accidentelles, ce n'est pas même aux hommes qui se sont si mal montrés le jour du combat, qu'on doit attribuer la facilité d'un tel succès. Il tient à un principe plus consolant et plus digne de considération.

La Providence a frappé de terreur des consciences aussi coupables, et l'improbation des Peuples, dont les Artisans de troubles avaient compromis le sort, leur a fait tomber les armes des mains.

Uniquement destinées à combattre et à réprimer la rebellion, les Forces Alliées, loin de soutenir aucun intérêt exclusif, sont venues au secours des Peuples subjugués, et les peuples en ont considéré l'emploi comme un appui en faveur de leur liberté et non comme une attaque contre leur indépendance. Dès lors, la guerre a cessé ; dès lors les Etats que la révolte avait atteints, n'ont plus été que des Etats amis pour les Puissances qui n'avaient jamais désiré que leur tranquillité, et leur bien-être.

Au milieu de ces graves conjonctures, et dans une position aussi délicate, les Souverains Alliés, d'accord avec Leurs Majestés le Roi des Deux Siciles et le Roi de Sardaigne, ont jugé indispensable, de prendre des mesures temporaires de précaution indiquées par la prudence et prescrites par le salut commun. Les Troupes Alliées, dont la présence était nécessaire au rétablissement de l'ordre ont été placées sur les points convenables, dans l'unique vue de protéger le libre exercice de l'autorité légitime et de l'aider à préparer sous cette égide les bienfaits qui doivent effacer la trace de si grands malheurs.

La justice et le désintéressement qui ont présidé aux délibérations des Monarques Alliés règleront toujours leur politique. A l'avenir, comme par le passé, elle aura toujours pour but, la conservation de l'indépendance et des droits de chaque Etat, tels qu'ils sont reconnus et définis par les Traités existans. Le résultat même d'un aussi dangereux mouvement, sera encore sous les auspices de la Providence, le raffermissement de la paix, que les ennemis des Peuples s'efforcent de détruire, et la consolidation d'un ordre de choses qui assurera aux Nations leur repos et leur prospérité.

Pénétrés de ces sentimens, les Souverains Alliés, en fixant un terme aux Conférences de Laybach, ont voulu annoncer au Monde les principes qui les ont guidés. Ils sont décidés à ne jamais s'en écarter, et tous les amis du bien verront et trouveront constamment dans leur union, une garantie assurée contre les tentatives des perturbateurs.

C'est dans ce but que Leurs Majestés Impériales et Royales ont ordonné à Leurs Plénipotentiaires de signer et de publier la présente Déclaration.

Autriche ..... METTERNICH.
LE BARON DE VINCENT.
Prusse ..... KRUSEMARCK.
Russie ..... NESSELRODE.
CAPODISTRIAS.
POZZO DI BORGO.

No. 39.—*Circular to the Austrian, Prussian, and Russian Ministers, at Foreign Courts.*

Laybach, le 12 *Mai,* 1821.

La réunion des Monarques alliés et de leurs Cabinets à Troppau, arretée à la suite des événemens qui avoient renversé le Gouvernement légitime à Naples, étoit destiné à fixer le point de vue dans lequel il convenoit de se placer à l'égard de ces funestes événemens, à se concerter sur une marche commune, et à combiner dans un esprit de justice, de conservation et de modération, des mesures propres à garantir l'Italie d'un bouleversement général, et les Etats voisins des plus imminens dangers. Grâces à l'heureuse conformité de vues et de dispositions qui regnoit entre les trois Augustes Souverains, cette première tâche fut bientot remplie.

Des principes clairement énoncés et réciproquement embrassés avec toute la sincérité d'une conviction intime, conduisirent à des résolutions analogues, et les bases établies dès les premières Conférences ont été invariablement suivies pendant tout le cours d'une réunion, signalée par les résultats les plus remarquables.

Transférée à Laybach, cette réunion prit un caractère plus prononcé par la présence et le concours du Roi des Deux-Siciles, et par l'assentiment unanime avec lequel les Princes d'Italie accédèrent au système adopté par les Cabinets Alliés. Les Monarques se convainquirent que les Gouvernemens les plus immédiatement intéressés aux destinées de la Péninsule, rendoient justice à la pureté de leurs intentions, et qu'un Souverain placé dans la situation la plus pénible, par des actes auxquels la perfidie et la violence avoient su associer son nom, s'en remettoit en pleine confiance à des mesures, qui devoient à la fois mettre un terme à cet état de captivité morale, et rendre à ses fidèles Sujets le repos et le bien-être dont les factions criminelles les avoient privés.

L'effet de ces mesures n'a pas tardé à se manifester. L'édifice élevé par la révolte, aussi fragile dans sa construction que vicieux dans ses bases, ne reposant que sur l'astuce des uns, et sur l'aveuglement momentané des autres, reprouvé par l'immense majorité de la Nation, odieux même à l'armée, formée pour le défendre, s'est écroulé au premier contact avec la force régulière qui étoit déstinée à le renverser et qui

n'a servi qu'à en démontrer le néant. Le pouvoir légitime est rétabli; les factions sont dispersées; le Peuple Napolitain est délivré de la tyrannie de ses imposteurs audacieux qui, en le berçant des rêves d'une fausse liberté, exerçoient sur lui les vexations les plus cruelles, lui imposoient d'énormes sacrifices, au seul profit de leur ambition et de leur avidité, et marchoient à grand pas vers l'irréparable ruine d'un Pays dont ils ne cessoient de se dire les régénérateurs.

Cette restauration importante est consommée autant qu'elle a pu et qu'elle a dû l'être par les conseils et les efforts des Puissances Alliées. Aujourd'hui que le Roi des Deux-Siciles est investi de nouveau de la plénitude de ses droits, les Monarques se bornent à seconder de leurs vœux les plus ardens les résolutions que ce Souverain va adopter pour réconstruire son Gouvernement sur des fondemens solides, et pour assurer, par des Lois et des institutions sages, les véritables intérêts de ses Sujets et la prospérité constante de son Royaume.

Pendant le cours de ces grandes transactions on a vu éclater de plus d'un côté les effets de cette vaste conjuration tramée depuis longtemps contre tous les Pouvoirs établis, et contre tous les droits consacrés par cet ordre social seul sous lequel l'Europe a joui de tant de siècles de bonheur et de gloire.

L'existence de cette conjuration n'étoit point inconnue aux Monarques; mais au milieu des agitations que l'Italie éprouvoit depuis les catastrophes de l'Année 1820, et du mouvement désordonné qui, de là s'étoit communiqué à tous les esprits, elle s'est développée avec une rapidité croissante, et son vrai caractère a paru au grand jour. Ce n'est pas, comme on a pu le croire à une époque moins avancée, ce n'est pas contre telle ou telle forme de Gouvernement, particulièrement en butte à leurs déclamations, qui se sont dirigées les entreprises ténébreuses des auteurs de ces complots et les vœux insensés de leurs aveugles partisans. Les Etats qui ont admis des changemens dans leur régime politique, ne sont plus à l'abri de leurs attaques, que ceux dont les anciennes institutions ont traversé les orages du temps.

Monarchies pures, Monarchies limitées, Constitutions Fédératives, Républiques, tout est compris, tout est englobé, dans les arrêts de proscription d'une secte, qui traite d'Oligarchie tout ce qui, dans quelque forme que ce soit, s'élève au-dessus du niveau d'une égalité chimérique. Les Chefs de cette ligue impie, indifférens à ce qui résultera de la destruction générale qu'ils méditent, indifférens à toute espèce d'organisation stable et permanente, n'en veulent qu'aux bases fondamentales de la société. Renverser ce qui existe, sauf à y substituer ce que le hazard suggérera à leur imagination déréglée, ou à leurs sinistres passions: Voilà l'essence de leur doctrine et le secret de toutes leurs machinations!

Les Souverains Alliés n'ont pu méconnoître qu'il n'y avoit qu'une barrière à opposer à ce torrent dévastateur. Conserver ce qui est légalement établi, tel a dû être le principe invariable de leur politique, le

point de départ et l'objet final de toutes leurs résolutions. Ils n'ont pu être arrêtés par les vaines clameurs de l'ignorance ou de la malice, les accusant de condamner l'humanité à un état de stagnation et de torpeur incompatible avec la marche naturelle et progressive de la civilisation, et avec le perfectionnement des institutions sociales. Jamais ces Monarques n'ont manifesté la moindre disposition de contrarier des améliorations réelles ou la reforme des abus qui se glissent dans les meilleurs Gouvernemens. Des vues bien différentes les ont constamment animés; et si ce repos que les Gouvernemens et les Peuples avoient le droit de croire assuré par la pacification de l'Europe n'a point pu opérer tout le bien qui devoit en résulter, c'est que les Gouvernemens ont dû concentrer toutes leurs pensées sur les moyens d'opposer des digues au progrès d'une faction qui, repandant autour d'elle l'erreur, le mécontentement, le fanatisme des innovations, eut bientôt mis en problême l'existence d'un ordre publique quelconque.

Les changemens utiles ou nécessaires dans la Législation et dans l'Administration des Etats, ne doivent émaner que de la volonté libre, de l'impulsion réfléchie et éclairée de ceux que Dieu a rendus responsables du pouvoir. Tout ce qui sort de cette ligne conduit nécessairement au désordre, aux bouleversemens, à des maux bien plus insupportables que ceux que l'on prétend guérir. Pénétrés de cette vérité éternelle, les Souverains n'ont pas hésité à la proclamer avec franchise et vigueur; ils ont déclaré qu'en respectant les droits et l'indépendance du pouvoir légitime, ils regardoient comme légalement nulle et désavouée par les principes qui constituent le droit public de l'Europe, toute prétendue reforme opérée par la révolte et la force ouverte. Ils ont agi, en conséquence de cette déclaration, dans les événemens de Naples, dans ceux du Piémont, dans ceux même qui, sous des circonstances très différentes, mais par des combinaisons également criminelles, viennent de livrer la partie orientale de l'Europe à des convulsions incalculables.

Les Monarques sont d'autant plus décidés à ne pas s'écarter de ce système, qu'ils regardent la fermeté avec laquelle ils l'ont maintenu dans une époque si critique, comme la véritable cause du succès dont leurs efforts pour le rétablissement de l'ordre en Italie ont été accompagnés. Les Gouvernemens de la Péninsule ont reconnu qu'ils n'avoient rien à craindre, ni pour leur Indépendance politique, ni pour l'intégrité de leurs Territoires, ni pour la conservation de leurs droits, en réclamant des secours qui leur étoient fournis à la seule condition d'en profiter pour défendre leur propre existence. C'est la confiance réciproque qui a sauvé l'Italie; c'est elle qui a fait cesser dans l'espace de deux mois un incendie qui, sans l'intervention des Puissances Alliées, auroit ravagé et ruiné la totalité de ce beau pays et menacé pour long-temps le reste de l'Europe.

Rien n'a plus efficacement démontré la force de ce ressort moral

qui lioit le salut de l'Italie aux déterminations des Monarques, que le dénouement prompt et heureux de la révolte qui avoit éclaté dans le Piémont. Des conspirateurs, en parties étrangers, avoit préparé ce nouveau forfait, et mis en œuvre, pour le faire réussir, le plus détestable de tous les moyens révolutionnaires, en soulevant contre l'autorité cette force armée, qui n'est créée que pour lui obéir et pour défendre l'ordre public. Victime d'une trahison, inexplicable si quelque chose pouvoit l'être tant que les crimes politiques trouveront en Europe des voix qui osent les défendre, un Souverain jouissant à juste titre du respect et de l'affection de ses Sujets, se vit forcé de déscendre d'un Trône qu'il avoit orné de ses vertus; une partie considérable des Troupes fut entrainée dans l'abime par l'exemple et les intrigues d'un petit nombre d'ambitieux; et le cri banal de la faction anti-sociale retentissoit de la Capitale aux Provinces. Les Monarques réunis à Laybach ne tardèrent pas à y répondre. Leur union étoit du nombre de celles qui se fortifient et grandissent avec le danger; leur voix fut entendue. Aussitôt les serviteurs fidèles du Roi, sentant qu'ils n'étoient point abandonnés, employèrent ce qu'il leur restoit de ressources pour combattre les ennemis de la Patrie et de la gloire nationale; le pouvoir légitime, quoique comprimé et paralysé dans son action, n'en sut pas moins soutenir sa dignité et ses droits; et les secours arrivant au moment décisif de la crise, le triomphe de la bonne cause fut bientot complet. Le Piémont a été délivré en peu de jours; et il n'est resté de cette Révolution, calculée sur la chute de plus d'un Gouvernement, que les souvenirs honteux emportés par ses coupables auteurs.

C'est ainsi qu'en suivant sans déviation les principes établis et la ligne de conduite tracée dès les premiers jours de leur réunion, les Monarques Alliés sont parvenus à pacifier l'Italie. Leur objet direct est atteint. Aucune des démarches qui y ont abouti n'a démenti les déclarations que la vérité et la bonne foi leur avoient inspirées. Ils y resteront fidèles, quelque nouvelle épreuve que la providence puisse leur avoir reservée. Plus que jamais appéles, ainsi que tous les autres Souverains et Pouvoirs légitimes, à veiller sur la paix de l'Europe, à la protèger non seulement contre les erreurs et les passions qui pourroient la compromettre dans les rapports de Puissance à Puissance, mais surtout contre ces funestes tentatives qui livroient le monde civilisé aux horreurs d'une anarchie universelle, ils croiroient profaner une vocation aussi auguste par des calculs étroits d'une politique vulgaire. Comme tout est simple, patent, et franchement avoué dans le système qu'ils ont embrassé, ils le soumettent avec confiance au jugement de tous les Gouvernemens éclairés.

La réunion qui va finir, doit se renouveler dans le courant de l'année prochaine. On y prendra en considération le terme à fixer aux mesures qui, de l'aveu de toutes les Cours d'Italie, et particulièrement de celles de Naples et de Turin, ont été jugées nécessaires

pour raffermir la tranquillité de la Péninsule. Les Monarques et leurs Cabinets apporteront à l'examen de cette question le même esprit qui les a dirigés jusqu'ici. Des motifs d'une gravité incontestable et pleinement justifiés par les résultats, avoient déterminé les Souverains à intervenir dans les affaires de l'Italie ; ils sont loin de vouloir prolonger cette intervention audelà des limites d'une stricte nécessité, désirant bien sincérement que les circonstances qui leur ont imposé ce pénible devoir, ne se réproduissent jamais.

Nous avons cru utile au moment où les Souverains vont se séparer, de rappeler par le précédent exposé les principes qui les ont dirigés dans les dernières transactions.

Vous êtes en conséquence chargé de faire communication de cette Dépêche, au Ministre dirigeant les Affaires Etrangères de la Cour près la quelle vous vous trouvez accréditée.

Vous recevrez en même tems une Déclaration conçue dans le même esprit, que les Cabinets ont fait rédiger et imprimer, pour porter à la connoissance du public de l'Europe les sentimens et les principes dont les Augustes Souverains sont animés, et qui serviront constamment de guides à leur politique.

Recevez, etc. etc.

No. 40.—Proclamation of the King of Sicily, on his return to Naples. Naples, 15th May, 1821. (Traduction.)

Le moment où la Providence nous accorde la grâce de rentrer dans notre Royaume, après l'heureux rétablissement de la tranquillité publique, est infiniment cher et précieux à notre cœur. Tous mes vœux seront accomplis si ce jour devient le commencement d'une époque de satisfaction et de félicité pour nos Peuples.

Les calamités et les délits qui ont eu lieu sont nombreux et graves; ils n'ont produit en nous qu'une affliction profonde, par suite de la ruine de toutes les branches de la prospérité publique, et par les maux et les peines qu'ils ont causés à l'immense majorité de nos fidèles Sujets, restée entièrement étraugère à ces déplorables désordres. Aucun ressentiment personnel n'a eu ni n'aura jamais part à nos décisions. L'unique pensée qui nous occupe, c'est de faire oublier, par des jours de paix et de prospérité, les égaremens désastreux par lesquels quelques coupables ont souillé les dernières pages de notre histoire.

Notre premier soin sera de pourvoir à la réorganisation des différentes branches de la législation et de l'administration du Royaume. Nous nommerons à cet effet un Conseil composé d'hommes choisis parmi les plus intégres et les plus éclairés par la reflexion et l'expérience. Si le succès répond à notre juste attente, les Lois fondamentales qui seront établies dans ce Conseil feront naître dans l'esprit de mes fidèles Sujets la consolation, la confiance, gage d'un avenir heureux, en effaçant de leur souvenir des projets chimériques qui ne pouvaient occasionner que des regrets amers et de longues adversités; ces Lois leur

assureront ces biens réels qu'un Gouvernement sage et paternel doit dispenser, mais dont la paisible jouissance et la durée ne peuvent être garanties que par un attachement inviolable à notre très-sainte religion, à la pratique des vertus publiques et privées, aux droits de la Souveraineté légitime, et au maintien rigoureux de l'ordre, et de l'ordre de choses légalement établi.

En attendant, tant pour rassurer les bons et ceux qui ne sont qu'égarés que pour contenir les pervers, nous nous reservons de manifester nos intentions souverains, afin que les intérêts de la justice soient d'accord avec cette clémence qu'il nous est si naturel de pratiquer.

Naples, le 15 Mai, 1821. FERDINAND.

SPEECH of the King of Spain, on the Opening of the Cortes. 1st March, 1821.

GENTLEMEN DEPUTIES, (Translation.)

IN seeing myself surrounded a second time by the worthy Representatives of this heroic Nation, who have given so many proofs of their love and attachment to my Royal Person, my grateful heart cannot resist rendering thanks to the Almighty, who, having re-established me on the Throne of my Ancestors, by the valour and constancy of my faithful Subjects, has designed to consolidate it, in prescribing for its basis, the Constitution, which has been sanctioned by the Extraordinary Cortes, and to which I have freely sworn, conformably to the wish of the Nation.

The happiness of the People whom Divine Providence has confided to my care, which is, and always shall be, the object of my most ardent anxiety, has decided me to adopt a system which the Nation desired, and which the lights and advancement of the age, also imperiously demanded.

The result has corresponded with my expectations, and I have seen with the greatest satisfaction, Spanish loyalty rallying around the Throne of its King, and manifesting on every side, and by unequivocal testimonies, its adhesion to the new institutions, which are destined to uphold the future grandeur and prosperity of the Nation, are the best support of my Throne, and give the greatest lustre to the splendour of my Crown.

The enlightened and judicious measures adopted by the Cortes during the preceding Legislature, in order to give new life to a Nation nearly exhausted by its sacrifices, to relieve the People from burthens which pressed heavily upon them, to restore public credit and animate industry, in fine, to cause all the different branches of the Administration to prosper; all these dispositions, united to the admirable moderation, to the spirit of peace and unanimity which reigned in all their Councils, and to the testimonies of respect and of attachment

manifested by such worthy Representatives for my person, have filled my heart with the liveliest satisfaction.

I am well aware, notwithstanding so many efforts, that the wounds of the Nation cannot be cicatrized except by time. The disorder and general confusion occasioned by the War, the disasters which followed it, the immense destruction of capital, the confusion produced in divers usages and customs of the Provinces, the defective and complicated system of Government, and the necessity of covering, without delay, the urgent wants of the State, have not permitted the establishment, as I could have wished, of a uniform system of Finance, suited to the principles which at present serve as our guide. I am confident that the Cortes, during the present Session, will bestow all their attention to so important a subject. The perfection of such a system can only be the work of time; and in carrying it into execution, the Cortes may rely upon my invariable zeal, as firmly as I am assured of their assistance and co-operation.

The Minister of Finance will submit to you the Budget of Expenditure for the financial year; the Ministers of War and Marine will inform you of the necessity of completing the organization of the Army, in order to render it as effective as it ought to be, in the existing state of affairs, and of obtaining that amelioration of the National Marine which is imperiously required.

Meanwhile I have the satisfaction to announce to the Cortes, that a general activity is beginning to prevail in all the Provinces of the Monarchy, which assures to us the future progress of agriculture, the arts and commerce. Our credit begins to improve abroad, and it will also improve at home, so soon as we shall have made completely manifest, the powerful means at the disposal of a Nation, governed by a Constitutional King, and a Representative System.

If the actual state of the Provinces in America has not changed, in relation to Spain, War has at least suspended its ravages in Terra Firma. The effect which the events in the Peninsula must produce in those Countries induces us to hope that we shall see them again united to the Mother Country, as integral parts of the same Empire.

But it is necessary not to dissemble: in the midst of the satisfaction which effects so salutary as those produced by the Constitutional System, to which the adherence and universal consent of the Nation, and its resolution to defend it, have been expressed; attempts of some discontented persons, supported by the illusions of those who, at all times, nourish chimerical and criminal hopes, have been so employed as momentarily to disturb the tranquillity of the Capital, and of some of the Provinces: this has caused me the deepest affliction.

I hope that the Cortes, in fulfilling its important functions, will be persuaded of the necessity of taking prompt measures to repress the

audacity of those who, encouraged rather than repressed owing to the moderation of our system, would dare to disturb good order; and that they would give, at the same time, to the action of Government the necessary power which, under existing circumstances, the maintenance of the public tranquillity requires, and without which it is impossible to overcome the evils which have afflicted the Nation for so many ages.

The state of our Diplomatic intercourse with other Powers remains unaltered. We happily preserve with them, the same relations of amity and good faith, which existed at the epoch of the preceding Session.

The Ratification which I have thought it advisable to give, with the authority of the Cortes, to the Treaties with The United States of America, for the cession of the Floridas, and for the settlement of Boundaries, should have reached that Government a considerable time since; but we have as yet had no advices to that effect.

The apprehensions, and apparently well founded, that were conceived, as to the hostile intentions of the Regency of Algiers against our commerce, have not been realized; thanks to the vigilance of the combined squadron of the National Marine, and that of His Majesty the King of The Netherlands.

The determination taken in the Congress of Troppau, and confirmed in that of Laybach, by the Sovereigns of Austria, Prussia, and Russia, to interpose in the changes of the political system effected in the Kingdom of the Two Sicilies, has excited all my solicitude, from the consideration which I bear towards the Royal Family of that Kingdom, united to mine by ties of blood; and by the interest I take in the happiness of that Nation; and because it is of the utmost consequence that the independence of States, and the sacred rights of Nations, and of their Princes, should be scrupulously respected. I have, therefore, thought it indispensable to the honour of my Throne, and to the dignity of the great Nation which it is my glory to govern, to cause it to be understood, by suitable communications, that I will not recognise any proceeding whatever, that may be contrary to the positive Law of Nations, upon which are founded the liberty, the independence, and prosperity of mankind, a principle which Spain, on its part, will inviolably respect with regard to other Countries.

I have the satisfaction of announcing to the Cortes that the Allied Sovereigns, according to all the communications that I have received, up to the present time, have been and continue agreed in recognising the same principle with respect to Spain.

Such are the objects which I hope the Cortes will take into consideration, in order that the Constitutional System may be consolidated, and that we may accelerate the prosperity and welfare of the Nation.

I have now stated all that it is necessary to communicate to the

Cortes, relative to the political situation of the Kingdom, in all its relations, internal and external, with the precision which so solemn a duty imposes upon me, and according to the best information I possess on the different points upon which I have touched.

I have purposely deferred, until the conclusion of my discourse, to speak to you of myself, in order that it might not be thought that I considered my own interests, in preference to those of the People whom Divine Providence has confided to my care.

It is necessary, however painful, that I should submit to the wisdom of Congress, that the machinations of some ill-disposed persons, who strive to seduce the credulous, by persuading them that my heart conceals views opposed to the system which governs us, are not unknown to me. Their object is only to inspire doubts as to the purity of my intentions, and the rectitude of my conduct. I have sworn to the Constitution, and I have always endeavoured to observe it, so far as has depended on me. Would to God that every one did the same! The outrages, and acts of irreverence of every description, which have been manifested towards my person, inconsistent with that order and respect which belongs to my dignity as a Constutional King, have been published to the world.

I have no fears for my life or for my safety; God who reads my heart, watches over, and will preserve both, as will the majority and the best portion of the Kingdom. But it is my duty not to conceal from Congress, which is more immediately charged with preserving the inviolability that should attach to the person of its Constitutional King, my conviction that these insults would not have occurred, if the Executive Power had displayed all the energy and vigour which the Constitution has prescribed and the Cortes desire. The want of firmness and activity on the part of many of the Authorities, has given rise to the renewal of such excesses; and, should they continue, it will not excite astonishment should the Spanish Nation find itself enveloped in numberless evils and misfortunes.

I am confident that this will not be the case, if the Cortes, as I hope they will, unite intimately with their Constitutional King, occupying themselves without relaxation to remedy abuses, to unite opinions, and to repress the machinations of ill-disposed persons who wish only for disunion and anarchy.

Let then the Legislative Power co-operate with me, in that which I have undertaken in the face of the Nation, viz., to consolidate the system which it desired, and has obtained, for its welfare, and perfect happiness.

FERDINAND.

REPORT of the Minister for Foreign Affairs of Spain to the Cortes.—4th March, 1821.

(Translation.)

In fulfilling, for the second time, the honourable and grateful duty of presenting to the Cortes of the Kingdom an account of the political state of the Nation, with respect to its relations with Foreign Powers, I have the honour to announce to the Assembly, that our relations with those Powers continue upon the same footing of friendship and harmony on which they stood during the course, and at the close, of the last Session.

The Ratification which the wisdom of the King has deemed it expedient to give, to the Treaty concluded between His Majesty and the President of the United States of America, on the 22d February, 1819, for the Cession of the two Floridas, in consequence of the authority to that effect given by the Cortes, is a measure that many circumstances combined to render indispensable; and which may be expected to contribute to the consolidation of the amicable relations, and to unite more closely the ties of union and good neighbourhood which subsist between us and The United States. This Ratification must long since have reached the American Government; but no advices have, as yet, been received of the fact; and until they come to hand, I cannot announce to the Cortes the conclusion of this important negociation.

We also continue upon good terms with the Barbary States;—the just fears which we entertained, that they would be disturbed by the Regency of Algiers, to the prejudice of our commerce, not having been realised. At the commencement of the preceding Session, His Majesty's Government was occupied, in expediting for sea the contingent of the Naval Force destined to join the Squadron which the Sovereign of the Low Countries had already in the Mediterranean, conformably to the Stipulations of the Treaty of Defensive Alliance concluded between the two Courts on the 10th of August, 1816. The obstacles which the deficiency of means, at the moment, opposed to the equipment, having been surmounted, our contingent force joined that of the Low Countries, and their united attention to the movements of the Algerine Squadron, when at sea or in Port, has been successful in preventing the bad effects which might have resulted from the more than suspected intentions of that Regency.

The Cortes had already commenced the labours of the preceding Session, when a political change in the form of the internal system of government at Naples took place, by the adoption of the Spanish Constitution: this change was followed by another, of the same description, in Portugal.

With respect to those important events, the wisdom of the King saw how very just and expedient it was to observe, with respect to such constitutional changes, a conduct decidedly neutral; from the firs

moment, therefore, His Majesty's Government resolved, as an invariable rule, not to interfere in any way whatever, directly or indirectly, but scrupulously to observe an absolute respect for the institutions of other Countries, and, by so doing, to entitle our own to equal respect from them: this conduct, far from being assailable with success by malevolence, and the Enemies of our glory, as well as of the just liberty of Nations, ought to be, and doubtless is, approved by reasonable Men in all Countries.

The conduct of His Majesty's Government would have been limited to this cautious and prudent course, if the manner in which some Governments had thought fit to consider those changes, and particularly that in Naples, (which led to the asssembling of the Allied Sovereigns of Austria, Prussia, and Russia, at Troppau,) had not warned the King that the moment had arrived for manifesting all his interest, towards the August Royal Family of the two Sicilies, which is united to him by the ties of blood and of friendship, and, at the same time, towards the whole Neapolitan Nation. It was under these circumstances, therefore, that His Majesty made known, by confidential communications, to all the Cabinets, the inviolable respect he entertained for the Independence of Nations, and the positive rights of mankind, which exclude all foreign interference in the interior system of a Government which a People has adopted, in accordance with its Sovereign, as was the case in Naples. But, when the Allied Sovereigns judged it necessary, for the security of neighbouring States, to assemble a powerful Austrian Army on the Po, and to invite His Sicilian Majesty to the Conferences at Laybach, with the view of interfering in these political events, the King, who perceived from all these circumstances, and from the measures adopted relative to Naples, that the principle of our own political change was attacked in reference to that Kingdom, thought it necessary, both for the honour of his Throne, and the dignity and security of the Nation which he has the glory of governing, to represent to some Cabinets, in an official manner, and to others confidentially, that, strictly observing the sacred principle of the rights of Nations, on which essentially repose the independence of all political unions, he could not acknowledge, on the part of any Power, either the right of interference in the interior regulation of the Government of another, by means of coercion, direct or indirect, or the results to which such interference, in its application, might lead. At the same time, His Majesty declared his desire to know what might be the intention of some Cabinets, with respect to the application of this principle of interference as respected the affairs of Spain.

The King has authorized me to assure the Cortes of the Kingdom, that, from the explanations which His Majesty's Government has generally received from the principal Cabinets, during the period that the affairs of Naples have been agitated, he is assured that, in the cause of our political regeneration, in the uniformity of the national

will, and in all the other circumstances which are peculiar to us, there is every legitimate ground of confidence and security; from which it results, that our relations of friendship and harmony have experienced no alteration whatever with any Power.

His Majesty, at the same time, authorizes me to assure you that, if the explanations into which it has been necessary to enter, in consequence of the just, frank, and amicable communication referred to, are not yet terminated, they have already had the effect of obtaining from some of the Cabinets, a positive assurance that they have no intention whatever of disturbing Spain, nor of interfering in any way with our domestic affairs.

These appearancess will become more positive, His Majesty feels persuaded, in proportion as they become satisfied that the will of the King, the unanimous wish of the Nation, and the wisdom and patriotism of the Cortes, are as firm and irrevocable, in the maintenance of the Constitutional Throne, of independence, and of political liberty, as this Nation is in respecting the sacred rights and independence of other Nations.

EVARISTO PERES DE CASTRO.
JOAQUIN DE ANDUAGA. *(ad interim.)*

SPEECH of the King of Spain, on the closing of the Cortes. 30th June, 1821.

GENTLEMEN DEPUTIES, (Translation.)

I HAVE once more the satisfaction of presenting myself before this Assembly, which, full of talents, of patriotism, and of virtue, has given, in the course of its present Session, new proofs of its incessant endeavours to promote the public welfare. Its efforts to conclude and perfect our political regeneration, have exceeded, if possible, my expectations; and the Nation will always be indebted to it for the extensive and salutary measures which have been adopted, during the short period of its Session, the prorogation of which I have delayed until the term prescribed by our fundamental Laws, considering them, as they have in reality proved to be, conducive to the public good.

The new organization of the Army, so well adapted to the real object of its institution;—the Decree for directing Public Education, which, being now to be provided for in different Schools, rising gradually from the first elements of instruction to the highest degree of learning, will contribute to spread, in due proportion, information and useful knowledge throughout every class of Citizens;—the Law for the reduction of tithes, by which, while a competent provision is made for the Clergy, the labouring classes are considerably re-

lieved, and due encouragement given to agriculture, the real source of the wealth of the Country;—and the new system of Finance, which suppresses many oppressive and useless burthens, fixes the public Revenue, by means of taxes and contributions, some already known to the Nation, and others new, but all in perfect unison with the equitable principles of justice prescribed by the Constitution, and with those adopted, with the best results, by the most cultivated Nations of the age;—all this is the work of the Cortes.

I return thanks to the Cortes for the zeal and wisdom they have shewn in all these measures, which are of the greatest importance to the welfare of the State: the Government, on its part, will take care that they shall be executed with that exactness which its own dignity requires, and is indispensable for the stability of the Constitutional System, which I shall always most scrupulously and inviolably observe.

I thank them, also, for the generosity with which they have provided the Supplies necessary for my Royal Household and Family; and, likewise, for having authorized the Government to take the necessary measures for answering the most pressing demands upon the State.

Our relations of Peace and Friendship with Foreign Powers have continued without any alteration since the opening of the Session; and it shall be my endeavour to maintain them, by such means as are best suitable to the dignity of the Nation which it is my pride to govern.

The Treaty with The United States, which puts an end to our differences with that Government, and includes the cession of the Floridas, was ratified by the President, and the Ratifications of it were exchanged on the 22nd of February last. With this Treaty, and a new demarkation of the Boundaries of the Two Countries, which are to be settled by a joint Commission, I flatter myself that our relations with that Power, will henceforward not be subject to alteration.

The decisive measures of my Government, aided by the active and generous co-operation of the King of The Netherlands, have, for the present, placed our Commerce in safety, and protect it from all hostility on the part of the Regency of Algiers.

In consequence of the new system generously and voluntarily adopted by the King of the United Kingdom of Portugal and the Brazils, His Most Faithful Majesty has resolved to transfer himself, and the Royal Family, to Lisbon, leaving the Crown Prince at Rio Janeiro as Regent. I shall avail myself of His Most Faithful Majesty's arrival in Portugal, to pursue the negociation now pending, respecting the occupation of Monte Video, and the eastern bank of the River Plate.

With respect to the events which have taken place at Naples, and in Piedmont, and to which some ignorant or designing Men chose to attribute an importance, which, so far as Spain is concerned, never can belong to them, I shall take a suitable opportunity of communicating my sentiments upon the subject to the Cortes.

In the interior of the Kingdom perfect tranquillity is enjoyed, and the only Party of discontented which did exist, and which was always very inconsiderable, has been dispersed and almost entirely destroyed, by the vigorous measures of the Government, and the excellent conduct of the Troops. It is to be hoped that this example, together with the evident improvement of the public spirit, will prevent any renewal of the wild projects, which are but little calculated to arrest the majestic march of our present system.

The improvements which the Constitution has produced in the agriculture of the Country, in national industry, as well as in the arts and sciences, are already evident.

All these great sources of public prosperity will receive a proportionable increase, so soon as the beneficial effects of the Decrees passed by the Cortes begin to be felt. But this cannot be the work of a day: the seed which is scattered on the ground is not immediately converted into fruit. Commerce will also prosper in due proportion, more particularly, when the measures taken by the Cortes, shall have given to the Spanish Nation a Navy, such as the dignity of the Country requires.

It has been a source of great satisfaction to me, that the Cortes have likewise turned their attention to the Administration of Justice, which they have now solidly established by the measures taken for that purpose.

I will make every possible effort in order to re-establish peace and order in our Provinces in America; and my Government, which has been recently directed by the Cortes to take into consideration the state of those Provinces, and to propose such measures as they may think conducive to their welfare, will lose no time in executing this Commission in the most liberal manner. The Spaniards of both Hemispheres may feel assured that nothing is so much the object of my desire as the happiness of my subjects, founded on the integrity of the Monarchy, and the observance of the Constitution.

If, of which I entertain no doubt, the Cortes of the next year shall imitate the noble example shown to them by the present Cortes, of respect and attachment to the Throne, united with the warmest love of their Country, I shall very shortly have the satisfaction of seeing the present system, the great object of my wishes, consolidated in all its parts.

FERDINAND.

SPEECH of the King of Spain, on the opening of the Extraordinary Cortes.—28th September, 1821.

GENTLEMEN DEPUTIES, (Translation.)

SINCE I manifested to the Cortes the motives under which I deemed it expedient to convoke this Extraordinary Assembly, nothing has so much occupied my mind as the desire to see it assembled. I now experience that satisfaction; and I abandon myself to the well-founded

and agreeable anticipation of the advantages which the Nation will derive from its labours.

The subjects which I propose to submit to the consideration of the present Cortes, principally relate to the more effectual consolidation of the Constitutional System; such as the division of the Territory, and the measures necessary for establishing the Political Government, in conformity with that division; the Codes; the Military Regulations; the Project of Decree for the organization of the Naval Force; and the Decree for the organization of the active Militia.

It is extremely necessary that every thing should be placed in harmony with the fundamental Law of the Kingdom, thus leaving the Administration free from those heavy embarrassments to which it is often exposed from the absence of this harmony; and which it is not in the power of Government to remove.

I have also thought it necessary that other matters should be considered, which, although not exactly comprehended in the Constitution, yet have considerable influence upon the national prosperity; such as; the steps necessary to be taken to ensure the tranquillity, and promote the prosperity of the American Provinces; the examination, revision, and modification of the Customs; the liquidation of the demands for Supplies; the means necessary for securing the Nation against losses from the circulation of false or adulterated foreign Coin; the measures relative to the supplementary Credits; and the Decree for Charitable Establishments.

Although every thing is of importance which is about to be the subject of deliberation in these Extraordinary Cortes, yet their convocation is the most important of all. This new demonstration, and guarantee, of the union which prevails between the high Orders of the State, cannot fail to convince all the Enemies of our Institutions, that their efforts against them will be abortive.

I shall avail myself of the period during which the Cortes shall remain assembled, to propose to them such measures as may appear to my Government urgent or necessary, and also to require their co-operation, should circumstances demand it.

Vast indeed is the field, Gentlemen Deputies, which presents itself to your zeal, and enlightened understandings; and the talents by which you are so eminently distinguished, united to the prudence and circumspection which have hitherto characterized all your deliberations, ensure to the Nation the completion of those benefits for which it is already so much your debtor.

I am fully convinced that you will, in every respect, render yourselves entitled to the admiration of the Nation, and of Europe; strengthening every day your claim to the particular esteem of your Sovereign, who will always consider you the chief support of his Constitutional Throne.

FERDINAND.

ADDRESS of the House of Representatives to the People of Hayti, on the Close of the Session.—16*th November*, 1821.

CITIZENS, (Translation.)

THE term of our Commission has expired. In delegating to your Representatives a portion of your Sovereign Power, you expected, from their efforts, their zeal, and their patriotism, to obtain the recompence of your sacrifices, in the establishment of an order of things which ought to assure your happiness: your expectation will be fulfilled.

If we cannot, at present, exhibit to you the interesting view of that perfection which ought to distinguish our legislative labours, we can at least announce to you, with the greatest satisfaction, that a new era is beginning to shine upon Hayti, and is about to fix for ever her happy destiny. After a division, the consequence of which was so deplorable, liberal principles have triumphed over a tyrannical system, and the Republic has reconquered the hearts of all its Children, who now form only a Nation of Brothers, indissolubly united for the defence of their liberty and independence.

Behold, Citizens, the reward which Divine Providence has reserved for your constancy and your virtues! Hereafter the Republic, powerful and respectable, freed from all the obstacles which opposed its progress to that elevation which it must attain, will present to its Enemies that imposing attitude, which belongs only to a Nation which feels all the value of its liberty, and which prefers death to an ignominious dependence.

Your Representatives have never lost sight of the maintenance of your rights: a firm, but temperate discussion, has always prevailed, in the consideration of the Laws which they have enacted.

The invaluable harmony which subsists between the Senate, the House of Representatives, and the President of Hayti, is the guarantee of the happiness which you enjoy under the enlightened protection of the Government you have created.

In this 5th Session, after mature deliberation, several of our Civil Laws have been passed.

The Senate has received the completion of its Members; virtuous Citizens have been called upon to co-operate in the labours of those respectable Agents of the Nation.

The conflagration of the 15th August, 1820, which was so injurious to some of the Inhabitants of Port-au-Prince, required the Law of the 5th October, and, by exempting them from the duty of Patents during 5 years, they will find a means of repairing the losses which they have sustained.

The Haytian Territory, in its present situation, required a new division, which the Law of the 24th October has effected.

The Law of the 14th November has fixed the precise distances of all the Communes of the Republic from the Capital.

The Law respecting Patents, for the year 1822, has undergone certain modifications, in consequence of the flourishing condition of the public Treasury.

The Accounts of the Secretary of State have been examined, and the House has discharged that Minister from accountability for the year 1820.

The Finances of the Republic, which are in the most prosperous state, admit of our assuring you, that our engagements have been faithfully discharged, and the demands of the public Administration fully satisfied.

Commerce, under our protecting Laws, flourishes in every direction; and our harbours receive the Vessels of different Nations, whom our amenity attracts with eagerness, and whose useful competition benefits the sale of our territorial productions.

The administration of Justice, wisely distributed according to our necessities, is sufficient for the adjustment of our differences, whilst it repels with vigour, that hideous chicanery which always produces ruinous and interminable Law Suits.

Agriculture, under the auspices of a discreet liberty and a legal division of lands, cannot fail to increase and prosper. Every year it acquires new force.

Public instruction receives all the encouragement which such an institution merits; it is making rapid progress, and extending its benefits over Hayti.

The Army, whose courage and civic character are unchanged, is kept in the most admirable order; union and fraternity bind the hearts of all the brave Men who compose it. Merited recompenses have been awarded for the service of the Veterans of the Revolution, who are so worthy of our admiration.

Our Arsenals are abundantly provided with all the means of defence, which our political situation requires; but it is our resolution to live in peace with all the Nations of the Earth.

Your Representatives have had it in their power to appreciate the judicious choice of the Senate, which has invested President Boyer with the Chief Magistracy of the Republic. His experience, his wisdom, and his active co-operation with the Legislative Power, afford to your Representatives the flattering expectation of seeing the public affairs more and more perfected, and the glory of the Nation permanently established. Your Representatives experience a very agreeable satisfaction in having an opportunity of rendering a solemn and signal homage to the rare merit of the First Magistrate of the Republic, so worthy of your affection.

Such is, Citizens, the detail which the present state of the Republic has suggested to us to present to you; it is conformable to the wish which every Haytian ought to entertain.

The experience which we have acquired in this first Legislature of the House of the Communes, leads us, Citizens, to inform you, that more imperious circumstances never invited the Haytians to unite themselves, in the same spirit, around the Constitution, in order to chuse, at the approaching Election, Representatives actuated by the most enlightened patriotism, possessing wisdom, and the intelligence indispensable to Legislators.

Respect to the Laws, and obedience to the Authorities, who are their organs; such are the sentiments which the House never will neglect to inspire you with, for your welfare and felicity.

Given at Port-au-Prince, in the House of Representatives of the Communes, 16th November, 1821; 18th year of Independence.

[Signatures of the Deputies.]

DECREE of the Supreme Director of Chili, declaring the Blockade of the Ports of Peru.—20th August, 1820.

(Translation.)

THE SUPREME DIRECTOR OF THE REPUBLIC OF CHILI.

THE continuance of the Blockade formerly declared against the Ports of the Vice Royalty of Peru, being a necessary consequence of the military operations about to commence in those Countries by the Army and Navy, which this day quit our shores with the lofty design of placing that Territory on an equality with the Independent Towns of America, by freeing them from the infamous Spanish Yoke: —I declare by the present Decree, that;

From the 25th of the present month of August, all the Ports and anchorages of the Pacific, situated between 21°. 48″. and 2° 12″. south latitude, that is to say, along the line of Coast, from Iquique to Guayaquil, inclusive, shall be considered in a state of rigorous Blockade by the Chilian Squadron, and which they actually are, in virtue of orders given to the Commander in Chief thereof, Vice Admiral Lord Cochrane;—consequently, every Vessel, of whatever Nation, or proceeding from whatever place, is prohibited from entering the said Ports.

The present Declaration of Blockade shall be considered as duly published and notified, to all and each of the Allied and Neutral Nations, from the day, respectively, on which the term, to be computed from this day, shall be completed, which is appointed by the present Decree; that is to say: The term of 7 months is allowed to all Neutral Vessels, of whatever Nation, arriving from the Ports of Europe, the United States of North America, or any European Colony on the

American Continent and its Islands; 5 months for those from the Ports of Brazil; 6 months from the Ports of Africa and its Islands; and 1 year from European Colonies in Asia; and 3 months for every Friendly and Neutral Vessel from the River Plate.

The term stated in the preceding Article being considered sufficient for the Blockade to be known by the Neutral and Friendly Powers comprehended in it;—every Neutral and Friendly Vessel, under whatever Flag she may be, who shall appear off any of the said Blockaded Ports, after the expiration of the period prescribed for the place of her departure, shall be sent into Valparaiso, to be tried by the Law of Nations.

All Neutral Vessels, having on board articles, Contraband of War, Enemies property, or Officers, Troops, Supercargoes, or Merchants, of any of the Countries subject to the King of Spain, shall be sent to Valparaiso, to be tried according to the Law of Nations. Articles of Contraband are understood to be: Arms and Ammunition, of all classes and uses; every description of Military Stores, without distinction; Provisions of all kinds; Naval Stores, calculated for the equipment and arming of Vessels; and, finally, all articles or things which may afford to the Enemy the means of making War, by land or by sea, defensively or offensively.

Every Neutral Vessel, navigating under false or double Papers, or not having the Documents necessary to prove the property, shall suffer the penalties applicable to Enemy's Ships, and Merchandize.

The Government of Chili, desirous that property belonging to the Subjects of Neutral Powers shall not be prejudiced, and that they may be afforded an opportunity of exporting it from the Territory of the Vice-Roy of Peru, has granted to the Vice Admiral, Commander in Chief of the Squadron, the necessary authority, in order that, agreeably to the instructions given to him, he may name any Port or anchorage he pleases, for the purpose of their embarking on board Neutral Vessels, the property or effects belonging to Neutrals.

All Ports or Coasts, which may be under the immediate influence or protection of the Arms of the liberating Army of Peru, which this day left the Port of Valparaiso, are also declared free and exempt from this Blockade, in consequence of their not being under the dominion of Spain, but under that of the Independence of America, whereby all prohibition ceases.

If any Captain of a Neutral Vessel shall receive on board property or effects, belonging to the Subjects of the King of Spain, under whatsoever pretext, the said Vessel shall be seized and sent into Valparaiso, to be tried, and sentenced to those penalties established in such cases, by the Maritime Law of Nations.

The present Decree shall be transmitted to the Commanders of

Neutral Ships at present in these seas, and be published and circulated in the customary manner.

Given in the Directorial Palace, Valparaiso, 20th August, 1820.

BERNARDO O'HIGGINS.

DECLARATION of the Supreme Director of Chili, modifying the Blockade of the Ports of Peru.—22nd June, 1821.

(Translation.)

THE SUPREME DIRECTOR OF THE REPUBLIC OF CHILI.

THIS Government, agreeably to the principles of equity and justice, which have marked its proceedings in the glorious struggle for Independence against the tyrannical pretensions of the Cabinet of Madrid, desirous of giving to the Decree of Blockade published on the 20th of last August, respecting the Ports of Peru, a more specific and determinate sense, analogous to the actual situation of those Places,—the greater part of which have happily changed their political condition, owing to the successes of our liberating arms; to the influence of which already owe the full possession of their rights,—not only the Inhabitants from the north of Lima to beyond Guayaquil, but those of the Port of Arica and various Ports to the southward; and having understood that a certain modification in this respect may be favourable to the operations of the War, the happy termination of which is already near at hand; wishing also, under this change of circumstances, to follow the conduct which civilized Nations in general have observed; it has come to the resolution of declaring: that the Blockade ordered in the aforesaid Decree of the 20th of last August, is to be understood to remain unaltered, until the expiration of 20 days from the date hereof, and, thenceforth, to have effect only with respect to the Ports and anchorages of Peru, comprehended between the Port of Ancoa and Pisco inclusive; that is to say, along the line of Coast situated between 11°. 48′. and 13°. 51′. of south latitude; which will be considered in a state of rigorous Blockade, for the enforcement of which there will absolutely remain a sufficient force, in front of every Port along the whole extent of the Coast, between the said Ports of Ancoa and Pisco; and with respect to which line will continue in effect, and in full vigour, the Articles of the aforesaid Decree of the 20th of August, in so far as they are not in opposition, expressly and literally, to the present resolution; which is not to be considered as a suspension, much less a revocation, of that Decree, but merely a modification thereof, in as much as it only limits the extent of the line of Blockade.

Let it be published and communicated to all those whom it may concern.

Given in the Directorial Palace, St. Jago de Chili, 22nd June, 1821.

BERNARDO O'HIGGINS.

NOTE of the Supreme Director of Chili to the Vice-Presiden of Colombia, respecting the terms of any reconciliation wit Spain.—17th August, 1821.

(Translation.)

MOST EXCELLENT SIR, *Santiago de Chili, 17th August*, 1821.

YOUR Excellency has not been mistaken, in believing that the independent spirit of the Republics of the River Plate and Chili, is the same as that of Colombia, described by his Excellency the President, in his Answer to Don Miguel de la Torre. No terms or propositions of any kind from Spain will be listened to for an instant, which do not commence with the recognition of the Independence of this Republic. The Government of the River Plate has answered the Spanish Commissioners to that effect, as your Excellency has no doubt seen by the Public Papers; and Chili will, in the same manner, answer Captain Abreu of the Spanish Frigate, which has arrived on the Coast of Peru, and is expected every hour in the river. This Frigate has been commissioned by the King of Spain to offer to us measures of reconciliation.

I have the honour, &c.

BERNARDO O'HIGGINS.

His Excellency Francisco de Paula Santander,
Vice President of Colombia.

NOTE of the Portuguese Envoy to the Chilian Envoy at Buenos Ayres, respecting the Recognition, by Portugal, of the Independence of Chili.

(Translation.)

SIR, *Buenos Ayres, 11th August*, 1821.

HIS Most Faithful Majesty, my Sovereign, at the time of his return to Europe, thought fit to recognize the Independence of the Provinces of La Plata, which are in obedience to their respective Governments, and to enter into those intimate relations of friendship which he had long wished to maintain with the People of the Territories adjoining his Kingdom of Brazil; and it was a fatal concurrence alone of circumstances, in the interior of both Countries, or rather the vacillating policy of the States of Europe, which could have prevented His Majesty from manifesting, before the present period, the whole extent of his liberal views.

His Most Faithful Majesty, well persuaded of the legitimacy of a Government, the existence of which is proved by the obedience of the People, waited only for the moment when the union of all might be demonstrated, in order to treat with the respective Governments, on the firm bases of sound policy, reciprocal interests, and the ties of com-

merce, alliance and friendship, and thereby to secure the enjoyment of that peace which is always the most desirable object of the People of all Nations.

In pursuance of these principles, His Majesty has been pleased to appoint me his Agent to the Government of your State, and has furnished me with Credentials, to aid and promote all the interests of Commerce and the Kingdom.

In the Instructions given to me by the Minister Secretary of State for Foreign Affairs, I am authorized to treat with the Envoys and Agents of all the neighbouring Provinces and States, who may be resident here in a public character; to whom I am ordered to declare, in a positive manner, that these liberal dispositions of His Majesty extend to their respective Governments.

And as, in the said Instructions, particular mention is made of the Government of the State of Chili, I can no longer deny myself the satisfaction of communicating to your Excellency, as the Minister of the Supreme Government in these Provinces, the generous sentiments of my Sovereign; in order that, in reporting them to your Government, you may at the same time declare, that the subjects of the State of Chili, will be treated in the States of His Majesty with all the consideration enjoyed by the Subjects of other Governments; and also that, from henceforth, the Agents, whether Diplomatic or Commercial, of that Government, will be received and treated at the Court of His Majesty with all the honours, distinction, and credit, which, agreeably to the general Law of Nations, are granted to similar Ministers and Agents of other Supreme Governments. I have, however, to inform your Excellency, that Diplomatic Agents must be accredited only to the Court of Lisbon, but that Consuls and Vice-Consuls will be admitted into the Ports of the Brazils, by permission of His Royal Highness the Prince Regent, while he continues to exercise the Royal Authority.

I am happy to have the honour of being the medium through which the generous sentiments of my Court are declared, and in having an opportunity which affords me the pleasure of assuring your Excellency, &c. JUAN MANUEL DE FIGUEIREDO.

His Excellency Don Miguel Zanartu.

ADDRESS of the first General Congress to the People, respecting the Independence of Colombia.—*6th June*, 1821.

The First General Congress of Colombia to all the Inhabitants, and the Sea and Land Forces, of the Republic.

COLOMBIANS! (Translation.)

YOUR Representatives, assembled in the first General Congress, have

the pleasure to announce to you the realization, on this day, of a new era, when your wishes are to be fulfilled, your sacrifices rewarded, and your felicity for ever secured. Your Fellow-citizens, to whom you have entrusted the Sovereign Legislative Power, at the same time that they express their sense of the high honour with which you have distinguished them, are equally sensible of the enormous weight of responsibility under which they are placed, by the confidence reposed in them.

After 11 years of infinite calamities and convulsions, by which our Country has been torn to pieces, the bonds of social order almost dissevered, the peaceful arts neglected for the pursuit of arms, and the sources of public and private wealth closed, your Representatives would have despaired of being able to meet the duties of their high trust, if they could not rely on the concurrence of a People worthy of being free, and, above all, on the aid of that Providence that delights in rendering Man happy. Penetrated with these sentiments, on commencing the exercise of their duties, they were first called upon to examine the Fundamental Law which was to fix the destinies of this new Community, and, after profound and impartial discussions, the Representatives of what was formerly called the Captain-Generalship of Venezuela and Vice-Royalty of New Granada, assembled in a General Convention on the 4th of this Month, sanctioned the union of both in one National Body, forming one sole Republic, under the express compact that the Government shall be popular and representative.

This solemn declaration of the general will, expressed by your legitimate Representatives, offers to your view, Colombians, an infant Republic, extended over an immense surface of Country; enriched by the most precious gifts of a beneficent Providence; inhabited by Men who have preferred death to an ignominious slavery; sanctified by the martyrdom of its wise men; and honoured with the blood of its heroes. Such is the Country, Colombians, which you have gained as the reward of your constancy, virtues, and sufferings; such the Nation, whose existence, commenced under the auspices of this day, will rapidly advance towards that glory and prosperity which the human mind cannot contemplate. By presenting itself powerful and respectable to the Nations of the World, with whom it is about to enter into friendly relations, and by crossing the seas with the rich products of its soil, it will at the same time become more and more terrible to those who may dare to attempt to deprive it of the rights which it has acquired by the Sovereign Founder of all Societies.

Your Representatives, by employing all the resources of their wisdom, zeal and patriotism, hasten to dedicate their efforts to consolidate this happy union. A Government in which the Legislative and Executive Authorities shall be exercised by Citizens, periodically chosen

by yourselves; a proper division of the Country for the more convenient administration of Justice; personal security; economy in the expenditure authorized by your Representatives; a scrupulous adherence to the engagements made on the public faith; the freedom of the Press, which insures and circulates the spirit of Liberty:—such is the outline of the Institutions our Republic requires, and to the establishment of which the Congress will consecrate all its labours.

And you, worthy Defenders of Colombia, on whom innumerable dangers and severe hardships have had no other effect, than to strengthen your inflexible determination to found the liberties of your Country on the basis of Independence; you, who after a continued series of triumphs have witnessed this glorious day, accept, in the name of your Fellow-Citizens, all the acknowledgments which the national gratitude can express. The General Congress of Colombia, the work of your own hands, present their cordial congratulations, on this occasion, to all the Troops of the Republic; to all its brave Officers of every denomination, and, particularly, to those distinguished Chiefs, whose courage, wisdom and constancy, during the calamitous periods of our expiring liberty, defended our sacred cause with persevering energy, till its triumph was secured by the extermination of its Enemies. The Congress, in this expression of their sentiments, assign a most distinguished place to the Liberator, who, with so much glory, has commanded you, and whose eminent services and indefatigable perseverance during the Contest, has entitled him to immortal praise and our eternal gratitude.

Soldiers!—Follow up your triumphs, until you have for ever expelled the remnant of the Enemy who yet treads our soil, when, restored to your own peaceful homes, you may enjoy the sweet recollection of your glories, and the benedictions of the People whom you have redeemed from slavery. The Congress acknowledge, as one of their first obligations, the duty of providing the means necessary to relieve your present privations, and of preparing for you, hereafter, the recompence due to you from national justice.

And you, Inhabitants of Colombia, who still groan under the yoke of a Government not your own, the Congress will not forget you. Nothing can more strongly excite their sentiment of compassion than your fate. But, be of good heart, and await the coming of your Countrymen, who, abandoning the repose of life, already advance with victorious arms, to give you the embrace of fraternal love, and to obtain for you the desired moment of your incorporation in the bosom of the Republic. Co-operate on your part, to accelerate the happy day when the children of Colombia, united in one spirit, under a popular and representative Government, and invariably adhering to the Republican principles which we have proclaimed, shall become slaves only to the Laws, in order to become free.

Given at the Palace of the General Congress of Colombia, in the Town of Rosario de Cucuta, the 6th of June, 1821.

FERNANDO PENALVER, *President.*

MIGUEL SANTA MARIA, FRANCISCO SALTO. } *Deputy Secretaries.*

TREATY of Armistice between the Spanish and Colombian Armies. Signed at Truxillo, 25th November, 1820.

(Translation.)

DESEANDO los Gobiernos de España y de Colombia transigir las discordias que existen entre ambos Pueblos; y considerando que el primero y mas importante paso para llegar á tan feliz término es suspender recíprocamente las armas para poderse entender y explicar, han convenido nombrar Comisionados que estipulen y fijen un armisticio; y en efecto han nombrado, Sua Excellencia el General-en-Gefe del Egército Expedicionario de Costa-firme, D. Pablo Morillo, Conde de Cartagena, de parte del Gobierno Español, á los Señores Gefe Político de Venezuela, Brigadier D. Ramon Correa, Alcalde Primero Constitucional de Caracas, D. Juan Rodriguez Toro, y D. Francisco Gonzalez de Linares; y Sua Excellencia el Presidente de Colombia, Simon Bolivar, como Gefe de la República, de parte de ella, á los Señores General de Brigada Antonio Josef Sucre, Coronel Pedro Briceño Mendez, y Teniente Coronel Josef Gabriel Perez; los cuales, habiendo cangeado sus respectivos poderes, el 22 del presente mes y año, y hecho las proposiciones que

The Governments of Spain and Colombia, desirous of stifling the discords existing between the two Parties, and considering that the primary and most important step towards the reaching of this happy goal is a reciprocal suspension of arms, they have, in order to explain and understand each other, entered into an agreement to appoint Commissioners for stipulating and determining upon an Armistice; and to this effect, his Excellency the General-in-Chief of the Expeditionary Army of the Continent, Don Pablo Morillo, Count of Carthagena, on the part of the Spanish Government, has nominated Messrs. Ramon Correa, Political Chief of Venezuela, Brigadier-General and First Constitutional Alcalde of Caraccas, Don Juan Rodriguez del Toro, and Don Francisco Gonzalez de Linares; and his Excellency the President of Colombia, Simon Bolivar, as Chief of the Republic, on the part thereof, has nominated Messrs. Antonio Josef Sucre, Brigadier-General, Pedro Briceno Mendez, Colonel, and Joseph Gabriel Perez, Lieutenant-Colonel, who, after hav-

de una parte y otra se han deseado, han convenido y convienen en el Tratado de Armisticio, bajo los pactos que constan en los Artículos siguientes:

ART. I. Tanto el Egército Español como el de Colombia, suspenden sus hostilidades de todas clases desde el momento que se comunique la Ratificacion del presente Tratado, sin que pueda continuarse la guerra ni egecutarse ningun acto hostil entre las dos Partes, en toda la extension del Territorio que posean, durante este Armisticio.

II. La duracion de este Armisticio será de 6 meses, contados desde el dia en que sea ratificado; pero siendo el principio y base fundamental de él, la buena fé y los deseos sinceros que animan á ambas Partes de terminar la guerra, podrá prorogarse aquel término por todo el tiempo que sea necesario, siempre que espirado el que se señala, no se hayan concluido las negociaciones que deben establecerse, y haya esperanzas de que se concluyan.

III. Las Tropas de ambos Egércitos permanecerán en las posiciones que ocupen al acto de intimarles la suspension de hostilidades; mas siendo conveniente señalar límites claros y bien conocidos en la parte que es el teatro principal de la guerra, para evitar los embarazos que presenta la con-

ing interchanged their respective Powers on the 22d of the present month and year, and laid down the proposals and explanations desired by both Parties, have agreed and do agree on a Treaty of Armistice, under the conditions specified in the following Articles:—

ART. I. On the part of both the Spanish and the Colombian Armies, hostilities of every description shall cease, from the moment at which the Ratification of the present Treaty shall be made public; nor shall the war be continued, or any hostile act committed by either of the two Parties, in any part of the Territory possessed by them, during the period of this Armistice.

II. The period of this Armistice shall be extended to 6 months from the day of its Ratification; but, as the fundamental principle and basis thereof is the good faith and the sincere wish which animates both Parties to terminate the war, a prorogation of this term may take place so long as it may be found requisite; provided that, the period now stipulated being elapsed, the negotiations about to be entered into are not concluded, and that a prospect exists of their being brought to a termination.

III. The Troops of both Armies will hold the positions which they occupy at the time of their being made acquainted with the suspension of hostilities; but as it is proper to fix clear and well-known limits, on the spot which is the principal theatre of warfare, in order to prevent any difficulties

fusion de posiciones se fijan los siguientes:

1.° El rio de Unare romontándolo desde su embocadura al mar hasta donde recibe al Guanape: las corrientes de este subiendo hasta su origen: de aqui una línea hasta el nacimiento del Manapire: las corrientes de este hasta el Orinoco: la ribera izquierda de este hasta la confluencia del Apure: este hasta donde recibe á Sto. Domingo: las aguas de este hasta la Ciudad de Barinas, de donde se tirará una línea recta á Boconó de Trujillo, y de aqui la línea natural de demarcacion que divide la Provincia de Caracas del Departamento de Trujillo.

2.° Las tropas de Colombia que obren sobre Maracaibo al acto de intimárseles el Armisticio podrán atravesar por el Territorio que corresponde al Egército Español, para venir á buscar su reunion con los otros cuerpos de tropas de la República, con tal que mientras atraviesen por aquel Territorio las conduzca un Oficial Español. Tambien se les facilitarán con este mismo objeto las subsistencias y trasportes que necesiten pagándolos.

3.° Las demas Tropas de ambas Partes, que no esten comprendidas en los límites señalados, permanecerán como se ha dicho en las posiciones que ocupen, hasta que los oficiales que por una y otra parte se comisionarán arreglen amigablemente los límites que

arising from the confusion of positions, the following ones are prescribed:

1st. The River Unare, ascending from its mouth in the Ocean, until where it meets with the Guanape; the currents of the latter running up to its source; from thence a line unto the source of the Manapire; the currents of this River, as far as the Orinoco; the left bank of this latter River unto its confluence with the Apure; thence until it receives the River Santo Domingo; along the waters of the latter unto the City of Barinas, thence by a straight line to Bocono de Truxillo, and from thence by the natural Boundary Line which divides the Province of Caraccas from the Department of Truxillo.

2d. The Troops of Colombia operating against Maracaibo, at the time the Armistice is made known to them, may cross the Territory occupied by the Spanish Army, in order to join the other Bodies of the Republican Army, provided that, during their passage across this Territory, they are conducted by a Spanish Officer. They will be also, for the same purpose, supplied with subsistence and means of transport, on paying for the same.

3d. The remainder of the Troops of both Parties, not comprehended within the prescribed limits, will remain in the positions occupied by them, as before stated, until the Officers appointed by the two Parties shall settle, in a friendly manner, the boundaries

deben separar el Territorio en que se está operando, procurando transar las dificultades que ocurran para la demarcacion de un modo satisfactorio á ambas Partes.

IV. Como puede suceder que al tiempo de comunicar este Tratado se hallen fuera de las líneas de demarcacion, que se han señalado en el Artículo III, algunas Tropas ó Guerrillas que no deben permanecer en el Territorio que esten ocupando, se conviene:

1°. Que las Tropas organizadas que se hallan en este caso, se retiren fuera de la línea de demarcacion; y como tal vez se hallan algunas de estas pertenecientes al Egército deColombia en las riberas izquierdas del Guanape y del Unare, podrán estas retirarse, y situarse en Piritu ó Clarines, ó algun otro Pueblo inmediato: y

2°. Que las Guerrillas que esten en igual caso se desarmen y disuelvan, quedando reducidos á la clase de simples Ciudadanos los que las componian, ó se retiren tambien como las Tropas regladas. En el primero de estos últimos casos, se ofrece y concede la mas absoluta y perfecta garantía à los que comprenda, y se comprometen ambos Gobiernos á no enrolarlos en sus respectivasBanderas durante el Armisticio; antes por el contrario permitirles que dejen el paso en que se hallan, y vayan á reunirse al Egército de que dependan al tiempo de concluirse este Tratado.

V. Aunque el Pueblo de Carache está situado dentro de la linea que corresponde al Egército

which are to separate the theatre of operations, and arrange the difficulties which may arise in the settlement of those Boundaries to the satisfaction of both Parties.

IV. As it is probable that, at the time of making public this Treaty, some Troops or Guerillas may be found beyond the Boundary Line prescribed in the IIId. Article, and who are no longer to remain in the Territory which they occupy, the following is agreed upon:

1°. That the regular Troops who may be so situated shall withdraw beyond the Boundary Line; and as such, any of those belonging to the Colombian Army occupying the left border of the Guanape and Unare, shall retire and station themselves at Piritu or Clarines, or any other adjacent Town; and

2°. That the Guerillas in such case be disarmed, disbanded, and reduced to the class of simple Citizens, or withdraw in like manner as the regular Troops. In the first of these two cases, the most absolute and perfect guarantee is offered and granted to those therein comprehended; and both Governments pledge themselves, during the Armistice, not to enlist them under their respective Standards, but, on the contrary, to grant them leave to quit the Territory in which they are, and to rejoin the Army to which they belong, at the expiration of this Treaty.

V. Notwithstanding the Town of Carache is situated within the line belonging to the Army of

de Colombia, se conviene en que quede alli un Comandante Militar del Egército Español con una observacion de Paisanos armados, que no exceda de 25 hombres. Tambien le quedarán las justicias civiles que existen actualmente.

VI. Como una prueba de la sinceridad y buena fe que dicta este Tratado, se establece que en la Ciudad de Barinas no podrá permanecer sino un Comandante Militar por la República con un Piquete de 25 Hombres de paisanos armados de observacion, y todos los peones necesarios para las comunicaciones con Mérida y Trujillo y las conducciones de ganados.

VII. Las hostilidades de mar cesarán igualmente á los 30 dias de la Ratificacion de este Tratado para los mares de América, y á los 90 para los de Europa. Las presas que se hagan pasados estos terminos se devolverán recíprocamente, y los Corsarios ó Apresadores serán responsables de los perjuicios que hayan causado por la detencion de los buques.

VIII. Queda desde el momento de la Ratificacion del Armisticio, abierta y libre la comunicacion entre los respectivos Territorios para proveerse recíprocamente de ganados, todo género de subsistencias y mercadurías, llevando los negociadores y traficantes los correspondientes Passaportes, á que deberán agregar los pases de las Autoridades del Territorio en que hubieren de adquirirlos, para impedir por este medio todo desorden.

Colombia, it is agreed that a Military Commandant of the Spanish Army shall reside in it, with a Party of armed Peasants, not exceeding 25 Men. The Civil Authorities now existing there shall also remain.

VI. As a proof of the sincerity and good faith which characterise this Treaty, it is determined that, in the City of Barinas, no more than one Military Commandant of the Republic, with a party of observation of 25 armed Peasants, shall be permitted to reside; besides the Labourers necessary for the intercourse with Merida and Truxillo, and for conducting the cattle.

VII. Hostilities on the Ocean shall also cease, in 30 days from the Ratification of this Treaty for the American, and in 90 days for the European seas. The prizes made after that period shall be reciprocally returned, and Privateers or Cruisers shall be held responsible for the damages sustained by their detention.

VIII. From the moment of the Ratification of the Armistice, the communication between the respective Territories shall become open and free, in order that each Party may be provided with cattle and all kinds of subsistence and merchandize; the Speculators and Traders being supplied with the necessary Passports, together with the passes of the Authorities of the Territory, whence the goods are taken, so as to obviate every difficulty.

IX. La Ciudad y Puerto de Maracaibo queda libre y expedita para las comunicaciones con los Pueblos del Interior, tanto para subsistencias, como para relaciones mercantiles; y los buques mercantes nuestros ó de Colombia que introduzcan efectos, no siendo armamentos ni pertrechos de guerra, ó los extraigan por aquel puerto para Colombia, serán tratados como Extrangeros, y pagarán como tales los derechos, sujetéandose á las leyes del Pais. Podrán ademas tocar en ella, salir y entrar por el Puerto, los Agentes ó Comisionados que el Gobierno de Colombia despache para España ó para los Paises Extrangeros, y los que reciba.

IX. The City and Port of Maracaibo shall remain free, and available as a channel of intercourse with the People of the Interior, both for the necessaries of life, and as regards mercantile transactions; and merchant Vessels belonging to Spain, or to Colombia, which may import goods, not being arms or warlike stores, or export the same from that Port for Colombia, shall be treated as Strangers, and as such shall pay duties and be subject to the Laws of the Country. The Agents or Commissioners appointed by the Government of Colombia, to proceed to Spain or to Foreign Countries, and those who may arrive in Colombia, shall be permitted to touch at Maracaibo, and to enter and leave the port.

X. La Plaza de Cartagena tendrá la misma libertad que la de Maracaibo, con respecto al comercio interior, y podrá proveerse de él durante el Armisticio para su poblacion y guarnicion.

X. The Town and Fortress of Carthagena shall enjoy the same liberty as that of Maracaibo, with respect to the inland trade, and during the Armistice may engage in it, both for the use of its population and garrison.

XI. Siendo el principal fundamento y objeto primario de este Armisticio la negociacion de la paz, de la cual deben recíprocamente ocuparse ambas Partes, se enviarán y recibirán por uno y otro Gobierno los Enviados ó Comisionados que se juzguen convenientes á aquel fin, los cuales tendrán el salvo conducto, garantía y seguridad personal que corresponde á su caracter de Agentes de Paz.

XI. The foundation and primary object of this Armistice being the negociation of peace, to the end whereof both Parties will be reciprocally employed, Envoys and Commissioners selected for this purpose shall be interchanged by each Government, and be entitled to a safe-conduct, and the guarantee of their personal security, corresponding to their character as Agents for Peace.

XII. Si por desgracia volviese á renovarse la guerra entre ambos

XII. If War between the 2 Governments should unhappily be

Gobiernos, no podrán abrirse las hostilidades sin que preceda un aviso, que deberá dar el primero que intente ó se prepare á romper el Armisticio. Este aviso se dará 40 dias antes que se egecute el primer acto de hostilidad.

XIII. Se entenderá tambien por un acto de hostilidad el apresto de expedicion militar contra cualquier Pais de los que suspenden las armas por este Tratado; pero sabiendo que puede estar navegando una expedicion de guerra de Buques Españoles; no hay inconveniente en que queden haciendo el servicio sobre las costas de Colombia, en relevo de igual número de los que componen la Escuadra Española, bajo la precisa condicion que no desembarquen Tropas.

XIV. Para dar al mundo un testimonio de los principios liberales y filantrópicos que animan á ambos Gobiernos, no menos que para hacer desaparecer los horrores y el furor que han caracterizado la funesta guerra en que estan envueltos, se comprometen uno y otro Gobierno á celebrar inmediatamente un Tratado que regularice la guerra, conforme al derecho de gentes y á las prácticas mas liberales, sabias y humanas de las Naciones civilizadas.

XV. El presente Tratado deberá ser ratificado por una y otro parte dentro de 60 horas, y se comunicará inmediatamente á los Gefes de las Divisiones por Oficiales que se nombrarán al intento por una y otra parte.

renewed, hostilities shall not recommence prior to an intimation given by the Party who intends or prepares itself to break the Armistice: this intimation shall be given 40 days before the commencement of the first act of hostility.

XIII. The fitting out of any military expedition against any one of the Countries included in this Treaty, shall be deemed an act of hostility. It being supposed, however, that an armament of Spanish Vessels of War, may be at present on their way from Europe, the privilege shall not be refused to them of relieving an equal number of Vessels of War doing service on the coasts of Colombia, under the express condition that they shall not be allowed to disembark Troops.

XIV. In order to give to the world a testimony of the liberal and philanthropic principles by which both Governments are actuated, no less than to eradicate the horrors and fury which have characterised the fatal contest in which they have been engaged, both Governments agree forthwith to enter into a Treaty, for the purpose of regulating the war, in conformity with the rights of Man, and the most generous, wise, and humane practices observed by civilised Nations.

XV. The present Treaty shall be ratified by both Parties within 60 hours, and shall be immediately communicated to the Chiefs of Divisions, by the Officers to be appointed on the part of the Two Governments for that purpose.

Dado y firmado de nuestras manos en la Ciudad de Trujillo, á las 10 de la noche del dia 25 de Noviembre de 1820.

RAMON CORREA.
JUAN RODRI. DEL TORO.
FRANCISCO GONZALEZ DE LINARES.
ANTON. JOSEF DE SUCRE.
PEDRO BRICENO MENDEZ.
JOSEF GABRIEL PEREZ.

El presente Tratado queda aprobado y ratificado en todas sus partes.

Cuartel General de Carache, 26 de Noviembre de 1820.

PABLO MORILLO.
JOSEF CAPARROS, *Secretario.*

Se aprueba, confirma y ratifica el presente Tratado en todas y cada una de sus partes.

Dado, firmado, sellado con el sello provisional del Estado, y refrendado por el Ministro de la Guerra, en el Cuartel General de la Ciudad de Trujillo, á 26 de Noviembre de 1820.

SIMON BOLIVAR.

Por mandado de S. E.
PEDRO BRICENO MENDEZ.

Given and signed with our hands, in the City of Truxillo, at 10 o'Clock at night, on the 25th day of November, 1820.

RAMON CORREA.
JUAN RODRI. DEL TORO.
FRANCISCO GONZALEZ DE LINARES.
ANTON. JOSEF DE SUCRE.
PEDRO BRICENO MENDEZ.
JOSEF GABRIEL PEREZ.

The present Treaty is approved and ratified in all its parts.

Head-quarters, Carache, 26th November, 1820.

PABLO MORILLO.
JOSEF CAPARROS, *Secretary.*

The present Treaty is approved, confirmed, and ratified, in all and each of its parts.

Given, signed, sealed with the Provisional Seal of the State, and countersigned by the Minister of War, at the Head Quarters in the City of Truxillo, the 26th of November 1820.

SIMON BOLIVAR.

By Order of His Excellency.
PEDRO BRICENO MENDEZ.

PAPERS relative to the Rupture of the preceding Armistice between the Spanish and Colombian Armies.—March 1821.

(1.) *General Bolivar to General de La Torre.* (Translation.)
Head Quarters, Bocono de Truxillo, 10th March, 1821.

MOST EXCELLENT SIR,

ON arriving at this Place, I received a Dispatch from Barinas, from General Guerrero, Governor of that Province, and from Colonel Plaza, in which they inform me that the increase of the Hospitals and the diminution of provisions are becoming every day more considerable, and ascribe the scarcity of cattle to the Armistice, which has confined the traffic in this branch of trade to the Inhabitants of the Apure. In conclusion, these Gentlemen, in their Dispatch, have completed the measure of my affliction regarding the sufferings of the Army, and

assure me that it is impossible it should continue many days more in that Territory; and as necessity is the first and most inexorable Law, I must submit to it. Between the doubtful issue of a campaign and the certain loss of our Army by plague and famine, there can be no hesitation. It is, therefore, my duty to make peace or to fight. If the Spanish Government desired our friendship, it has had time to dictate pacific measures by authorizing Senors Sartorio and Espelius to treat for Peace, on the basis of Independence, which it is notorious to the Universe has been our invariable object for the last 10 years. If this Government has done nothing more than return to a demand for an Armistice which had been refused in a solemn manner, it is a fresh proof of its constant adherence to its political principles, and of its continued assertion of its just and strongest claims. As the case provided for in the XIIth Article of the Armistice has arrived, I have the pain to announce to your Excellency that the Armistice will, therefore, cease from the receipt of this Letter; but if your Excellency, and the Commissioners Sartorio and Espelius, are invested with the necessary Powers to prevent the continuance of this lamentable War, I shall treat concerning Peace with joy and delight in the Capital of San Fernando, whither I am directing my march, with the intention of heading the largest portion of my Troops, and of shortening the distance between us, to facilitate our Communications.

God preserve your Excellency many years. **BOLIVAR.**

H. E. Miguel de La Torre, General in Chief of the Spanish Expeditionary Army of Terra Firma.

(2.)—*General de La Torre to General Bolivar.* (Translation.)

MOST EXCELLENT SIR, *Head Quarters, Caraccas, 21st Mar.* 1821.

I HAVE the honour to acknowledge the receipt of your Dispatch of the 10th instant from Bocono de Truxillo, in which, without adverting to our pending discussions (as if they had no existence) respecting the events at Maracaibo, and the Negotiations entered into with the Commissioners of your Excellency,—Negotiations requested by yourself for the prolongation of the Armistice, on the basis which you had thought fit to prescribe,—you intimate the alternative of a recognition of your Independence, or the continuance of the War. In this unexpected and extraordinary situation, the invariable system of candour and good faith which characterizes the Spanish Government, and from which I am determined never to depart, imposes upon me the duty of replying to your Excellency, that, in conformity with your Despatch, and in fulfilment of the XIIth Article of the Treaty of Armistice to which it refers, and having received the said Dispatch on the 19th of this month, the military operations will recommence on the 28th of April next. The whole World, which has its eyes fixed upon us, and which has observed our conduct in the Negotiations undertaken for averting from these Countries the horrors of a fratricidal War, will form its judgment on

the cause of the calamities which are again about to desolate these unfortunate Regions, and will not cast the weight of that fearful responsibility on the Spanish Government.

God preserve your Excellency many years.

MIGUEL DE LA TORRE.

H. E. General Bolivar, Chief of the Republic of Colombia.

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(3).—*Proclamation of General La Torre to the Inhabitants of Venezuela.*

Head Quarters, Caraccas, 23rd March, 1821.

INHABITANTS OF THESE PROVINCES, (Translation.)

IN the midst of an Armistice scrupulously observed on our part, General Bolivar has announced the termination of it. Explanations were pending, which he himself had required of me on the 19th of February, respecting the affair of Maracaibo, and the Conferences between his Commissioners and those of His Majesty, which he had proposed, respecting the prolongation of the Convention, were still being held, when he suddenly intimated to me the alternative either of the recognition of his Government, or the renewal of the War, under the strange pretext that the Treaty of Truxillo was prejudicial to his Army, which was suffering considerably by it. General Bolivar well knew that this recognition was not in my power. Such was my decisive answer when the same demand was made in August last at San Christobal; and, upon that understanding, the Armistice was concluded, namely, that nothing could be done but to suspend hostilities, while his Commissioners proceeded to Madrid, to negotiate for that recognition, or to make other demands to which it was also not in my power to accede. No intimation more extraordinary or unreasonable was, therefore, ever heard of.

Inhabitants of these Provinces; In fulfilment of the XIIth Article of the Armistice, the 40 stipulated days, anterior to its termination, commenced on the 19th Instant, the day on which I received the intimation. On the 28th of April, hostilities will consequently recommence on my part. New calamities return to oppress your Provinces—calamities brought on by the inconsiderateness of General Bolivar. The responsibility will not fall on the Spanish Government, which, in order to avert them, has given an unheard-of example of disinterestedness and generosity, and evinced in the most striking manner its patience and its good faith. You will soon be made acquainted with all the proceedings which have taken place. You will judge, and the World will judge, of them. Though the true causes of the strange and intemperate conduct which General Bolivar has pursued are still concealed, they will soon be known. Perhaps in them is compromised your honour, for it may be that the false relations of some perverse Men have inspired him with the same ideas and projects which led to his invasions of Clarines and Ocumares. Time will show. Under these circumstances, it is my duty to announce to you that we are at War;

that you must for your internal security fulfil to the utmost the 292d Article of the Constitution of the Monarchy; that the Government will punish, with the utmost rigour of the Law, disturbers, direct or indirect, of the public order, and that the present Campaign will be as active and vigorous as were the Campaigns of 1814, and 1818.

MIGUEL DE LA TORRE.

(4.) *Proclamation of General De La Torre to the Spanish Army in Venezuela.*

SOLDIERS! *Head Quarters, Caraccas, 23rd March,* 1821.

AFTER 4 months of an Armistice which ought to have ended in a Peace, and during the most scrupulous observance of the Treaty on our part, General Bolivar, pending a negotiation to which he had invited us, suddenly terminates it, and announces to me either the continuance of the War, or the admission of pretensions which he knows it is not in my power to admit. Repeated infractions of the Armistice on his part had been overlooked by me, in the hope of concluding a Peace which is so desirable; but he rejects Peace, and calls down new calamities on his Country.

Soldiers! Fresh laurels await you on the field of battle, whither you are going, full of justice, to support your own honour, and that of the Nation, offended at so extraordinary a Declaration of War. To make such a Declaration he must have viewed you with contempt, or he must have forgotten your valour, your victories, and your military virtues. It is necessary, therefore, that you should remind him of them.

I come to place myself at your head, and to share your glory and your hardships. The eyes of the whole World are fixed upon you, and view you with admiration. Prove in this Campaign what you have been in former ones,—brave Soldiers, and Spaniards worthy of that august name.

Soldiers! On the one hand I offer to your view the recompence of your merits; on the other the punishment of your offences. I will be prodigal in rewarding you, but at the same time inexorable in chastising you; but while you continue obedient and valiant, I shall always be your Comrade and Father. MIGUEL DE LA TORRE.

***ADDRESS of the Congress of Colombia to the People, on the close of the Session.—14th October,* 1821.**

COLOMBIANS! —— (Translation.)

THIS day the Congress terminates the august duties with which it was charged, and the Members, your Representatives, retire to their respective homes, confident that they have accomplished the object of your wishes. You are now possessed of such a Constitution as appeared best adapted to the condition of the Country, and calcu-

lated to insure to you liberty and prosperity. The Republic has also been consolidated, by the integral and legitimate union of the Territories of which it is now composed. The duties of the Rulers have moreover been defined and circumscribed; your rights now enjoy the most solemn guarantees for their security.

The Territory is divided into Departments, which have received the necessary organization in all the branches of Government. Courts of Justice have been established to settle your personal differences and to punish Delinquents; and, with a view to the common benefit and protection of the Citizens, Tribunals have been established in every Province, for causes of minor importance. The administration of justice influences, in a great measure, the safety of the Citizen, it has therefore deserved the particular consideration of Congress.

Ignorance was the basis on which the Government of Spain built its power,—the only basis that could uphold slavery; but a Republic like ours can alone be maintained by the united virtues and knowledge of its Citizens. In order, therefore, to advance this great object, Congress has determined to establish Schools, houses of education, Colleges and Universities, and has further appropriated the property of suppressed religious establishments for its accomplishment.

Nor has the condition of that unhappy body of Men who bore the mark of slavery among you been overlooked. In decreeing, however, the abolition of Slavery, in proscribing for ever this barbarous custom, Congress has not acted unjustly towards innocent Proprietors; it has paid the homage due to reason, without being deaf to the claims of property sanctioned by good faith.

The Public Revenue, greatly decreased by the calamities of a disastrous war, is re-established by economical and salutary Laws; regulations having been adopted, which, whilst they increase the Revenue, will at the same time diminish the burdens that oppressed the People. No longer will you pay the duties of *alcabala* on the alimentary produce of your industry; the import duties have been lessened, as much as possible, and those on exports have been considerably reduced.

The distilling of spirituous liquors is free, and this freedom, which removes such heavy vexations from the Public, must hereafter prove a fruitful source of wealth and prosperity. By the Revenue Laws now in force, you will be enabled to contribute to the wants of the State on a moderate and equal scale, whilst at the same time you will be enabled to provide for your own wants with ease. As, however, the Government is still compelled to incur increased and unavoidable expences, Congress has decreed a direct Contribution, proportioned to the means of the Contributors, which will be payable by all, and collected without any additional expence.

Such have been the labours of your Representatives. They trust that

they have fulfilled your intentions: on you, therefore, depends what is still wanting to consolidate Colombia, and raise her to the high pitch of power and prosperity to which she is destined. Live in intimate and brotherly union; befriend each other, and admit not into your hearts either jealousy or rivalry. These are the fatal arms which your Enemies have unceasingly wielded, in order to spread discord among you. Union will make you strong, and put an end to a cruel war of 11 years' duration. Dissention will deprive you of repose, and of the genuine benefits to be derived from society. United you are invincible —disunion is the only Enemy you have to fear.

Obey, therefore, those Laws which yourselves have framed, for they were dictated by your Representatives; and respect those Magistrates who have been elected by your own suffrages. Think of the glory of Colombia, when your happiness and welfare shall be secured. Remember that nothing, at its commencement, is perfect, and that the influence of time and experience is powerful. Law is the boundary of freedom, which disappears when the Laws become nerveless. A free press, that precious gift, inseparable from justice and civil liberty, is the proper medium for fixing the opinions and expressing the sentiments of a free People. Use it with that moderation which is prescribed by the Laws, and you will thus preserve your own rights unimpaired; you will restrain your Rulers within the limits of their authority; and you will obtain the improvements suggested by experience and necessity.

Your Representatives will acquaint you with the motives which have influenced them in what they have done; they will explain to you what you do not understand, and make known to you the causes of their decisions. They will act so as to merit your confidence; and their candour and good faith will tranquillize you.

Despise the clamours of ignorance and fanaticism;—they aim at your disunion; they would bring you back to dependence and slavery, to debasement and oppression. To these the efforts of your Enemies still tend. Possibly they will tell you that Congress has sought to disseminate impious and irreligious maxims; but know that your Representatives have merely sought to free religion from the abuses under which it laboured, without touching its essential points. The God of those Enemies is interest, and their religion is confined to the idolatrous worship of their own prejudices. Judge the Congress by its works, compare these with your own wishes and wants, and then decide for yourselves. He who seeks to disunite you, is an Enemy, and you should treat him as a disturber of the public peace.

Congress has been actuated by no other than the anxious wish of rendering you happy. To do this, it has adopted those very principles which yourselves long since promulgated, and which have uniformly constituted the happiness of other Nations. Possibly it may not have accomplished

all that could have been wished; but, it can assure you that it has done all that was in its power. Your welfare was its sole object, and will prove its only recompence.

Done in the General Congress of the Republic of Colombia, in the Town of Rosario de Cucuta, this 14th day of October, 1821.

JOSE IGNACIO DE MARQUEZ, *President.*
MIGUEL SANTA MARIA, } *Deputy Secretaries.*
FRANCISCO SOTO. }

LETTER of the Spanish General O'Donoju to the Governor of Vera Cruz, relative to the termination of Hostilities between the Armies of Spain and Mexico.—Cordova, 26th August, 1821.

(Translation.) *Cordova, 26th August,* 1821.

I ENCLOSE to your Excellency a Copy of a Treaty agreed upon between myself and the Generalissimo of the Imperial Army*: its object is the happiness of both Spains, and to put an end, once for all, to the terrible disasters of a civil war. It is based on the rights of Nations:—the intellectual spirit of the age, the general opinion of civilized Nations, the liberality of our Cortes, the beneficent intentions of our Government, and the paternal affection of our King, are its guarantees. Humanity shudders at contemplating the dark picture of Fathers, Sons, Brothers, and Friends, persecuting and destroying one another; of Provinces, which, though inhabited by Men of the same origin, the same religion, protected by the same Laws, speaking the same Language, and observing the same Customs, are destroyed and laid waste, by those who, a few months before, industriously cultivated them, trusting to the fertility of the soil for the sustenance of their Families;—happy so long as they enjoyed Peace; but wretched, poor, houseless, and deprived of every thing, since the commencement of the war.

None but a heart filled with gall and venom can look upon such horrors without shuddering. And, to a well principled mind, what sacrifice will not be acceptable, so that misery, bloodshed, death, and destruction may be averted by it? These, Señor Governor, are the considerations which would have induced me to sign the Treaty that will cement the eternal Alliance of two Nations, destined by Providence, and designed by their position to be great, and to occupy a distinguished place in the World, even though I were not, as I certainly am, convinced,—of the justice which prompts every Community to assert its liberty, and to defend that liberty as Individuals would their lives,—of the uselessness of whatever efforts may be made, of whatever bar-

* See State Papers, Vol. 1821-1822, Page 431.

riers may be opposed, to restrain this sacred torrent, when once it has entered upon its majestic and sublime course,—and of the impossibility of opposing or altering the Laws of Nature. She has set bounds to Nations; she regulates the movements of great bodies; she has not given us senses capable of receiving impressions from a distance; and if in infancy, she provides us with a tender mother to nourish us; in childhood, and in youth with Fathers 'and Masters to rear and guide us; in Manhood, she gives us reason and strength to be independent, and frees us from restraint. The moral World is regulated by the same rules as the physical. Such evident principles could not escape the penetration of the King, and the wisdom of Congress. Otherwise, how could we reconcile the progress of the Constitution in Spain with the ignorance which it was necessary to suppose existed among the Spanish People, for them to be unacquainted with these truths? In fact, before my departure from the Peninsula, the Representatives of the People were occupied,—at one time, in laying the foundation of Mexican Independence; at another, its bases were proposed and approved, in one of their Committees, with the assistance of the Secretaries of State; nor was it doubted that, before the Cortes should close their ordinary Session, this business, so important to the two Spains, would be concluded; a business in which the honour of both is concerned, and on which the eyes of all Europe are fixed. The Spaniard who, either from particular views, or private interest, should not share the common opinion of his Fellow Countrymen, and should fail to perceive what so much concerns him to know, is very limited in mind: he has no settled or just idea of what is required from his Nation to constitute the happiness of its People, and is unworthy of so generous, liberal, and just a Country. But the Mexicans, to whom the temperature of their climate has given a lively and ardent imagination, and who, moreover, on account of the immense space which separates them from the Peninsula, were without accurate information, declared themselves independent, and assumed a hostile aspect; believing that the Men to whom they owe their religion, their greatness, and their ability to figure in the civilized world, were about to commit the injustice of making an attempt against their liberty; when those very Men, in support of their own, had just exhibited themselves the terror of the Universe, an example of valour and constancy, and the scourge of the most colossal power to be found in history. They met indeed, with some resistance, but this must be considered as the result of a fidelity carried to an extreme of exalted sentiments of honour, and an inflexible bravery. But the scene is changed: Mexicans and Europeans know each other, and they also know, that if excesses have been committed on both sides, even these have originated in the virtues which exalt them. They again wish to become Brothers; all seek to draw closer the bonds of their Union; their connexion will be intimate, and the rights of both shall be faithfully respected. To this we pledge

ourselves, and, even did we not, the minds of all are, nevertheless, resolved on the subject. This Treaty, the offspring of mutual friendship and good will, will for ever possess a force, which those Treaties dictated by policy and power never yet possessed.

Your Excellency will cause the contents of this Letter to be published, and I hope if there be one who is still undeceived, that he will no longer be so on perusing it. If, however, it should not have that effect, let that Man be considered as a disturber of the public tranquillity, who in any way manifests dissatisfaction or discontent.

I am informed that 400 Men or upwards, are coming from The Havannah to this Port, destined by the Captain General of that Island, to garrison this place. Circumstances have changed, and these Troops, far from being useful, would be most prejudicial, because amongst other evils, they would cause a doubt of my good faith, whilst so small a number of Soldiers, even if we were capable of defence, could not avail us. What Soldier can be ignorant of the defence which Vera Cruz could make even if garrisoned? and supposing the fortifications of the first order, what would be the result?—It must fall. But, if it could be preserved?—It would be of no use to Spain. This being granted, and referring to what I have already said, I warn your Excellency (and in case of inattention to the warning, I shall hold you responsible) not to permit the disembarkation of those Troops; but should they have already arrived, you will command them immediately to re-embark: your Excellency will so dispose them, that they may return to the place from whence they set out, and, to this end, your Excellency may make use of any resources or funds, however privileged, upon the understanding that your Excellency will not escape reprehension if you do not fulfil my intention, as, for this purpose, I delegate to you all the authority which I possess myself. If, however, they have not arrived, let a small Vessel be immediately equipped, one best adapted to cruise in that part of the sea through which they must of necessity pass, to acquaint them with my determination, so that they return without entering the Port. Should sickness, want of provisions, or any other cause, oblige them to land before they can alter their course, let them make for Tampico or Campeachy; in which case, your Excellency will direct the Authorities to assist them, and you will inform me of the event, that I may issue the requisite orders.

This service is of the greatest importance, and I trust that it will be punctually performed: I confide in your Excellency's activity, and in the judgment with which you know how to make your arrangements. This Letter is conveyed by an Extraordinary Courier, and your Excellency will use the same means for returning me an answer, and will not fail to give me due notice of whatever may have occurred worthy of attention.

May God preserve your Excellency many years.

His Excellency the Governor of Vera Cruz. JUAN O'DONOJU.

PAPERS relative to the change of Government in Piedmont. March, April, 1821.

LIST OF PAPERS.

No.		1821.	Page.
1.	Proclamation of the King of Sardinia, relative to the proceedings of the Insurgents in Piedmont	Turin, 12th March.	1241
2.	Act of Abdication of the King, Victor Emanuel,	Turin, 13th March.	1242
3.	Decree of the Prince Regent, for the publication of the Spanish Constitution	Turin, 13th March.	1243
4.	Declaration of the Duke of Genoa, on his assumption of the Government	Modena, 16th March.	1244
5.	Ordinance of the Duke of Genoa, for the restoration of Order, &c.	Modena, 3d April.	1245
6.	Act confirmatory of the Abdication of the King, Victor Emanuel	Nice, 19th April.	1246

No. 1.—*Proclamation of the King of Sardinia, relative to the Proceedings of the Insurgents in Piedmont.*

(Traduction.) *Turin, le* 12 *Mars,* 1821.

VICTOR-EMMANUEL, par la Grace de Dieu, Roi de Sardaigne, de Chypre, et de Jérusalem, Duc de Savoie et de Gênes, Prince de Piémont, &c. &c.

Depuis le jour où il plu à Dieu de nous rappeler au Gouvernement de nos Etats du Continent, nous avons dans toutes les circonstances cherché à montrer à nos Sujets les effets de nos soins paternels.

Nous sommes particulièrement parvenu à maintenir dans tous les esprits l'union et la concorde, et à éloigner toutes les occasions de haine, de vengeance, ou d'esprit de parti.

Nos Sujets se sont conformés à nos sentimens. A leur gloire, à la nôtre et à l'admiration de l'Europe, au milieu de tant de troubles qui ont agité les Pays Etrangers, la tranquillité de nos fidèles Provinces n'a été nullement compromise.

Nous nous sommes encore, dès le principe, complu à distinguer par de singulières démonstrations d'affection, nos Sujets Militaires.

Nous avons reçu de cette partie de nos Sujets des preuves pures et non équivoques de valeur et de fidélité.

Mais aujourd'hui, tandis que le dévoûement de nos Provinces et de l'Armée est toujours le même, nous voyons persister dans une désobéissance ouverte quelques corps de Troupes, qui ont abandonné leurs Chefs, se sont renfermés dans la Citadelle d'Alexandrie, et qui n'ont point voulu renoncer à leurs coupables desseins sur la première invitation que dans notre amour nous leurs avons adressé.

Nous voyons avec une douleur inexprimable le péril auquel la

coupable obstination d'un petit nombre expose, non seulement la tranquillité, mais le sort même et l'Indépendance de la Patrie.

En conséquence, nous nous remettons nous-mêmes, et nous remettons notre Cause, à la Providence Divine; nous recommandons nous et notre Cause à la fermeté de nos Sujets fidèles. Mus par notre conscience et par notre affection paternelle, nous déclarons à tous généralement qu'une délibération très-récente, franche et unanime des grandes Puissances nos Alliées, a décidé que jamais dans aucun cas on ne verroit par aucune d'elles approuver, et encore moins sanctionner, des Actes qui tendent à la subversion de l'ordre légitime et politique qui existe en Europe.

Que les trois Puissances, l'Autriche, la Russie, et la Prusse, s'empresseront de venger à main armée tout attentat contraire à la conservation de cet ordre.

Dans ces circonstances, après une mûre délibération de notre part, et fermement résolus de ne permettre, reconnoître, ni encore moins autoriser par notre concours rien d'où puisse naître l'occasion d'une invasion étrangère; fermes dans notre dessein d'user de tous les moyens qui pourront épargner le sang de nos bien-aimés Sujets; nous exprimons ici la douleur qui oppresse notre cœur paternel, en faisant connoître à la face de l'Europe, qu'il faudra en réjeter la faute sur les infracteurs de l'ordre légitime, si une autre Armée que la nôtre vient à pénêtrer dans l'intérieur de nos Etats, ou si, dont nous pensons avec horreur, les discordes civiles venoient à tomber sur nos Peuples que nous avons toujours regardés, et que nous ne cesserons de regarder, comme la partie la plus chérie de notre famille.

Donné à Turin, le 12 Mars 1821.

VICTOR EMMANUEL.

No. 2.—Act of Abdication of Victor Emanuel, King of Sardinia.

(Traduction.) *Turin, le* 13 *Mars*, 1821.

VICTOR EMMANUEL, par la grâce de Dieu, Roi de Sardaigne, de Chypre et de Jérusalem, Duc de Savoie et de Gênes, Prince de Piémont, etc. etc.

Au milieu des vicissitudes, qui ont agité une grande partie de notre vie passée, et qui ont insensiblement épuisé nos forces et notre santé, nous avons souvent songé à abdiquer la Couronne.

A cette idée, que nous avons toujours eu, s'est jointe encore la considération des difficultés sans cesse croissantes que nous offrent dans les temps présens les affaires publiques, notre constant désir ayant toujours été de faire tout ce qui peut contribuer au bonheur de nos Peuples chéris.

Décidé à accomplir aujourd'hui ce dessein, nous avons résolu, notre Conseil d'Etat entendu, de choisir et de nommer Régent de nos Etats

notre bien aimé cousin, le Prince Charles-Amédée Albert de Savoie, Prince de Carignan, lui conférant en conséquence toute notre Autorité.

Et par ce même Acte de notre royale et libre volonté, notre Conseil entendu, nous déclarons:

Qu'à compter du 13 Mars courant, nous renonçons irrévocablement à la Couronne, et par-là-même à exercer nos droits de Souveraineté, tant sur les Pays que nous possédons actuellement, que sur ceux qui, par des Traités ou autrement, pourroient nous revenir par droit de succession.

Nous entendons toutefois que les réserves suivantes séront les conditions essentielles de notre abdication, savoir:

1. Que nous conserverons le titre et la dignité de Roi, et les honneurs dont nous avons joui jusqu'à présent;

2. Qu'il nous sera payé par quartier et d'avance une pension annuelle de 1,000,000 de livres de Piémont, nous reservant en outre la propriété et disponibilité de nos biens meubles et immeubles, propriétés allodiales et patrimoniales;

3. Que nous serons libres, nous et notre Famille, de choisir le lieu qu'il nous plaira pour notre résidence;

4. Que nous serons libres de choisir les Personnes avec lesquelles nous voudrons vivre, et qu'il nous plaira d'admettre à notre service ou à celui de notre Famille;

5. Que tous les Actes passés en faveur de la Reine Marie Thérèse-Béatrix Victoire, Duchesse de Modène; Marie-Thérèse Ferdinande-Félicité, Princesse de Lucques; Marie-Anne-Richarda-Caroline et Marie-Christine-Caroline, nos bien aimées filles, conserveront leur plein effet et vigueur.

Fait à Turin, le 13 Mars, 1821.

VICTOR EMMANUEL.

No. 3.—*Decree of The Prince Regent, for the publication of the Spanish Constitution.—Turin, 13th March,* 1821. (Traduction.)

CHARLES ALBERT de Savoie, Prince de Carignan, Régent.

L'urgence des circonstances dans lesquelles Sa Majesté le Roi Victor Emmanuel nous a nommé Régent du Royaume, quoique le droit d'y succéder ne nous appartient pas, le désir si manifesté par le Peuple d'une Constitution conforme à celle qui régit l'Espagne, nous mettent à même de satisfaire autant qu'il peut dépendre de nous, à ce que le salut du Royaume exige évidemment aujourd'hui, et d'adhérer aux désirs communs exprimés avec une ardeur indicible.

Dans un moment aussi difficile, il ne nous a pas été possible de consulter exactement les bornes ordinaires de l'Autorité d'un Régent.

Notre respect et notre soumission à Sa Majesté Charles-Felix, auquel est dévolu le Trône, nous auroient engagé à n'apporter aucun

changement aux Lois fondamentales du Royaume, ou du moins à attendre que les intentions du nouveau Souverain nous fussent connues.

Mais comme l'exigence des circonstances est manifeste, comme il importe surtout de rendre au nouveau Roi un Peuple sain et sauf, heureux et non pas déchiré par les factions et la guerre civile; ayant pesé mûrement toutes ces raisons et de l'avis de notre Conseil d'Etat, persuadé d'ailleurs que Sa Majesté le Roi, mû par la même considération révêtira cette délibération de son approbation souveraine, nous avons résolu ce qui suit:

La Constitution d'Espagne sera promulguée et observée comme Loi de l'Etat, avec les modifications qui seront délibérées par la Représentation Nationale, d'accord avec Sa Majesté le Roi.

Donné à Turin, le 13 Mars, 1821.

CHARLES ALBERT.

No. 4.—Declaration of The Duke of Genoa, on his assumption of the Government.—Modena, 16th March, 1821.

(Traduction.)

Nous, Charles-Félix de Savoie, Duc de Gènes, etc. etc.

Déclarons par la présente, qu'en vertu de l'Acte d'Abdication de la Couronne, émané, en date du 13 Mars, 1821, de Sa Majesté le Roi Victor-Emmanuel de Sardaigne, notre bien-aimé Frère, et qu'il nous a communiqué, nous avons pris l'exercice de toute l'autorité et de tout le pouvoir royal, qui nous appartient légitimement dans les circonstances actuelles, mais que nous differons de prendre le titre de Roi jusqu'à ce que Sa Majesté notre bien aimé Frère, placé dans une situation parfaitement libre, nous fasse connoître que telle est sa volonté.

Déclarons en outre que, bien loin de consentir à quelque changement que ce soit dans la forme du Gouvernement préexistant à la dite Abdication du Roi, notre bien aimé Frère, nous regarderons toujours comme rebelles tous ceux des Sujets du Roi qui se seroient permis ou se permettroient, soit de proclamer une Constitution, soit de faire quelque autre innovation contraire à la plénitude de l'Autorité Royale; déclarons nul tout Acte de compétence Souveraine qui pourroit avoir été fait ou être fait depuis la dite Abdication du Roi, notre bien aimé Frère, lequel Acte n'émaneroit pas de nous ou n'auroit pas été expressément sanctionné par nous.

En même temps nous engageons tous les Sujets du Roi, soit qu'ils appartiennent à l'Armée ou à toute autre classe, et qui sont restés fidèles, à persévérer dans leurs sentimens de fidélité et à s'opposer avec énergie au petit nombre de rebelles, à se tenir prêts à obéir à tous nos ordres, et à tout appel pour rétablir l'ordre légitime, tandis que nous mettrons tout en œuvre pour les secourir le plus promptement possible.

Plein de confiance dans la grâce et l'assistance de Dieu, qui tou-

jours protège la cause de la justice, et persuadé que nos Augustes Alliés sont disposés à venir promptement à notre secours avec toutes leurs forces, dans l'unique et généreuse intention constamment manifestée par eux de soutenir la légitimité des Trônes, la plénitude du pouvoir royal et l'intégrité des Etats, nous espérons d'être bientôt en mesure de rétablir l'ordre et la tranquillité, et de recompenser ceux qui, dans les circonstances présentes, auront particulièrement mérité notre bienveillante reconnoissance.

Nous notifions par la présente à tous les Sujets du Roi notre volonté comme règle de leur conduite.

Fait à Modène, le 16 Mars, 1821: CHARLES FELIX.

No. 5.—Ordinance of the Duke of Genoa, for the restoration of Order, &c.—Modena, 3 April, 1821.

Nous, Charles Félix de Savoie, Duc de Gènes, etc. (Traduction.)

Pour enlever à qui que ce soit tout prétexte d'ignorance de notre volonté, et de la manière dont nous considérons la rebellion arrivée en Piémont et dans le Duché de Gênes, et pour démentir les fausses interprétations de nos intentions, lesquelles ont existé jusqu'à présent, nous ordonnons qu'il soit publié ce qui suit :

1°. Nous déclarons Rebelles tous ceux de nos Royaux Sujets, lesquels, de quelque manière que ce soit, oseraient se révolter contre Sa Majesté Victor-Emmanuel, notre bien-aimé Frère, ou qui tenteraient de changer la forme du Gouvernement depuis son abdication ; et également quiconque, après avoir eu connaissance de notre Proclamation, datée de Modène, du 16 Mars, 1821, a persisté dans le parti des révoltés ; et ceux qui, après avoir eu connoissance de notre seconde Proclamation, datée de Modène le 23 Mars, 1821, n'ont pas demontré l'obéissance due aux Gouverneurs Généraux nommés par Nous; aussi bien que toute cette partie des Troupes Royales qui, favorisant la cause des Séditieux, ne se sont pas réunies à leurs Corps d'Armée.

2°. Voulant néanmoins user de clémence envers ceux que nous croyons avoir été trompés, nous accordons une amnistie à tous les Soldats qui rentreront dans leur devôir, et les Sous-officiers desdits Corps n'obtiendront de nous leur pardon, qu'après s'être pleinement justifiés. Mais les Officiers, de quelque grade que ce soit, lesquels ayant été sourds à la voix de leur devoir et de l'honneur, ont pris part à la première rebellion des Troupes, et ont suivi l'étendard des Révoltés, sont déclarés par la présente, Félons ; et nous accorderons des récompenses pécuniaires à ceux qui les feront Prisonniers, et les consigneront à l'Armée fidèle sous les ordres de notre Gouverneur Général, Le Comte de Latour.

3o. Nous ordonnons à tous les Sous-officiers et Soldats qui se trouvent à l'Armée rebelle à Alexandrie, ou dans la Citadelle de Turin, de retourner dans leurs foyers, et nous ordonnons aux contingens de ne

pas obéir à quelque ordre que ce soit des rebelles, de se joindre à leur Armée.

4°. Nous déclarons, qu'en nous conformant aux décrets de la Divine Providence, en nous chargeant du poids de l'autorité Royale, nous reconnaissons que notre premier devoir est de séparer enfin le peu d'individus rebelles et séditieux, de la grande partie de nos Sujets qui sont fidèles, et attachés à notre Famille Royale; et qu'en cela consiste le plus grand bienfait qu'attendent de nous nos fidèles Sujetsroyaux; ce qui est le seul moyen de leur donner cette félicité et cette tranquillité, de laquelle ils ne pourraient jamais jouir, tant qu'ils seront mêlés parmi eux.

5°. Nous déclarons en attendant, que pour parvenir à cet heureux résultat, méprisant toute espèce de traité avec les Félons, nous jugeons nécessaire que la partie de l'Armée Royale qui est restée fidèle, soit aidée par nos Augustes Alliés, pour la réoccupation des Pays révoltés; et, pour cet effet, nous leur avons demandé leur secours dont nous avons été assuré, avec la seule généreuse condition de nous aider dans le rétablissement légitime, partout où la sédition a osé se montrer. En conséquence, nous ordonnons que chaque bon Citoyen considère les Troupes Autrichiennes comme Amies et Alliées.

6°. Le premier devoir de chaque Citoyen fidèle, étant de se soumettre de bon coeur à l'autorité de celui qui en a été investi de l'autorité suprême par la Divine Providence, qui connaît les moyens les plus propres à assurer le bonheur des Peuples, nous ne pourrons considérer comme bon Citoyen celui qui se permettrait seulement de murmures contre les mesures que nous jugeons nécessaires.

Notre soin paternel sera de veiller sur nos fidèles et loyaux Sujets, afin qu'ils souffrent le moins possible des charges inévitables qu'entraînent les circonstances et les mesures prises pour le rétablissement de l'ordre, et que ces charges pèsent principalement sur les Félons que sont les seuls auteurs de tous les maux de l'Etat.

7°. En faisant connaître notre volonté à nos Sujets, nous leur déclarons que leur parfaite soumission à nos ordres est le seul moyen de nous engager à rentrer parmi eux, et, en attendant, nous prions Dieu qu'il les éclaire, afin qu'ils embrassent le parti auquel les appellent également l'honneur, le devoir, et notre sainte Religion.

Modène, le 3 Avril, 1821. CHARLES-FELIX.

No. 6.—Act confirmatory of the Abdication of Victor Emanuel.

Nice, 19th April, 1821.

VICTOR-EMMANUEL, etc. etc. (Traduction.)

Dès le premier moment que l'Abdication faite par nous, le 13 Mars dernier, fut connue de notre très cher frère le Duc de Gènes, à qui, par suite de cet Acte, la Couronne et la Souveraineté de nos Etats sont devolues, il nous a constamment manifesté son ardent désir de

nous voir reprendre les rênes du Gouvernement, tant à cause du vif attachement qu'il a pour nous, que parcequ'il regardoit comme nul et forcé, un Acte émané dans des circonstances aussi déplorables.

Mais, persuadé comme nous le sommes, que les hautes qualités de notre Frère ne peuvent qu'assurer la félicité des Peuples que la Divine Providence avoit confié à notre Gouvernement; d'ailleurs, mû par les causes indiquées dans notre premier Acte; savoir: la foiblesse de notre santé, qui déjà depuis long-temps nous avoit suggéré le projet d'abandonner le Trône,—projet que nous avions la ferme intention de mettre en exécution aussitôt que nous aurions terminé quelques affaires d'une haute importance,—projet dans lequel nous sommes affermi par l'état actuel des choses qui exige encore plus d'assiduité et d'application,—nous nous sommes déterminé, de notre pleine volonté, à confirmer par cet Acte, souscrit par nous et contresigné d'après notre ordre par notre Cousin le Marquis de St. Marsan, Ministre d'Etat, l'Abdication que nous avons faite par l'Acte du 13 Mars, sous les conditions exprimées dans le même Acte; priant avec instance notre très cher Frère le Duc de Gènes de prendre les rènes du Gouvernement et le titre de Roi, afin d'assurer la félicité de ses Peuples.

Donné à Nice, le 19 Avril, 1821. VICTOR-EMMANUEL.

[See the Publications of the Allied Sovereigns of Austria, Prussia, and Russia, relative to the changes of Government in Naples and Piedmont, Page 1128.]

CORRESPONDENCE between Russia, and France, and Turkey, relative to the Differences between Russia and the Ottoman Porte.—May to September, 1821.

LIST OF PAPERS.

No.			1821.	Page.
1.	The Russian Envoy to the Reis Effendi	Constantinople,	12th May	1247
2.	..... Do.	to the Chancellerie de Commerce.....	12th May	1250
3.	..... Do.	to the Reis Effendi..... Constantinople,	$\frac{6}{18}$ July.	1251
4.	..... Do.	to .....Do.....do.....	$\frac{14}{26}$ July.	1257
5.	The Reis Effendi to Count Nesselrode	.....do.....	30th July.	1258
	Inclosure. The Reis Effendi to the Russian Envoy	.....do.....	26th July.	1260
6.	The French Chargé d'Affaires to the Reis Effendi	....do....	16th August.	1267
7.	The Reis Effendi to the French Chargé d'Affaires	...do..	2nd September.	1268

No. 1.—The Russian Envoy to the Reis Effendi.

Constantinople, le 12 Mai, 1821.

Le Soussigné, &c., a eu l'honneur de répondre le 4 courant à la déclaration de la Sublime Porte sur les mesures tendant à empêcher la libre sortie des blés du Canal de Constantinople. Il a établi d'une manière aussi incontestable que formelle, l'atteinte que de semblables

entraves porteraient à la fois des Traités et aux intérêts du Commerce Russe. Il s'est référé à la teneur de la Conférence du 25 Avril, qui aggrave les torts du Gouvernement par la manière amicale et prévenante dont le Soussigné a reçu les premières ouvertures de Son Excellence le Reis-Effendi à ce sujet, en s'offrant spontanément à tous, les moyens en son pouvoir et compatibles avec l'état actuel des choses pour l'approvisionnement de la Capitale.

Sa démarche, dictée par le sentiment de ses devoirs, parait n'avoir été nullement prise en considération. Elle n'a même obtenu aucune réponse de la Sublime Porte, malgré la forme officielle dont il l'avait revétue. Au contraire, le Ministre Ottoman a encore ajouté aux dispositions qui avaient excité ses plaintes, en réfusant ouvertement les Firmans accoutumés pour la sortie des Dardanelles à 2 Bâtimens Russes. Ce sont: *l'Amabile Sofia,* Capitaine Georges Capella, portant 3,800 kilots de blé, et *Camilla,* Capitaine Jacques Terault, de 2,200 kilots de blé et 5,225 d'orge. Ainsi à la violation des Articles XXX et XXXI du Traité de Commerce s'est jointe celle de l'Article XXXII et XXXIII, quoique tous n'admettent aucune restriction.*

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* *Extracts of the Treaty of Commerce between Russia and the Ottoman Porte.—Signed at Constantinople, $\frac{10}{21}$ June,* 1783.—XXX. Comme en conséquence de l'Article XI du Traité de Paix, conclu à Cainardgé en 1774, et de l'Article VI de la Convention explicatoire passée le 10 Mars de l'année 1779, on est convenu, que tous les Vaisseaux Marchands sous Pavillon Russe puissent passer librement par le Canal de Constantinople, de la mer noire dans la mer blanche, et réciproquement de la mer blanche dans la mer noire: et qu'en outre dans le susdit Article VI. de la Convention la forme de ces vaisseaux et le poids de la cargaison, qu'ils doivent porter, sont déterminés à l'exemple des vaisseaux François et Anglois, comme ceux des Nations amies et les plus favorisées par la Sublime Porte, de même pour prévenir tout mal-entendu à cet égard, on est convenu de confirmer par le présent Article, que la forme des Vaisseaux Marchands Russes doit être exactement celle des susdits Vaisseaux Marchands François, Anglois et des autres Nations, depuis la moindre proportion jusqu'à la plus grande; et pour règler le poids qu'ils doivent porter, on leur a fixé depuis le moindre poids jusqu'au plus grand, celui de 1000 jusqu'à 16,000 quilots, ou bien 8000 cantars, qui font 26,400 pouds au poids de Russie. La Porte s'engage de plus par la présente, à ne mettre aucun empêchement à de pareils vaisseaux qui seront sous Pavillon Russe; car n'étant pas chargés de marchandises qui doivent être vendues dans les Etats de la Porte, ils ne doivent pas même être exposés à la moindre détention ou visite de quelques marchandises qu'ils soyent chargés, vû que ne s'arrêtant pas dans les Etats de la Porte, ils ne feront que passer par le dit Canal de la mer noire dans la mer blanche et par la Méditerranée dans des pays qui ne sont pas soumis à la Porte; et Elle promet par contre d'accorder à leur passage toutes les facilités, auxquelles on peut s'attendre de l'amitié qui subsiste si heureusement entre les deux Empires.

XXXI. La Sublime Porte s'engage à ne pas prétendre, ni permettre, à qui que ce soit, d'exiger aucune douane ou droit de la cargaison des Bâtimens Marchands Russes qui viennent des Etats de Russie pour passer dans les mers Blanche et Méditerranée, ainsi que de ceux qui passent de ces deux Mers dans la Mer noire. Et à leur passage par le Canal ils ne doivent pas être forcés de décharger ni à Constantinople, ni dans aucun autre endroit, les cargaisons dont ils sont chargés.

Pressé par les justes réclamations des Sujets de Sa Majesté l'Empereur, et voyant l'inutilité de ses efforts réitérés pour ramener la Sublime Porte à des principes plus équitables, le Soussigné se voit dans la pénible nécessité de protester solennellement contre les suites de la marche adoptée aujourd'hui. Ayant déjà développé, dans sa Note précédente, la grave responsabilité qui pèse sur le Gouvernement Ottoman pour une infraction aussi manifeste aux stipulations, il a soumis le fait à la Cour Impérial. En attendant ses hautes déterminations rélativement à cette considération majeure, il met à la charge de la Sublime Porte, à compter dès ce moment même, la totalité des dommages et pertes de tout genre, sans aucune exception, résultant de l'embargo mis par elle sur les Bâtimens Russes nolisés pour le transport des blés des Ports de la Mer Noire. L'effet de cette responsabilité pécuniaire doit commencer par les deux navires sus-mentionnés, auxquels on vient de refuser les Firmans d'usage, de quelque manière qu'ils soient lésés dans l'emploi de leurs cargaisons ou retenus ici au grand préjudice de leur Commerce.

Ce nouveau genre de réclamation causé par les mesures arbitraires du Gouvernement local, est tout-à-fait distinct du fonds de la Négociation collective, dont la discussion ou l'ajournement indéfini ont été abandonnés à la volonté de Sa Hautesse. L'objet de la présente Note concerne l'exécution des clauses qu'un accord mutuel et sacré a placé hors de toute atteinte. Il tient "à ces dispositions fondamentales, dont la marche uniforme et régulière est un attribut essentiel de

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XXXII. La Sublime Porte s'engage que les Vaisseaux et Bâtimens, sous Pavillon Russe, qui viennent de la Mer Noire et passent par le Canal de Constantinople, après qu'il aura été présenté une liste de leur cargaison, vérifiée par le Ministre de Russie, et qu'il leur aura été donné sans retard le Firman l'Iznisefiné, ne soyent en aucune façon arrêtés et que les dits Batimens, produisant le dit Firman à leur passage de sortie aux Dardanelles de la Mer Blanche, puissent sans aucun retard aller, où il leur plaira. Pareillement les Batimens sous Pavillon Russe venant d'autres pays par les Dardanelles de la Mer Blanche, pour retourner aux Ports de la Russie sur la Mer Noire, à leur passage par les Dardanelles de cette Mer, en montrant le Firman qu'ils auront reçû en conséquence de la liste présentée de leur cargaison et vérifiée par le Ministre de Russie, passeront sans s'arrêter.

XXXIII. A tous les Vaisseaux et Batimens sous Pavillon Russe, qui passent de cette manière par le Canal de Constantinople, et qui, sans s'y arrêter, voudront continuer leur route plus loin, à leur passage par le susdit Canal, en prêtant une parfaite foi aux listes de leurs cargaisons, vérifiées par le Ministre de Russie, on donnera le Firman Iznisefiné, selon qu'il a été spécifié dans l'Article XXXII. Mais, en cas de quelque doute ou soupçon de la part de la Porte, qu'il se trouve de ses Sujets parmi les gens qui composent l'équipage du Vaisseau, la Cour Impériale de Russie consent, que l'on fasse la visite de l'équipage d'un tel Vaisseau, sans toucher cependant, ainsi qu'il a été dit plus haut, aux marchandises chargées dans ce Vaisseau; et même dans ce cas on agira avec beaucoup de circonspection et sans faire aucune insulte au Capitaine ou Patron du Batiment, afin de ne pas mettre, en faisant quelques fois de visites superflues, des entraves à tout le commerce de transit, dont on est déjà convenu dans le Traité de Paix.

l'état de Paix." Tels sont les termes de la déclaration faite à la Sublime Porte le 8 Janvier 1819, pour établir la ligne de démarcation entre les griefs anciens et nouveaux, et par là prévenir l'anéantissement des rapports de bon voisinage entre les deux Empires. La Note du 19 Février 1820, et le Mémoire y annexé, ont réïtéré l'énoncé de ces principes. Le Soussigné prie, &c.

S. E. le Reis Effendi. LE BARON DE STROGANOFF.

No. 2.—The Russian Envoy to the "Chancellerie de Commerce."

Constantinople, le 12 Mai, 1821.

La mesure que le Gouvernement Ottoman parait avoir adoptée pour empêcher la libre sortie des blés du Canal de Constantinople, les entraves majeures aux spéculations de nos Négocians et les pertes qui vont en résulter ont attiré toute ma sollicitude: voyant l'inutilité de mes efforts réitérés auprès de la Porte dans la vûe d'en obtenir la révocation, je me suis vû obligé de porter le fait à la connaissance de Sa Majesté Impériale. En même tems je crois nécessaire de tracer à la Chancellerie Commerciale la marche qu'elle doit suivre envers les propriétaires ou consignataires des cargaisons ainsi arrêtés, et les Capitaines des Bâtimens sous Pavillon Russe qui en seraient porteurs.

Tout navire destiné pour la Mer Blanche continuera à faire demander ses Firmans comme par le passé. Lorsque le refus présumé de la Porte aura été notifié au Réquérant, celui-ci sera admis à présenter à la Chancellerie un protêt formel, qui contiendra en principe les dédommagemens auxquels il peut justement prétendre, c'est à dire sans en articuler encore le montant en chiffres. Il y désignera la qualité et la quantité de la cargaison, sa destination, les Conventions faites avec le Capitaine ou Propriétaire du Bâtiment, le nombre de l'équipage, &c.

Cela fait, la Chancellerie prendre soin de constater la condition de ses blés par une visite d'experts, et lui donnera acte de son protêt pour servir de décharge. Elle lui déclarera qu'étant privé par une force majeure de la liberté de passage à la quelle les Traités stipulés nous donnent droit, c'est à lui-même pourvoir à la conservation et au meilleur emploi possible de sa propriété ou de celle confiée à ses soins. Bien entendu que tout recours légitime lui sera reservé contre le Gouvernement local pour les frais, dommages, et délais résultant de l'embargo dont il devient la victime. La Mission Impériale ne manquera point d'appuyer avec énergie en tems et lieu ses réclamations. Il devra également remettre Copie des Papiers qui pourront concerner ses blés, comme factures, contrats de nolis, etc.

Aussitôt que les Propriétaires consignataires ou Capitaine lésés auront disposé de leurs cargaisons, et seront en état de déterminer avec précision le montant de leurs pertes, ils en joindront à leur premier protêt un mémoire motivé et appuyé de pièces justificatives. Pour

cela il leur sera accordé un terme de 2 à 3 mois à dater du jour où les Firmans auront été refusés.

La Chancellerie Commerciale de son côté tiendra un Régitre exact des Bâtimens arrêtés, afin qu'on puisse y voir la nature de chaque prétention élevéeà la charge de la Porte, son ancienneté, et tous les détails ci-dessus. Il sera surtout nécessaire de bien connaître la déstination des navires, car elle doit influer sur le mode des dédommagemens. Celui qui est libre de vendre ses blés à Constantinople ou dans tel endroit où il trouverait un marché avantageux, n'est pas dans le même cas qu'un autre exclusivement dirigé vers un Port Etranger, en vertu d'une transaction commerciale antérieure. Le premier réclamera le coût avec les frais d'embarquement, et un bénéfice honnête sur cette somme: il y joindra le nolis, les stalis, et la prime d'assurance. Le second au contraire parlera de la différence du prix courant à l'échelle où il allait et celui auquel il aura du livrer son chargement. La Chancellerie tâchera chaque fois d'inspirer au plaignant des sentimens d'équité, et de modération, qu'exigent ses propres intérêts pour être défendus sans crainte d'objections fondées en justice.

Enfin quant aux blés Russes à bord de Bâtimens Etrangers et aux propriétés étrangères sur des navires Russes, on suivera la maxime que la cargaison est couverte par le Pavillon. On laissera donc à la Légation dont relève ce dernier le soin de parler au Gouvernement. Les deux Chancelleries s'entendront néanmoins entr'elles pour connoître, au juste la qualité et la nature des propriétés réspectives qui se trouveraient être dans ce cas.

La Chancellerie de Commerce. LE BARON DE STROGANOFF.

No. 3.—*The Russian Envoy to the Reis Effendi.*

Buyukdéré, ce $\frac{6}{18}$ *Juillet,* 1821.

Le Soussigné, &c. a rendu compte à sa Cour des événemens qui se sont succédés depuis 3 mois à Constantinople, et dans toute la partie Européenne des Etats de Sa Hautesse.

Il a fait parvenir en même tems à la connoissance de l'Empereur, son Maître, les Protocoles des Conférences qu'il a eûes avec Son Excellence le Reis Effendi, jusqu'au 25 Avril, ainsi que toutes les pièces officielles, échangées contre la Mission de Russie et le Ministère Ottoman, durant cette époque de crise et de malheurs.

Muni des ordres de Sa Majesté Impériale, le Soussigné va les remplir en résumant dans la présente Note les faits sur lesquels ces Conférences ont roulé. Il y joindra des observations, où la Sublime Porte va trouver de nouvelles preuves de la franchise accoutumée du Cabinet de Russie, et qui ne pourront laisser à Sa Hautesse aucun doute sur la manière dont l'Empereur envisage et juge l'état actuel des choses dans l'Empire Ottoman, la position du Gouvernement Turc, et l'attitude que toute Puissance qui respecte ses devoirs, est

dans la nécessité de prendre envers la Sublime Porte, et les Chrétiens soumis à sa domination.

A peine les premiers symptômes d'une révolution se furent-ils manifestés en Valachie et Moldavie que la Russie s'empressa de proclamer hautement combien Elle improuvoit les hommes qui en étoient les moteurs et les Chefs, et d'engager le Divan à prendre les mesures nécessaires pour étouffer dès sa naissance un mal dont le principe et les progrès paroissoient également redoutables. Des motifs que le Ministère de Sa Hautesse ne sauroit méconnoître, portoient la Russie à publier cette Déclaration. Elle voyoit dans la conservation du Gouvernement Turc un moyen de plus de maintenir et de consolider la paix de l'Europe. Elle devoit par conséquent condamner toute entreprise, qui pourroit porter atteinte à l'existence de ce Gouvernement. Elle le devoit encore, comme Puissance toujours loyale et toujours désintéressée dans ses rélations avec un Etat qu'Elle invitoit depuis 5 ans à s'environner des garanties qu'assure l'accomplissement réligieux des Traités et l'absence de tout motif de discussion. La Russie fit plus. Elle offrit à la Sublime Porte une co-opération franchement amicale, dont l'efficacité n'étoit pas douteuse, et dont l'objet devoit être d'isoler le plus promptement possible, la contagion révolutionnaire et d'épargner des calamités sans nombre au peuple Valaque et Moldave; à ce Peuple, qui n'avoit cessé de donner au Gouvernement Turc, des preuves de son innocence et de sa fidélité.

La force des armes devoit agir, selon l'opinion de la Russie, pour délivrer les deux Principautés des Etrangers qui en avoient compromis la tranquillité intérieure. Mais, la force des armes sagement employée, devoit avoir un but salutaire. Elle devoit être mise en usage, sous la protection d'un Gouvernement réparateur et des loix, ainsi que des transactions qui constituent le droit public de la Valachie et de la Moldavie:—Jamais, sous les bannières du fanatisme, jamais pour assouvir les passions qu'il enfante.

C'est avec le plus vif regret que la Russie a vu que ses propositions à cet égard n'auroient point été appréciées par la Sublime Porte; que le Gouvernement Turc paroissoit se méprendre sur l'importance d'apaiser les troubles, avec la certitude d'en prévenir le retour, et que par le systême qu'il adoptoit, il alloit émouvoir, en faveur des hommes qui avoient attaqué son autorité, les sentimens dont tous les peuples s'honorent, les sentimens de la réligion, de l'humanité, de la patrie, et de l'intérêt qu'inspire une Nation réduite au désespoir.

Ce que l'Empereur craignoit le plus pour la Sublime Porte, c'est que les mesures décrétées par le Ministère Ottoman n'imprimassent à l'entreprise des Auteurs de la révolution, le caractère d'une défense légitime, contre une destruction totale de la Nation Grecque et du culte qu'elle professe.

Ces craintes, il faut bien en convenir, ne semblent s'être que trop réalisées.

Plus d'une fois les Provinces où viennent d'avoir lieu les premières attaques contre la Puissance Ottomane, étoient devenues le théâtre des mêmes tentatives, et cependant jamais le Gouvernement Turc n'avoit armé contre la population de ces pays, la totalité de ses Sujets Musulmans, au nom de leur religion en péril. Plus d'une fois des dangers non moins réels, avoient menacé la Sublime Porte, à des époques même, où des guerres extérieures aggravoient sa position; et cependant jamais en Turquie une proscription générale n'avoit enveloppé une Nation toute entière, ni livré la Religion Chrétienne aux plus sanglans outrages.

Il étoit heureusement sans exemple qu'un Patriarche de l'Eglise d'Orient subît un affreux supplice aux lieux où il exerçoit ses augustes fonctions, un jour que toute la Chrétienté revère, et lorsque ce vénérable Pasteur venoit de combler pour le Gouvernement Turc, la mesure de la loyauté et de l'obéissance.

L'Europe n'avoit point encore eu la douleur de voir tous les Chefs spirituels et temporels d'un peuple Chrétien, ceux mêmes qui avoient rendu les plus éclatans services à la Sublime Porte, périr sous la main du bourreau, leurs cadavres profanés, leurs familles contraintes de fuir une terre de malheur, leurs propriétés détruites par le fer et le feu.

Elle n'avoit pas vu surtout depuis 4 siècles la guerre déclarée au culte du Christ, par la mort de ses Ministres, par la ruine de ses temples, par des insultats prodiguées au symbole de sa foi divine.

La Sublime Porte s'expliquera facilement les conséquences qu'entraineroit un tel système, si elle devoit le poursuivre ou si elle ne pouvoit pas en réparer les désastreux effets. Elle se trouveroit forcément (et malgré les intentions les plus bienveillantes, qu'auroient eu pour Elle toutes les Puissances de l'Europe) placée en état d'hostilité contre le monde chrétien.

Cette vérité, que l'Empereur se hâte de faire signaler au Ministère de Sa Hautesse, est d'autant plus incontestable qu'elle a été implicitement reconnue par les Prédécesseurs du Souverain qui règne sur la Turquie. Il suffit d'ouvrir leur histoire pour s'en convaincre. Dès qu'ils acquirent des Possessions en Europe, leurs premières transactions avec les Puissances Chrétiennes vinrent prouver qu'ils sentoient assez qu'afin que le Gouvernement Turc pût co-exister avec Elles, sa co-existence ne devoit ni être un signal de guerre et d'outrages contre leur Religion, ni présager l'anéantissement d'un peuple qui leur étoit uni par tous les liens qu'établissent le culte, les mœurs et les souvenirs.

Aujourd'hui il y a plus: pour être admise dans la situation présente de l'Europe, cette co-existence devoit favoriser l'affermissement des rélations de paix et d'amitié qui subsistent entre tous les Gou-

vernemens Européens, et que tous s'appliquent d'un mutuel accord à rendre de plus en plus intimes et durables.

Or en premier lieu, si les désordres dont le Soussigné a été obligé de retracer l'affligeant tableau, devoient continuer, ou ne comporteroient plus de remède, la Russie loin de trouver un gage de paix dans la durée de l'Empire Ottoman, se verroit au contraire forcée d'accomplir tôt ou tard, ce que lui commanderoit la Religion insultée—ses Traités enfreints—ses corréligionnaires proscrits.

Au reste, le Ministère Ottoman doit avoir déjà jugé par l'unanimité des représentations qui lui ont été faites, que la cause que plaide la Russie est une cause Européenne.

Les deux autres conditions de co-existence indiquées plus haut, sont en effet évidemment violées.

La foi que professent les Monarques Chrétiens a reçu des outrages qu'ils ne peuvent oublier, à moins d'une solemnelle réparation; et des actes publics vouent aux supplices et à la mort, un peuple qu'avoient protégé jusqu'à ce jour et des stipulations positives, et un respect tacite, mais indispensable pour les autres Peuples de l'Europe.

Il seroit superflu de citer tous les Décrets de Sa Hautesse, qui attestent l'exactitude de cette assertion. Ce qu'il y a de trop certain, c'est que ce ne sont pas uniquement les auteurs des troubles, et les hommes qui se rangent sous leurs Drapeaux, mais la Nation Grecque prise en masse—mais les sources de son existence et de la réproduction, qu'atteignent les mésures arrêtées par la Cour de Constantinople; et pour resumer en peu de mots les observations qui ont été développées ici, La Sublime Porte place la Chrétienté dans l'alternative de se demander, si Elle peut rester spectatrice immobile de l'extermination d'un Peuple Chrétien; si Elle peut tolérer de continuelles insultes à sa Religion; si Elle peut admettre l'existence d'un état qui menace de troubler cette paix que l'Europe a achetée au prix de tant de sacrifices.

Forte de la justice de ses réclamations, sûre d'avoir inspiré à tous ses Alliés la conviction de la pûreté de ses vues, la Russie en prenant la défense d'un intérêt général, n'a pas cité jusqu'à present les titres plus particuliers sur lesquels Elle pourroit fonder sa démarche auprès du Gouvernement Turc. Il ne dépendroit que d'Elle néanmoins d'invoquer les Stipulations du Traité de Kaïnardgi, et le droit de protection que cet Acte l'autorise à éxercer en faveur de la Religion Grecque dans tous les Etats de Sa Hautesse. Il lui seroit cependant permis de relever une infraction évidente du Traité de Boucarest, en citant les propositions que Son Excellence le Reis Effendi a consignées au Protocole de la Conférence du 25 Avril, propositions qui tendent à rendre illusoires tous les droits que le dit Traité assure à la Cour de St. Pétersbourg en Valachie et en Moldavie, et qui enlèvent même aux habitans de ces malheureuses Contrées la perspective d'un

terme à leurs souffrances. Il ne tiendroit enfin qu'au Gouvernement Russe de prouver qu'en vertu de ces mêmes Traités, jamais il ne peut séparer l'intérêt qu'il témoignera au Gouvernement Turc, de l'intérêt qu'il doit porter aux Chrétiens qui peuplent la Turquie Européenne. Mais c'est sur des considérations d'un ordre supérieur, et il est possible, sur des considérations qui se rattachent aux engagemens contractés par toutes les Puissances Chrétiennes, pour le maintien de leur union et de leur sécurité, que la Russie appelle aujourd'hui la plus sérieuse attention de la Sublime Porte. Peut être plus heureux qu'il ne l'a été jusqu' à présent auprès de Sa Hautesse, l'Empereur aura-t-il la satisfaction d'apprendre que ses intentions amicales ont enfin été appréciées, et c'est dans cet espoir qu'il a donné au Soussigné l'ordre d'offrir en son nom à la Sublime Porte le dernier service que lui doive la Russie.

La Russie veut encore, à l'egard du Gouvernement Turc, ce qu'Elle a toujours voulu. Elle veut, en lui faisant connôitre avec franchise les dangers auxquels il s'expose, lui indiquer en même tems la voie de son salut; et s'il persistoit à s'en écarter, Elle veut le prévenir d'avance de l'attitude qu'il l'obligeroit à prendre.

Les mesures adoptées jusqu'à ce jour par la Sublime Porte ne peuvent être considérées, que comme l'effet, ou d'une volonté libre et d'un plan raisonné, ou d'un système que les circonstances et le fanatisme de quelques hommes égarés, forcent le Ministère Ottoman à suivre malgré lui.

L'Empereur se plait à croire que cette dernière supposition est la seule qui puisse être juste, mais il demande à ce sujet une explication catégorique.

Si, comme il aime à le penser, c'est contre le gré de la Sublime Porte que s'exécutent en Turquie les mesures dont gémissent la Religion et l'humanité; Sa Majesté Impériale désire que Sa Hautesse prouve qu'Elle possède encore le pouvoir de changer un systême, qui, tel qu'il est, ne permettroit plus aux Gouvernemens Chrétiens de traiter ni de composer avec le Gouvernement Turc.

Qu'alors, les Eglises détruites ou pillées soient immédiatement remises en état de servir à leur sainte destination. Que la Sublime Porte, en rendant à la Réligion Chrétienne ses prérogatives, en lui accordant la même protection que par le passé, en lui garantissant son inviolabilité à l'avenir, s'efforce de consoler l'Europe du supplice du Patriarche de Constantinople, et des profanations qui ont suivi sa mort— qu'une sage et équitable distinction s'établisse entre les auteurs des troubles, les hommes qui y prennent part et ceux que leur innocence doit mettre à l'abri de la séverité du Divan. Qu'à cet effet on ouvre un avenir de paix et de tranquillité aux Grecs qui seront restés soumis, ou qui se soumettront dans un délai donné, et qu'en tout état de cause, on se ménage les moyens de distinguer l'innocent du coupable;

que pour mieux constater cet indispensable changement, le Gouvernement Turc, en acceptant les propositions antérieures du Soussigné, mette la Russie à même de contribuer, dans l'esprit des Traités, à la pacification des Principautés de Valachie et de Moldavie; qu'on cherche uniquement à y rasseoir l'ordre et la tranquillité publique sur des fondemens durables; qu'en un mot, l'exemple de ces Provinces puisse être de nature à ramener à l'obéissance tous les Grecs, qui aiment sincèrement leur Patrie.

L'Empereur écartera de sa pensée jusqu'au dernier moment, l'hypothèse contraire à celle dont il vient d'être question.

Si cependant, le Gouvernement Turc témoignoit contre toute attente, que c'est par suite d'un plan librement arrêté qu'il prend les mesures touchant lesquelles le Soussigné lui a déjà exposé l'opinion de son Auguste Maître, il ne resteroit à l'Empereur qu'à déclarer dès à présent à la Sublime Porte, (ainsi qu'il le lui a fait pressentir,) qu'elle se constitue en état d'hostilité ouverte contre le monde Chrétien, qu'Elle légitime la défense des Grecs qui dès lors combattroient uniquement pour se soustraire à une perte inévitable, et que vû le caractère de cette lutte, la Russie se trouveroit dans la stricte obligation de leur offrir asyle, parcequ'ils seroient persécutés; protection parcequ'Elle en auroit le droit; assistance, conjointement avec toute la Chrétienté, parcequ'Elle ne pourroit pas livrer ses frères de Religion à la merci d'un aveugle fanatisme.

En faisant ces déclarations à la Sublime Porte, l'Empereur croit avoir achevé de remplir jusqu'au scrupule, tous ses devoirs envers Elle.

Une politique moins loyale eût peut-être profité de l'entreprise des moteurs de la révolution. L'Empereur l'a hautement condamnée.

Avec des intentions moins franches, on se seroit contenté d'avoir tenu ce langage. L'Empereur loin d'y borner sa droiture, a signalé aussitôt au Gouvernement Turc le moyen de prévenir les conséquences et les progrès des troubles.

Il lui a prouvé, qu'observateur fidèle des Traités, il souhaitoit sincèrement sa conservation, puisqu'il lui a indiqué les mesures qui pouvoient le sauver, qu'il a même manifesté le désir de co-opérer à son salut.

Il le lui prouve encore aujourd'hui puisqu'il lui fait savoir les seules conditions auxquelles la Sublime Porte puisse éviter une entière ruine, et qu'il la prévient d'avance, que si elle persistoit dans la poursuite d'un plan destructeur, elle ne laisseroit à la Russie que l'option de méconnoître ses obligations, ou de les respecter—et que dans une semblable circonstance, le choix de l'Empereur ne sauroit être douteux.

Il a été enjoint au Soussigné de laisser à la Sublime Porte un délai de 8 jours, pour répondre à la présente Communication.

Au cas que le Gouvernement Turc exauce tous les vœux et réalise toutes les espérances de Sa Majesté Impériale, en adhérant à ses pro-

positions, le Soussigné est autorisé à convenir avec la Sublime Porte d'un nouveau délai, qui lui garantira la faculté de démontrer à l'Europe par le témoignage des faits, que non seulement elle accepte les conditions qui doivent constater de sa part un retour à des principes plus modérés, et qui ont toutes été indiquées plus haut, mais encore qu'elle s'empresse de les remplir, et que non-seulement elle ne veut pas le mal, mais encore qu'elle peut, et qu'elle sait l'empêcher.

Dans toute autre alternative, le Soussigné a reçu l'ordre d'annoncer à la Sublime Porte qu'il quitteroit immédiatement Constantinople, avec tous les employés et individus appartenans à la Légation de Sa Majesté l'Empereur de toutes les Russies.

Le Soussigné saisit, &c.

S. E. Le Reis Effendi. LE BARON DE STROGANOFF.

No. 4.—The Russian Envoy to the Reis Effendi.

Constantinople, le $\frac{14}{26}$ *Juillet*, 1821.

Le Soussigné, &c. a rempli les Ordres de son Auguste Souverain en présentant à la Sublime Porte la Note du 6 courant. Il s'est efforcé une dernière fois de lui faire apprécier les intentions magnanimes de la Cour Impériale et d'éclairer le Gouvernement auprès duquel il a eu l'honneur de résider pendant près de 5 ans, sur ses intérêts véritables.

Sa Majesté avoit laissé de côté les infractions continuelles de la Sublime Porte aux Traités les plus précis, envers ses sujets et leur commerce, aussi bien qu'envers la dignité de sa Mission. Il n'avoit songé dans ces momens d'une crise effrayante, qu'aux devoirs que lui imposent sa religion, l'humanité, et l'état d'une population entière de Chrétiens livrée au glaive et à la destruction. Son unique pensée étoit pour ces objets essentiels; ses demandes aussi légitimes que salutaires, les concernoient exclusivement.

L'Empereur désiroit une explication catégorique sur la nature de la marche suivie jusqu'à ce jour par le Ministère Ottoman, afin de pouvoir se dire qu'elle n'étoit qu'une impulsion forcée de quelques hommes égarés et fanatiques.

L'Empereur désiroit que la Sublime Porte, renonçant enfin à ses assurances toujours évasives et illusoires, consentît à prouver par des faits, qu'elle possède encore le pouvoir de changer un système, qui, tel qu'il est, ne permettroit plus aux Gouvernemens Chrétiens de traiter ni de composer avec elle.

Sa Majesté aimoit à supposer enfin que la réponse, simple et peremptoire, que son Ministre obtiendroit à l'expiration du délai de 8 jours, déterminé d'avance, seroit;—que Sa Hautesse adhère à tous les principes et toutes les propositions contenues dans la dite Note.

C'est dans cette juste attente que le Premier Dragoman Franchini s'est presenté ce matin chez Son Excellence le Reis Effendi. Non seulement il n'en a rapporté aucune réponse par écrit (ainsi que le cas l'éxigeoit impérieusement); mais encore la manière dont le Ministre

Ottoman s'est prononcé de bouche sur les trois points importans dont il vient d'être fait mention, a enlevé au Soussigné toute espérance d'un résultat réellement satisfaisant, et toute possibilité de continuer une insistance désormais inutile.

Les mesures d'extermination adoptées contre les Rayas ont été présentées comme une suite de leur révolte et de la nécessité d'appaiser les Turcs: déclaration directement contradictoire à celle "que ce n'est pas le plan du Gouvernement."

Au lieu d'annoncer un changement formel et sincère de toutes les parties de ce système fatal, Son Excellence le Reis Effendi s'est borné en propres termes, à la promesse "de restaurer à l'époque où la tranquillité seroit rétablie, trois Eglises détruites contre le gré de la Sublime Porte par le Peuple en délire" mais cette promesse qui ne concernoit qu'une seule partie de tant d'excès signalés, avoit déjà été évasivement donnée dans le Protocole du 25 Avril, sans aucune apparence de pouvoir couper les racines du mal. Aussi n'a-t-elle point pu satisfaire la vive sollicitude de Sa Majesté l'Empereur.

Au lieu d'adhérer à toutes les propositions de la Note, il s'est référé "au contenu de la réponse future par écrit qu'on remettroit dans quelques jours, et assura vaguement" que le Soussigné seroit dans le cas de s'en contenter.

Enfin, éludant l'adoption de toutes les demandes légitimes faites pour amener la prompte pacification des Principautés, il a dit: que les Hospodars seroient rétablis tout comme avant, sans la moindre difficulté.

Ainsi, n'ayant point reçu de la Sublime Porte, ni pour le fond ni pour la forme, de réponse, telle que la Note du 6 Juillet la nécessitoit, le Soussigné se voit dans la pénible obligation de déclarer qu'aux termes positifs de ses instructions il ne se croit plus autorisé à rentrer en matière sur ce sujet, ni à recevoir aucune pièce tardive, vû que le délai fixé est expiré.

Il déclare devoir immédiatement quitter Constantinople avec tous les employés et individus dépendant de la Légation. Il demande 5 fermans ou ordres pour le libre passage du paquebot d'Etat le *Gonetz*, du Bâtiment marchand le *Mingrelic*, et de trois autres navires destinés au transport, avec exemption de la visite extraordinaire, vû la nature de leur destination. Il s'attend à ce que la Sublime Porte n'y apportera aucun délai, et le mettra à même de remplir immédiatement les ordres de Sa Majesté Impériale.

Il prie, &c.

S. E. Le Reis Effendi. LE BARON DE STROGANOFF.

No. 5.—The Grand Visir to Count Nesselrode.

(Traduction.) 1 *de la Lune de Zilkaadé*, 1236, (*le* 30 *Juillet*, 1821.)

NOTRE très élevé et très honoré Ami, de haute considération.

La Sublime Porte dont la durée est éternelle, et la Cour Impériale

de Russie, son Amie la plus affectionnée et sa voisine, étant mutuellement animées du désir de maintenir et de consolider, de plus en plus, les Relations de Paix et d'intimité que les Traités ont établies entre elles, il devenait, sans doute, nécessaire que le Baron de Stroganoff, qui réside auprès de la Sublime Porte en qualité de Ministre de la Cour de Russie, s'attachant à suivre de son côté les principes salutaires adoptés par les deux Cours, se conduisît en tout point comme il appartient à un Ministre doué d'un esprit de conciliation.

Mais les procédés contraires qui ont eu lieu de la part du Baron Stroganoff nous ont engagés à nous adresser directement à votre Excellence, et à vous écrire le 27 de la Lune de Ramazan, ($\frac{17}{29}$ Juin) une Lettre amicale, dont l'objet était de vous faire connaître le véritable état des choses, et d'exposer toutes les circonstances dont le Baron Stroganoff s'est prévalu pour élever des discussions.

Pour plus de célérité, cette Lettre a été expédiée par l'entremise du Ministre de la Cour d'Autriche, et nous espérons qu'à l'heure qu'il est, elle vous sera parvenue.

Cependant, le Baron Stroganoff, ainsi qu'il est dit dans la Lettre précitée, ayant sous quelques prétextes inconvenans, montré de l'irritation contre la Sublime Porte, et rompu ses communications avec elle, sans que l'on ait pu lui faire comprendre ce qui en est, nous nous attendions à recevoir de votre part une réponse favorable à notre Lettre, lorsque Monsieur l'Envoyé a fait remettre à la Sublime Porte une Note officielle, en date du $\frac{6}{18}$ Juillet, dans laquelle il reproduit les discussions précédemment élevées relativement aux circonstances présentes, sur lesquelles notre Lettre s'est amplement expliquée, et fixe un terme de 8 jours pour les réponses à être données par la Sublime Porte.

Quelque contraire que soit aux règles établies une pareille fixation de terme pour des réponses à faire entre Cours, cependant, la Sublime Porte a pris à cœur de s'y conformer, et s'est efforcée d'y aviser dans le terme fixé. En effet, le 8me jour fini, on se prépara à effectuer la réponse le lendemain ; et l'on fit appeler les Drogmans de Russie pour la transmettre à Monsieur l'Envoyé. Ceux-ci alléguèrent des prétextes et annoncèrent qu'ils viendraient la prendre le jour d'après. Ils se présentèrent réellement chez le Reis Effendi, et déclarèrent que le terme de 8 jours étant passé, M. l'Envoyé ne pourrait recevoir la réponse de la Sublime Porte ; qu'il allait se retirer avec toute la Mission; qu'il se rendrait à Odessa; et que de là, il se règlerait d'après les nouveaux ordres qu'il pourrait recevoir de la Cour Impériale. En même tems, Monsieur l'Envoyé adressa des Notes officielles aux Ministres des autres Puissances Amies, résidant auprès de la Sublime Porte, et leur annonça son départ.

De leur côté, ces Ministres ont représenté à la Sublime Porte, que ce départ du Baron Stroganoff, motivé sur les ordres de sa Cour, ne dénotait aucune mauvaise intention de la Russie à l'égard de l'Empire

Ottoman; que si ce Ministre partait, il était probable qu'un autre viendrait le remplacer; que dans le moment actuel, il n'y avait rien de mieux à faire que de ne pas s'opposer à son départ; et qu'eux tous étaient véritablement persuadés qu'il n'y avait eu de la part de la Sublime Porte aucun procédé contraire au système de Paix et d'Amitié qu'elle a à cœur de maintenir avec la Cour de Russie.

D'après ces considérations, et vû l'impossibilité de convaincre le Baron Stroganoff, et de l'engager de bon gré à rester, la Sublime Porte s'est déterminée finalement à le laisser le maitre de partir ou de demeurer, comme bon lui semblera.

Mais afin que la Cour de Russie puisse avoir connaissance de la Note que la Sublime Porte avait fait préparer en réponse à celle de Monsieur le Baron Stroganoff, et que ce Ministre n'a pas voulu recevoir, nous nous empressons de la transmettre à votre Excellence, en la joignant à notre présente Lettre amicale.

Votre Excellence trouvera dans le contenu de cette Note, autant que dans celui de notre Lettre précédente, un exposé fidèle de toutes les circonstances, aussi bien que la preuve des soins constants que la Sublime Porte met à conserver la Paix avec la Cour de Russie, son Amie la plus affectionnée, et à accroitre son intimité avec elle.

Nous espérons, donc, que de votre côté, vous mettrez en œuvre ce qu'exige le sentiment de la justice et de la bienveillance, et que vous tâcherez d'effectuer tout ce qui peut contribuer à ce résultat, qui fait l'objet des désirs des deux Hautes Cours.

C'est dans cet espoir que la présente Lettre d'Amitié a été rédigée, et vous est expédiée.

Son Excellence le Comte de Nesselrode.

(Inclosure.)—The Reis Effendi to the Russian Envoy.

(Traduction.) *Le* 26 *Juillet*, 1821.

La Sublime Porte a pris connoissance du contenu de la Note officielle, (dont Traduction a été faite) que lui a présentée le très distingué Baron de Stroganoff, &c. en date du 6 Juillet, V. S. au sujet des mesures et dispositions qu'elle a prises, et continue à prendre, à l'égard de la Nation Grecque, rebelle à son Souverain plein de clémence.

Quoiqu'il soit de notoriété publique, que le système constamment suivi par la Sublime Porte tant antérieurement qu'en dernier lieu, est basé sur la ferme résolution d'exécuter religieusement les Traités et Conventions conclus avec toutes les Puissances Amies, et notamment avec sa voisine affectionnée, la Cour de Russie; que son intention invariable est de conserver toujours avec elles l'amitié la plus pure, et la plus parfaite intelligence, et que ses dispositions amicales ont été constatées à plusieurs reprises dans les Communications officielles avec le dit Envoyé, et les Ministres et Chargés d'Affaires des autres Puissances; quoiqu'il soit superflu de répéter ici, combien de fois, et en

combien de manières différentes, on a essayé de convaincre le dit Envoyé, notre ami, par rapport aux événemens dont il est question dans la dite Note:

Que tous les individus punis à la suite de cette Insurrection, et parmi eux le Patriarche Grec, et d'autres Prélats avoient subi la peine méritée.

Que les insultes faites à quelques Eglises Grecques n'étoient que des attentats commis par des reprouvés de la lie du Peuple.

Que l'adoption de la vie des Camps au lieu de celle des Villes, et l'Armement général de la Nation Musulmane, n'étoient que des mesures indispensables pour le maintien du bon ordre intérieur, et ne touchent en rien les Puissances Amies, ni les diverses classes des Rayas non-coupables.

Que les Instructions données aux Commandans des Troupes envoyées par la Sublime Porte en Valachie et Moldavie, n'avoient d'autre but que de réduire les Rebelles, et d'en purger les Provinces. Que la Sublime Porte n'avoit nullement l'intention de changer l'ordre une fois établi, ni de porter aucun préjudice aux privilèges dont jouissent les dites Provinces; qu'aussitôt que la tranquillité aura été rétablie, c'est-à-dire lorsque les Brigands qui ont paru dans les Principautés auront été entièrement expulsés, lorsqu'enfin le ci-devant Prince de Moldavie, Michiel, et ses adhérents qui se sont évadés avec lui, ainsi que ceux des Scélérats qui auront pu s'enfuir sur le Territoire Russe ou Autrichien, auront tous été restitués, ou bien publiquement punis sur les lieux-mêmes où ils auront été saisis, en présence des Officiers des deux Gouvernemens, la Sublime Porte procéderoit immédiatement à l'installation des Voivodes, et mettroit le plus grand soin, à faire observer les anciennes Conventions, et maintenir les privilèges des deux Provinces comme par le passé.

Cependant le dit Envoyé, notre ami, s'écartant contre toute attente et sans aucun motif, du sentier de la droiture et de la modération, fermant l'oreille aux représentations franches et droites de la Sublime Porte, et prétextant des raisons frivoles et contraires aux usages que pratiquent les Missions, témoigna son mécontement de la démarche du Gouvernement, et en prenant le parti de se retirer à Buyukdéré, il defendit à ses interprêtes de communiquer avec la Porte, et coupa toutes les relations. Or, quoique les ordres, en forme de notifications, que le Ministre de Russie a reçus à la suite de tous ces événemens, ne soient basés que sur les rapports probablement peu conformes à la vérité qu'il a présentés à sa Cour, les bonnes intentions et la droiture des procédés de la Sublime Porte dans cette affaire, comme dans toutes les autres à des époques récentes ou reculées, n'en sont pas moins claires, comme le soleil en plein midi;—elles sont appréciées par les Représentants de toutes les Puissances de l'Europe, et connues de tout l'Univers. Vû donc que M. l'Envoyé, notre Ami, s'est rétiré à

Buyukdéré, et qu'il a coupé les communications, et vû, surtout, que malgré les fonctions qu'il remplit, il n'a point sollicité la réponse que la Sublime Porte attendoit à une Dépêche écrite par le Reis Effendi au commencement des troubles, à Son Excellence Monsieur le Ministre des Affaires Etrangères en Russie, qui fut remise en Conférence à M. l'Envoyé, la Sublime Porte a nécessairement dû faire connoître directement et sans intermédiaire à la Cour de Russie ses dernières intentions, à l'égard des affaires en question, intentions, toutes basées sur la justice et la droiture. En conséquence Son Altesse le Grand Vizir a écrit au long à Son Excellence le Ministre d'Etat de la Cour de Russie, en date du 27 de Ramazan, et voilà comme la réponse précise à donner par la Sublime Porte à cette Cour, dans le terme de 8 jours, a déjà dévancé de 15 à 20 jours les demandes exprimées dans la Note de notre Ami, M. l'Envoyé. Mais puisque M. l'Envoyé a présenté une Note Officielle, expressément pour demander une réponse, nous exposons cette fois-ci encore, en abrégé, les faits tels qu'ils sont:

D'abord la Nation Grecque—(cause de tant de désordres, de troubles et de discussions)—se trouve être de Père en Fils, sujette et tributaire de la Sublime Porte, qui jusqu'à ce jour l'a favorisée au delà même de ce qui est compatible avec la qualité de sujet. Les Ecclésiastiques surtout, qui sont les Chefs de la Nation, et les Grecs du Fanal, estimés et honorés, jouissoient de grands privilèges tant par rapport au choix de leurs alimens, que par rapport à leur costume et leurs habitations. En aucun tems le Gouvernement ne s'est ingéré dans les matières concernant leur religion; on n'a point gêné le libre exercice de leur culte ni touché à leurs Eglises; qui plus est, toutes les fois qu'une de leurs Eglises étoit consumée par l'incendie, ou qu'elle tomboit en ruine, on leur permettoit, sur leur demande, de la réparer ou de la rebâtir, ainsi que la Loi Mahométane le comporte. Cependant méconnoissant cette faveur du Ciel, ils ont cédé aux suggestions de l'esprit diabolique, en arborant l'Etendard de la Révolte, contre l'autorité de la Sublime Porte leur Clémente Protectrice; malgré cela la Sublime Porte, toujours fidèle aux principes de magnanimité et de miséricorde qui lui sont naturels, a préféré recourir aux mesures dictées par la compassion; Elle s'est empressée d'envoyer sur le champ des *Bouyourouldis* au Patriarcat, contenant des conseils salutaires. Ces conseils étant parvenus à la connoissance de M. l'Envoyé et ayant été approuvés par lui, il en prit copie. Le véritable but qu'on avoit en vue, en adressant les ordres susmentionnés au Patriarche, étoit de l'engager (le Patriarche étant le Chef de la Nation Grecque, et par son influence à même de se faire obéir) à répandre de tous côtés des anathêmes pour exhorter à la soumission, et sauver sa propre Nation, en étouffant sans bruit et sans éclat, le germe de la rebellion, que nourrissoient des Rayas égarés, tant dans la Capitale que dans d'autres parties de l'Empire.

Mais tout au contraire, le Patriarche, Chef visible de sa Nation, étoit en même tems le Chef secret du complot. La plupart des Rayas, domiciliés dans les lieux où il a publié ses anathêmes, loin de rester sujets fidèles, ont devancé les autres Grecs dans la rebellion. C'est ainsi qu'entr'autres à Calavritha, Bourg de la Morée, qui est le lieu de la naissance de ce Patriarche, les Rayas furent les premiers à se soulever, à tuer nombre de Musulmans, et à commettre mille excès et horreurs. La Sublime Porte a acquis la certitude que le Patriarche a pris une part active au complot, et que l'insurrection des Rayas de Calavritha étoit son ouvrage aussi bien que celui d'autres instigateurs, d'abord par les écrits que lui sont tombés entre les mains, et ensuite par la propre déclaration de certains Sujets de la Nation Grecque restés fidèles à leurs devoirs.—Or tout Gouvernement a le droit d'arrêter et de punir sans miséricorde de pareils malfaiteurs, afin de maintenir le bon ordre dans ses Etats et parmi son Peuple. En fait de sédition et de rebellion surtout, on ne doit absolument distinguer ni religion, ni rit, ni condition haute ou basse; c'est pourquoi la Sublime Porte, aussitôt après avoir avéré la culpabilité du Patriarche et de ses partisans, a déposé le premier, et afin que ce poste ne restât vacant, elle lui a donné un successeur. Ayant ainsi dépouillé le Patriarche de sa dignité, et l'ayant réduit à la qualité de simple Prêtre, on lui a fait subir la peine capitale, pour en faire un exemple, sans attacher aucune intention particulière au tems et à l'heure de son exécution. La supposition énoncée par l'Envoyé que le tems et le lieu de cette exécution devoient être considérés comme une insulte préméditée faite à la religion, est entièrement gratuite; jamais la Porte n'a eu un pareil dessein; cette interprétation absolument fausse n'a été donnée par aucune Puissance amie; une pareille idée n'a passé par l'imagination de personne, soit dans l'Empire, soit hors de l'Empire.—Enfin tout comme la Sublime Porte a notifié à diverses reprises, officiellement et conformément à la stricte vérité, tant à M. l'Envoyé qu'à ceux des Ministres des Puissances amies qui ont agité cette question, qu'elle n'a pas eu l'intention de vilipender la religion, elle le repète et le déclare maintenant encore par la présente Note.

Le Traité de Kaïnardgi stipule en effet que la religion Chrétienne doit être protégée, mais la religion est une chose et le crime en est une autre. Quand même la protection des Chrétiens innocens sujets de la Sublime Porte ne seroit point stipulée par ce Traité, on l'auroit toujours accordée en vertu des anciennes prescriptions de la Sainte Loi Mahométane; la preuve en est que les Grecs qui n'ont point trempé dans la révolution, jouissent de la plus grande tranquillité et sécurité.

Au reste, les annales de l'Empire Ottoman présentent d'autres exemples de Patriarches qui ont subi la peine capitale, suivant les statuts de l'Empire, et il ne seroit pas nécessaire d'en chercher dans l'histoire d'autres pays. Cependant il ne sera pas hors de propos d'observer

que la Sublime Porte n'ignore point que sous le Règne de Pierre I. Czar de Russie, le Patriarche Russe a été mis à mort pour des crimes dont il s'étoit rendu coupable, et que même à cette occasion la dignité Patriarcale a été entièrement supprimée dans cet Empire. Ce fait étant consigné dans l'Histoire de Russie, il est surprenant qu'un Ministre, tel que M. l'Envoyé, auquel rien n'échappe, puisse l'ignorer. Or un exemple pareil se trouvant dans l'Empire de Russie, il est clair que dorénavant on n'en fera plus tant de bruit. L'assertion que la Sublime Porte ait fait démolir les Eglises est tout-à-fait dénuée de fondement. Non-seulement nombre d'Eglises anciennes existent comme auparavant à Constantinople et dans l'Empire Ottoman, et chaque Nation y exerce son culte sans qu'aucune ne soit molestée, mais encore lorsque quelque eglise tombe en ruine, sur la demande des Rayas, le Gouvernement, consultant la Loi Mahométaine, et agissant d'après les bonnes dispositions et les intentions paternelles dont il est toujours animé pour ses fidèles Sujets, leur accorde, comme il est généralement connu, la permission de la réparer ou de la rébâtir sur le même plan.

Au reste, c'est bien malgré Elle que la Sublime Porte se voit obligée de prendre des mesures de rigueur pour châtier et réprimer les Sujets pervers qui se sont révoltés tant sur terre que sur mer dans toute l'étendue de l'Empire Ottoman. Mais tandis que la rébellion et la perversité, qui déjà ont fait tant de progrès, continuent à se propager et augmentent de jour en jour, comment peut-on proposer à la Sublime Porte de se relâcher de ses mesures de rigueur, et de changer le système qu'Elle poursuit? La Sublime Porte sait à n'en pas douter, que la trâme ourdie par les Grecs tend à organiser une révolution générale. Cependant Elle ne s'est point dépouillée de cette pitié et de cette compassion qu'Elle a toujours eues pour ses Sujets; Elle n'a point renoncé aux voies de douceur et de modération; enfin Elle n'a cessé de protéger, comme par le passé, ceux qui n'ont point manifesté leurs intentions perverses, et elle s'est bornée à frapper et détruire ceux qui ont arboré l'Etendard de la Rébellion. Elle n'a pas dit: "la Révolution des Grecques étant générale, ma conduite vis-à-vis d'eux doit être la même envers tous." Il est certain cependant que si un événement pareil étoit arrivé dans un autre Empire, loin d'agir avec tant de modération et de clémence, le glaive de la vengeance seroit tombé sur tous en général. M. l'Envoyé s'est servi dans sa Note susmentionnée de diverses expressions impropres sur le compte de l'Empire Ottoman. Il y a plus de douze siècles aujourd'hui, lorsque la terre, par la volonté de l'Etre Suprême, étant habitée par d'autres générations, la glorieuse Nation Musulmane, et la haute Puissance Mahométane sortirent du néant, et parurent sur le globe comme le Croissant resplendissant sur l'horizon, et qu'Elles parvinrent uniquement par l'assistance et la grâce de Dieu, ainsi que par l'efficacité

des prodiges du Saint Prophète, à ce degré de grandeur qu'Elles ont actuellement atteint. (Dieu en soit loué.) Pourquoi donc faut-il que la Sublime Porte, possédant tant de force et de pouvoir, se croye aujourd'hui à la veille d'être anéantie (ce que Dieu ne veuille) ou même seulement de se trouver ménacée d'un péril imminent? Et de pareilles expressions aussi contraires aux égards qu'observent entr'Elles les Cours, sont-Elles bien placées dans la bouche du Représentant d'une Puissance amie? Et cela principalement dans un moment où tous les procédés de la Sublime Porte sont basés sur des intentions sincères et pacifiques? Où tout le monde est témoin qu'Elle met sa plus scrupuleuse attention au maintien des Traités avec toutes les Puissances? Où Sa Majesté l'Empereur Ottoman n'a rien tant à cœur que de préserver la Sublime Porte, dans ce monde et dans l'autre, de la souillure d'avoir tenu une conduite opposée, c'est-à-dire une conduite détestable, tendant à troubler la tranquillité et le repos de tant de Peuples et du Monde entier.

On déclare donc de réchef que chacune des affaires en question est réellement telle qu'elles ont été présentées par la Sublime Porte, dans ses Communications Officielles, depuis le commencement jusqu'à ce jour, et que M. l'Envoyé les a jugées sous un faux point de vue. Dans les entrevues et les communications qui ont eu lieu sur ces affaires avec les Ministres de quelques Puissances amies, on leur a ouvertement fourni les explications sur les divers objets dont il s'agissoit, et chacun de ces Ministres, animés d'un esprit de modération, a avoué que dans cette occasion la raison étoit du côté de la Sublime Porte. Aucun d'eux n'a proféré les mêmes paroles impropres que notre ami M. l'Envoyé; savoir: que ces affaires attaquent la Religion Chrétienne et la Nation du Messie, et confessant au contraire que la Sublime Porte est forcée d'en agir ainsi, et qu'elle se conduit avec droiture, ils ont donné une nouvelle preuve de la constante bienveillance, de la rectitude et de la loyauté de leurs Cours respectives. Au reste, bien que M. l'Envoyé se soit servir de pareilles expressions et ait tenu une telle conduite, la Sublime Porte, considérant néanmoins la Cour de Russie, sa voisine, comme une amie sincère et bienveillante, et dont les sentimens ne sont pas douteux, elle se flatte que la bonne intelligence existante entre Sa Hautesse, et Sa Majesté Impériale de toutes les Russies, sera d'éternelle durée, et que la Russie prêtera une oreille favorable aux explications et éclaircissemens officiels, répétés à plusieurs reprises sur les objets ci-dessus. Quant aux Provinces de Valachie et de Moldavie, les désirs de la Sublime Porte se bornent à les délivrer et les purger des brigands qui s'y trouvent, afin d'y rétablir le repos et la tranquillité; et quoique les Troupes Ottomanes envoyées dans ces deux Provinces, ayent, grâce à Dieu, châtié les rebelles qu'elles y ont trouvés, ces contrées n'en sont cependant pas encore totalement délivrées. En vertu des Traités, la Sublime Porte a exigé que le ci-devant Prince de Mol-

davie, le perfide Michel, ses partisans et les personnes qui lui appartiennent, lesquels se sont tous enfuis, soient rendus et consignés au Gouvernement; mais M. l'Envoyé a signifié dans une de ses Notes antérieurement présentées, à laquelle il n'a pas encore eu de réponse, que la Cour de Russie, par un effet de sa générosité a pris ces transfuges sous sa protection. Or, parmi les Puissances, les Traités et les stipulations qui touchent l'un ou l'autre Gouvernement, sont une chose, et la générosité personnelle en est une autre. Personne n'ignore qu'un Gouvernement ne peut pas, pour exercer ce qui lui plaît d'appeler un acte de générosité, violer les stipulations d'un Traité qu'il a conclu avec un autre Gouvernement. Le meilleur acte de générosité que des Puissances Contractantes puissent faire, c'est de remplir les Traités, et l'exactitude à les faire observer, est la meilleure renommée qu'elles puissent acquérir.

L'extradition des transfuges est considérée par la Sublime Porte comme un point essentiel pour le rétablissement de l'ordre et de la tranquillité, qui est le but de tous ses efforts. Les troubles qui agitent l'esprit de la victorieuse Nation Musulmane, sont uniquement causés par la fuite, le séjour et la non extradition de pareils individus. Les mêmes motifs augmentent la méfiance que la Sublime Porte nourrit justement contre la Nation Grecque. Au contraire, ces transfuges, lui étant rendus et consignés en vertu des Traités, cela servira d'exemple aux Princes qu'elle nommera et installera aussitôt qu'elle sera rassurée à cet égard. Mais tant que les transfuges resteront dans leur position actuelle, et que la méfiance continuera à être la même, la Sublime Porte sera obligée de différer la nomination et l'installation des Princes, en faisant gouverner les Principautés jusqu'au tems propre par des Kaïmakans, qu'elle à déjà nommés, et de faire protéger les Habitans et le Peuple par les Officiers qu'elle y a établis. Si la Cour de Russie, préferent de calmer la méfiance et l'inquiétude d'une grande Nation, plutôt que de continuer sa protection à 5 ou 6 individus refugiés, constate, en les livrant à la Sublime Porte, aux yeux de l'Europe entière, son zèle et son exactitude à remplir les Traités, sa gloire acquerra un nouveau lustre parmi les Puissances, observatrices fidèles des Conventions, et elle prouvera ainsi la sincérité des sentimens de paix et d'amitié qu'elle professe. La Sublime Porte, parfaitement rassurée alors sur la conduite future des Voivodes, procédéra immédiatement à leur nomination et à leur installation; finalement, si en présence de l'Univers on mettoit dans la balance de la droiture et de la justice, d'un côté les justes demandes et les griefs légitimes de la Sublime Porte, tant au sujet des transfuges que rélativement à la ligne de conduite suivie depuis quelques tems par M. l'Envoyé, et de l'autre, les plaintes malfondées que ce Ministre a mis en avant, il est clair qu'on ne trouvera rien à reprocher à la Sublime Porte, et que tout le tort retombera sur l'Envoyé.

C'est donc pour représenter cette fois-ci encore le véritable état des choses à M. l'Envoyé, notre ami, que la présente Note lui est remise.
Son Excellence Le Baron de Stroganoff.

No. 6.—The French Chargé d'Affaires to the Reis Effendi.

Constantinople, le 16 *Aôut*, 1821.

Le Chargé d'Affaires de la Cour de France près la Sublime Porte, a l'honneur de lui faire part des observations de sa Cour, qui viennent de lui être transmises. Elle sont dictées par tous les sentimens de cette ancienne amitié qui unit les deux Gouvernemens. La Cour de France s'est empressée d'en donner des preuves à la Sublime Porte, dans ces circonstances critiques qui ont éveillé toute sa sollicitude. Elle a vu les rapports de bon voisinage entre la Porte et la Russie altérés au point de lui faire craindre une rupture, et elle a cherché aussitôt à la prévenir par ses démarches auprès du Ministère Ottoman. Elles ont pour objet sa prospérité et son repos, et la Cour de France se flatte que ces grands avantages sont attachés au maintien de la paix, et que la Sublime Porte peut la conserver avec dignité. Elle croit qu'il est indispensable pour son intérêt, comme pour l'humanité entière, qu'elle ne s'engage point dans une guerre, dont les chances sont dangereuses, et les résultats incalculables.

Afin de parvenir à ce but si désirable, la Cour de France a chargé le Soussigné de signaler les écueils qu'Elle a vus, et que déjà le Soussigné avait fait remarquer à la Sublime Porte, dans les représentations qu'il eut l'honneur de lui adresser dès les premiers jours de Juin. Il s'étoit éfforcé de lui montrer les causes prochaines de guerre, dans la persécution réligieuse qui pourrait lui être attribuée.

En accueillant alors favorablement ces observations, la Sublime Porte en sentait toute la justesse. Elle voyoit qu'il serait impossible que des persécutions contre la Religion que professent les Grecs, ne fussent vivement ressenties par tous les Etats Européens; et que la Russie, en particulier, pourrait justement se croire autorisée à employer toute sa puissance, à protéger dans le libre exercice de son culte le Peuple qui professe le même Rite que ses sujets, lors même que ce privilége n'eut pas été garanti aux Grecs par ses Traités avec l'Empire Ottoman.

Le Soussigné n'énumerera point ici les excès graves qui se commettent encore dans les différentes Echelles contre les Sujets Chrétiens de Sa Hautesse. La Sublime Porte les désavoue; mais sa dignité et son intérêt exigent qu'elle les punisse, et les prévienne, et qu'elle prouve ainsi, par le fait, la protection réelle dont le Culte Chrétien jouit dans l'Empire Ottoman. Le Soussigné attend encore, avec une vive impatience, le moment de pouvoir annoncer que ces excès sont réprimés; et que la tranquillité est rétablie dans les Echelles et autres lieux de l'Empire, comme elle l'est dans la Capitale.

Pendant que le Soussigné remplit les instructions de sa Cour, il reçoit le Firman que la Sublime Porte a publié pour assurer la protection des Sujets Grecs restés fidèles, et de ceux qui, ayant cessé de l'être, sont rentrés ensuite dans le devoir. Il remarque avec satisfaction cet acte de modération et de justice; mais il désireroit vivement qu'il fût suivi d'une mesure de clémence générale, qui, fixant un terme au repentir, tendît à l'encourager. La Sublime Porte étoufferoit ainsi la rébellion, plus puissamment que par la force des armes; elle rameneroit le cœur de tous ses Sujets; et elle serviroit sa cause et celle de l'humanité, en arrêtant l'effusion du sang, et en constatant aux yeux de l'Europe, par un généreux pardon, que sa conduite est conforme à son langage.

La Cour de France recommandoit encore au Soussigné d'appeler l'attention la plus sérieuse de la Sublime Porte sur sa conduite envers le Ministre de Russie, et sur les suites des atteintes qui seroient portées aux droits sacrés des Ministres Etrangers, si ceux de ce Ministre n'étoient pas respectés. Le Soussigné a informé son Gouvernement du départ de M. le Baron de Stroganoff, et il s'est félicité d'avoir à publier tous les bons et nobles procédés de la Sublime Porte dans cette occasion. Le Soussigné a l'honneur, &c.

Son Excellence le Reis Effendi. VIELLA.

No. 7.—The Reis Effendi to the French Chargé d'Affaires.

(Traduction.) *Le 5 de Zilhidjè*, 1236, (2 *Septembre*, 1821.)

La Note, en date du 16 Août passé, remise par notre très sage ami, Monsieur le Vicomte de Viella, &c. a été traduite et portée à la connoissance de Sa Hautesse. Sa Hautesse attache le plus grand prix aux déclarations sincères qu'y fait notre ami Monsieur le Chargé d'Affaires, relativement à l'amitié pure que la Cour de France conserve pour la Sublime Porte, et elle y a remarqué avec plaisir, la preuve des sentimens particuliers de Monsieur le Chargé d'Affaires.

Mais notre ami, Monsieur le Chargé d'Affaires, voyant dans les mesures que la Sublime Porte est obligée d'employer pour la punition de ses Sujets rebelles, des points qu'il croit toucher à la Russie, a mis dans sa Note quelques phrases tendant à en adoucir la rigueur, dans la vue de conserver les relations de paix et d'amitié entre les deux Puissances.

Toutes les mesures, mises à exécution par la Sublime Porte depuis la révolte de ses Rayas, n'ont pas moins incontestablement eu pour but d'éviter même le soupçon d'atteinte portée par elle à ses rapports d'amitié avec toutes les Puissances, ses amies en général, et particulièrement avec son amie et voisine la Cour de Russie, que de pourvoir à l'ordre de ses États; et toutes ses pensées se sont dirigées vers le seul point essentiel, celui d'apaiser le trouble et le désordre, et de ramener un repos et une tranquillité durables; et comme la route qu'a suivie la

Sublime Porte, surtout dans le châtiment des Rebelles, a été tracée par cette modération et cette justice qui l'ont toujours distinguée, qu'ainsi la vue d'une pareille conduite doit dissiper toute espèce de doute et de soupçon qui pourroit venir du dehors, il est certain que, sous ce rapport, personne ne pourroit avec raison lui adresser le moindre reproche.

La vérité de tous ces faits se trouve également exposée et détaillée, soit dans la Lettre, en date du 27 de Ramazan, écrite par Son Altesse le Grand Vizir, à Son Excellence le très-grand Comte de Nesselrode, Ministre des Affaires Etrangères de Russie, dont Copie a été donnée confidentiellement à notre ami, M. le Chargé d'Affaires, soit dans la réponse faite par la Sublime Porte à la Note du $\frac{6}{18}$ Juillet, présentée par M. le Baron de Stroganoff, Envoyé de Russie, réponse que cet Envoyé refusa quand la Sublime Porte la remit, et qui puisqu'elle étoit rejettée ainsi sans motif, fut envoyée à la Cour de Russie, conjointement avec une seconde Lettre amicale, écrite encore par Son Altesse le Grand Vizir au même Ministre, Son Excellence le Comte de Nesselrode, desquelles réponse et Lettres, copie a également été donnée confidentiellement à notre ami, Monsieur le Chargé d'Affaires; ces Lettres et Note responsive, ne laissent lieu à aucune réplique.

Notre ami, M. le Chargé d'Affaires, eût donc trouvé dans sa sagesse, en les méditant, que l'exposé qu'elles renferment, est en tout point conforme à la conduite qu'a tenue la Sublime Porte; que toutes les mesures qu'elle a prises étoient voulues par le bien public; et sans qu'il fût besoin de revenir sur des objets auxquels, indépendamment d'explications amicales et vraies, il a déjà été fait tant de réponses satisfaisantes, il eût nécessairement par équité reconnu et avoué la justesse des réponses faites sur chaque article.

L'unique but, l'unique désir, passé, présent et futur, de la Sublime Porte, est en général l'ordre dans ses Etats, et la tranquillité de ses Sujets; partout où les Rayas sont en révolte ouverte, ils seront, conformément à la Loi, punis exemplairement; ceux, au contraire, qui resteront fidèles à l'honneur et à leur devoir, ou qui, concentrant en eux-mêmes les mauvaises dispositions qu'ils pourroient avoir, ne les manifesteront pas, ou même ceux qui, après s'être révoltés, retourneront au repentir, et demanderont grâce, seront, comme par le passé, protégés et défendus. Tels sont les principes qui reglent la Sublime Porte, et qui ont dicté les Ordres et les Instructions qu'elle a donnés à ses Agens. La promulgation qui en a été faite, en a informé tous les Rayas; toutes les mesures qui sont prises reposent sur ces seules bases.

Quant aux égards et au respect qui ont été constamment accordés à la Cour de Russie, ainsi qu'aux procédés pleins de modération dont il a été usé envers M. le Baron de Stroganoff, Envoyé de cette Puissance, le monde entier les connoit.

Notre ami, M. le Chargé d'Affaires, trouvera, soit dans les deux Lettres et la Note résponsive précitées, soit dans les Sublimes

Fermans rendus dernièrement et publiés dans chacune des trois Divisions de la Romélie et de l'Anatolie, dont Copie lui a également été donnée, toutes les réponses à faire aux parties de sa Note, qui traitent de ces points. La Sublime Porte croit que, s'il veut bien y porter l'œil de sa sagesse et de sa pénétration, et les méditer avec soin et impartialité, il devra avouer et confirmer que véritablement, dans toutes ces circonstances, la conduite de la Sublime Porte a été à l'abri de tout reproche; et les renseignemens, qu'il donnera à la Cour de France, qui est la meilleure amie de la Sublime Porte, devront être conformes à cette conviction.

La Sublime Porte saisit cette occasion favorable, de renouveller l'assurance de sa plus haute considération, et de tout son respect pour la Cour de France.

C'est à ces fins que la presente Note officielle a été écrite, et remise à notre ami, M. le Chargé d'Affaires.

Son Excellence Le Vicomte de Viella.

CIRCULAR of the British Government, to the Ministers, &c. of Foreign Courts in London, relative to the renewal of the Intercourse of Foreign Vessels with the Island of St. Helena.—*30th July*, 1821.

Foreign Office, 30th July, 1821.

THE Undersigned, His Majesty's Principal Secretary of State for Foreign Affairs, has the honour to acquaint ———, that the death of Napoleon Buonaparte renders it no longer necessary to restrict the communication of Foreign Vessels with the Island of St. Helena, and that they are, accordingly, now at liberty to communicate with that Island, in the same manner, and under the same regulations, as applied to their Intercourse with the Island previous to the detention there of Napoleon Buonaparte.

In requesting ——— to communicate this information to the Government of ———, the Undersigned avails himself, &c.

LONDONDERRY.

PROCLAMATION of General San Martin, relative to the Independence of Peru.—*22nd July*, 1821. (Translation.)

DON JOSÉ DE SAN MARTIN, Captain General in the Army, and General in Chief of the Liberator of Peru, Grand Officer of the Chilian Legion of Merit, &c. &c.

For as much as this illustrious and glorious Capital, as well through the medium of particular individuals, as by its voice and the general desire of the public, did declare its decided wish to be independent, and to be placed in the high rank of free people, on Sunday, the 15th of the present month,—the greatest and most glorious day of its existence,—a

day when the most honourable of the Inhabitants subscribed the Act of Liberty, which the People confirmed unanimously, and amidst acclamations. And for as much as my heart, Citizens, desires nothing but your glory, to which I consecrate my zealous efforts; I have determined that on Saturday next, the 28th Instant, your happy independence shall be proclaimed, and that you shall take the first step towards the establishment of the liberty of a Sovereign People, in all the public places where, in former times, the continuation of your miserable and oppressive bonds was announced to you; and, in order that it may be done with suitable solemnity, I hope that this great population will perform the August Act of taking the Oath, and that they will ratify it; that all will decorate and illuminate their houses on the nights of Friday, Saturday, and Sunday; so that, amidst demonstrations of joy, we may give to the world the strongest testimonies of the interest with which the illustrious Capital of Peru celebrates the first day of its Independence, and of its incorporation with the great American Family.

Given at Lima, the 22nd of July, 1821, first year of Independence.

JOSE DE SAN MARTIN.

DECREE of General San Martin, Protector, relative to the Government of the Free Departments of Peru.—Lima, 3rd August, 1821. (Translation.)

In undertaking the important enterprize of liberating this Country, I had no other motives than my desire to forward the sacred cause of America, and to promote the happiness of the Peruvian people:—a very considerable part of them have been realized; but the work would remain incomplete, and my heart but little satisfied, if I could not establish, for ever, the security and future prosperity of the Inhabitants of this region.

On my arrival at Pisco, I announced that, owing to imperious circumstances, I found myself invested with the Supreme Authority, and that I was responsible to the Country for the exercise of it: circumstances have not changed, because Peru has still interior Enemies to combat; and it is consequently necessary that the political and military command should continue united in my person.

I hope, therefore, that, in taking this step, you will do me the justice to believe that I am not actuated by any views of ambition, but by the public good alone. It is sufficiently notorious that I wish only for tranquillity and retirement, after a life so agitated; but I have undertaken a moral responsibility which exacts the sacrifice of my most ardent wish. The experience of 10 years of Revolution in Venezuela, Cundinamarca, Chili, and the United Provinces of the River Plate, have

shewn me the evils occasioned by unseasonable convocations of Congress while there are Enemies still remaining in the Country. The first step is to secure independence, and afterwards to think of establishing liberty on a solid basis. The scrupulous manner in which I have kept my word, during the course of my public life, gives me a claim to be believed, and I now appeal to it, in declaring solemnly to the People of Peru, that, at the same instant in which your Territory shall be free, I will resign the command, to make room for the Government which they may choose to elect. The frankness with which I speak ought to serve as a new guarantee of the sincerity of my intentions.

I could have so arranged it that Electors, named by the Citizens of the Free Departments, should designate the person who was to govern until the assembling of the Representatives of the Peruvian Nation; but as, on the one hand, the simultaneous and repeated invitation to me, of a great number of Persons of elevated character, and decided influence in this Capital, to preside over the Administration of the State, assured me of a popular nomination, and, on the other, having already received the assent of the Towns who were under the protection of the liberating Army, I have judged it the most decorous and proper to follow the frank and honorable line of conduct, which ought to tranquillize those Citizens who are jealous of their liberty.

When I have the satisfaction of renouncing the command, and of giving an account of my proceedings to the Representatives of the People, I am certain that they will not find, during the period of my administration, any of those instances of venality, oppression, and corruption, which have characterised the Agents of the Spanish Government in America.

To administer strict justice to all, to recompense virtue and patriotism, and to chastise vice and sedition, wherever they may be found, is the rule that will regulate my actions, whilst I am placed at the head of this Nation.

The installation of a vigorous Government being expedient for the interests of the country, which may preserve it from the evils that might be produced by war, licentiousness, and anarchy,

I declare as follows:—

1st. That the supreme political and military command of the Free Departments of Peru will from this day be held by me, under the title of "Protector."

2nd. That Don Juan Garcia del Rio is charged with the Department of Minister of State and Foreign Affairs.

3rd. That Lieutenant Colonel Don Meruando Monteagudo is charged with the Department of War and Marine, and the Auditorship of the Army and Navy.

4th. That D. Don Nipólito de Unânue is Secretary of the Treasury.

5th. That all orders and official communications shall be signed by the respective Secretaries, and will bear my Rubric, and that the com-

munications which shall be addressed to me are to come through the Minister to whose Department they relate.

6th. That the necessary rules for the best system of administration of the public service, will be prepared without delay.

7th. That the present Decree shall only be in force until the Representatives of the Peruvian Nation shall have met and determined upon the future mode and form of Government.

Given at Lima, 3rd August 1821, 2nd Year of the Liberty of Peru.

JOSE DE SAN MARTIN.

SPEECH of the Lord High Commissioner, on the Opening of the Legislative Assembly of the United Ionian States.—6th March, 1821.

MR. PRESIDENT AND GENTLEMEN,

IN happily meeting you on the present occasion, I cannot refrain, in the first instance, from expressing the satisfaction I derive in contemplating the position in which these States are placed at the present moment.

It is one perfectly novel in their history,—and, under all the circumstances of the case, peculiarly advantageous to their interests. It demonstrates the power and means of the protecting State, and the prudence and wisdom with which these means have been administered, under the blessing of the Almighty, by my Gracious Sovereign.

Up to the period of your connection with the British Empire, you participated largely in those storms which agitated the political horizon of Europe;—whilst the changes and vicissitudes, which happened in the neighbourhood, created the most anxious solicitude, and involved in their consequences your immediate interests.

Your actual situation, however, is now widely different.

Safe under the protection of the British Ægis, you see, without alarm, on the one side, the civil broils and sanguinary contests of the Ottoman Empire,—on the other, the violent changes which have taken place in the Kingdom of the Two Sicilies.

Surrounded by disorganized Governments, in the midst of a scene of discord and calamity, you enjoy the utmost quiet and tranquillity;—as regardless of those ancient objects of your terror,—the Ottoman Cruizers,—as indifferent to the results of those revolutionary changes which distract the Neapolitan Government.

That such may long continue to be your enviable state, is the first wish of my heart; and it delights me to say, that I see no reason to suppose the slightest change in the present prospect.

In saying this, it may be necessary to state, that, as the Contest in Epirus appears now to be drawing to a close, whatever it may be,—and

as the late revolutionary movements in the Kingdom of the Two Sicilies seem approaching to a crisis, it will, I conceive, be necessary, in order to maintain our present tranquil situation, to frame some regulations restrictive on Foreigners who may arrive from either of those Countries, subjecting them to a severer examination than has hitherto existed in these States, under the present lenient system of Police.

Within the course of the last year, however, subsequent to the close of the last Session of Parliament, some unwarrantable and treasonable acts disturbed the tranquillity of the Island of Zante, which have ended in the trial and condemnation of the Individuals implicated in those guilty transactions.

Of the prime movers in these acts of treason, though not unknown, I shall not speak. I trust, however, the serious example which has been made, in the instance of one of the Nobles of the greatest wealth and influence in these Islands (an example most painful to my feelings) will not only put a stop to such proceedings in future, but convince the population at large of the energy and of the justice of the Executive Government of the Country;—that, whilst it has manifested, and ever will maintain, a system of lenity and moderation, as far as is compatible with good order and government, neither riches nor power can screen any one from the vengeance of the offended Laws;—that the Government, carefully abstaining from a harsh and severe exertion of its authority, possesses both the spirit and the means to repress and punish all such traitorous attempts.

During the course of the legal proceedings on this occasion, a difficulty occurred in deciding on the competent Tribunal before which these Individuals were to be brought; as the definitive Law in regard to crimes of State, (respecting which, there is a reservation in the Constitutional Charter) had not as yet been enacted. This point occupied the deepest consideration of the Executive Government, aided by the grave opinion of the highest legal Constituted Authority in these States.

The detail of the measures pursued on this occasion by the Most Excellent Senate affords a fresh proof of the wisdom of that exalted Body.

But without entering into further detail, I shall direct the whole of the Documents which passed to be laid on your Table for the investigation of the Assembly.

I also shall have the honour of proposing a Bill confirming the provisional Act of the Executive Government, and establishing a Court for the Trial of State Delinquents, till the Law above alluded to, definitively settling the whole legal arrangement in regard to them, shall have been completed.

In order, however, that the late transactions may be fully known to every Member of this honourable Assembly, and through them to every Man in the Country, I shall direct the *Procès Verbal* of the Trial

of Antonio Martinengo, and of his Agent Anastasio Petà, to be laid before you.

From this authentic Document, the Assembly will be made acquainted with the nature of the scenes which characterized these unlawful proceedings in the Island of Zante, to the detriment of that valuable and wealthy Island. It will see with surprize that, even in the present æra of the World, Witnesses talk of the Bravoes in the service of an Individual;—and it will observe, with disgust, the insolent pretensions of that Individual, even when in custody previous to his Trial.

The unanimous Judgment of the Court (being the Supreme Council of Justice increased to the number of 8 Judges) has demonstrated, however, that if these things did take place they are now no longer tolerated in these Islands,—that the rich and the poor—that the Noble in the Palace, and the Peasant in the Cottage, are both alike amenable to the Laws of the Country.

An attentive consideration of these Trials will shew the Assembly too, that the conduct of Antonio Martinengo is a fresh proof of what I had the honour of stating to you last year, in respect to the insurrection at Santa Maura;—that a few baffled and disappointed Individuals endeavour to impose on the World the result of the workings of their own disaffection, as a demonstration of the general discontent of the People under the present Constitutional Government. But it must be known to the Members of this Assembly that, immediately after these events at Zante, I received Addresses from every part, and almost from every Individual of these States, expressive of perfect satisfaction and content under the present Government:—I do not hesitate to say, (and I say it to those who must know well how the fact really stands) that the spirit of the People is not only perfectly sound, but that their confidence in the Government is complete.

And I should be glad to know at what period of your history did there ever exist in these States such thorough peace and tranquillity:—I own, (though I most sincerely regret the occurences which took place at Santa Maura and at Zante,) that I am inclined to maintain, that they are to be considered as the natural consequences of the political diseases under which you have hitherto laboured; and the close, each in its way, to which those events were brought, affords the strongest, and most convincing proof, of the fitness, excellence, and vigour of your present Constitutional Charter.

Having thus alluded to what happened at Zante in the month of July, it is now my most painful duty to advert to that dreadful general calamity which befel that fertile and beautiful Island at the close of the last year.

On the 29th December, a severe earthquake reduced the City of Zante to the very brink of total destruction, and filled the Inhabitants with universal terror and dismay. The particular statement of the

damage has already been made public; and it is some satisfaction to me to think that the loss of lives has been comparatively small:—but I speak in the presence of the honourable Members of the Assembly from that Island, who were eye witnesses of the dreadful scene, and the consternation it occasioned.

Upon this subject, bowing as we humbly do to the dispensations of Divine Providence with submission and resignation, I hope it may be permitted me to say, that I trust this awful visitation may prove an useful lesson to those misguided Individuals now suffering under a calamity which human wisdom could not avert, never in future, (as they have done both at Santa Maura and at Zante) wantonly, and to their own injury, to throw away those eminent blessings within their reach, and again attempt a repetition of those acts of illegal violence and rebellion which can only prove destructive to the best interests of their Country, and of themselves individually.

The general patriotism which distinguishes the People of Zante, and their known attachment to their native soil, will enable them to rise superior to their misfortunes. The prosperity they have enjoyed of late years, places at their disposal the means of re-establishing their dilapidated City. Every effort of the General Government shall be exerted in their favour,—and it has adopted already such measures as were calculated for the moment to alleviate the general distress.

I shall now, Mr. President and Gentlemen, lay before you a short but plain Statement of the Financial Transactions of the Year.

It will be in the remembrance of the Assembly that, in my Address of last Year, I augured ill of the Revenues of the ensuing Year, owing to the failure of the Oil Crop.

Not only in fact did the Exportation of Oil fall far short in consequence, but the Vintage failed in all the Islands to a most unfortunate extent, and the Crop of Currants was extremely short. The Revenue, in consequence, has been sensibly affected.

On the other hand, the Expenditure of the Year has been considerably swelled, nearly to the extent of 100,000 Dollars, not from any increase in the ordinary Expenses of Government, but from accidental circumstances, and the erection of some Public Works.

Amongst the latter, the most expensive, undoubtedly, is the new Building, or Palace of St. Michael and St. George.

In respect to the propriety of erecting this Edifice, I never did entertain the smallest doubt.

The original Disbursement will be eventually covered from the circumstance of its being intended for the reception of the principal Offices of Government. The Expense of the whole Building will be considerable, but I am happily relieved from the only fear I entertained that it would press too hard upon the narrow Funds of these States.

In addition to the amount charged in the Accounts of this Year for

Materials, there will be a farther Sum requisite in the ensuing Year, in order to finish the whole of the exterior Building; but after that, it will be then in the option of Government to complete the interior, or to proceed in that respect slowly, provided it should appear that the Expense is likely to derange the economy of your National Treasury.

Independent of this material work, Markets have been built in Corfu, and a new Bridge to connect the Citadel and the Esplanade; and in the other Islands may be particularized the Mole and Canal at Santa Maura, and the Lazaretto at Cephalonia.

Under the discouraging circumstances, however, of the short Crops of every description above alluded to, on which the Revenue of this State almost entirely depends, notwithstanding the encreased Expenditure defrayed during the past Year, I confess the result on the 31st of January last, the close of the Financial Year, has afforded me the highest gratification, as I am sure it will do this Assembly, and every other well-wisher of his Country.

The following, then, is the actual state of the Public Accounts, closed on the 31st of January last.

Balance of Cash in the General Treasury on the 31st of January, 1820, including advances at that period for Corn and Copper Coin	Dollars,	460,630
Balance of Cash in the General Treasury on the 31st of January, 1821	386,008	
Amount advanced for Corn, &c.	149,472	
Total ending on the 31st January last	Dollars,	535,480
Being an increase upon the Amount of the preceding Year		74,850

which is produced as follows:—

Surplus Revenue within the Year	61,256
Received from outstanding Credits of Government, stated to the Assembly in 1819	13,594
Total...Dollars,	74,850

It is necessary to observe, that the above increase is exclusive of any Seignorage (namely, the profit which the Public Treasury derives from the small difference between the value of the Coin in its circulation and its intrinsic value) resulting from the New Currency circulated within the Year, which remains to be credited to the Public, and will be so done at the final settlement of the whole transaction relative to the new Copper Coin, as will be explained by the proper Officers of Government, who will attend your Finance Committee.

The Account of the Expenditure of the Year will be laid upon your Table, agreeably to the provisions of the Constitutional Charter, by the

General Treasurer of these States, as well as the Account of the Receipt.

I recommend that a Committee should be directed, as usual, to examine these Statements, with all other relative details ; and on a Report from that Committee, the Assembly can pass such a Resolution, in respect to the correctness of the Public Accounts, as the result of the investigation may seem to require.

In my Address last Year, having mentioned a Sum of 44,000 Dollars which would appear to the credit of the Accounts of the present Year, being the amount of a Claim against these States on the part of the British Government, for repairs of the Fortress of Santa Maura, it is only necessary that I should now confirm what I had the honour of stating last Year—that I was authorized to declare the Claim cancelled by His Majesty's Government, and in the General Account of outstanding Affairs, credit has been taken accordingly.

On the whole, the Financial Affairs must be considered highly satisfactory. They have steadily and progressively improved, and I trust it will not be again stated, that this arises from encreased Taxation.

I am happy to say that it is neither the intention of the Senate, or of myself, to propose any Tax in the course of the present Session of Parliament, and thus complete 3 Years without the least, not even a nominal, additional burden having been laid upon the People. I might say that no additional Tax, taking into consideration all the relative circumstances of the case, has been laid on, since the establishment of the present Government ; but I will not now enter into explanation on a subject on which, on former occasions, I have said so much ; and on which you have yourselves expressed your perfect conviction.

Connected with your Financial concerns is the Act of Parliament, passed 2 Years ago, placing in the hands of the Executive Government the subsistence of the Population of the Island of Corfu, and establishing Magazines of Grain for the occasional supply of the other Islands, under any circumstances of scarcity which might press on them.

On this subject, what I had the honour of stating to the Assembly last Year, as well as the Year before, must be in the recollection of all ; and, notwithstanding the misrepresentation in which some persons have indulged on this subject, I shall not now repeat those unanswerable reasons which drove the Senate to interfere, in order to rescue the Population of this Island from the perilous situation in which they were placed, by the conduct of the persons who then supplied them with that article of first necessity, Grain.

In the month of October last, general apprehensions were entertained throughout the Mediterranean of a scarcity of this article, and the Local Governments of the flourishing Islands of Cephalonia and Santa Maura applied, under the Bill, for the assistance of a supply of Grain, which was immediately afforded. But the apprehensions I have alluded to, forced the Executive Government to make considerable

purchases, so as to insure, at a low rate, the subsistence of the People till the next Crop; and this will explain to the Assembly the reason of the amount of Capital now invested in Grain, being at this particular moment higher than usual.

The Act of Parliament will expire at the close of the present Session; and it is my intention, in concurrence with the Senate, during the progress of the Session, to introduce a Bill to renew the present one till the expiration of the first Session of the next Parliament.

But it is for the Representatives of the People well to consider the utility and the propriety of passing the Bill. For my own part, I have ever been perfectly convinced that the adoption of the measure by the Senate was a case of necessity, and not of choice; nor has any thing which I have heard stated, shaken in the least that opinion, or persuaded me of the propriety of now suddenly altering that measure. For I have lived too long not to be deeply sensible of the folly of adhering to theory, or adopting general principles, instead of following the path pointed out by the soundest lessons of local practice and experience.

It will, therefore, be for the Assembly to consider what change of circumstances has taken place, which renders it advisable now to throw this Trade open; and I am confident that, in deciding on this important object, the Assembly will not overlook a most serious consideration, incident to the subject, viz.:—the situation, at the present moment, of the Neapolitan Government on the one hand, and that of the Albanian Provinces on the other.

In the mean time, I have directed the Accounts of this Grain administration to be laid before the Assembly, made up to the 31st of January last, in order that it may satisfy itself in regard to every point connected with it.

In the course of the present Session I shall also propose to the Assembly, the project of a Bill for the establishment of the College of these States; under which Commissioners will be appointed to make the necessary arrangements for carrying this object into effect, in such Island as shall be fixed on by the Executive Government.

The Resolutions of the Senate, subsequent to your Sitting of last Year, of a legislative nature, are already laid upon your Table by the Secretary of the General Department of the Senate, in order that such of them may become the Law of the Land as may be deemed expedient, and that the rest, not having been confirmed and adopted by this Assembly, may cease to be in force after the close of the present Session. The Civil List will also be submitted to you 6 days after your Meeting, agreeably to the provisions of the Constitutional Charter.

I shall also direct the Civil and Criminal *Procedura* to be laid upon your Table, that some revision of it may take place in the course of the Session, as I understand there are some points which require it.

Amongst the material Resolutions of the Senate, now to be sub-

mitted to your consideration, is the arrangement under which the new Copper Coinage has been put into circulation in these States.

There does not seem any material objections to the provident measures of the Senate on this subject, as far as can be collected from the result of the short period since the issue of the Coin.

There seems, however, a necessity for some Coin yet lower in value than the *half-obolo;* and the Senate has, in consequence, directed a Coin to be prepared exactly of half the value of the *half-obolo*, to be denominated *Lepton*, and to pass at the rate of 400 to the Spanish Dollar, and the issue will take place within a month; so that the Act of Parliament, relative to the whole arrangement, may pass in the present Session.

It now only remains for me to explain the exact situation in which stands the prospect of the definitive settlement of your Religious Establishment.

My Gracious Sovereign, with that deep solicitude which has so invariably and so remarkably influenced his conduct towards these States, directed his Ambassador, the Viscount Strangford, to visit this Capital in his way to Constantinople, with the particular object of conferring with me on points involving your interests connected with the Turkish Empire; and his Excellency, during his stay in this Island, displaying a knowledge on the subject, and a zeal for the interests of these States, which does him the greatest honour, has undertaken the arrangement of your Religious Establishment, with the proper Authorities at Constantinople, according to the provisions of the Constitutional Charter; and I have not the smallest fear that the definitive arrangement of this important point can be long delayed.

I have now, Mr. President and Gentlemen, adverted to such points as I have deemed necessary to submit to you, at the commencement of this Fourth Session of the Parliament.

It is for you to adopt such measures, in regard to them, as you may think fitting; and I feel confidently assured of a continuation of that prudence and moderation which have ever guided your conduct, from the hour of the establishment of the Constitution of 1817.

It is for me, to the best of my power and abilities, to fulfil the gracious Instructions of my Sovereign and Master, the sole Protector of these States, by promoting their welfare, and advancing their interests. And it must be matter of exultation to every well disposed person to reflect, that, owing to the firm yet moderate conduct of the Most Excellent Senate, and the patriotic principles which characterize this Assembly, the sole object of his Royal care and solicitude, the progressive prosperity of the Ionian People, seems to rest on the surest and most solid foundation.

By Authority,

FRED. HANKEY,

Secretary to the Lord High Commissioner.

ACCOUNT of the Total Amount of the NATIONAL DEBT *of* ENGLAND *and* IRELAND, *including the Austrian and Portuguese Loans, and including the Debt cancelled in each Year, from the 1st of February 1786 to the 5th of January 1821: stating the Amount of the Funded Debt contracted; the Amount of the Debt redeemed; the Amount of Unredeemed Debt; the Amount of the Unfunded Debt; and also the Total Amount of Unredeemed and Unfunded Debt in each of those Years.*

Years ended.	Total Amount of Debt.	Debt Contracted in each Year.	Debt Redeemed in each Year including £5 per Cents. 1797 paid off.	Total Unredeemed Debt.	Total Unfunded Debt. ‡	Total Unredeemed and Unfunded Debt.
	£	£	£	£	£	£
1st Aug. 1st Feb. 5th Jan. 25th Mar. 1786	239,693,900	- -	- -	239,693,900	- -	- -
1st Feb. 5th Jan. 25th Mar. 1787	239,863,469	169,569	662,750	239,200,719	10,010,177	249,210,896
1788	239,863,469	- -	1,503,053	237,697,665	10,161,889	247,859,554
1789	239,863,469	- -	1,506,350	236,191,315	11,637,020	247,828,335
1790	239,863,469	- -	1,558,850	234,632,465	12,642,485	247,274,950
1791	239,863,469	- -	1,587,500	233,044,965	13,076,902	246,121,867
1792	239,863,462	- -	1,507,100	231,537,865	12,488,649	244,026,514
1793	239,902,700	39,230	1,962,650	229,614,446	14,825,860	244,440,306
1794	246,497,377	6,594,676	2,174,405	234,034,718	18,501,116	252,535,834
1795	263,144,840	16,647,463	2,804,945	247,877,236	19,036,475	266,913,711
1796	320,212,363	57,067,523	3,083,455	301,861,305	26,913,307	328,774,612
1797	378,065,502	57,853,138	4,390,670	354,323,773	19,300,989	373,624,762
1798	411,057,586	32,992,084	6,790,023	381,525,834	21,233,906	402,759,740
1799	452,570,959	41,513,373	8,102,875	414,936,332	21,736,158	436,672,490
1800	481,552,267	28,981,307	20,550,094	423,367,545	28,328,219	451,695,764
1st Feb. 5th Jan. 1801	516,045,052	34,492,784	10,713,168	447,147,163	37,318,037	484,465,200
1802	576,432,702	60,387,650	10,491,324	497,043,488	31,795,788	528,839,276
1803	611,057,388	34,624,696	9,436,388	522,231,785	20,997,352	543,229,137
1804	630,267,911	19,210,523	13,181,667	528,260,641	25,384,173	553,644,814
1805	660,671,215	30,403,304	12,860,629	545,803,317	31,213,231	577,016,548
1806	702,157,526	41,486,311	13,759,696	573,529,930	34,227,792	607,757,722
1807	737,923,680	35,766,153	15,341,797	593,954,285	33,982,378	627,936,663
1808	761,767,428	23,843,748	16,064,961	601,733,072	38,471,501	640,204,573
1809	780,503,518	18,736,089	16,181,687	604,287,474	45,725,888	650,013,362
1810	807,661,777	27,158,259	16,656,643	614,789,090	46,701,148	661,490,238
1811	835,058,855	27,397,078	17,884,233	624,301,935	45,072,851	669,374,786
1812	867,073,720	32,014,864	20,733,353	635,583,446	49,159,953	684,743,399
1813	917,146,290	50,072,569	24,246,058	661,409,956	54,680,617	716,090,573
1814	1,023,282,097	106,135,807	27,522,229	740,023,534	59,264,952	799,288,486
1815	1,058,675,481	35,393,383	22,559,681	752,857,235	68,882,979	821,740,214
1816	1,146,131,268	87,455,786	24,001,084	816,311,939	48,510,501	864,822,540
1817	1,149,137,360	3,006,092	23,117,840	796,200,190	52,082,287	848,282,477
5th Jan. . . 1818	1,149,094,403	3,193	19,460,982	776,742,403	66,772,364	843,514,767
1819	1,183,867,783	34,773,380	19,648,469	791,867,313	53,095,008	844,962,321
1820	1,218,172,652	34,304,869	31,191,703	794,980,481	48,408,323	843,388,804
1821	1,249,276,368	31,103,714	24,518,885	801,565,310	40,860,481	842,425,791

NOTE.—The Annual Accounts of the Commissioners for the Reduction of the National Debt, prior to the passing of the Act of 56 Geo. 3. c. 98. for composing one joint Consolidated Debt, Interest, and Sinking Fund, were made up to the 1st February, and, since the passing of that Act, to the 5th of January.

The Annual Accounts of the Unfunded Debt of Great Britain, are made up to the 5th January.

The Annual Accounts of the Debt of Ireland, Funded and Unfunded, prior to the Union, were made up to the 25th of March, and since the Union to the 5th of January.

‡ Under this head there is included in Exchequer Bills, Irish Treasury Bills, Navy and Ordnance Debts, and Exchequer Bills outstanding, to make up the Deficiency of the Consolidated Fund on the 5th of January of the respective years. Bills drawn upon the Treasury from Foreign Stations, and Grants of Parliament unsatisfied at the Termination of each Year, are the only Heads of Debt not included.

A Statement of the present Amount of Long Annuities, with their Value, calculated at Eighteen Years' Purchase; and of the present Amount of Life Annuities, with their Value, calculated at Twelve Years' Purchase.

Long Annuities, payable at the Bank, expire in 1860,	£1,350,365	per Annum, estimated at	18 years	purchase,	£24,306,570
Life Annuities, payable at the Exchequer . . .	28,648	ditto	at 12	ditto	343,776
Life Annuities, payable at the Bank	383,000	ditto	at 12	ditto	4,596,000
Irish Life Annuities . . .	43,724	ditto	at 12	ditto	524,688
Total estimated present Value of Annuities for Lives or Terms of Years					£29,771,034

Whitehall, Treasury Chambers, 4th May 1821. C. ARBUTHNOT

PROCLAMATIONS of the Government of the Ionian Islands, relative to the observance of Neutrality in the Contest between Turkey and Greece.—April to October, 1821.

No. 1.—Proclamation of the Senate.

(Translation.) *Corfu, 9th April*, 1821.

THE Executive Government of these States, having received information of the disturbances which have broken out in the Morea, and adverting to the situation in which are placed the neighbouring Provinces under the Turkish Dominion, deems it necessary to proclaim, for the guidance of all Subjects of the United States of the Ionian Islands, domiciliated in any of the above-mentioned Countries, that, in the event of their taking part in the present disturbances, or joining in any attack or warlike operations which may take place, they will necessarily lose all right or pretension to the interference on their behalf of the Government of these States, of which they are natural-born Subjects, or of the British Consuls who are charged with protecting their rights, in whatever Foreign Countries they may reside.

By Order of the Senate, SIDNEY G. OSBORNE,
Secretary of the Senate for the General Department.

No. 2.—Proclamation of the Senate.

(Translation.) *Corfu, 7th May*, 1821.

HIS Excellency the Lord High Commissioner, *pro tempore*, having received a Communication from the Captain Pacha, commanding the Ottoman Fleet in these seas, announcing that the Government of the Sublime Porte has ordered a Blockade of every part of the Morea, with the exception of the Ports of Naupacto, Patras, Navarino, Modon, Coron, and Monembassia; it is hereby ordered, that all Vessels and Barks under the Ionian Flag, of whatever description, do observe and respect the said Blockade.

By Order of the Senate, SIDNEY G. OSBORNE,
Secretary of the Senate for the General Department.

No. 3.—Proclamation of the Senate.

(Translation.) *Corfu, 7th June*, 1821.

THE calamities incident on insurrection and war continuing to press heavily on the Countries of Epirus, Peloponnessus, and some of the Islands of the Archipelago, and taking into consideration the Letter of His Excellency Sir Frederick Adam, Lord High Commissioner, *pro tempore*, of His Majesty, the exclusive Protector of these States, under date the 3rd instant; the Government of these Islands, fully sensible of the duties it is called upon to fulfil, and mindful of

the true interests of the Country, proclaims its Neutrality, and its positive intention not to interfere in any manner during the continuance of the above-mentioned Contest: Wherefore all Subjects of the Ionian States are hereby enjoined not to take part in favour of or against either of the contending Parties, by sea or by land, but to conform themselves in all things to a conduct consistent with the Neutrality hereby declared.

By Order of the Senate, SIDNEY G. OSBORNE,
Secretary of the Senate for the General Department.

No. 4.—Proclamation of the Lord High Commissioner.

(Translation.) *Corfu, 9th October*, 1821.

By His Excellency the Right Hon. Sir Thomas Maitland, &c. &c. &c.

THE principle of perfect and invariable Neutrality declared by the Proclamation of the Executive Government of these States, under date the 7th of June last, supported by subsequent Proclamations, and most peremptorily enforced by a legislative Regulation, bearing date the 13th August, has met the most complete and entire approval of His Majesty, the Protecting Sovereign; and His Majesty has been pleased in consequence to recommend, in the strongest possible manner, to the Government of the Ionian Islands, an adherence to it, as the sacred and unchangeable basis for its conduct, during the continuance of the present disturbed condition of the adjacent parts of Greece and Epirus; and His Majesty's Lord High Commissioner has, therefore, been specifically instructed by his Sovereign, as Commander of His Forces in the Mediterranean, to adopt the most energetic measures for this object.

His Excellency, in consequence, deems it advisable, by and with the assent of His Highness the President, and the most Illustrious Senate, to proclaim the same for general information. This has become the more necessary, because it has unfortunately occurred, that, instead of a general obedience to the Orders prescribed in the various Proclamations above mentioned, instances have happened, not only of a violation of the declared Neutrality of the Ionian States, but of infractions of every recognised principle of the Law of Nations and of Legitimate Government, so as to render the maintenance of tranquillity not only precarious, but, should such acts be permitted, dependent on the caprice of a few miserable speculators, and desperate adventurers.

In referring to the various instances of this total disregard of all established and legitimate rule, his Excellency will abstain from animadverting, at any length, on the infamous conduct of those, who, leaving their own Country, had the audacity and effrontery of publicly assuming the appellation of Generals of the Cefalonian and Zantiot Forces,

acting under the orders of some unknown Adventurer or foreign Demagogue. He will not now enter into any detail respecting the vessels which, under the Ionian Flag, and in conjunction with other ships, attacked the Forts of Lepanto; he will not expiate upon the conduct of those Pastors of Religion in these States, who, in defiance of the pure principles of the Holy Gospel, which inculcate universal charity and benevolence, publicly, and in the face of this Government, offered up prayers for the destruction of the Ottoman Power, thus blasphemously adding even the voice of religion to increase an unfortunate irritation, already too prevalent.

On these points his Excellency will not dwell: they have been already redressed, or measures heve been taken to visit them with that punishment which they so richly deserve:—he cannot, however, pass over, for a moment, the more recent conduct of certain persons, lately inhabitants of Parga, who are now regularly brought before him, and who, regardless of the benefits received from the Ionian Government, and of the privilege granted to them, of enjoying in these States all the rights of Citizenship, (but of which indulgence it appears they have not chosen to take advantage) in mockery of every thing like obedience to that Government which had afforded them protection, and of the duties incumbent upon them, proceeded, according to their own declaration and confession, from these Islands, in smaller or in greater numbers, armed for the avowed purpose of attacking the Ottoman Power, and of making an attempt to possess themselves of Parga.

In this object, however, they have been completely defeated; and they have returned, since their failure, and now claim to be received as Ionian Subjects, after having outraged the principles of every Government on which public tranquillity depends.

Not having availed themselves of the privilege offered to them by the lenity of the Ionian Government, to register themselves as Citizens of these Islands, they are naturally to be considered as Foreigners; and, taking into consideration the inevitable consequence of permitting the perpretation of such criminal acts to pass unpunished, His Excellency the Lord High Commisioner, by and with the advice of His Highness the President, and the most Illustrious Senate, is hereby pleased to proclaim as follows.

1st. That all the Parganots who have been parties to this act of flagrant violation of the Law of Nations, and of defiance of the authority of that Government under which they lived, shall be refused admittance within the United States of the Ionian Islands.

2nd. That the period of 10 days, from this date, be allowed them, to remove their Families and effects, in the event of their wishing so to do.

3rd. That on any attempt on their part again to enter these Islands, or on their being found hereafter within the same, they shall be con-

sidered liable to suffer such punishment as the Law prescribes in cases of the like nature.

By Command of His Excellency, FREDERICK HANKEY,
Secretary of the Lord High Commissioner.

No. 5.—Proclamation of the Lord High Commissioner.

(Translation.) *Corfu, 29th October*, 1821.

By His Excellency the Right Hon. Sir Thomas Maitland, &c. &c. &c.

WHEREAS His Excellency the Lord High Commissioner, by and with the advice of His Highness the President, and the most excellent Senate, did, on the 9th instant, issue a Proclamation, declaring the high and perfect approbation of His Majesty, the protecting Sovereign, of the strict Neutrality promulgated by the Government of the United States of the Ionian Islands, in respect to the present unhappy Contests in the immediate vicinity of these States; in which Proclamation the People were enjoined to the strict observance of those Regulations which had been prescribed for the due maintenance of the said Neutrality;

And whereas, notwithstanding the said Regulations, various flagrant violations have been committed, not only of that Neutrality, but of the Law of Nations, and even of common humanity, particularly in the Island of Cerigo, and to an extent, too horrid to relate;—The Lord High Commissioner of His Majesty, the protecting Sovereign, with the advice of His Highness the President and the Most Excellent Senate, in order to guard against future infractions of the said Neutrality, and with a view to preserve the public tranquillity, and to rescue from the consequences of their own folly and misconduct, those infatuated Persons who have endeavoured, and are now endeavouring, to involve these Islands in all the horrors which surround them, does hereby proclaim:

First; That no Vessel of War of the Contending Parties, or those of any other State co-operating with either of the said Parties, shall be admitted, from the date hereof, into any of the Harbours of the United Ionian States, unless through stress of weather.

Secondly; That all communication with such Vessels is strictly forbidden, except through the competent Officers of the Ionian Government, who may be charged with the same.

Thirdly; That all subjects of the Ionian States, or other persons residing therein, who shall hereafter hold any intercourse with any such Vessels, shall be considered as committing an open act of Rebellion against the Ionian Government, and be dealt with accordingly.

By Command of His Excellency,

FREDERICK HANKEY,
Secretary of the Lord High Commissioner.

ARTICLES du Traité d'Alliance, conclu entre la France et la Confédération Suisse, le 27 *Septembre* 1803,* *qui, en suite de la proposition faite par Son Excellence le Ministre Plénipotentiaire de France en Suisse, le* 16 *Octobre* 1820, *et de la Déclaration donnée par le Directoire Fédéral, au nom des Etats de la Suisse, le* 3 *Mars* 1821, *sont maintenus provisoirement (nonobstant l'expiration du dit Traité) jusqu'à l'époque de la conclusion d'une nouvelle Convention entre les deux Etats.*

(a.) ART. XIII. Dans les affaires litigieuses personnelles ou de commerce, qui ne pourront se terminer à l'amiable, ou sans la voie des Tribunaux, le Demandeur sera obligé de poursuivre son Action directement devant les Juges naturels du Défendeur, à moins que les parties ne soient présentes dans le lieu même, où le contrat a été stipulé, ou qu'elles ne fussent convenues des Juges par devant lesquels elles se seroient engagées à discuter leurs difficultés.

Dans les affaires litigieuses ayant pour objet des propriétés foncières, l'action sera suivie par-devant le Tribunal ou Magistrat du lieu, où la dite propriété est située.

Les contestations qui pourroient s'élever entre les héritiers d'un François mort en Suisse, à raison de sa succession, seront portées devant le Juge du Domicile que le François avoit en France. Il en sera usé de même à l'égard des contestations qui pourroient s'élever entre les héritiers d'un Suisse mort en France.

(b.) XIV. Il ne sera exigé des François qui auroient à poursuivre une action en Suisse, et des Suisses qui auroient une action à poursuivre en France, aucun droit, caution, ou dépôt, auxquels ne seroient pas soumis les Nationaux eux-mêmes, conformément aux Lois de chaque endroit.

(c.) XV. Les jugemens définitifs en matière civile, ayant force de chose jugée, rendus par les Tribunaux François, seront exécutoires en Suisse, et réciproquement, après qu'ils auront été légalisés par les Envoyés respectifs, ou à leur défaut par les Autorités compétentes de chaque Pays.

(d.) XVI. En cas de faillite ou de banqueroute de la part de François possédant des biens en France, s'il y a des créanciers Suisses et des créanciers François, les créanciers Suisses qui se seroient conformés aux Lois Françoises pour la sûreté de leur hypothèque, seront payés sur les dits biens, comme les créanciers hypothécaires François, suivant l'ordre de leur hypothèque; et réciproquement, si des Suisses possédant des biens dans la Confédération Helvétique, se trouvoient avoir des créanciers François et des créanciers Suisses, les créanciers François qui se seroient conformés aux Lois Suisses pour

* See Martens' Supplement, Vol. III. p. 568.

la sûreté de leur hypothèque en Suisse, seront colloqués sans distinction avec les créanciers Suisses, suivant l'ordre de leur hypothèque.

Quant aux simples créanciers, ils seront aussi traités également, sans considérer auquel des deux Etats ils appartiennent, mais toujours conformément aux Lois de chaque Pays.

(e.) XVII. Dans toutes les procédures criminelles pour délits graves, dont l'instruction se fera soit devant les Tribunaux François, soit devant ceux de Suisse, les témoins Suisses qui seront cités à comparoître en personne en France, et les témoins François qui seront cités à comparoître en personne en Suisse, seront tenus de se transporter près le Tribunal qui les aura appelés, sous les peines déterminées par les Lois respectives des deux Nations. Les deux Gouvernemens accorderont dans ce cas aux témoins les Passe-ports nécessaires, et ils se concerteront pour fixer l'indemnité et l'avance préalable qui seront dues à raison de la distance et du séjour: mais si le témoin se trouvoit complice, il sera renvoyé par-devant son Juge naturel, aux frais du Gouvernement, qui l'auroit appelé.

(f.) XVIII. Si les individus, qui seroient déclarés juridiquement coupables de crimes d'Etat, assassinats, empoisonnemens, incendies, faux sur des Actes publics, fabrication de fausse monnaie, vols avec violence ou effraction, ou qui seroient poursuivis comme tels, en vertu des mandats décernés par l'autorité légale, se refugioient d'un Pays dans l'autre, leur extradition sera accordée à la première réquisition. Les choses volées dans l'un des deux Pays et déposées dans l'autre, seront fidèlement restituées, et chaque Etat supportera jusqu'aux frontières de son territoire les fraix d'extradition et de transport.

Dans les cas de délits moins graves, mais qui peuvent emporter peine afflictive, chacun des deux Etats s'engage, indépendamment des restitutions à opérer, à punir lui-même le Délinquant; et la sentence sera communiquée à la Légation Françoise en Suisse, si c'est un Citoyen François, et respectivement au Chargé d'Affaires de la Suisse à Paris, ou à son défaut au Directoire Fédéral, si la punition pesoit sur un Citoyen Suisse.

FIRMAN of The Grand Seignior, in favour of the Greeks who have taken no part in the Insurrection against The Porte.— 15*th August*, 1821.

(Traduction.)

Firman (Commandement Impérial) adressé aux Illustres Vizirs, Nobles Gouverneurs, Glorieux Magistrats, Juges, Substituts de Juges, Mousselims, Voivodes, Ayans, et autres Notables du Pays, Officiers et Employés, dont la Force soit augmentée, dans toute l'étendue de l'Anatolie, situé à la droite, (c'est-à-dire la partie Occidentale, puisque la situation des Provinces est désignée d'après le point de départ de la Capitale, d'où le Firman est émané.)

Tous les réglemens observés d'ancienne date par ma Sublime Porte,

et les constitutions de l'Empire, destinées à durer jusqu'au jour du dernier jugement, en vertu de la volonté Divine, étant basés sur les préceptes sublimes de la sainte Loi, en aucun tems les Grands de l'Empire, ni les Ministres et les Employés de ma Sublime Porte, ni aucun Musulman ont pu croire qu'il fût permis de s'y opposer, ou d'y contrevenir.

Conséquemment, les diverses Nations dépendantes de mon haut Empire, aussi longtems qu'elles ont fidèlement rempli leurs obligations de Sujets, ont été l'objet des faveurs et de la protection de la Sublime Porte, tant par rapport à leurs biens, comme par rapport à leur existence, tout comme chaque fois qu'elles se sont écartées de leurs devoirs, et qu'elles ont manqué à l'obéissance, il étoit clair, que d'après la teneur de la même Loi, elles devoient être punies comme elles le méritoient.

La Nation Grecque, sujette et tributaire de ma Sublime Porte, depuis des tems immémoriaux, a reçu une profusion de signes de pitié et de commisération; elle a été protégée et défendue dans son honneur, ses propriétés, et son existence; mais quoiqu'elle n'ait reçu de la Sublime Porte que des graces et des bienfaits, et même bien au delà de ce qui devroit être accordé à des Rayas, elle a cependant foulé aux pieds les faveurs Divines, et suivant le sentier de l'ingratitude, elle a osé faire éclater la trahison innée dans son cœur pervers, contre la sainte Religion, en s'insurrectionnant contre le Haut Empire de son clément Souverain.

Mais, grâce soit rendue à Dieu, mon Puissant Empire, étant l'Empire de Mahomet, et ma Nation étant une Nation Mahométane, il est arrivé, qu'avec l'aide et l'assistance de l'Etre Suprême, qui protège notre Foi et notre Nation, le meilleur des Protecteurs, et avec l'influence de la puissance et de la sainteté de notre Grand Législateur et Prophète, (auquel Dieu veuille accorder la paix et la bénédiction) la Sublime Porte a découvert la traîne de la Rebellion, depuis son origine. Aussitôt on a pris les mesures nécessaires, en donnant à cette Nation, tant aux Grands qu'aux Peuple, par la voie des Députés, et par celle du Patriarcat, des conseils salutaires, mettant tout en œuvre pour écouter la clémence et la pitié, et pour le ramener sur le chemin de la fidélité et de la rectitude, en les faisant rentrer dans la soumission et l'obéissance. Mais quoique d'un autre côté, on ait procédé à la punition de ceux qui ont pris part à l'Insurrection, et qui ne se sont pas ravisés, la Nation entière n'a cependant pas reconnu le prix de la bénignité et de la douceur employées envers elle, mais fermant l'oreille aux conseils et aux exhortations, elle a au contraire augmenté, de jour en jour, d'obstination et de culpabilité. C'est pourquoi ma Sublime Porte uniquement pour conserver le bon ordre dans la Capitale, et rétablir la tranquillité parmi le Peuple, avoit émané et répandu dans les Etats Ottomans, les ordres sublimes, contenant la permission (appuyée sur décision lumineuse du corps éclairé des Gens de Loi) de châtier et de

réprimer tous les Sujets rebelles qui se seront permis de prendre les armes, et de combattre les Musulmans, ainsi que de se mettre en possession de leurs propriétés, et de réduire à l'esclavage leurs familles.

Mais, en même tems, ma volonté suprême étoit, que les Rayas qui vivent tranquillement et honnêtement de leur état, qui sont occupés de leurs affaires, ou bien qui, après avoir pris part à l'Insurrection, s'en sont repentis du fond du cœur, soient accueillis et protégés, comme par le passé, à l'ombre miséricordieuse de ma Sublime Porte, et que le contraire n'arrive point.

Cependant, il est parvenu à ma connoissance d'une manière certaine, que dans divers endroits, sans égard à ce principe, on a usé de prépotence, et on s'est permis d'insulter de pauvres Sujets honnêtes et tranquilles, qui n'avoient absolument aucune part à l'Insurrection, qu'on s'est emparé de leurs biens, qu'on a outragé leurs familles, enfin assailli et pillé leurs Eglises. Cette manière d'agir, est non-seulement contraire à la Loi et à la saine raison, mais elle est encore diamétralement opposée au système actuellement adopté par mon Haut Empire, et à la volonté de Dieu ; enfin elle repugne en tout et partout à mes ordres souverains. Il est donc clair, que de pareilles actions ne peuvent avoir été commises que par des gens vils et sans aveu, qui ne savent distinguer ni le tems ni l'état des choses. C'est pourquoi on expédie maintenant, tant en Anatolie qu'en Roumélie, 3 messagers dans chacune de ces Provinces, portant mes ordres suprêmes, à ce sujet, dans les différentes directions de l'Empire.

Vous, donc, qui êtes mes Vizirs, Commandans, Mollas, Juges, Substituts de Juges, et autres, susmentionnés, publierez cet état de choses dans les endroits qui se trouvent sous votre jurisdiction ; vous vous empresserez de faire bien comprendre à tous et à chacun, que quiconque oseroit mettre la main sur les Sujets innocens et honnêtes, qui n'ont point donné signe de trahison ni de rebellion, ne sera pas admis à se justifier. De votre côté, vous mettrez la plus grande vigilance à faire remplir mes volontés à ce sujet ; vous aurez soin que les Sujets qui n'ont pas été complices de la perversité générale, et qui vivent honnêtement, soient à l'abri de pareilles vexations et insultes ; vous consacrerez, tout votre zèle, à faire qu'ils reposent tranquillement à l'ombre de ma Puissance Impériale, et vous reprimerez et punirez ceux qui dorénavant auroient l'audace de les molester.

Tels étant mes ordres souverains, le présent Firman a été émané avec empressement et sollicitude, et expédié avec célérité par N. N.

Ainsi, lorsque vous saurez que ma ferme Volonté Impériale est que vous donniez la plus grande publicité à mes ordres, et que vous apportiez la plus scrupuleuse attention à ce que les Rayas, innocens et honnêtes ne soient exposés, ni publiquement, ni sécrètement, à la prépotence et à des molestations contraires à la Loi et à ma volonté, et que vous mêmes serez responsables de la plus petite négligence ou contra-

vention, vous règlerez vos actions de manière à faire preuve d'intelligence et de discernement, en exécutant ponctuellement mes ordres et ma Volonté Souveraine, et vous vous garderez bien de permettre quelque chose qui soit contraire au sens, et à l'esprit du présent Commandement Impérial, émané à la moitié de la Lune Zilkaadé, l'An de l'Hégire, 1236, (le 15 Août, 1821.)

FIRMAN of the Grand Seignior, inviting the Greeks to return to their Allegiance to The Porte.—16*th August*, 1821.

(Traduction.)

Il est de notoriété publique que la Nation Grecque, d'ancienne date sujette et tributaire de la Sublime Porte, n'a jamais cessé de jouir des effets de la clémence et de la bienfaisance du Gouvernement Ottoman qui, en protégeant dans leurs personnes et leurs propriétés les différens individus qui la composent, n'a pas discontinué de leur accorder toute espèce de faveurs, de concessions et de privilèges, au dela même de ce que la qualité de Raya (sujet tributaire) rendoit admissible à leur égard.

Cette Nation, méconnoissant néanmoins le prix des grâces dont elle étoit comblée, a préféré choisir le sentier de l'ingratitude, en se rebellant contre son maître et bienfaiteur, le Gouvernement Ottoman.

La Sublime Porte ne voulant cependant pas s'écarter des maximes de bonté et de clémence qui lui sont innées, elle n'a point adopté une mesure générale contre tous ceux qui se sont soulevés, mais punissant, d'une part, les individus, dont le supplice étoit devenu indispensable, et protégeant, de l'autre, tous ceux qui tenoient une conduite tranquille et paisible, elle s'est déterminée à recourir aux admonitions et aux exhortations, en employant à cet effet des Lettres d'Excommunication, conformes au Rit de l'Eglise Grecque. Les Lettres furent, en conséquence, rendues et publiées, d'abord par votre prédécesseur, et ensuite par vous-même, de la manière qui a été jugée convenable.

Malgré tout cela, cette Nation, ne renonçant point au système qu'elle a embrassé, et restant sourde aux avertissemens et aux admonitions qui lui ont été adressés, en conformité à son propre Rit, persiste de tout côté dans la désobeissance et la révolte: ceux même d'entr'elle, qui ne s'étoient point soulevés dans le commencement se sont rangés depuis du côté de la rébellion, et ont osé commettre toute sorte d'êxcès et d'attentats; ces sujets pervers ainsi réunis, qui professent une inimitié ouverte contre la Nation Musulmane en général, ont donné à leur rébellion le caractère d'une guerre de réligion.

De semblables procédés étoient assurément de nature à provoquer la résolution de réunir toute la Nation Mahométane, et de lui faire tirer le sabre hors du fourreau contre les coupables.

Cependant comme la clémence et la miséricorde sont les principes caractéristiques de la Sublime Porte, l'on a jùgé à propos cette fois-ci encore, de faire circuler, parmi les individus de la Nation Grecque qui se trouvent dans les Etats Ottomans, par votre canal, et suivant votre propre Rit, des lettres d'avertissement et d'admonition, abandonnant à leur propre choix de s'exposer aux conséquences qu'entrainera une obstination plus longtems prolongée.

L'ordre et la volonté bienfaisante de Sa Hautesse le Sultan, étant conformes à cette mesure, il vous est ordonné par conséquent de la publier, et d'inviter par vos conseils et vos admonitions, tous les Grecs qui résident dans l'Empire, de revenir à l'obéissance et à la soumission; leur déclarant en même tems, que si cette fois-ci encore ils ne reconnoîtront pas le prix de ce nouvel Acte de clémence et de bonté, ils devront attribuer à eux-mêmes les conséquences qui en seront le résultat.

Au Patriarche Grec.

PROCLAMATION of the President of The United States, repealing the Discriminating Duties on Oldenburg Vessels and Cargoes.—22*nd November*, 1821.

By the President of the United States of America.

A PROCLAMATION.

WHEREAS, by an Act of the Congress of The United States, of the 3rd of March, 1815,* so much of the several Acts imposing Duties on 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 favour 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, under date of the 11th of May last, that thenceforward all discriminating or countervailing duties of the Dukedom of Oldenburg, so far as they might operate to the disadvantage of The United States, should be, and were abolished, upon His Highness the Duke of Oldenburg's

* See Page 521.

being duly certified of a reciprocal Act on the part of The United States:

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 Dukedom of Oldenburg and Vessels of The United States, and between goods imported into The United States in Vessels of the said Dukedom of Oldenburg and Vessels of The United States, are repealed so far as the same respect the produce or manufacture of the said Dukedom of Oldenburg.

Given under my hand, at the City of Washington, this 22nd day of November, in the year of our Lord 1821, and the 46th year of the Independence of The United States. JAMES MONROE.

By the President

JOHN QUINCY ADAMS, *Secretary of State.*

PAPERS relative to the Establishment at the Mouth of Columbia River. 1813, 1818, 1823.*

LIST OF PAPERS.

No.			Page.
1.	Mr. Astor to the Secretary of State	New York, February 1813.	1292
2.	Mr. A. Shaw to Mr. J. G. M'Tavish.....	Montreal, 9th May, ...	1294
3.	Agreement between the American Pacific Fur Company and the British North-West Company.....	16th October, ...	1295
4.	Mr. Prevost to the Secretary of State	Monte Rey, 11th Nov. 1818.	1299
5.	Mr. Astor to the Secretary of State	New York, 4th Jan. 1823.	1299

No. 1.—Mr. Astor to the Secretary of State.

SIR, *New York, February*, 1813.

I TAKE the liberty to call to your recollection the subject of which I spoke when I had the honour of waiting on you at Washington, and to enclose Copy of a Letter which I received in November last, via Canada, as also, copies of some Notes passed between some of the Agents which I sent to Columbia River, and Mr. Thompson, a Partner of the Northwest Company of Canada. By these it will be seen that the Indians on that part of the Continent are friendly, and it is understood that the climate is mild, and the Country good; and I am informed

* Laid before the Congress of The United States, in a Message of the President, 25th January, 1823.

and believe, that a great and valuable trade may be carried on there with more advantage by this than any other Country. By the extract of a Letter from the Wintering Partners of the Northwest Company to Mr. M'Gillivray of Montreal, it will be seen that they are more or less apprehensive, that the plan pursued by me will more or less endanger the valuable and extensive trade of that Company, which, though of some consideration to this Country, is, in my opinion, of less consequence than the trade which may be carried on, on the coast, and from thence to China, as also, a considerable trade with the Russian Settlements in that part of the World.

You will perceive, Sir, that the People which I sent out in a Ship, in the year 1810, have established themselves on the Columbia River, and have built a Fort, which I understand is on a favourable situation, about 10 or 12 miles from the mouth of the River. If all the Men which were sent thither have arrived safe, as I believe they have, then there must be about 150, besides a number of Natives from the Sandwich Islands.

I know that the Northwest Company have communicated my undertaking to the British Government, and, under present circumstances, I think it more than probable that they will apply for some aid to defeat it. Whether they have or will succeed in obtaining that, I know not.

I have, however, every reason to believe, that, if the Government does not aid them, they will make, themselves, an effort to that effect. Under other circumstances than the present, I mean in time of peace, I think I could have made stand against that Company; in the present, it becomes doubtful and hazardous, and, in case of an interference on the part of the British Government, impossible for an individual to hold possession of a Country which may become a source of wealth and comfort to many. In this situation, it becomes very interesting to know somewhat of the views of Government relative to this object, and whether The United States have or will assert any claim to that, or any part of that Country, and whether the Government will deem it expedient to take possession and give protection to the infant Establishment which has been made.

I presume if 40 or 50 men were placed in the Fort already established, or on some more eligible situation, if such there be, they could, with the aid of the Men already there, repel any force which I think it likely the British would at this time send, and, in the mean time, means might be found to send some more men, and to strengthen ourselves. My plan was to have reconciled the Indians on the Missouri to our having a free communication up that River, which no doubt, in a future day, will be effected, whence we can send any force necessary to protect ourselves. But it appears necessary, that some step should now

be taken, which will afford a more speedy aid; which can only be done by sending a Vessel, &c. round Cape Horn. There are at this time about 12 or 13 American Vessels on that coast; many of them might seek and find protection in the Columbia River, if we had even a small force there. I beg leave to say, that, at the commencement of my undertaking it appeared to be necessary that some of the People sent to that Conntry should be acquainted with the Indian trade; and they being very scarce in The United States, I have been under the necessity of taking some from Canada,—some Canadians, and some few Scotchmen. Although they have all become Citizens of The United States, I am more or less apprehensive that these, in time of war, may join any force sent by the Northwest Company or the British Government, and the more so, if there should be no appearance of any protection from this Country. The number of these is, however, small, and the principal Agent is a Mr. Hunt, of Trenton, a real American and a gentlemen of integrity, honour, and talents. I believe at present, there is no post, or establishment on the Columbia River, but the one here spoken of, though I am pretty sure the Northwest Company will endeavour to fix one, as I have just now a Letter, dated 19th November, in London, which says the Northwest Company are fitting out the Brig *Isaac Todd*, of about 500 tons, to go to the Northwest Coast. The writer does not say under what circumstances the Ship goes, but that she will go to Columbia River there can be no doubt. I pray you, Sir, to have the goodness to bring this subject under the consideration of the President, and if permitted, I would ask the favour of being informed of the result, which is the more desirable, as I expect very shortly an opportunity of sending a Messenger to that quarter of the World. I am sure the Government will readily see the importance of having possession, and the command, of a River so important and extensive as the Columbia, the fountain of which cannot be far distant from that of the River Missouri. I have the honour to be, &c.

JOHN JACOB ASTOR.

The Hon. James Monroe.

No. 2.—Mr. A. Shaw, Agent for the Northwest Company, to Mr. John G. M'Tavish, Columbia River.

MY DEAR SIR, *Montreal, 9th May*, 1813.

WE are in hurry and confusion, preparing paper, &c. for the *Express* Canoe, having waited impatiently for some time. It was at last determined upon to send it off, without having received the least knowledge of what has been doing in England since December last; but, fortunately, the arrival of a Frigate brought us accounts of the *Isaac Todd*, having on board Messrs. M'Tavish and M'Donald, being ready

for sea on the 18th of March. She is accompanied by a Frigate, to take and destroy every thing that is American on the Northwest Coast.

A. SHAW.

DUN. M'DOUGALL.
DONALD M'KENZIE.
JOHN CLARK.
ALFRED SETON.
JOHN C. HALSEY.
GAB. FRANCHERE.
WILLIAM WALLACE.

Astoria, Columbia River, 9th October, 1813.

Notarial Certificate.

UNITED STATES OF AMERICA, } s. s.
City of New York. }

BE it known, that, on the day of the date hereof, before me, John G. Bogert, a Public Notary in and for the State of New York, duly admitted and sworn, dwelling in the City of New York, personally came John C. Halsey and Alfred Seton, who, being by me duly sworn, depose and say, that the letter hereto annexed, is a true copy of a Letter brought to Astoria, by John G. M'Tavish, of the Northwest Company, and that they saw and read the same, and each became a Witness to a copy thereof, which Duncan M'Dougall had recorded in a book of the Pacific Fur Company, for the purpose of justifying him in transferring the property of said Company at Astoria, to the Northwest Company of Canada, as appears by the subsequent transactions of said Duncan M'Dougall.

JOHN C. HALSEY.
ALFRED SETON.

In testimony whereof, I have hereunto subscribed my name, and affixed my Seal of Office, the 12th day of January, in the year of our Lord 1818.

JOHN G. BOGERT.

No. 3.—Agreement between the American Pacific Fur Company and the British North-West Company.—16th October, 1813.

The Association heretofore carrying on the Fur Trade to the Columbia River, and its Dependencies, under the firm and denomination of the Pacifick Fur Company, being dissolved on the 1st of July last, by Duncan M'Dougall, Donald M'Kenzie, David Stuart, and John Clarke, with the intention to abandon the Trade in that quarter, it is hereby agreed, concluded, and settled upon, of their own free will and consent, by Duncan M'Dougall, acting for himself, and in behalf of his associates, namely, Donald M'Kenzie, David Stuart, and John Clarke, on the one part, and John George M'Tavish, and John Stuart,

acting for themselves, and in behalf of the Northwest Company, on the other part; That the following Agreement and Settlement take place between them, and be binding and obligatory in the manner and subject to the Terms and Agreements hereinafter specified and contained: Now, therefore, it is hereby mutually agreed and concluded, by and between the said Parties to these presents, and they do hereby mutually covenant and agree, to and with each other, in manner following, that is to say—

ART. I. The Party of the former part hereby covenants and agrees to deliver, or cause to be delivered, the whole of their establishments, furs, and present stock on hand, on the Columbia and Thompson's Rivers, as soon as the necessary inventories can be taken, unto the said Party of the latter part, or any other Person or Persons appointed by them to represent the Northwest Company, to receive the same at the prices and rates concluded and agreed upon as hereinafter specified in Article IV.

II. In consideration of Article I. being duly and faithfully performed by the Party of the former part, they, the said John George Mc. Tavish, and John Stuart, for themselves, and on behalf of the Northwest Company, do bind and oblige themselves and the said Northwest Company, or their Agents, to pay, or cause to be paid, unto the said Duncan Mc Dougall, acting for himself and in behalf of his Associates, as before mentioned, his Attorneys, Assigns, or order, the amount of the sum or sums arising from the sale according to Article I. and the rates hereinafter specified in Article IV. at three several instalments; the first one-third, on or before the 25th of October, 1814; the second one-third, on or before the 25th of November; and the remaining one-third, on or before the 25th of December. And further, it is hereby understood, that, should the Party of the former part find it convenient to leave the amount of the several drafts, after becoming payable as already specified, in the hands of the Party of the latter part, or their Agents, that they, the said Party of the latter part, or their Agents, will allow interest at 6 per cent. until paid on demand; and as there are several moneys the produce of their wages due unto the People employed in the service of the late Pacific Fur Company, carrying on trade on the Columbia and Thompson's Rivers, the said Party of the latter part, namely, John George Mc Tavish, and John Stuart, acting for themselves and the Northwest Company, or their Agents, do hereby bind and oblige themselves to pay, or cause to be paid, unto the several Individuals employed by the Party of the former part, the amount of the balances due them, according to the statement that shall be delivered by the said Duncan Mc Dougall, acting for himself and his Associates, as before mentioned, within 1 month after their arrival at Montreal, in the Province of Lower Canada. The amount of which several sums, so paid, are to be considered as

part and deducted from the first instalment, to be paid unto the said Duncan Mc Dougall, acting for himself and his Associates as before mentioned, his Attorneys, Assigns, or order, on or before the 25th of October, 1814.

III. And further: the said John George Mc Tavish and John Stuart, acting for themselves and the Northwest Company, will be at liberty to make a selection, and take into their service such of the People in the employment of the Party of the former part, as they may think proper; in consideration of which, the said Party of the latter part, bind and oblige themselves to pay, or cause to be paid, unto the said Party of the former part, the several sums due them, by such as may enter into the service of the Party of the latter part; and the said Party of the latter part further bind and oblige themselves to provide and ensure a safe passage to the said Party of the former part, and the remaining part that will not be taken into their service to their respective homes.

IV. And further: it is hereby agreed and concluded upon by the said Parties, that the following are the rates at which the establishments, furs, and stock on hand, be valued at, as follows:

Dry goods, stationery, gunpowder, and leaf tobacco, fifty per cent. on the prime cost.

Ship chandlery, sixty per cent.

Shot, ball, lead, iron, and steel, one hundred per cent.

Deduction on made up iron works at Columbia River, thirty-three and one-third per cent.

Boats, new, each ten pounds, Halifax currency;

Do. in use do. five pounds, do.

Shallop with rigging complete, one hundred and twelve pounds ten Shillings:

Two Blacksmith's forges complete, twenty-five pounds;

Plug tobacco, one shilling and sixpence per pound;

Do. do. manufactured at Columbia, one shilling and three pence per pound;

Beads, assorted, five shillings per pound;

Arms, cannon, &c. prime cost;

Provisions at fixed prices;

Articles in use, half inventory prices;

Horses, thirty shillings each;

Buildings, two hundred pounds;

John Reid's adventure and freemen in the vicinity of Snake Country and Spanish River, to deduct one hundred per cent;

Furs, beaver, ten shillings per pound;

Beaver coating, eight shillings and four pence per pound;

Musk-rats, seven pence half-penny each;

Land otters, two shillings and six pence each;
Sea otters, large, sixty shillings each.

And for the faithful performance of all and singular the said covenants and agreements, to be by them, respectively, kept and performed, all and every of the Parties to these presents, bind themselves, separately and jointly, for their several Associates, firmly by these presents. In witness whereof the Parties to these presents have hereunto set their Hands and Seals, this 16th day of October, 1813, at entrance of Columbia River, N. W. Coast of America.

[L.S.] DUN. M'DOUGALL.
[L.S.] J. G. M'TAVISH.
[L.S.] JOHN STUART.

JOHN C. HALSEY, *Witness.*
GABRIEL FRANCHERE, *Witness.*
ALFRED SETON, *Witness,*
WILLIAM WALLACE, *Witness.*
ANGUS BETHUNE, *Witness.*
JAMES M'MELLAN, *Witness.*
JOSEPH M'GILLIVRAY, *Witness.*

In explanation of what is meant and intended by inventory prices for articles in use and fixed prices for provisions, it was mutually understood by both Parties, at the time, that the inventory prices of said articles in use, should be fixed at half prime cost, and that no charges at all were to be made for provisions or stores of any description; and to prevent any difference that might, in future, arise on the subject, it is hereby mutually understood and agreed upon, by the Parties present, that the inventory prices of said articles, in use, shall be fixed at half prime cost, and no charges at all be made for provisions; which explanation is to be considered equally valid and binding, as if inserted or so explained in the body of the Agreement itself.

DUN. M'DOUGALL.
J. G. M'TAVISH.
JOHN STUART.

JOHN C. HALSEY, *Witness.*
ANGUS BETHUNE, *Witness.*

It is hereby agreed, by and between the Parties to these presents, that, in consideration of the arrival of W. P. Hunt, the aforementioned Duncan M'Dougall wishes to assign, and does hereby assign to said W. P. Hunt, the part which the said Duncan M'Dougall held in acting for the Party of the first part; and for the completion of the aforementioned Agreement, the said W. P. Hunt holds himself equally bound with said Duncan M'Dougall: and further, to render the article regarding John Reid's adventure to the Snake Country more explicit, it is hereby fully understood that 50 per cent. was meant, instead of 100

per cent. expressed in the said aforementioned articles of agreement, to be deducted. Signed this 10th day of March, 1814.

DUNCAN M'DOUGALL.
WILSON P. HUNT.
J. G. M'TAVISH.
JOHN STUART.

Witnessed by JOHN C. HALSEY.
ANGUS BETHUNE.

Notarial Certificate.

UNITED STATES OF AMERICA, s. s. *City of New York.*

Be it known, That, on the day of the date hereof, before me, John G. Bogert, a Public Notary in and for the State of New York, (L. s.) duly admitted and sworn, dwelling in the City of New York, personally came Wilson P. Hunt, who, being by me duly sworn, did declare and say, that the annexed Agreement, Inventories, and Account Current, by which the property of the late Pacifick Fur Company was transferred to the Northwest Company of Canada, which Agreement said Hunt had not in his power to reject, as the property had been some months in the possession of said Northwest Company, when said Hunt returned to Astoria, the 28th February, 1814.

That, in explanation of the first Article of said Agreement, he declares nothing more to have been intended or understood by the word "Establishment," than the Dwelling Houses and Stores, and not right of Soil, erected by the Pacifick Fur Company, at Astoria, as is fully shewn by reference to the IVth Article of said Agreement; and to the 10th page of said Inventory, in each of which, the item of "buildings" comprehends all the property of that description paid for by the Northwest Company; and he further declares, that he never gave or conveyed to any person whatever, any right or title to Lands on the Columbia River, and the Northwest Coast, nor has he any knowledge or suspicion of any Member of the late Pacifick Fur Company having transferred Land to the Northwest Company; more particularly, as no person was authorized so to do.

In Testimony whereof, I have hereunto subscribed my Name, and affixed my Seal of Office, the 12th day of January, in the Year of our Lord 1818.

WILSON P. HUNT. J. G. BOGERT, *N. Pub.*

No. 4.—Mr. J. B. Prevost to the Secretary of State.

Monte Rey, New California, 11th November, 1818.

[See State Papers, Vol. 1821, 1822, Page 465.]

No. 5.—Mr. J. J. Astor to the Secretary of State.

SIR, *New York, 4th January,* 1823.

I HAD the honour to receive your Letter of 24th Ultimo. Indisposition has prevented my acknowledging the receipt thereof at an earlier period.

You request information of arrangements made at about 1814, by the Northwest Company, and Citizens of The United States, by which that Company became possessed of a Settlement made at the mouth of Columbia River by Citizens of The United States. The Settlement to which you allude, I presume, is "Astoria," as I know of no other having been made at or near the mouth of that River. Several circumstances are alleged as having contributed to the arrangement by which the Northwest Company became in possession of that Settlement, but chiefly to the misuse of the confidence which had been placed in Mr. M'Dougall, who, at the time the arrangement was made, and at the time my chief Agent, Mr. Wilson P. Hunt, was absent, acted as Sub-Agent.

I beg leave briefly to state, that, contemplating to make an establishment at the mouth of Columbia River, which should serve as a place of depot, and give further facilities for conducting a Trade across this Continent to that River, and from thence, on the range of North-west Coast, &c. and to Canton, in China, and from thence to The United States; arrangements were accordingly made, in 1810, for a party of Men to cross the Continent, for the Columbia River. At the same time, I fitted the Ship *Tonquin*, carrying 20 Guns, and 60 Men, commanded by the late Captain Thorn, Lieutenant of The United States Navy. This Ship sailed in September, 1810, having on board the means for making an establishment at Columbia, where she arrived on 22d March, 1811. They landed, found the Natives friendly, and built a fort, erected a house, store, &c. &c. This being accomplished, Captain Thorn left 30 men in possession of the place, to await the Party which were to make the voyage over land; these also happily arrived, though not till several months after. On about the 1st of June Captain Thorn left Columbia River with a view to make some Trade on the Coast, and then to return to the River; but, unfortunately, Captain Thorn never returned. At about 200 miles north of the Columbia, he put into a bay to trade with the natives. Not attending to the precautions necessary, as he had been instructed to do, to guard against an attack, he suffered a whole tribe of Indians to come on board and about his Ship; an attack was made; he was overpowered, fire was communicated to the Magazine; the ship was blown up; and every soul on board, or near her, perished.

In 1811, I fitted out another Ship, the *Beaver*, carrying 20 Guns, with a duplicate Cargo of the Ship *Tonquin*, and 60 to 70 Men. The Captain, (Sowle,) was instructed to sail for Columbia River, and in search of the Men who were sent across the Continent, as also the *Tonquin*. The *Beaver* sailed from this in October, 1811, arrived at Columbia in May following, found the Establishment, and landed such men, goods, provisions, &c. as the establishment was in need of. My instructions to the Captain were, that, after supplying the estab-

lishment, he should proceed to Chatka, a Russian Settlement, for the purpose of trade, and then to return to Columbia, take what furs we had, and proceed to Canton, and from thence to New York. He accordingly left Columbia, and, most unfortunately, Mr. Hunt, of Trenton, New Jersey, my chief Agent, left the River with him, sailed, as directed, for the Russian Settlement, and effected their object; but, instead of following instructions to return to Columbia, he sailed direct for Canton, leaving Mr. Hunt at one of the Sandwich Islands, to await the arrival of another Ship which I had promised to send from this in 1812. The Ship *Beaver* arrived at Canton, and received there the news of War. I had sent orders to the Captain to return to Astoria, but he was fearful of being captured, and remained safely at Canton till the War was over, when he came home. In consequence of the War, I found it inconvenient to send a Ship in 1812; but I did send one, (the *Lark*,) early in 1813, with directions to the Captain to sail for Columbia River, and to stop at the Sandwich Islands for information. Being within a few day's sail of those Islands, the Ship, in a squall of wind, was upset, and finally drifted on the beach of one of those Islands, a wreck, Ship and Cargo totally lost. Here was met Mr. Hunt, who, after all the information he received, and my great desire to protect the Establishment at Columbia River, procured an American Vessel, took some provisions, sailed, and arrived in Columbia River. He there learnt that M'Dougall had transferred all my property to the Northwest Company, who were in possession of it, by a Sale, as he called it, for the sum of about 58,000 Dollars, of which he retained 14,000 Dollars, for wages said to be due to some of the Men. From the price obtained for the Goods, &c. and he having himself become interested in the purchase, and made a partner of the Northwest Company, some idea may be formed as to this man's correctness of dealing. It will be seen, by the agreement, of which I transmit a copy, and the inventory, that he sold to the Northwest Company 18,170¼ lbs. of Beaver, at 2 Dollars, which was at about that time selling in Canton at 5 and 6 Dollars; 907 Otter Skins, at 50 cents, or half a Dollar, which were selling in Canton at 5 to 6 Dollars per Skin.

I estimated the whole property to be worth nearer 200,000 Dollars than 40,000 Dollars, about the sum which I received by Bills on Montreal. Previous to the transaction of M'Dougall, we had already established Trading Posts in the interior, and were in contact with the Northwest Company. It is now to be seen what means have been used by them to counteract my plan. It is well known, that, as soon as the Northwest Company had information of my intentions, and plan for conducting my commercial operations, they dispatched a party of Men from the interior, with a view to arrive before my People at Columbia. These Men were obliged to return without effecting their object. In the mean time, representation was made to their Government, as to he probable effect of my operations on their interest, and requesting

to interfere in their behalf. This being in time of Peace, the Government did not deem it advisable so to do. So soon, however, as War was declared, these representations were renewed, aid was asked from the Government, and it was granted. The *Phœbe* Frigate, and Sloops of War *Racoon* and *Porcupine*, were sent from England, with orders to proceed to Columbia River, and destroy my property. They sailed from England early in January, 1813; arriving at Rio de Janeiro, Admiral Dickson ordered the *Phœbe* Frigate, with one of the Sloops, to pursue Captain Porter, in the Frigate *Essex*, and the Sloop of War *Racoon* to the Columbia. She arrived there, took possession in the name of the King, and changed the name of the place, Astoria, to Fort George. Previous to this, the Northwest Company had despatched another or second party of Men to the Columbia. They arrived there in the absence of Mr. Hunt. M'Dougall gave them support and protection, and they commenced, after some time, to negotiate with this Gentleman.

The reasons assigned by him for his conduct will be seen by the Extract of a Letter said to have been sent by a Mr. Shaw, of the Northwest Company, and of which I send you a Copy. The plan by me adopted was such as must have materially affected the interest of the Northwest and Hudson's Bay Companies, and it was easily to be foreseen, that they would employ every means to counteract my operations, and which, as my impression, I stated to the Executive of your Department as early as February, 1813, as will be seen by a Copy of the sketch of a Letter which I wrote to the Secretary State, to which no reply was given. On repeated application, some time after, aid was promised me; but I believe the situation of our Country rendered it inconvenient to give it. You will observe that the name of Pacific Fur Company is made use of at the commencement of the arrangements for this undertaking. I preferred to have it appear as the business of a Company, rather than that of an Individual, and several of the Gentlemen engaged, Mr. Hunt, Mr. Crooks, Mr. M'Kay, M'Dougall, Stuart, &c. were in effect to be interested as partners in the undertaking, so far as respected any profit which might arise; but the means were furnished by me, and the property was solely mine, and I sustained the loss, which, though considerable, I do not regret; because, had it not been for the unfortunate occurrence just stated, I should have been, as I believe, most richly rewarded, as it will be seen that the difference of price in the Beaver and Otter Skins alone,—say what I received, and the value of them at Canton, at that time,—is about 60,000 Dollars. The copy of agreement, inventory, and extract of Shaw's Letter, you will please return to me.

I am, &c. JOHN JACOB ASTOR.

The Hon. John Quincy Adams, Secretary of State.

DECREE of the Cortes of Spain, for the Encouragement of Colonization, by Spaniards and Foreigners, in the Spanish American Colonies.—27th June, 1821.

(Translation.)

DON FRANCISCO TOMAS MORALES, Mariscal de Campo of the National Armies, General in Chief of the Army of Costafirme, and Captain General of the Provinces of Venezuela, &c. &c.

I make known to all the Subjects and Vassals of the Powers friendly to the Spanish Nation, as well as of Neutrals, in both hemispheres, that the following Law has been received from the Government.

GOVERNMENT OF ULTRAMAR. DEPARTMENT OF ENCOURAGEMENT. BOARD OF INDUSTRY.

The King has been pleased to address to me the following Decree:

Don Ferdinand VIIth, by the grace of God, and by the Constitution of the Spanish Monarchy, King of the Two Spains; to all those who may see and understand these presents, know: that the Cortes have decreed, and that we sanction, the following:

"The Cortes, having observed all the formalities prescribed by the Constitution, have decreed as follows:"

ART. I. All Foreigners, who, in virtue of the Law of the 28th September, 1820,* in which an inviolable asylum is provided for their persons and property in the Spanish Territory, may wish to remove to any Province of Spain beyond seas, shall be permitted so to do, from the places of their respective naturalization or residence, in the same manner as they are permitted to pass over from the said places to any of the Provinces of this Peninsula.

II. Every Foreigner, who, in virtue of the above-mentioned Law of the 28th September, 1820, may remove to the Provinces of Spain beyond seas, shall be admitted by the Local Authorities of those Provinces, who shall allow him to engage, with perfect liberty and security, in the employment, office, or business appertaining to him.

III. Every Foreigner at present residing in any of the Provinces beyond sea, and resolving to enrol himself as a Citizen thereof, shall make a declaration to that effect, before the Constitutional Ayuntamiento elected by the People for that District. In this case the Ayuntamiento shall enrol, in the Census book of the Population, his name, and the names of his Family, (if he have any,) with the reason of his coming, his age, condition and calling; and, from the date of this enrolment, he shall be considered a Denizen; and the time required by the Constitution to qualify him for enjoying the rights of a Spaniard having elapsed, he may obtain Letters of Citizenship.

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* See Decretos de las Cortes, Vol. 6. Page 152.

IV. From the day on which any Foreigner shall be enrolled amongst the Population of any Province beyond sea, according to the preceding Article, he will be permitted, the same as a Spaniard, to obtain any portion of land, whether uncultivated, or the property of the community in which he resides: he may discover, possess, and work mines within the limits thereof, under the regulations and forms, prescribed to the Natives by existing Laws and Decrees, especially those of the Extraordinary Cortes of the 4th January, 1813,* and of the Ordinary Cortes of the 8th November, 1820.†

V. Every Spaniard, and also every Foreigner whatever be his condition, even before his naturalization in the Spanish Territory, may, either alone or in conjunction with a company not exceeding 3 Persons, contract for the establishment of one or more Settlements: for which purpose he shall present a Project for the new Settlement to the Provincial Deputation in whose district the land in which he propose to establish it, is situated. The said Provincial Deputation shall examine the said Project; and, on its being found by them not inconsistent with the Laws of India, and existing arrangements; or, after having adapted it to those Laws and arrangements; they shall approve it, and cause it to be carried into effect immediately; reporting the same to the Local Government, which shall, in its turn, forward the Report, together with its own opinion thereon, to the Cortes, for the final approbation of that Assembly.

VI. No Project for a new Settlement shall be received by the Provincial Deputations, unless the Applicant be prepared to produce, as Settlers, at least 25 Families, that is, 25 free married couples. The said Provincial Deputations shall prescribe to the Contractor the precise period, within which the new Settlement must contain the number of Families specified in the Contract, under the penalty of his being deprived of a portion of the rights and privileges conceded to him: and the Contract shall afterwards become altogether null and void, if he do not furnish, at least, the 25 Families before-mentioned.

VII. So soon as 20, at least, of the Families comprehended in the said Contract, shall have reached the land assigned by the Provincial Deputation, they shall proceed to the formal establishment of the Settlement, and shall swear fidelity to the Political Constitution of the Spanish Monarchy, before the Person named for that purpose by the Political Chief of the Province.

VIII. Every new Settlement shall be governed by its own Ayuntamiento: the Inhabitants, after taking the oath to the Constitution, as prescribed in the preceding Article, shall proceed, under the superintendence, on the first occasion, of the same Agent of the Political Chief

* See Decretos de las Cortes, Vol. 3, Page 189.

† See Decretos de las Cortes, Vol. 6, Page 345.

to make their election and nomination, agreeably to the Constitution and the Laws.

IX. Should there happen to be some Settlements, the inhabitants of which do not possess the rights of citizenship, nor even those of Spaniards; in such case, they may be permitted to elect from amongst themselves, the Members of the Ayuntamiento, under the regulations prescribed for the other Settlements.

X. The land assigned by the Provincial Deputations for any new Settlement must be *free*,—that is, exempt from all claim of property or possession, whether by any Individual or by the Community.

XI. In virtue of this Law, there shall be assigned and granted in full property and possession, to every couple comprehended in a Contract for establishing a new Settlement, a piece of ground, the superficies of which shall be contained in a square of 1,000 yards on each side, that is to say, 1,000,000 of square yards, and without being subject to the condition that the said superficies shall be continuous.

XII. If any single Person, of either sex, proceed to a new Settlement, to be incorporated with the married people whom the Contract recognizes as the founders of it, and if he or she marry within the first 6 years from the establishment of the said Settlement, that individual shall obtain, in full property, so soon as the marriage shall be verified, a piece of land of 1,000 square yards, according to the provisions of the preceding Article.

XIII. There shall also be assigned and granted, in full property and possession, to the Contractor for a new Settlement, a square of 1,000 Castilian yards on each side (exactly of the dimensions specified in the preceding Article) for every couple whom, in pursuance of the Contract, he may convey to, and establish in, the Settlement; so that, among the 25 married couple located, in fulfilment of the Contract, there shall be divided a portion of land equal in extent to a Mexican square league, or 5,000 Castilian yards on each side, and another equal portion shall belong entirely to the Contractor.

XIV. The preceding Articles shall serve as a general basis on which the advantages offered to the Contractors for new Settlements, and to every one of the new Settlers included in the Contract, may be accurately estimated, whatever be their number beyond the 25 mentioned in the Contract.

XV. Every married couple or family, not comprehended in the Contract for a new Settlement, but wishing to be incorporated with one of them, may attain that object, and at any time be received, on previously defraying their own travelling expences; and, if the conditions be verified within the first 6 years, reckoning from the day on which the new Settlement shall have been legally established, then to that couple or family shall be assigned and granted, in full property and possession, a piece of ground, the superficies of which shall be double

that allowed in Article XI. to a married couple, among the new Settlers, located according to the terms of the original Contract, at the cost of the Contractor. Unmarried Men may also be admitted, to whom, if they become married, and incorporated in a Settlement, within the aforesaid 6 years, there shall be assigned in full property and possession, a piece of land of 1,000 square yards in extent, according to the before-mentioned Article XI.

XVI. Every person, of either sex, belonging to these new Settlements in America, and, not being a Native, shall marry a person who is shall have, not only the portion of land mentioned in the preceding Articles, but also another and a larger portion.

XVII. Every new Settler shall be bound to bring into cultivation or to occupy, according to its nature, the portion of ground granted t him by this Law, within the term of 8 years, reckoning from the da on which he takes possession of the same, under the penalty of losin the whole, or a part, according as he may have failed in the obligati imposed by this Article.

XVIII. Every portion of land, granted, in virtue of this Law, the Contractors for new Settlements, must be fully cultivated, or occ pied, according to its nature and the objects for which it was grant at the expiration of 8 years (reckoning from the day on which the S tlement was established) under pain of the said Settlement be deemed free and vacant.

XIX. The Provincial Deputations are empowered to grant porti of land, in addition to those allowed to the new Settlers, by this L when the said Settlers, within the period specified, shall have fi cultivated or occupied all the portions assigned to them, and other respects established the Settlement; and also when, from attention paid to the breeding of cattle, they consider more land t necessary to any of the Settlers for augmenting their stock.

XX. With respect to the Islands of Porto Rico and Cuba, the R Decrees of 10th August, 1815,* and 18th October, 1817,† relatin the encouragement afforded to their population, shall remain in forc far as regards the extent of the land granted to every new Set but the Deputations of those Islands may exercise the powers gra to the other Deputations by the preceding Article.

XXI. Every new Settler may freely, and at any time, dispose o lands granted to him by this Law, provided that, at the time when disposes of them, they are fully cultivated and occupied, accordi their nature and the objects for which they were granted: from condition are excepted, however, the Contractors for any Settl hereafter; who may freely dispose of the lands they may obtain by

* See Appendice à los Decretos del Rey, 1815, Page 45.

† See Appendice à los Decretos del Rey, 1817, Page 408.

Contracts, from the day on which they take possession of them, and are unfettered by the obligation of previously cultivating them.

XXII. No land obtained by virtue of this Law can be entailed, nor can it pass into mortmain, or be destined for the foundation of any monastic establishment.

XXIII. Every new Settler shall be free at all times to return to his Country, and to reside wherever he pleases ; in such case he may, previous to his departure, separate *his* interests from those of the rest; and, on paying the duties established by the existing regulations, he may freely dispose of his land, either wholly or in part, according to the degree in which he may have cultivated and occupied it; but the land which he shall have neither cultivated nor occupied, shall again become free.

XXIV. From the day of his location in the Settlement, every new Settler may dispose by will, conformably with the common Law of Spain, of every species of property belonging to him, and transmit to his testamentary heirs, the right he has acquired over the land granted to him as a Settler, even when he has not cultivated it,—his heirs succeeding to these lands, under the same obligations and conditions as were imposed on the testator.

XXV. If any new Settler, at any time, die intestate, the person or persons, who, in such case, are authorized in Spain, by the common Law of Castile, to succeed as abintestate, shall accordingly succeed the intestate, under the title of heirs, in all his property and rights, including those acquired over landed possessions, in whatever condition they may be,—such heirs succeeding also to the obligations and conditions imposed on the deceased.

XXVI. Every new Settlement shall be exempt, for the space of 15 years, reckoning from the date of its establishment, from the payment of any species of tithes; which, after the expiration of that term, shall be regulated according to the laws and customs of the respective Bishopricks.

XXVII. Every new Settlement shall be free, for the same space of 15 years, from excise duties, and from every other contribution imposed by the general imposts on Settlements founded anterior to this Law; after the expiration of which term, it shall be subject to the general contributions.

XXVIII. Every new Settlement shall be exempt from every description of monopoly, and may freely exercise any branch of industry, including the working of salt, and every other species of mines.

XXIX. There shall also be granted to every new Settlement, for the space of 15 years, reckoning from the date of its establishment, a full and entire exemption from every class of duties on the export, by land or sea, to foreign Countries, or to any other part of the Spanish Monarchy, of all agricultural products, or other commercial effects,

the produce of its industry; always excepting the Custom-house Duties thereupon.

XXX. Every new Settlement shall enjoy, for the same space of 15 years, equal freedom and liberty to import by sea or land, from any part of the Spanish Monarchy, such agricultural products and commercial effects, as are the natural produce of the soil; and it may also import, duty free, even from foreign Countries, instruments of iron, and metallic or wooden instruments, used in agriculture, as well as all sorts of mechanical inventions or machines, to be employed in cultivation, the promotion of the arts, and in mining.

XXXI. Every new Settler may introduce freely, without payment of the alien, harbour, or any other duty, Ships or Vessels of any description or burthen, even when they are of foreign manufacture or construction, under the condition of his enrolling them as Spanish, and as individual property.

XXXII. Every new Settlement shall be bound to defray such expences as are purely municipal, and as its own necessities, or the general utility, require: it shall propose, through the medium of its Ayuntamiento to the Provincial Deputation of the district, the measures which it deems necessary to be adopted, and, should they be approved by the Deputation, they shall be put into execution, and shall be laid before the Cortes for final approbation.

XXXIII. It is forbidden to all persons to introduce from Foreign Countries, or from any of the Spanish Islands, into these new Settlements on the Continent of America, Slaves, of any age or of either sex, who become necessarily free, by the act of their introduction into any of the said Settlements.

XXXIV. If, at any time, an applicant for a new Colony present Projects to the Government, which, from their extensive nature, or other peculiar circumstances, could not be embraced by this Law, the Government shall receive, and examine, and afterwards forward them, with their opinion on the subject, to the Cortes, for the approbation of that Body.

XXXV. The Government shall take into consideration the suits pending in the Secretary's Office of the Government of Ultramar, concerning new Settlements, and, conformably with this Law, it shall take such urgent measures, and resolve thereupon, as may appear most fitting.

XXXVI. The said Government, by means of its Ministers and Consuls, shall cause this Law to be communicated to Foreign Governments, and published in the places of their residence; and shall charge the said Ministers and Consuls to facilitate, on their part, as much as possible, its prompt and punctual execution.

JOSE MARIA MOSCOSO DE ALTAMIRA, *President.*
FRANCISCO FERNANDEZ GASCO, *Deputy Secretary.*
PABLO DE LA LLAVE, *Deputy Secretary.*

Madrid, 27th June, 1821.

Wherefore we command all the Tribunals, Courts of Justice, Chiefs, Governors and other Authorities, as well Civil and Military, as Ecclesiastical, of every class and dignity, to observe and cause to be observed, fulfilled and executed, the present Decree in all its parts. You will promulgate and order what is necessary for its fulfilment.

Aranjeuz, the 12th March, 1822.

[With the Signature of His Majesty.]

Don José Maria de Altamira.

I communicate this to your Excellency, with the royal Order for its promulgation and fulfilment.

God preserve your Excellency many years.

Madrid, 17th March, 1822. DIEGO CLEMENCIN.

The Political Chief of the Provinces of Venezuela.

In accordance with this Decree, and being desirous, on my part, to co-operate with the other Authorities of Venezuela, towards its execution and observance, I revoke my Edict of the 17th September last, concerning Foreigners, so far as it is opposed to the preceding provisions; and I announce to all Foreigners dwelling in the Provinces of Costafirme, at present occupied by the People calling themselves Colombians, who may be employed in cultivation, or in the exercise of any office, art, or useful business, that, agreeably to the letter and spirit of the Political Constitution of the Monarchy, and the Law herein inserted, they may remain, and tranquilly pursue their beneficial and honourable occupations, without the least apprehension from the entrance and approach of the Spanish Troops under my command into the places wherein they reside; and they may be assured that their persons and property shall be respected; provided that they take no part, and afford no assistance, directly or indirectly, in the dissensions and hostilities which unfortunately exist in the said Provinces of Costafirme; provided also, that such property form no portion of that which the Insurgents and their Leaders have taken from the Spaniards, and have confiscated, merely because those Spaniards obeyed, or belonged, or adhered to, their legitimate Government.

Head Quarters, Maracaibo, 10th February, 1823.

FRANCISCO TOMAS MORALES.

JOSE ALVARO, *Secretary.*

INDEX

A.

Page

ACCOUNTS, *Financial, Commercial*, &c. *See* GREAT BRITAIN, UNITED STATES, &c.

ACT of Demarkation of *Boundary* between *Russia* and *Sweden*. Tornea, 20th November, 1810. 750

.... of *Abdication* of Victor Emanuel, King of *Sardinia*. Turin, 13th March, 1821. 1242

.... confirmatory of do..... ....Nice, 19th April, 1821. 1246

.... of Congress of *The United States*. *Embargo* on Ships and Vessels in *The United States*..22d December, 1807. 483

.... of do.....Interdiction of *Commercial Intercourse* with *Great Britain* and *France*.....1st March, 1809. 484

.... of do.....Interdiction of *British* and *French Armed Vessels* 1st May, 1810. 496

.... of do.....Interdiction of *Commercial Intercourse* with *Great Britain*.....2d March, 1811. 502

.... of do.....Discriminating Duties of *Tonnage* on Foreign Vessels.....3d March, 1815. 521

.... of do.....For the gradual increase of the *Navy*. 29th April, 1816. 1076

.... of do.....Prevention of *Slave Trade*.....3d March, 1819. 387

.... of do.....*Tonnage* Duty on *French* Vessels...15th May, 1820. 521

.... of do.....*Tonnage* Duties on *French* Vessels..3d Mar. 1821. 522

.... of do.....*Treaty* of Amity, Settlement, and Limits, with *Spain*, of 1819.....3d March, 1821. 770

.... of do.....*Military* Peace Establishment..2d March, 1821. 1074

.... of do.. .....Gradual *increase* of the *Navy*..3d March, 1821. 1076

See also CONSTITUTION, DECREE, FIRMAN, LAW, ORDER IN COUNCIL, ORDINANCE.

ADDRESS of the First General Congress of *Colombia* to the People. *Independence* of the Republic.....6th June, 1821. 1222

..... of the Congress of *Colombia* to the People. *Closing* of the Session.....14th October, 1821. 1235

..... of the House of Representatives to the People of *Hayti*. *Closing* of the Session.....16th November, 1821. 1216

..... of the National Parliament to The King, and Prince Regent, of *Sicily*.....1820, 1821. 1128

..... *See* also SPEECH. REPORT. MESSAGE.

ADMIRALTY. *Correspondence* with *British Naval Officers*. *Slave Trade* 1819, 1821. 789

AFRICA. Exportation of *Arms, Gunpowder*, &c. to certain Parts of, prohibited. British *Orders in Council*.....575, 576

ALVARA. *See* DECREE.

Page

AMERICA. Exportation of *Arms, Gunpowder,* &c. to certain Parts of, prohibited. British *Orders in Council* 575, 576
..... *See* also SPANISH AMERICA, BRAZIL, UNITED STATES.
ANHALT. Convention with *Austria, Prussia,* &c. Free Navigation of the *Elbe*.....Dresden, 23d June, 1821. 953
ARMISTICE. *See* TREATIES, &c.
ARMS, AMMUNITION, &c. Exportation of, to *Spain,* to certain Parts of *Africa* and *America,* or to the *West Indies,* prohibited. British *Orders in Council.* 575, 576
ARTICLES, ADDITIONAL, &c. *See* TREATIES.
AUSTRIA. TREATIES, &c. with FOREIGN POWERS, viz.
Great Britain. Convention. *Loan* for the service of *Austria*..Vienna, 4th May, 1795. 689
..... do.....do. Westminster, 16th May, 1797. 702, 719
..... do.....do. Vienna, 20th June, 1800. 721
..... Treaty. Concert, and Subsidy. St. Petersburgh, 30th March / 11th April, 1805. 72
..... Separate Articles. Alliance and Subsidy. Toplitz, 3d October, 1813. 7
..... Treaty. Union, Concert, and Subsidy. Chaumont, 1st March, 1814. 73
.... Additional Convention. Subsidy. Vienna, 30th April, 1815. 79
.....*Prussia, Saxony,* &c. Convention. Free Navigation of the *Elbe.* Dresden, 23d June, 1821. 95
.....*Sicily.* Convention. *Armistice.* Capua, 20th March, 1821. 11
.....do..... *Occupation* of *Naples.* Aversa, 23d March, 1821. 11
..... *Correspondence,* &c. with *Great Britain.* Repayment of *Loans* raised for the Emperor ...1795 to 1818. 68
.... *Papers.* Events in *Naples* and *Piedmont,* 1820, 1821. 1128, 120
..... *Circular* to the different Courts of *Germany.* Events at *Naples*.....Vienna, 25th July, 1820. 130
..... *Note* of the *Sicilian* Minister to the *Austrian* Government. Events at *Naples*.....Naples, 1st October, 1820. 135
..... *Letter* of the Emperor to the King of *Sicily.* Events at *Naples*.....Troppau, 20th November, 1820. 147
.... of the King of *Sicily,* in Answer to do. Naples, 11th December, 1820. 156
..... *Circular* to the *Austrian* Ministers at Foreign Courts. Events at *Naples*.....Troppau, 8th Dec. 1820. 149
... . to the *Austrian* Minister &c. at *Naples,* on do. Laybach, 31st Jan. 1821. 1165, 1171
..... *Declaration* of the *Austrian* Government, on do. Vienna, 13th February, 1821. 1173
.... *Proclamation,* &c. of General Frimont to the *Neapolitans.* Foligno, 27th February, 1821. 1192
..... *Declaration* of the Allied Sovereigns. Events in *Naples* and *Piedmont*...Laybach, 12th May, 1821. 1191
..... *Circular* to the *Austrian* Ministers at Foreign Courts. Events in *Naples* and *Piedmont.* Laybach, 12th May, 1821. 1201
..... *Papers* relative to the withdrawal of the *Austrian* and *Russian* Ministers from *Lisbon*..April to Aug. 1821. 773

B.

Page

BLOCKADE of the Ports of *Peru*. (*Chilian.*) *Decree* of the Supreme Director.....20th August, 1820. 1218
Declaration modifying do.....22d June, 1821. 1220
..... of *British* and *French* Ports. *Decrees*, and *Orders* in *Council*; and *Acts of Congress* of *The United States*, relating thereto.....1806 to 1812. 462
..... (*Turkish*) of the *Morea*. *Proclamation* of the *Ionian* Government.....7th May, 1821. 1282
BOUNDARIES. *Treaty* between *Spain* and *The United States*. *Florida*..Washington, 22d February, 1819. 524
..... between *The United States* and *Creek Indians*. Indian Spring, 8th January, 1821. 1114
.. .. *Act* of Demarkation between *Sweden* and *Russia*. Tornea, 20th November, 1810. 750
BRAZIL. *Decree* of The King. Confirmation and adoption of the *Constitution* of Government of the Cortes in *Lisbon*. Rio de Janeiro, 24th Feb. 1821. 967
..... of do. Removal of the seat of Government to *Lisbon*;—Appointment of The Prince Royal to the Provisional Government at *Rio de Janeiro*;—and Election in *Brazil* of Deputies to the *General Cortes* in *Portugal*... Rio de Janeiro, 7th March, 1821. 968
..... of the Cortes. *Bases* of the *Political Constitution*. Lisbon, 9th March, 1821. 973
..... of The King. *Powers* of The Prince Royal as *Regent* of Brazil.....Rio de Janeiro, 22d April, 1821. 969
..... *Proclamation*. (*Buenos Ayrean.*) Designs of *Brazil* upon *Monte Video*.....27th March, 1821. 1017
..... *Convention*. Incorporation of the *Eastern Province* of the *River Plate* with *Brazil*. Monte Video, 31st July, 1821. 1027
..... *Note* of the *Portuguese* Envoy at *Buenos Ayres*. *Independence* of *Chili*.....11th August, 1821. 1221
..... *Correspondence* with *Great Britain*. *Slave Trade*. 1817 to 1821. 116
BUENOS AYRES. *Proclamation* of the Governor and Captain General. Designs of the *Brazilian* Government upon *Monte Video*.....27th March, 1821. 1017
..... *Decree*. Employment of *Foreigners* in the Military Service of *Buenos Ayres*..10th April, 1821. 1020
..... *Correspondence* with the *British* Naval Officer. Employment of *British* Subjects in do. April, 1821. 1020
..... *Convention* for the Incorporation of the *Eastern Province* of the *River Plate* with *Brazil*. Monte Video, 31st July, 1821. 1027
..... *Correspondence* with *The United States*. *Identification* of *American* Vessels.....August, 1821. 1025

C.

Page

CEDULA. *See* DECREE.

CHILI. *Decree* of the Supreme Director. *Blockade* of the Ports of *Peru*.....20th August, 1820. 1215

..... *Declaration* of do.....Modification of do....22d June, 1821. 1220

..... *Note* of do. to the Vice-President of *Colombia*. Terms of any reconciliation with *Spain*.....17th August, 1821. 1221

.... of the *Portuguese* Envoy at *Buenos Ayres*. *Independence* of *Chili*.....11th August, 1821. 1221

CIRCULAR. *See* CORRESPONDENCE.

CLAIMS of *American* Citizens against *France*, for spoliations upon their Commerce. Correspondence..... 1816 to 1822. 401

..... *Decrees, Orders in Council*, &c. relating to do..1800 to 1812. 462

COLOMBIA. *Treaty* between the *Spanish* and *Colombian* Armies. *Armistice*.....Truxillo, 25th November, 1820. 1225

..... *Papers* relating to the rupture of the *Armistice* between do. March, 1821. 1232

..... *Address* of the First General Congress to the People. *Independence* of the Republic.....6th June, 1821. 1232

..... *Address* of the Congress to the People. *Closing* of the Session.....14th October, 1821. 1235

..... *Note* of the Supreme Director of *Chili* to the Vice-President of *Colombia*. Terms of any reconciliation with *Spain*.....17th August, 1821. 1221

COLONIAL OFFICE. *Correspondence* with the Governor of *Sierra Leone*. *Slave Trade*..1819, 1820. 915

COLUMBIA RIVER. *Papers* relative to the Establishment at the Mouth of.....1813, 1818, 1823. 1282

CONFERENCES, &c. of the Allied Sovereigns of *Austria*, *Prussia*, and *Russia*, at *Troppau*, *Laybach*, &c. Events in *Naples* and *Piedmont*... ....1820, 1821. 1128, 1241

CONSTITUTION. *Constitutive Act* of the Provisional Government of the *Spanish* Part of *Hayti*. Santo Domingo, 1st December, 1821. 57

..... of *Portugal* and *Brazil*. *Bases*. Lisbon, 9th March, 1821. 973

CONVENTIONS. *See* TREATIES.

CORRESPONDENCE. *Great Britain* and *Austria*. *Loans* raised for The Emperor.....1795 to 1818. 687

..... *Austria*, *Prussia*, *Russia*, &c. Changes of Government in *Naples* and *Piedmont*, and Proceedings of the Allied Sovereigns at *Troppau*, *Laybach*, &c.....1820, 1821. 1128, 1241

..... *Great Britain*. (*Circular.*) *Conferences* at *Troppau* and *Laybach*. Events at *Naples*. 19th January, 1821. 1160

..... *France*, *Great Britain*, and *Sicily*. *British* and *French Naval Forces* in the Bay of *Naples*. February, 1821. 1172

..... *Colombia* and *Spain*. Rupture of the *Armistice* between the *Spanish* and *Colombian Armies*. March, 1821. 1232

..... *Great Britain* and *Buenos Ayres*. Employment of *British* Subjects in the *Military* Service of *Buenos Ayres*.....April, 1821. 1020

Page

CORRESPONDENCE. *Great Britain.* (Circular.) Renewal of the *Intercourse* of Foreign Vessels with *St. Helena.* 30th July, 1821. 1270

..... *Austria, Russia,* and *Portugal.* Withdrawal of the *Austrian* and *Russian* Ministers from *Lisbon.* April to August, 1821. 772

..... *Portugal* and *Chili.* Recognition of the *Independence* of *Chili*.....11th August, 1821. 1221

..... *Chili* and *Colombia.* Terms of any reconciliation with *Spain*..... ...17th August, 1821. 1221

.... *Buenos Ayres* and *The United States. Identification* of *American* Vessels.....August, 1821. 1025

..... *Spain* and *Mexico.* Termination of *Hostilities* in *Mexico*.....Cordova, 26th August, 1821. 1238

.... *France* and *The United States. Claims* of *American* Citizens for Spoliations upon their Commerce ....1816 to 1822. 401

Decrees, Orders in Council, Treaties, &c. relating to do.....1800 to 1812. 462

..... *Russia, Turkey,* and *France.* Differences between *Russia* and *The Porte.* August, September, 1821. 1267

..... *United States* and *Great Britain.* Establishment at the Mouth of *Columbia River.* 1813, 1818, 1823. 1292

.... *Great Britain,* &c. *Slave Trade. See* SLAVE TRADE.

COUNCIL. *See* ORDER IN COUNCIL.

CREEK INDIANS. *Treaty* with *The United States. Boundaries.* Indian Spring, 8th January, 1821. 1114

D.

DECLARATION of the *British* Government. Conditional repeal of the *Orders in Council* of 1807 and 1809. *Neutral Trade* with *French* Ports.....21st April, 1812. 506

..... of the Supreme Director of *Chili. Blockade* of the Ports of *Peru* 1820, 1821. 1218, 1220

..... of *Independence* of the *Dominican* Republick. Santo Domingo, 1st December, 1821. 564

..... of the *Austrian* Government. Events at *Naples.* Vienna, 13th February, 1821. 1175

..... of the Allied Sovereigns. Events in *Naples* and *Piedmont*.....Laybach, 12th May, 1821. 1199

..... of the Duke of *Genoa,* on his assumption of the Government of *Sardinia*.....Modena, 16th March, 1821. 1244

..... *See* also MANIFESTO. PROCLAMATION.

DECREE. *Brazilian.* Confirmation and adoption of the *Constitution* of Government of the Cortes in *Lisbon.* Rio de Janeiro, 24th February, 1821. 967

..... Removal of the Seat of Government to *Lisbon*; appointment of the Prince Royal to the Provisional Government at *Rio de Janeiro;* and Election in *Brazil* of Deputies to the *General Cortes* in *Portugal.* Rio de Janeiro, 7th March, 1821. 968

Page

DECREE. *Brazilian. Powers, &c.* of the Prince Royal as *Regent* and Lieutenant of *Brazil.*
Rio de Janeiro, 22d April, 1821. 960
..... *Buenos Ayrean.* Employment of *Foreigners* in the *Military* Service of *Buenos Ayres.*
10th April, 1821. 109
..... *Chilian. Blockade* of the Ports of *Peru*..20th Aug. 1820. 121
..... Modification of do..... 22d June, 1821. 122
..... *Dutch.* Punishment of Persons engaged in the *Slave Trade*.....17th September, 1818. 18
..... *French. Blockade* of the *British Islands.*
Berlin, 21st November, 1806. 466
..... Confiscation of Vessels which have touched at a *British* Port.....Milan, 23d November, 1807. 474
..... Denationalization of Vessels which have been visited by *English* Ships, &c.
Milan, 17th December, 1807. 482
..... Seizure of *American* Vessels in the Ports of *France.*
Bayonne, 17th April, 1808. 48
..... Do.....do.. ..Rambouillet, 23d March, 1810. 4
..... Repeal of the *Berlin* and *Milan Decrees*, in favour of *American* Vessels.
St. Cloud, 28th April, 1811. 56
..... *Peruvian. Government* of the Free Departments of *Peru.*
Lima, 3d August, 1821. 127
..... *Portuguese.* Regulation of *Slave Trade*..26th Jan. 1818. 1
.... *Bases* of the *Political Constitution.*
Lisbon, 9th March, 1821. 973
..... *Sardinian.* Publication of the *Spanish Constitution.*
13th March, 1821. 124
..... *Spanish.* Colonization, by Spaniards and *Foreigners*, in the Spanish *American Colonies.*
27th June, 1821. 136
..... . Restriction, &c. of *Slave Trade*..December, 1817. 12
..... *See* also ACT. CONSTITUTION. FIRMAN. LAW. ORDER IN COUNCIL. ORDINANCE.

DENMARK. *Convention* with *Austria, Prussia*, &c. Free Navigation of the *Elbe*.....Dresden, 23d June, 1821. 953
..... with *Prussia, Saxony*, &c. Revision of Cargoes on the *Elbe.*
Dresden, 23d June, 1821. 964

DESERTERS. Restitution of. *Convention* between *France* and *The Netherlands*.....Paris, 2d Oct. 1821. 596

E.

ELBE. Navigation of the, *Convention* between *Austria, Prussia*, &c.
Dresden, 23d June, 1821. 953
..... Revision of Cargoes on the, *Convention* between *Prussia, Saxony*, &c.
Dresden, 23d June, 1821. 964

EMBARGO on all Ships in the Ports of *The United States. Act of Congress*.....22d December, 1807. 483

F.

Page

FIRMAN. *Turkish.* In favour of the *Greeks* who have taken no part in the *Insurrection* against *The Porte.* 15th August, 1821. 1287

..... Inviting the Greeks to return to their *Allegiance* to *The Porte* . ...16th August, 1821. 1290

FLORIDA, &c. *Treaty* between *Spain* and *The United States.* Washington, 22d February, 1819. 524

FOREIGN OFFICE. *Correspondence* relating to the *Slave Trade.* *See* SLAVE TRADE.

FRANCE. *Act* of Congress of *The United States. Embargo.* 22d December, 1807. 483

... of do ..... do ..... Interdiction of *Commercial Intercourse* with *Great Britain* and *France* ..1st March, 1809. 484

... of do ..... do ..... Interdiction of *British* and *French Armed Vessels.* 1st May, 1810. 496

... of do ..... do ..... *Tonnage* Duty on *French* Vessels .....15th May, 1820. 521

... of do ..... do ..... *Tonnage* Duties on *French* Vessels .....3d March, 1821. 522

..... *Correspondence* with *Sicily.* Events at *Naples.* 1820, 1821. 1128

..... with *The United States. Claims* of *American* Citizens, for spoliations upon their Commerce.....1816 to 1822. 401

..... *Decrees, Orders in Council, Treaties,* &c. relating to do .....1800 to 1812. 462

..... with *Great Britain. Slave Trade.* 1817 to 1821. 257

..... with *Sicily. French Naval Force* in the Bay of *Naples*.....February, 1821. 1172

..... with *Turkey.* Differences between *Russia* and *The Porte*..August, September, 1821. 1267

..... *Declaration* of the *British* Government. Repeal of the *Orders in Council* of 1807 and 1809. Trade with *France,* &c..... ..21st April, 1812. 506

.... .. *Decree. Blockade* of the *British Islands.* Berlin, 21st November, 1806. 466

..... Confiscation of Vessels which have touched at a *British* Port.....Milan, 23d November, 1807. 474

..... Denationalization of all Vessels which have been visited by *English* Ships, &c. Milan, 17th December, 1807. 482

..... Seizure of *American* Vessels in the Ports of *France.* Bayonne, 17th April, 1808. 484

..... do.....do.....Rambouillet, 23d March, 1810. 495

..... Repeal of the *Berlin* and *Milan Decrees,* in favour of *American* Vessels. St. Cloud, 28th Apr. 1811. 503

..... *Law.* Definitive regulation of the *Budget* of 1819..... 577

..... *Budget* of Expenditures and Receipts for 1821.... 583

..... *Order in Council. (British.)* Seizure of *Neutral Vessels* trading with *France,* &c. 7th January, 1807. 468

Page

FRANCE. *Order in Council. (British.)* *Blockade* of the Ports of *France*, &c. ...11th November, 1807. 469
.... Sale of *Enemy's Ships* to a *Neutral*. 11th November, 1807. 474
..... *Trade* of *Neutral Vessels* with *French* Ports, &c.....25th November, 1807. 475
..... Modification of the *Blockade* of the *French Ports*.....26th April, 1809. 491
... . Repeal of the *Orders* of 1807 and 1809. 21st April, 1812. 510
..... *Ordinance.* Confiscation of Vessels engaged in the *Slave Trade*.....8th January, 1817. 263
..... Naval Force to suppress *Slave Trade*. 24th June, 1818. 315
..... *Tonnage* Duties on Vessels of *The United States*.....26th July, 1820. 522
..... Do.....do.....23d April, 1821. 52
..... *Proclamation*, &c. *(United States.)* Removal of Interdiction against *French* Commerce, &c. 2d November, 1810. 498,
..... *Speech* of the King. *Opening* of the *Chambers*. 5th November, 1821.
..... *Treaty* with *The United States*. *Neutral Trade*, &c. Paris, 30th September, 1800.
.. ... with do.....*Louisiana*. Paris, 30th April, 1803.
..... with *Holland*. British *Orders in Council*. *Neutral Trade*, &c...Paris, 16th Mar. 1810.
..... with *Switzerland*. Articles of the *Treaty* of 1803 provisionally renewed. *Judicial Proceedings*.... ..1821.
..... with *The Netherlands*. Reciprocal restitution of *Deserters*..... .....Paris, 2d October, 1821.

G.

GIBRALTAR. *Trade* of *Neutral Vessels* with. British *Order in Council*.....25th November, 1807. 479
GREAT BRITAIN. *Accounts. (Finance.)* PUBLIC INCOME. *United Kingdom*....1820. 97
Great Britain.....1820. 98
Ireland.....1820. 98
..... *Income* and *Charge*. Consolidated Fund. 1820. 990,
..... Net Produce of the *Taxes*. 1819, 1820. 99
..... *Application* of *Public Monies*, &c.....1820. 100
..... *National Debt* in each year. 1786 to 1821. 12
..... Public *Funded Debt*. 5th January, 1821. 1004, 101
..... *Unfunded Debt*. do. 1821. 101
..... *(Trade.)* *United Kingdom*. 1818 to 1820. 99
..... *Great Britain*....do..... 99
..... *Ireland*.....do 99

Page

GREAT BRITAIN. *Accounts.* (*Navigation*) *United Kingdom.* 1818 to 1820, viz.:
..... Vessels built & registered, &c..... 1000
..... Vessels employed, *Foreign Trade*.... 1001
..... *Act* of Congress of *The United States. Embargo.* 22d December, 1807. 483
... of do. Interdiction of *Commercial Intercourse* with *Great Britain* and *France.* 1st March, 1809. 484
... of do. Interdiction of *British* and *French Armed Vessels* .....1st May, 1810. 496
... of do. Interdiction of *Commercial Intercourse* with *Great Britain.* 2d March, 1811. 502
..... *Circular* to British Ministers at Foreign Courts. *Proceedings* at Troppau and Laybach, on the Affairs of *Naples*...19th Jan. 1821. 1160
..... to the Ministers, &c. of Foreign Courts in London. Renewal of the *Intercourse* of Foreign Vessels with *St. Helena.* 30th July, 1821. 1270
..... *Correspondence* with *Austria.* Repayment of the *Loans* raised for the Service of the Emperor...1795 to 1818. 687
..... with *Buenos Ayres.* Employment of *British* Subjects in the *Military* Service of that State. April, 1821. 1020
.... with *Sicily. British Naval Force* in the Bay of *Naples.* February, 1821. 1172
..... relating to the *Slave Trade.* *See* SLAVE TRADE.
..... *Declaration.* Repeal of the *Orders in Council* of 1807 and 1809...21st April, 1812. 506
..... *Decree.* (*French.*) Neutral Trade with *French* Ports, &c. *Blockade* of the *British Islands*...Berlin, 21st November, 1806. 466
..... Confiscation of Vessels which have touched at a *British* Port. Milan, 23d November, 1807. 474
..... Denationalization of *Vessels* that have been visited by *English* Ships, &c. Milan, 17th December, 1807. 482
..... *Order in Council.* Seizure of *Neutral Vessels* trading with *France*, &c. 7th January, 1807. 468
..... *Blockade* of the Ports of *France*, &c..11th Nov. 1807. 469
.... Importation of *Merchandize* from Countries not at Amity with *Great Britain.* 11th November, 1807. 472
..... Sale of *Enemy's Vessels* to a *Neutral*....11th Nov. 1807. 474
..... *Trade* of *Neutral Vessels* with *French* Ports, &c. 25th November, 1807. 475

Pag-

GREAT BRITAIN. *Order in Council.* Trade of *Neutral Vessels* with *British Ports*..25th Nov. 1807. 47
..... Trade of *Neutral Vessels* with *Gibraltar* and *Malta*. 25th November, 1807. 47
..... *Goods* laden on board *British* Ships..25th November, 1807. 48
..... Modification of the *Blockade* of the *French Ports*. 26th April, 1809. 49
..... Conditional repeal of the *Orders in Council* of 1807 and 1809.....21st April, 1812. 51
..... Repeal of do. in favour of *American* Vessels. 23d June, 1812. 52
..... Exportation of *Gunpowder*, *Arms*, &c. to *Spain*, to certain parts of *Africa* and *America*, or to the *West Indies*, prohibited.....575
..... *Papers.* Establishment at the mouth of *Columbia River*..... 1813, 1818, 1823. 2
..... Events at *Naples*, and Proceedings of the Allied Sovereigns at *Troppau*, *Laybach*, *&c.*..... .....1820, 1821. 125
..... *Proclamation*, &c. *(United States.)* Repeal of Acts of Congress interdicting *British* and *French* Commerce. 2d November, 1810. 498
..... *Speech* of the King. *Opening* of *Parliament*. 23d January, 1821.
..... of the Lords Commissioners. *Closing* of do. 11th July, 1821. 5
..... *Treaties*, &c. with *Foreign Powers*, viz.
..... *Austria.* Convention. *Loan* for the Service of the Emperor. Vienna, 4th May, 1795. 6
do.....do. Westminster, 16th May, 1797. 702, 70
do .....do. Vienna, 20th June, 1800. 7
do....Treaty. Concert and Subsidy. St. Petersburgh, $\frac{30\text{th March,}}{11\text{th April,}}$ 1805. 7
do. Separate Articles. Alliance and Subsidy. Toplitz, 3d Oct. 1813. 7
do..... Treaty. Union, Concert, and Subsidy. Chaumont, 1st March, 1814. 7
do..... Additional Convention. Subsidy. Vienna, 30th April, 1815. 7
..... *Portugal.* Declaration. *Slave Trade. Molembo* and *Cabinda*. London, 3d April, 1819. 3
..... *Russia.* Treaty. Concert and Subsidy. St. Petersburgh, $\frac{30\text{th March,}}{11\text{th April,}}$ 1805. 7
... . *Treaty* between *France* and *Holland.* British *Orders in Council. Neutral Trade*, &c. Paris, 16th March, 1810. 4

Page

GREECE. *Correspondence* between *Turkey*, and *Russia*, and *France*. May, September, 1821. 1247
..... *Proclamations*. (*Ionian Islands*.) *Neutrality* in the Contest between *Turkey* and *Greece*. April to October, 1821. 1282
..... *Firman* of the Grand Seignior, in favour of the *Greeks* who have taken no part in the *Insurrection* against *The Porte*.....15th August, 1821. 1287
.....of ...do. Inviting the *Greeks* to return to their *Allegiance* to *The Porte*.....16th August, 1821. 1290
GUNPOWDER, &c. Exportation of, to *Spain*, to certain parts of *Africa* and *America*, or to the *West Indies*, prohibited. British *Orders in Council*.....575, 576

H.

HAMBURGH. *Convention* with *Austria*, *Prussia*, &c. Free Navigation of the *Elbe*.....Dresden, 23d June, 1821. 953
HANOVER. *Convention* with *Austria*, *Prussia*, &c. Free Navigation of the *Elbe*.... ..Dresden, 23d June, 1821. 953
..... with *Prussia*, *Saxony*, &c. Revision of Cargoes on the *Elbe*.....Dresden, 23d June, 1821. 964
HAVANNAH. *Correspondence* with the British Commissioners. *Slave Trade*.....1819 to 1821. 116
HAYTI. *See* ST. DOMINGO.
HESSE CASSEL. *Convention* with *The Netherlands*. Abolition of the "*Droit de Détraction*," &c. Brussels, 8th March, 1821. 570
HOLLAND. *See* NETHERLANDS.

I.

INDIANS. *Creek*. *Treaty* with *The United States*. *Boundaries*. Indian Spring, 8th January, 1821. 1114
INHERITANCES. Abolition of the Duties on. Convention between *The Netherlands* and *Hesse Cassel*. Brussels, 8th March, 1821. 570
INSTRUCTIONS. *See* CORRESPONDENCE.
IONIAN ISLANDS. *See* SEVEN ISLANDS.
IRELAND. *See* GREAT BRITAIN.

L.

LAW of *France*. Definitive Regulation of the *Budget* of 1819. 23d April, 1821. 577
..... *Budget* of Expenditures and Receipts for 1821. 31st July, 1821. 583

Page

LAW of *The Netherlands*. Prevention of *Slave Trade*. 20th November, 1818. 132
..... Second part of the *Budget* of Expenditure for 1822 .....28th December, 1821. 571
..... *Revenues* applicable to the Payment of do. 28th December, 1821. 573
.... *See* also ACT, CONSTITUTION, DECREE, FIRMAN, ORDER IN COUNCIL, ORDINANCE.
LAYBACH, &c. *Papers* relative to the Proceedings of the Allied Sovereigns of *Austria*, *Prussia*, and *Russia*. Events in *Naples* and *Piedmont*. 1820, 1821. 1128, 1241
LETTER. *See* CORRESPONDENCE. REPORT.
LIMITS. *See* BOUNDARIES.
LOANS. *Correspondence* between *Great Britain* and *Austria*, 1795 to 1818. 65
..... *Conventions*, &c. between *Great Britain* and *Austria*, 1795 to 1815. 65
LOUISIANA. *(Claims.)* *Treaty* between *France* and *The United States*.....Paris, 30th April, 1803. 4

M.

MALTA. *Trade* of *Neutral Vessels* with. British *Order in Council*. 25th November, 1807. 47
MANIFESTO. *Sicilian*. Events at *Naples*, and *Conferences* at *Laybach*. 17th February, 1821. 112
..... *Austrian*, of General Frimont, on entering the *Neapolitan* Territory..Foligno, 27th February, 1821. 119
..... *See* also DECLARATION. PROCLAMATION.
MECKLENBURGH-SCHWERIN. *Convention* with *Austria*, *Prussia*, &c. Free Navigation of the *Elbe*. Dresden, 23d June, 1821. 93
....with *Prussia*, *Saxony*, &c. Revision of Cargoes on the *Elbe*. Dresden, 23d June, 1821. 96
MESSAGE of the King of *The Netherlands* to the States General. New system of *Finance*..... .....30th April, 1821. 39
..... of the King of *Sweden* to the *Storthing* of *Norway*. Modification of the *Constitution*.....2d August, 1821. 78
..... of the President of *The United States* to Congress. *Opening* of the *Session*.....14th November, 1820. 51
..... of do. *Claims* of *American* Citizens against *France*, for Spoliations upon their Commerce..... 40
..... . of the King of *Sicily*. *Opening* of the *National Parliament*. 1st October, 1820. 113
MESSAGES of the King of *Sicily*, and Addresses of the National Parliament. Journey of the King to *Laybach*, &c. December, 1820. 1151, 115
MESSAGE of the Prince Regent of *Sicily*. *Closing* of the *National Parliament*..... .....28th February, 1821. 119
..... *See* also SPEECH. REPORT.
MEXICO. *Letter* of the Captain-General O'Donoju. Termination of *Hostilities* between the *Spanish* and *Mexican* Armies. Cordova, 26th August, 1821. 125

Page

MONTE VIDEO. *Proclamation* of the Governor and Captain-General of *Buenos Ayres*, respecting..27th March, 1821. 1017
..... Incorporation of the *Eastern Province* of the *River Plate* with *Brazil*. *Convention*.
Monte Video, 31st July, 1821. 1027
MOREA. *Turkish Blockade* of the. *Proclamation* of the *Ionian* Government.....7th May, 1821. 1282

N.

NAPLES. *See* SICILY.
NETHERLANDS. *Treaty* with *France*. *British Orders in Council*. *Neutral Trade*, &c...Paris, 16th March, 1810. 493
.. .. *Decree*. Punishment of Offenders. *Slave Trade*.
Loo, 17th September, 1818. 188
..... *Convention* with *Hesse Cassel*. Abolition of the "*Droit de Détraction*," &c.
Brussels, 8th March, 1821. 570
..... *Message* of the King to the States General, and *Projet* of Law,' and Explanatory *Memoir*.
New system of *Finance*..30th Apr. 1821. 599
..... *Convention* with *France*. Reciprocal restitution of *Deserters* ....Paris, 2d October, 1821. 596
..... *Speech* of the King. *Opening* of the *States General*.
15th October, 1821. 685
..... *Law*. Prevention of *Slave Trade*..20th Nov. 1818. 152
..... *Second* part of the *Budget* of Expenditure for 1822.....28th December, 1821. 571
..... *Revenues* applicable to the Payment of do.
28th December, 1821. 572
.... *Correspondence* with *Great Britain*. *Slave Trade*.
1817 to 1821. 116
NEUTRAL TRADE. Prohibition of Trade with the *British Islands*. *French Decree*....Berlin, 21st November, 1806. 466
.... Seizure of *Neutral Vessels* trading between the Ports of *France*, &c. British *Order in Council*.
7th January, 1807. 468
..... Prohibition of Trade with the Ports of *France*, &c. British *Order in Council*. 11th November, 1807. 469
..... Importation of *Merchandize* from Countries not at amity with *Great Britain*. British *Order in Council*.....11th November, 1807. 472
..... Sale of *Enemy's* Vessels to a *Neutral*, declared illegal. British *Order in Council*.
11th November, 1807. 474
..... Confiscation of Vessels which have touched at a *British* Port. *French Decree*.
Milan, 23d November, 1807. 474
.... Trade with the Ports of *France*. British *Order in Council*.... .....25th November, 1807. 475
..... *Trade* of *Neutral Vessels* with British Ports. British *Order in Council*.....25th Nov. 1807. 477
..... *Trade* of *Neutral Vessels* with *Gibraltar* and *Malta*. British *Order in Council*.
25th November, 1807. 479

Page

NEUTRAL TRADE. Denationalization of all Vessels that have been visited by *British* Ships. *French Decree.* Milan, 17th December, 1807. 482
..... Seizure of *American* Vessels in the Ports of *France.* *French Decree*.....Bayonne, 17th April, 1808. 484
..... Interdiction of *Commercial Intercourse* with *Great Britain* and *France*. *Act* of Congress of *The United States*.....1st March, 1809. 484
..... Modification of the *Blockade* of *French* Ports. British *Order in Council*.....26th April, 1809. 491
..... Seizure of *American* Vessels in the Ports of *France*. *French Decree.* Rambouillet, 23d March, 1810. 49
..... *Treaty* between *France* and *Holland*. *British* and *French* Edicts....Paris, 16th March, 1810. 49
..... Interdiction of *Commercial Intercourse* with *Great Britain* and *France*. *Act* of Congress of *The United States*.....1st May, 1810. 49
..... Revocation of the *French* Decrees, in favour of Vessels of *The United States*. Proclamation, &c. of *The United States.* 2d November, 1810. 5
..... Interdiction of *Commercial Intercourse* with *Great Britain*. *Act* of Congress of *The United States.* 2d March, 1811. 50
..... Repeal of the *Berlin* and *Milan Decrees* in favour of *American* Vessels. *French Decree.* St. Cloud, 28th April, 1811. 503
..... Conditional repeal of the *Orders* of 1807 and 1809. British *Declaration*, &c ...21st April, 1812. 506, 5
..... Repeal of the *Orders*, in favour of *American* Vessels. British *Order in Council*. 23d June, 1812. 51

NORTH AMERICA. *United States* of. *See* UNITED STATES.
NOTE. *See* CORRESPONDENCE.
NORWAY. *See* SWEDEN.

O.

OLDENBURG. *Proclamation* of the President of *The United States.* Discriminating Duties of *Tonnage* on *Oldenburg* Vessels.....22d November, 1821. 129

ORDER IN COUNCIL. *British.* Seizure of *Neutral Vessels* trading with the Ports of *France*, &c. 7th January, 1807. 46
..... *Blockade* of the Ports of *France*, &c. 11th November, 1807. 48
..... Importation of *Merchandize* from Countries not at amity with *Great Britain*....11th November, 1807. 47
..... Sale of *Enemy's Vessels* to a *Neutral* declared illegal...11th Nov. 1807. 47
..... Period of commencement of the Order respecting Trade with the Ports of *France*, &c. 25th November, 1807. 47
..... Trade of *Neutral Vessels* with *British Ports*.. 25th November, 1807. 47

Page

ORDER IN COUNCIL. *British.* Trade of *Neutral Vessels* with *Gibraltar* and *Malta*.. 25th November, 1807. 479
..... *Goods* laden on board *British* Ships. 25th November, 1807. 481
..... Modification of the *Blockade* of *French Ports*, &c. 26th April, 1809. 491
..... Conditional revocation of the *Orders* of 1807 and 1809. 21st April, 1812. 506, 510
..... Repeal of do. in favour of *American* Vessels.....23d June, 1812. 512
..... Exportation of *Arms*, *Gunpowder*, &c. to *Spain*, to certain Parts of *Africa* and *America*, or to the *West Indies*..... .....575, 576
.... *See* also ACT. DECREE. LAW. ORDINANCE.
ORDINANCE. *French.* *Tonnage* Duties on Vessels of *The United States*.....26th July, 1820. 522
.....do.....do... ...23d April, 1821. 523
..... *Confiscation* of Vessels engaged in the *Slave Trade*.....8th January, 1817. 263
..... Naval Force to suppress *Slave Trade*. 24th June, 1818. 315
..... *Sardinian.* Of the Duke of Genoa, for the restoration of order, &c. ....Modena, 3d April, 1821. 1245
... . *See* also ACT. DECREE. LAW. ORDER IN COUNCIL.
OTTOMAN PORTE. *See* TURKEY.

P.

PAPERS. *See* CORRESPONDENCE.
PERU. *Proclamation* of General San Martin. *Independence* of Peru. 22d July, 1821. 1270
..... *Decree* of General San Martin, Protector. *Government* of the Free Departments .....Lima, 3d August, 1821. 1271
..... of the Supreme Director of Chili. *Blockade* of the Ports of *Peru*.....20th August, 1820. 1218
..... *Declaration* of do. Modification of do.....22d June, 1821. 1220
PIEDMONT. *See* SARDINIA.
PLATE. Eastern Province of the River,—Incorporation of the, with Brazil. *Convention*.....Monte Video, 31st July, 1821. 1027
PORTUGAL. *Alvara* of The King. Punishment of Persons concerned in illicit *Slave Trade* .....26th January, 1818. 18
..... *Declaration*. *Slave Trade*. *Molembo* and *Cabinda*. London, 3d April, 1819. 50
..... *Correspondence* with *Great Britain*. *Slave Trade*. 1817 to 1821. 116
..... *Speech* of the Conde de Sampayo. *Installation* of the *Cortes*.....Lisbon, 26th January, 1821. 972
..... *Decree* of The King. Confirmation and adoption, for *Brazil*, of the *Constitution* of Government of the Cortes in *Lisbon*. Rio de Janeiro, 24th February, 1821. 967

Page

PORTUGAL. *Decree* of The King. Removal of the Seat of Government to Lisbon;—Appointment of The Prince Royal to the Provisional Government at *Rio de Janeiro*;—and Election in *Brazil* of Deputies to the *General Cortes* in *Portugal*.
Rio de Janeiro, 7th March, 1821. 966
..... of do.....*Bases* of the *Political Constitution*.
Lisbon, 9th March, 1821. 973
..... of The King. *Powers* of The Prince Royal as Regent and Lieutenant of *Brazil*.
Rio de Janeiro, 22d April, 1821. 969
..... *Speech* of The King. Oath to the *Bases* of the *Constitution*.....Lisbon, 4th July, 1821. 1015
..... *Convention* for the Incorporation of the *Eastern Province* of the River Plate with *Brazil*.
Monte Video, 31st July, 1821. 1027
..... *Papers*. Withdrawal of the *Austrian* and *Russian* Ministers from *Lisbon*.
April to August, 1821. 75
..... *Note* of the *Portuguese* Envoy at *Buenos Ayres*. Recognition of the *Independence* of *Chili*.
11th August, 1821. 125

PROCLAMATION. *Austrian*. Of General Frimont. On entering the *Neapolitan* Territory.
Foligno, 27th February, 1821. 1181
..... *Buenos Ayrean*. Designs of the *Brazilian* Government upon *Monte Video*. 27th Mar. 1821. 1017
..... *Peruvian*. *Independence* of *Peru*...22d July, 1821. 1270
..... *Sardinian*. Proceedings of the *Insurgents* in *Piedmont*.....12th March, 1821. 1240
..... *Seven Islands*. *Neutrality* in the Contest between *Turkey* and *Greece*.
April to October, 1821. 1252
..... *Sicilian*. Nomination of The Prince Regent as Vicar General, &c. and adoption of the *Spanish Constitution*.....Naples, 7th July, 1820. 1139
..... Of The King. Advance of the *Austrian Army* upon *Naples*.
Laybach, 23d February, 1821. 1190
..... Of do. on his return to *Naples*.
15th May, 1821. 1205
..... *Spanish*. Of General De la Torre to the People of *Venezuela*. Rupture of the *Armistice* with General Bolivar.
23d March, 1821. 1259
... . *United States*. Revocation of the *French* Edicts, in favour of *The United States*.
2d November, 1810. 49
..... *Treaty* of Amity, Settlement, and Limits, with *Spain*, of 1819.
22d February, 1821. 53
.. .. Discriminating Duties of *Tonnage* on *Norwegian* Vessels.
20th August. 1821. 109
..... do..... on *Oldenburg* Vessels.
22d November, 1821. 129
.... *See also* DECLARATION. MANIFESTO.

PRUSSIA. *Papers*. Events in *Naples* and *Piedmont*..1820, 1821. 1128, 124

Page

PRUSSIA. *Letter* of The King to The King of *Sicily*. Events at *Naples*.....Troppau, 20th November, 1820. 1147
..... of The King of *Sicily*, in Answer to do. Naples, 11th December, 1820. 1158
..... *Circular* to the *Prussian* Ministers at Foreign Courts. Events at *Naples*.... Troppau, 8th Dec. 1820. 1149
..... to the *Prussian* Minister, &c. at Naples, on do. Laybach, 31st January, 1821. 1165, 1171
..... *Declaration* of the Allied Sovereigns. Events in *Naples* and *Piedmont*.....Laybach, 12th May, 1821. 1199
..... *Circular* to the *Prussian* Ministers at Foreign Courts, on do. Laybach, 12th May, 1821. 1201
..... *Convention* with *Austria, Saxony*, &c. Free Navigation of the *Elbe*.....Dresden, 23d June, 1821. 953
.....with *Saxony, Hanover*, &c. Revision of Cargoes on the *Elbe*.....Dresden, 23d June, 1821. 964

R.

REPORT. *Sicilian*. Minister for *Foreign Affairs* to the National Parliament.....October, 1820. 1141
..... do. to The Prince Regent..15th February, 1821. 1181
..... *Spanish*. Minister for *Foreign Affairs* to the Cortes. 4th March, 1821. 1210
..... *United States*. Secretary of the *Treasury*. State of the *Finances*.....1st December, 1820. 1030
..... do. *(Supplementary)* do...21st Dec. 1820. 1048
..... Secretary of *War*. Plan for a reduction of the *Army*.....12th December, 1820. 1056
..... Secretary of the *Navy*. Employment of the Ships of War. 11th Dec. 1820. 1077
..... of do..... Gradual increase of the *Navy*..18th Dec. 1820. 1079
..... Secretary of *War*. Selection of sites for *Fortifications*, &c. 12th February, 1821. 1094
..... Secretary of the *Treasury*. *Exports* from *The United States*. *Tonnage*, &c. 1820.....28th Dec. 1820. 1118
.... of do..... *Imports* into *The United States*. 1818, 1819. 22d January, 1821. 1124
..... *See* also MEMOIR. MESSAGE.
RETURNS. *See* ACCOUNTS.
RIO DE JANEIRO. *Correspondence* with the British Commissioners. *Slave Trade*.....1817 to 1821. 116
RUSSIA. *Treaty* with *Turkey*. Commerce. (Extracts.).....1783. 1248
..... with *Great Britain*. Concert and Subsidy. (do.) St. Petersburgh, $\frac{30\text{th Mar.}}{11\text{th April,}}$ 1805. 725
..... *Papers*. Events in *Naples* and *Piedmont*.1820, 1821. 1128, 1241
..... *Letter* of The Emperor to The King of *Sicily*. Events at *Naples*.....Troppau, 20th November, 1820. 1147
.....of The King of *Sicily*, in Answer to do. 11th December, 1820. 1158

Page

RUSSIA. *Circular* to the *Russian* Ministers at Foreign Courts. Events at *Naples*.....Troppau, 8th December, 1820. 1149
..... to the *Russian* Minister, &c. at *Naples*, on do. Laybach, 19/31 January, 1821. 1165, 1171
..... to the *Russian* Ministers at Foreign Courts. Events in *Naples* and *Piedmont*....Laybach, 28th April, 10th May, 1821. 1196
..... *Declaration* of the Allied Sovereigns, on do. Laybach, 12th May, 1821. 1197
..... *Circular* to the *Russian* Ministers at Foreign Courts, on do. Laybach, 12th May, 1821. 1201
..... *Convention* with *Sweden*. Exchanges of Private *Lands*, and competency of the Criminal *Tribunals*, on the Frontier. Tornea, 4/17 January, 1821. 74
..... *Treaty* with do. 1809, and Act of *Demarkation*, 1810.... 749, 75
..... *Speech* of the Minister of *Finance*. *Opening* of the *Council of Credit*.....24th May, 1821. 75
..... *Correspondence* with *Turkey*. Differences between *Russia* and *The Porte*.....May, July, 1821. 12
..... *Papers*. Withdrawal of the *Austrian* and *Russian* Ministers from *Lisbon*. ..... April to August, 1821. 2

S.

SARDINIA. *Proclamation* of the King. Proceedings of the *Insurgents* in *Piedmont*...Turin, 12th March, 1821. 15
..... *Act* of *Abdication* of the King, *Victor Emanuel*. Turin, 13th March, 1821. 12
..... *Decree* of the Prince Regent. Publication of the *Spanish Constitution*.....Turin, 13th March, 1821. 12
..... *Declaration* of the Duke of *Genoa*. His assumption of the Government..Modena, 16th Mar. 1821. 12
..... *Ordinance* of.....do. Restoration of order, &c. Modena, 3d April, 1821. 12
..... *Act*, confirmatory of the *Abdication* of The King, *Victor Emanuel*.....Nice, 19th April, 1821. 12
..... *Circular* of the Russian Government to its Ministers at Foreign Courts. Events in *Naples* and *Piedmont*. Laybach, 28th April, 10th May, 1821. 119
..... *Declaration* of the Allied Sovereigns, on do. Laybach, 12th May, 1821. 119
..... *Circular* of do. to their Ministers at Foreign Courts, on do. Laybach, 12th May, 1821. 120
SAXONY. *Convention* with *Austria*, *Prussia*, &c. Free Navigation of the *Elbe*.....Dresden, 23d June, 1821. 93
..... with *Prussia*, *Saxony*, &c. Revision of Cargoes on the *Elbe*.....Dresden, 23d June, 1821. 96
SEVEN ISLANDS. *Speech* of the Lord High Commissioner. *Opening* of the *Legislative Assembly*....6th March, 1821. 12
..... *Proclamations*. *Neutrality* in the Contest between *Turkey* and *Greece*. *Blockade* of the *Morea*, &c. April to October, 1821. 12
SICILY. *Proclamation* of The King. Nomination of The Prince Regent as *Vicar General*, &c. and adoption of the *Spanish Constitution*....7th July, 1820. 11

Page

SICILY. *Circular* of the *Austrian* Government to the different Courts of *Germany*. Events at *Naples*.
Vienna, 25th July, 1820. 1130

..... *Message* of the King. *Opening* of the *National Parliament*.
1st October, 1820. 1131

..... *Note* to the *Austrian* Government. Events at *Naples*.
1st October, 1820. 1135

..... *Report* of the Minister for *Foreign Affairs* to the National Parliament.....October, 1820. 1141

..... *Letter* of the Allied Sovereigns of *Austria*, *Prussia*, and *Russia*, to The King. Invitation to *Laybach*.
Troppau, 20th November, 1820. 1147

..... of The King, in Answer to do..11th December, 1820. 1158

..... of the King of *France* to the King of *Sicily*. Events at *Naples*..... .....Paris, 3d December, 1820. 1148

..... *Circular* of the Allied Sovereigns to their Ministers at Foreign Courts, on do....Troppau, 8th December, 1820. 1149

..... *Messages* of The King, and Addresses of the National Parliament. Journey to *Laybach*, &c.
December, 1820. 1151, 1158

..... *Circular* of the *British* Government. *Conferences* at *Troppau* and *Laybach*. Affairs of *Naples*.
19th January, 1821. 1160

..... *Letter* of The King to The Prince Regent of *Sicily*.
Laybach, 28th January, 1821. 1162

..... *Speech* of the Prince Regent. *Closing* of the *National Parliament*.....Naples, 31st January, 1821. 1164

..... *Circulars* of the Allied Courts to their Ministers at *Naples*.
Laybach, $\frac{19}{31}$ January, 1821. 1165, 1171

..... *Note Verbale* of the *French* Chargé d'Affaires at *Naples*.
Naples, 9th February, 1821. 1172

..... *Correspondence*. *British* and *French Naval Forces* in the Bay of *Naples*.....February, 1821. 1172

..... *Speech* of The Prince Regent. *Opening* of the *National Parliament*.....13th February, 1821. 1174

..... *Declaration* of the *Austrian* Government. Advance of the *Austrian* Army..Vienna, 13th February, 1821. 1175

..... *Report* of the Minister for *Foreign Affairs* to The Prince Regent.....Naples, 15th February, 1821. 1181

..... *Address* of the *National Parliament* to The Prince Regent. Propositions of the Allied Sovereigns.
Naples, 15th February, 1821. 1185

..... *Manifesto* of the *Sicilian* Government. Advance of the *Austrian* Army..Naples, 17th February, 1821. 1187

..... *Proclamation* of The King. do....Laybach, 23d Feb. 1821. 1190

..... of the Austrian General Frimont. do.
Foligno, 27th February, 1821. 1192

..... *Message* of The Prince Regent. *Closing* of the *National Parliament*.....Naples, 28th February, 1821. 1193

..... *Speech* of do. *Opening* of the *National Parliament*.
Naples, 1st March, 1821. 1194

..... *Convention* between the *Sicilian* and *Austrian Armies*. *Armistice* .....Capua, 20th March, 1821. 1194

..... between do. *Occupation* of *Naples*.
Aversa, 23d March, 1821. 1195

..... *Circular* of the *Russian* Government to its Ministers at Foreign Courts. Events in *Naples* and *Piedmont*.
Laybach, $\frac{\text{28th April,}}{\text{10th May,}}$ 1821. 1196

Page

SICILY. *Declaration* of the Allied Sovereigns. Events in *Naples* and *Piedmont*.....Laybach, 12th May, 1821. 1199
..... *Circular* of do. to their Ministers at Foreign Courts, on do. Laybach, 12th May, 1821. 1201
..... *Proclamation* of The King, on his return to *Naples*. Naples, 15th May, 1821. 1205
SIERRA LEONE. *Correspondence* with the British Commissioners, &c. *Slave Trade*..1819 to 1821. 3, 789, 915
SLAVE TRADE. *Correspondence* relating to the. 1819 to 1821; viz.:
..... of the FOREIGN OFFICE, with the *British Commissioners at*
Sierra Leone.. 3 *Rio de Janeiro* 116
The Havannah 116 *Surinam*..... 116
..... of do. with FOREIGN POWERS. 1817 to 1821, viz.:
Spain.....116 *France*..... 257
Portugal.....116 *United States*. 385
Netherlands..116
..... of the ADMIRALTY, with *British Naval Officers*.....1819 to 1821. 79
..... of the COLONIAL OFFICE, with the Governor of *Sierra Leone*. 1819, 1820. 93
..... *Commission* for a British Commissary Judge, Commissioner of Arbitration, and Secretary (or Registrar) at Sierra Leone 7
..... *Interrogatories* to be administered to Witnesses.... 13
..... *Memoranda* for the guidance of the Commissioners; and *Forms* of *Documents*.....25, 28
..... *Ordinance, (French.)* Confiscation of Slave Vessels. 8th January, 1817. 283
..... *Cedula, (Spanish.)* Restriction of the Traffic. December, 1817. 120
..... *Alvara, (Portuguese.)* Punishment of Offenders. 26th January, 1818. 15
..... *Ordinance, (French.)* Naval Force on the Coast of *Africa*...24th June, 1818. 315
..... *Decree, (Dutch.)* Punishment of Offenders. Loo, 17th September, 1818. 185
..... *Act* of Congress of *The United States*. Prevention of the Traffic.....3d March, 1819. 387
..... *Declaration. (Great Britain* and *Portugal.) Molembo* and *Cabinda*.....London, 3d April, 1819. 50
SPAIN. *Treaty* with *The United States*. *Amity, Settlement*, and *Limits*.....Washington, 22d February, 1819. 524
..... with.....do.....do.....do. (Extracts.) 1795. 540
..... between the *Spanish* and *Colombian* Armies. *Armistice*.....Truxillo, 25th November, 1820. 1225
..... *Papers*. Rupture of the *Armistice* between do. March, 1821. 1232
..... *Speech* of the King. *Opening* of the *Cortes*. 1st March, 1821. 1206
..... *Act* of Congress of *The United States*. *Treaty* of Amity, Settlement, and Limits, with *Spain*, of 1819..3d March, 1821. 770
..... *Report* of the Minister for *Foreign Affairs* to the Cortes. 4th March, 1821. 1210
..... *Decree* of the Cortes. Encouragement of Colonization, by *Spaniards* and *Foreigners*, in the *Spanish American Colonies*.....27th June, 1821. 1303

Page

SPAIN. *Speech* of the King. *Closing* of the *Cortes*.30th June, 1821. 1212
..... *Letter* of the Captain-General O'Donoju. Termination of *Hostilities* in *Mexico*....Cordova, 26th August, 1821. 1238
..... *Speech* of the King. *Opening* of the Extraordinary *Cortes*. 28th September, 1821. 1214
..... *Note* of the Supreme Director of *Chili* to the Vice President of *Colombia*. Terms of any reconciliation with *Spain*. 17th August, 1821. 1221
..... *Orders in Council*. Exportation of *Arms*, &c. to *Spain*, prohibited.....575, 576
..... *Correspondence* with *Great Britain*. *Slave Trade*..1817 to 1821. 116
SPANISH AMERICA. Encouragement of Colonization, by *Spaniards* and *Foreigners* in. *Decree* of the Cortes of *Spain*. 27th June, 1821. 1303
..... *See* also BUENOS AYRES, CHILI, COLOMBIA, MEXICO, PERU.
SPEECH of the King of *France*. *Opening* of the *Chambers*. 5th November, 1821. 675
..... of the King of *Great Britain*. *Opening* of *Parliament*. 23d January, 1821. 1
..... of the Lords Commissioners...do. *Closing* of the *British Parliament*.....11th July, 1821. 574
..... of the King of *The Netherlands*. *Opening* of the *States General*.....15th October, 1821. 685
..... of the Conde de Sampayo. *Installation* of the *Cortes* of *Portugal*.....26th January, 1821. 972
..... of the King of *Portugal*. Oath to the *Bases* of the *Constitution*.....4th July, 1821. 1015
..... of the *Russian Minister* of *Finance*. *Opening* of the *Council* of *Credit*.....24th May, 1821. 755
..... of the Lord High Commissioner of the *Ionian Islands*. *Opening* of the *Legislative Assembly*....6th March, 1821. 1273
..... of the Prince Regent of *Sicily*. *Closing* of the *National Parliament* .....31st January, 1821. 1164
..... of do.....do.....do. *Opening* of do. 13th February, 1821. 1174
..... of the Prince Regent of *Sicily*. *Opening* of the *National Parliament*.....1st March, 1821. 1194
..... of the King of *Spain*. *Opening* of the *Cortes*..1st March, 1821. 1206
..... of.....do..... *Closing* of do.....30th June, 1821. 1212
..... of.....do..... *Opening* of the Extraordinary *Cortes*. 28th September, 1821. 1214
..... of the King of *Sweden*. *Opening* of the *Storthing* of *Norway*. 1st February, 1821. 761
..... of.....do..... *Closing* of do....21st August, 1821. 766
..... of *James Monroe*, President of *The United States*, on being sworn into Office.....5th March, 1821. 676
..... of the King of *Wirtemberg*. *Closing* of the First Session of the *States*.....26th June, 1821. 768
..... *See* also MESSAGE.
STATEMENT. *See* GREAT BRITAIN. UNITED STATES, &c. *Accounts*.
ST. DOMINGO. *Address* of the House of *Representatives* to the People. *Closing* of the *Session*...16th Nov. 1821. 1216
... . *Constitutive Act* of the Provisional Government of the *Spanish* Part of *Hayti*. Santo Domingo, 1st December, 1821. 557
..... *Declaration* of *Independence* of the *Dominican* Republic.....Santo Domingo, 1st December, 1821. 564

Page

ST. HELENA. Renewal of the *Intercourse* of Foreign Vessels with. *Circular* of the *British* Government to the Ministers, &c. of Foreign Courts in London...30th July, 1821. 1270

SURINAM. *Correspondence* with the British Commissioners. *Slave Trade*.....1819 to 1821. 116

SWEDEN. *Convention* with *Russia*. Exchanges of Private *Lands*, and competency of the Criminal *Tribunals*, on the Frontier. Tornea, $\frac{8}{17}$ January, 1821. 742

..... *Treaty* of *Peace* with do. 1809, and Act of *Demarkation*. 1810. 749, 750

..... *Speech* of the King. *Opening* of the *Storthing* of *Norway*. 1st February, 1821. 761

..... *Message* of do. to the *Storthing*. Modification of the *Constitution*.....2d August, 1821. 762

..... *Speech* of do. *Closing* of the *Storthing* of *Norway*. 21st August, 1821. 766

..... *Proclamation* of the President of *The United States*. Discriminating Duties of *Tonnage* on *Norwegian* Vessels.....20th August, 1821. 1065

SWITZERLAND. *Articles* of the *Treaty* with *France*, 1803, provisionally renewed. *Judicial Proceedings*....1821. 125

T.

TREATIES, CONVENTIONS, &c. between GREAT BRITAIN and FOREIGN POWERS, viz.

..... *Austria*. Convention. *Loan* from *Great Britain*. Vienna, 4th May, 1795. 699

..... do.....do.....do. Westminster, 16th May, 1797. 702, 715

..... do .....do.....do. Vienna, 20th June, 1800. 721

..... Treaty. Concert and Subsidy. St. Petersburgh, $\frac{30\text{th March,}}{11\text{th April,}}$ 1805. 725

..... Separate Articles. Alliance and Subsidy. Toplitz, 3d October, 1813. 739

..... Treaty. Union, Concert, and Subsidy. Chaumont, 1st March, 1814. 739

..... Additional Convention. Subsidy. Vienna, 30th April, 1815. 740

..... Protocol Pecuniary Indemnity from *France*. Paris, 20th November, 1815. 740

..... *Portugal*. Declaration, explanatory. *Molembo* and *Cabinda*. *Slave Trade*..London, 3d April, 1819. 50

..... *Russia*. Treaty. Concert and Subsidy. St. Petersburgh, $\frac{30\text{th March,}}{11\text{th April,}}$ 1805. 725

TREATIES, CONVENTIONS, &c. between FOREIGN POWERS, viz.

.... *Austria, Prussia, Saxony, Hanover, Denmark, Mecklenburgh-Schwerin, Anhalt*, and *Hamburgh*. Convention. Free Navigation of the *Elbe*...Dresden, 23d June, 1821. 953

..... *Brazil* and *Monte Video*. Convention. Incorporation of the *Eastern Province* of the *River Plate* with *Brazil*. Monte Video, 31st July, 1821. 1027

Page

TREATIES, &c. between FOREIGN POWERS, *Continued.*
..... *Colombia* and *Spain*. *Treaty*. *Armistice*. Truxillo, 25th November, 1820. 1225
..... *France* and *Holland*. Treaty. British *Orders in Council*, *Neutral Trade*, &c.. Paris, 16th March, 1810. 493
..... and *Switzerland*. Treaty of 1803. *Judicial Proceedings*. *Articles* renewed.....1821. 1286
..... and *The Netherlands*. Convention. Reciprocal restitution of *Deserters*....Paris, 2d Oct. 1821. 596
..... *Hesse Cassel* and *The Netherlands*. Convention. Abolition of the "*Droit de Détraction*," &c. Brussels, 8th March, 1821. 570
..... *Prussia*, *Saxony*, *Hanover*, *Denmark*, and *Mecklenburgh-Schwerin*. Convention. Revision of Cargoes on the *Elbe*.....Dresden, 23d June, 1821. 964
..... *Russia* and *Turkey*. Treaty of 1783. Commerce. (Extracts.)..... 1248
..... and *Sweden*. Convention. Exchanges of Private *Lands*, and competency of the Criminal *Tribunals*, on the Frontier. Tornea, $\frac{5}{17}$ January, 1821. 742
.....and do.....Treaty of Peace, 1809, and Act of *Demarkation*, 1810.....749, 750
..... *Sicily* and *Austria*. Convention. *Armistice*. Capua, 20th March, 1821. 1194
.....and do.....do. *Occupation* of *Naples*. Aversa, 23d March, 1821. 1195
..... *Spain* and *The United States*. Treaty. *Amity*. *Settlement*, and *Limits*. Washington, 22d Feb. 1819. 524
.....and do ..... Treaty. do. 1795. (Extracts.) 540
..... *United States* and *France*. Convention. *Neutral Trade*. (Extract.). Paris, 30th Sept. 1800. 463
.....and do..... Treaty. *Louisiana*. (Extract) Paris, 30th April, 1803. 465
..... and *Creek Indians*. Treaty. *Boundaries*. Indian Spring, 8th January, 1821. 1114
TROPPAU, &c. *Papers* relative to the Proceedings of the Allied Sovereigns of *Austria*, *Prussia*, and *Russia*. Events in *Naples* and *Piedmont*.....1820, 1821. 1128, 1241
TURKEY. *Firman* of the Grand Seignior. In favour of the *Greeks* who have taken no part in the *Insurrection*. 15th August, 1821. 1287
..... of do. Inviting the *Greeks* to return to their *Allegiance*.....16th August, 1821. 1290
.... *Correspondence* with *Russia* and *France*. Differences between *Turkey* and *Russia*....May, September, 1821. 1247
..... *Proclamations*. (*Ionian Islands*.) *Neutrality* in the Contest between *Turkey* and *Greece*. April to October, 1821. 1282
..... *Treaty* with *Russia*, 1783. Commerce. (Extracts.).... 1248

U.

Page

UNITED STATES. *Accounts. Finance.* Annual Receipts. 1789 to 1820. 109.
..... Internal Duties.....1819. 1047
..... Public Debt, on 1st Jan. 1820. 1047
..... *Trade.* Domestic and Foreign Merchandize exported. 1789 to 1820. 1090
..... Exports and Imports. 1819, 1820. 1092, 1119, 1125
..... Duties on Merchandize, Tonnage, &c. 1817 to 1819. 1045, 1046
..... Tonnage employed, *Foreign Trade*, &c...do.....1045, 1123
.....*Act of Congress.* *Embargo* on Ships and Vessels in the Ports of *The United States.* 22d Dec. 1807. 68
..... Interdiction of *Commercial Intercourse* with *Great Britain* and *France*.....1st March, 1809. 484
..... Interdiction of *British* and *French Armed* Vessels. 1st May, 1810. 496
..... Interdiction of *Commercial Intercourse* with *Great Britain.* 2d March, 1811. 502
..... Discriminating Duties *of Tonnage* on Foreign Vessels. 3d March, 1815. 521
..... For the gradual increase of the *Navy*.....29th April, 1816. 1076
..... Prevention of *Slave Trade.* 3d March, 1819. 387
..... New *Tonnage* Duty on *French* Vessels.....15th May, 1820. 521
..... *Tonnage* Duties on *French* Vessels..... ..3d March, 1821. 522
..... *Treaty* of Amity, Settlement, and Limits, with *Spain*, of 1819. 3d March, 1821. 770
.... *Military* Peace Establishment. 2d March, 1821. 1074
..... Gradual increase of the *Navy.* 3d March, 1821. 1076
..... *Circular.* Revocation of *French Decrees*, in favour of *American* Vessels.....2d Nov. 1810. 499
... . *Correspondence* with *France. Claims* of American Citizens for spoliations upon their Commerce.....1816 to 1822. 401
..... *Decrees, Orders in Council, Treaties*, &c. relating to do..... 1800 to 1812. 462
..... with *Buenos Ayres. Identification of American* Vessels....August, 1821. 1025

Page

UNITED STATES. *Correspondence* with *Great Britain*. Slave Trade. 1819 to 1821. 387
..... *Decree*. (*French*.) Seizure of *American* Vessels in the Ports of *France*. Bayonne, 17th April, 1808. 484
..... (do) .....do. Rambouillet, 23d March, 1810. 495
..... (do.) .....Repeal of the *Berlin* and *Milan Decrees*, in favour of *American* Vessels.....St. Cloud, 28th April, 1811. 503
..... *Message* to Congress. *Opening* of the *Session*. 14th November, 1820. 513
..... *Order in Council*. Repeal of the Orders of 1807 and 1809, in favour of *American* Vessels.....23d June, 1812. 512
..... *Ordinance* of The King of *France*. *Tonnage* Duties on *American* Vessels...26th July, 1820. 522
..... of do.....do.....23d April, 1821. 523
..... *Papers*. Establishment at the Mouth of *Columbia River*.....1813, 1818, 1823. 1292
..... *Proclamation*. Discriminating Duties of *Tonnage* on *Norwegian* Vessels and Cargoes. 20th August, 1821. 1093
..... do.....on *Oldenburg* do. 22d November, 1821. 1291
..... *Treaty* of Amity, Settlement, and Limits, with *Spain*, 1819. 22d February, 1821. 524
.... Revocation of *French Decrees* in favour of *American* Vessels. 2d November, 1810. 498
..... *Report* of the Secretary of the *Treasury*. State of the *Finances*.....1st December, 1820. 1030
..... (Supplementary.) do...do. 21st December, 1820. 1048
..... of the Secretary of the *Navy*. Employment of the Ships of War....11th December, 1820. 1077
..... of the Secretary of *War*. Plan for the reduction of the *Army*.....12th December, 1820. 1056
..... of do.....Gradual increase of the *Navy*. 18th December, 1820. 1079
..... of the Secretary of the *Treasury*. *Exports*, *Tonnage*, &c. 1820....28th December, 1820. 1118
..... of do...*Imports*, 1818, 1819...22d Jan. 1821. 1124
..... of the Secretary of *War*. Selection of sites for *Fortifications*, &c...12th February, 1821. 1094
..... *Speech* of *James Monroe*, on his being sworn into Office as *President*.....5th March, 1821. 676
..... *Treaties*, &c. with *Foreign Powers*, viz.
France. Convention. *Neutral Trade*. (Extract.)....Paris, 30th Sept. 1800. 463
..... Treaty.....*Louisiana*.....(Extract.) Paris, 30th April, 1803. 465
Spain. Treaty. Amity, Settlement, and Limits. Washington, 22d February, 1819. 524
..... Treaty....do..do....1795. (Extracts.) 540
Creek Indians. Treaty. *Boundaries*. Indian Spring, 8th January, 1821. 1114

W.

Page

WEST INDIES. Exportation of *Gunpowder*, *Arms*, &c. to the, prohibited. British *Orders in Council*.....575, 576

WIRTEMBERG. *Speech* of The King. *Closing* of the First Session of the *States*.....26th June, 1821. 768

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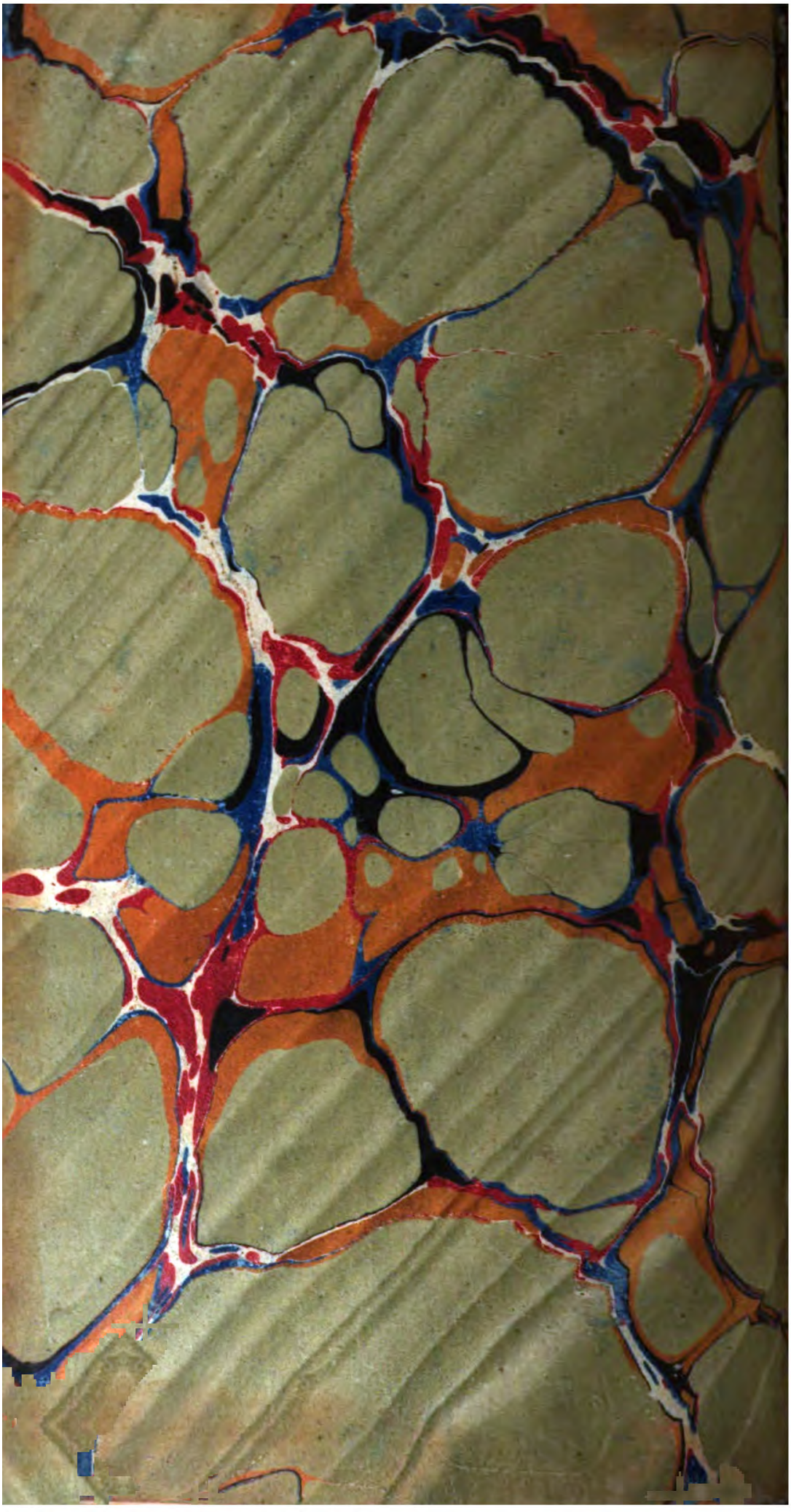
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