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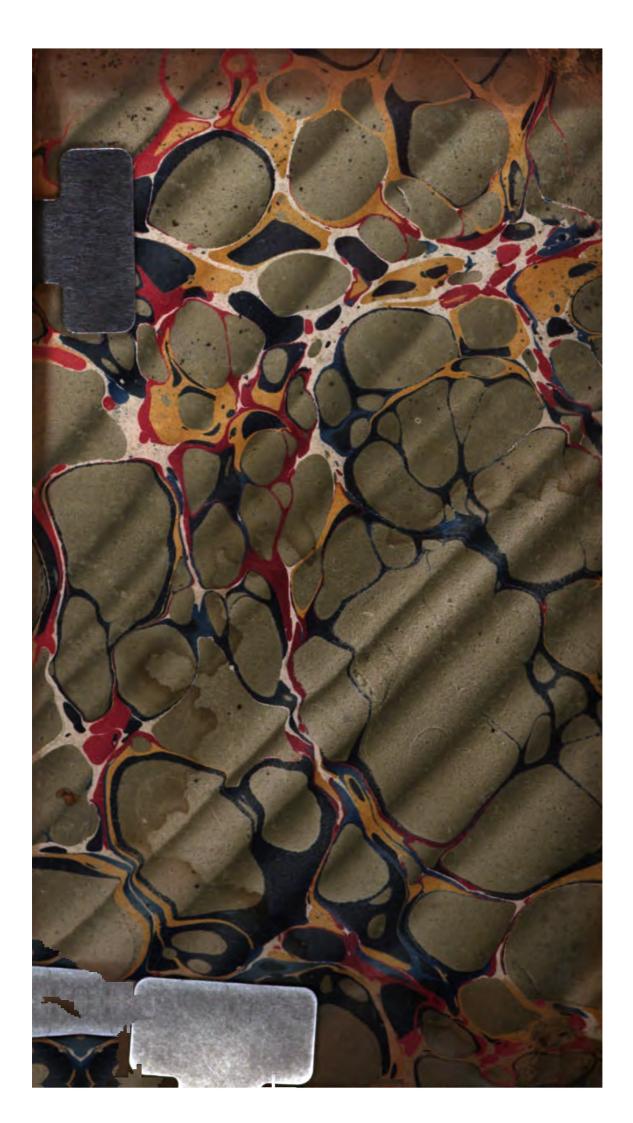
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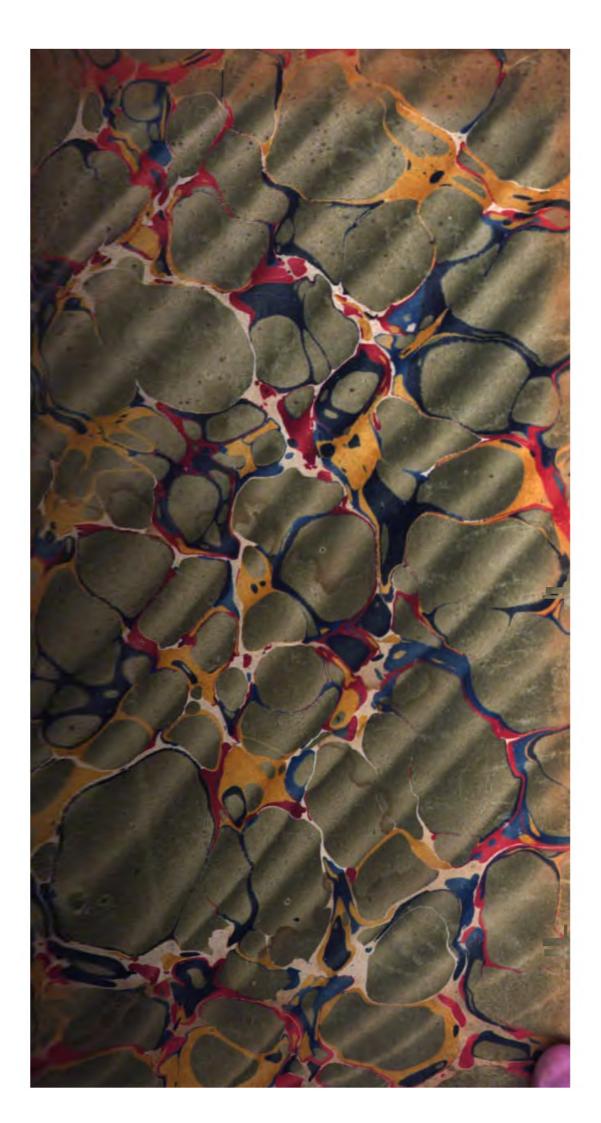
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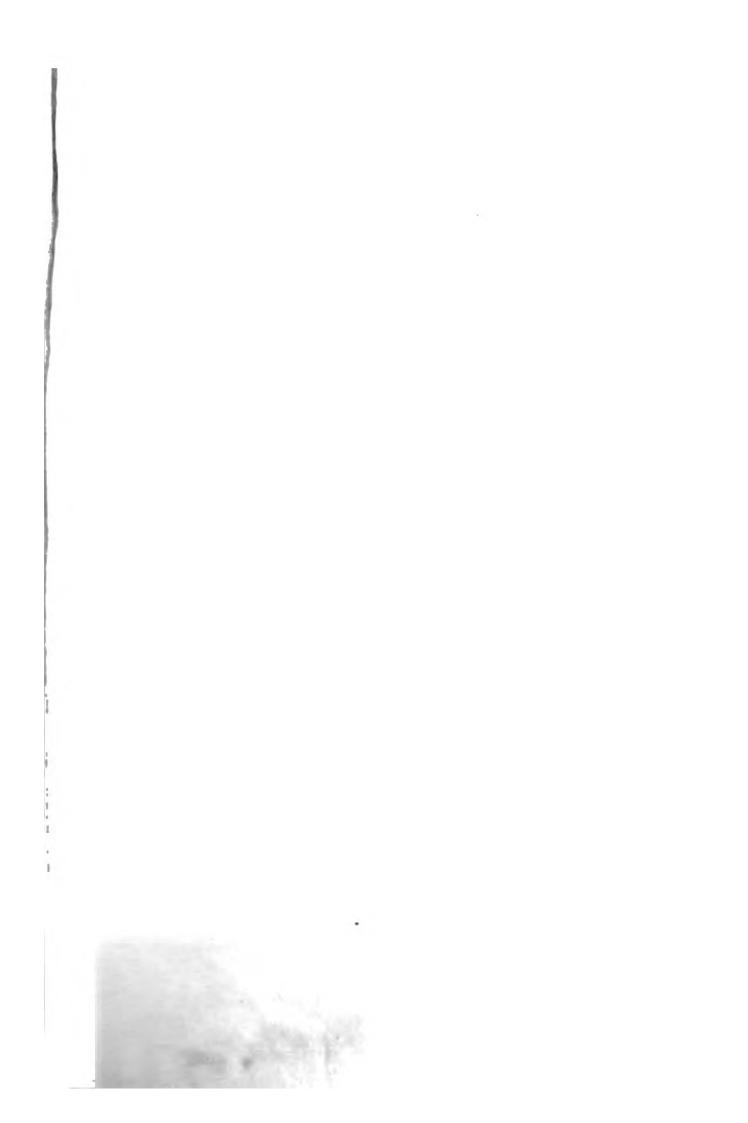
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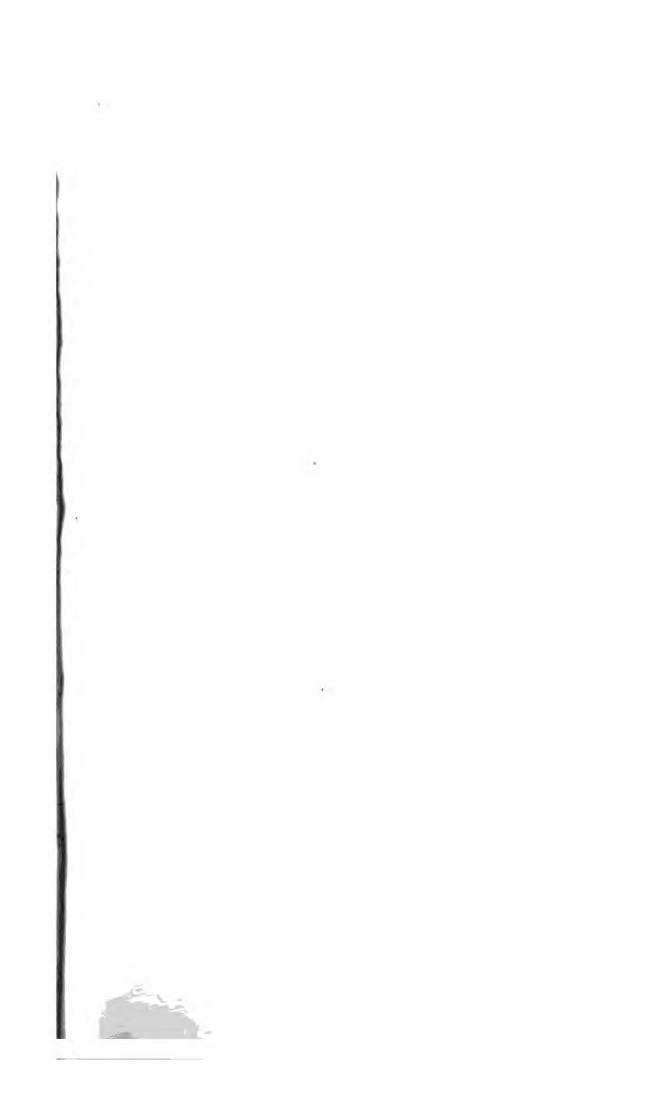


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BRITISH AND FOREIGN

STATE PAPERS.

1821-1822.

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SPEECH of the King to both Houses of the British Parliament, on the Opening of the Session, 5th February, 1822.

My Lords, and Gentlemen,

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

It is impossible for Me not to feel deeply interested in any event that may have a tendency to disturb the peace of Europe. My endeavours have therefore been directed, in conjunction with My Allies, to the settlement of the differences which have unfortunately arisen between the Court of St. Petersburgh and the Ottoman Porte, and I have reason to entertain hopes that these differences will be satisfactorily adjusted.

In My late visit to Ireland I derived the most sincere gratification from the loyalty and attachment manifested by all classes of My Subjects. With this impression it must be matter of the deepest concern to Me, that a spirit of outrage, which has led to daring and systematic violations of the Law, has arisen and still prevails in some parts of that Country.

I am determined to use all the means in My power for the protection of the persons and property of My loyal and peaceable Subjects; and it will be for your immediate consideration whether the existing Laws are sufficient for this purpose.

Notwithstanding this serious interruption of public tranquillity, I have the satisfaction of believing that My presence in Ireland has been productive of very beneficial effects; and all descriptions of My People may confidently rely upon the just and equal administration of the Laws, and upon My paternal solicitude for their welfare.

Gentlemen of the House of Commons,

It is very gratifying to Me, to be able to inform you, that during the last Year the Revenue has exceeded that of the preceding, and appears to be in a course of progressive improvement. I have directed the Estimates of the current Year to be laid before you. They have been framed with every attention to economy which the circumstances of the Country will permit; and it will be satisfactory to you to learn that I have been able to make a large reduction in our Annual Expenditure, particularly in our Naval and Military Establishments.

My Lords, and Gentlemen,

I have the greatest pleasure in acquainting you that a considerable improvement has taken place in the course of the last Year in the Commerce and Manufactures of the United Kingdom, and that I can now state them to be, in their important branches, in a very flourishing condition.

I must at the same time deeply regret the depressed state of the agricultural interest.

The condition of an interest so essentially connected with the prosperity of the Country will, of course, attract your early attention; and I have the fullest reliance on your wisdom in the consideration of this important subject.

I am persuaded, that in whatever measures you may adopt, you will bear constantly in mind, that in the maintenance of our Publick Credit all the best interests of this Kingdom are equally involved; and that it is by a steady adherence to that principle that we have attained, and can alone expect to preserve, our high station amongst the Nations of the World.

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FRANCE.

No. 1.—Sir Charles Stuart to Viscount Castlereagh.—(Rec. Feb. 25) My LORD, Paris, 22d February, 1821.

I HAVE the honour to transmit to your Lordship the Copy of a Note I have received from Baron Pasquier, in answer to the Communication which announced the capture of the Slave Ship, the *Louisa*, in a Port of the Island of Antigua. I have, &c. Viscount Castlereagh, K. G. CHARLES STUART.

(Inclosure.)—The Baron Pasquier to Sir Charles Str Monsieur L'Ambassadeur, Paris, le 15 Fé

J'AI reçu la Lettre que votre Excellence m'a fait l'h m'adresser le 9 Janvier, pour me faire connoître l'arrestation tention, à Antigua, du Navire la Louise, qui paroit avoir été employé à la Traite des Noirs.

J'ai l'honneur d'informer votre Excellence, que M. le Ministre de la Marine, à qui je m'étais empressé de faire part de cette Communication, vient d'écrire aux Administrateurs François de la Guadeloupe et de la Martinique, pour que les poursuites contre *la Louise* soient faites par les Tribunaux, aussitôt que ce Navire aura été conduit, par ordre des Autorités Angloises, dans l'une ou l'autre de ces Iles.

J'ai l'honneur, &c.

S. E. Le Chevalier Stuart.

PASQUIER.

No. 2.—Sir Charles Stuart to Viscount Castlereagh.—(Rec. April 1.) My LORD, Paris, 29th March, 1821.

I INCLOSE, for your Lordship's information, Copies of the further Correspondence which has taken place with the French Government, upon the subject of the repeated infractions of the Law which abolishes the Slave Trade in the Territories of His Most Christian Majesty.

I have the honour to be, &c.

Viscount Castlereagh, K. G. CHARLES STUART.

(Inclosure 1.)—Sir Charles Stuart to the Baron Pasquier.

SIR,

Paris, 23d March, 1821.

I HAVE the honour to inclose to your Excellency the annexed Paper*, which I am assured is the exact Copy of an Agreement recently concluded by certain mercantile houses in the Port of Havre.

The substitution of the word *Mules* for *Negroes* shows the real nature of this Agreement, since it is well known that there are no mules to be purchased on the Coast of Africa. I feel that it is my duty to submit this Document to the attention of His Most Christian Majesty's Government, in the hope that they may be enabled to prevent the Parties from carrying their designs into execution.

I have, &c.

His Excellency the Baron Pasquier.

CHARLES STUART.

(Inclosure 2.)—The Baron Pasquier to Sir Charles Stuart.

MONSIEUR L'AMBASSADEUR, Paris, le Mars, 1821.

Au moment où je recevois la Lettre que votre Excellence m'a fait l'honneur de m'écrire le 23 de ce mois, rélativement à une spéculation qui paraît cacher un projet de Traite des Noirs, le Ministre de la Marine me faisait part des mêmes informations, en ajoutant, qu'il venait de prendre les mésures nécessaires pour que l'opération ne puisse s'effectuer, et pour que les spéculateurs soient récherchés et punis. Le voile dont on a cherché à la couvrir, facile d'ailleurs à pénétrer, est un motif de plus pour que le Gouvernement suive cette affaire de manière.

" Not transmitted to the Foreign Office.

No. 3.— The Marquess of Londonderry to Sir Charles Stuart. Sir, Foreign Office, 8th May, 1821.

I HAVE the honour to forward to you Copies of several Documents transmitted to me by the Secretary of the African Institution,* tending to show the continuance of the illicit Trade in Slaves by French Subjects. These Papers appear to contain important information, and I have to refer your Excellency to my former Correspondence on this subject, for the guidance of your conduct in the use which your Excellency may judge it expedient to make of them. 1 am, &c. H. E. Sir Charles Stuart, G.C.B. LONDONDERRY.

No.4.—Sir Charles Stuart to the Marq. of Londonderry.—(Rec. June 14.) My LORD, Paris, 11th June, 1821.

I HAVE received in due course your Lordship's Dispatch of the 8th of May, and, according to the spirit of my Instructions, I have addressed the official Note (of which I have the honour to inclose a Copy) to Baron Pasquier; and I presume that this resolution will meet with the approbation of His Majesty's Government.

I have the honour to be, &c. The Marquess of Londonderry, K. G. CHARLES STUART.

(Inclosure.)—Sir Charles Stuart to the Baron Pasquier. SiR, Paris, 9th June, 1821.

THE Papers of which I inclose Copies, have been transmitted to His Majesty's Government from the African Institution; and as the information they contain tends decidedly to prove the continuance of an illicit Trade in Slaves by French Subjects, under circumstances which easily admit of satisfactory investigation on the part of His Most Christian Majesty's Government, I hope they will not only be added to the mass of Communications relating to this subject which I have already submitted to your Excellency, but that they will offer additional motives for the adoption of measures to carry into effect the views His Most Christian Majesty's Ministers profess to entertain.

The bad success of the endeavours to root out this Commerce would discourage further Representations, if the assurances your Excellencyhas repeatedly held forth did not justify the hope of a cordial co-operation on the part of the French Government.

Referring, therefore, once more, to the facts which have been brought forward, I shall merely remind your Excellency, that it is to be feared the combinations I have denounced may acquire force and consistency

* Transmitted in Original.

from continued impunity, which the most vigourous exertions of the Government, at a future period, will be unable to controul.

I have the honour to be, &c.

His Excellency the Baron Pasquier. CHARLES STUART.

No. 5.—The Marquess of Londonderry to Sir Charles Stuart. SIR, Foreign Office, 15th June, 1821.

In reference to my former Correspondence on the state of the illicit Slave-trade, as carried on under the protection of His Most Christian Majesty's Flag, I have the honour to transmit herewith to your Excellency, Extracts of two Dispatches, under dates of the 16th February and the 1st March, 1821, from His Majesty's Commissioners at Surinam, which will show to your Excellency that the practice of resorting to the French Flag for the purpose of carrying on this illegal traffick is still actively and continually taking place in the West Indies, to the manifest contravention of the letter and spirit of the Laws of France on this subject.

Your Excellency will take an early opportunity of laying these Documents before the French Minister, and of urging his Excellency to adopt such measures as may tend to repress the prostitution of the French Flag to such an unworthy purpose. I am, &c.

H. E. Sir Charles Stuart, G.C.B. LONDONDERRY.

No. 6.--Sir C. Stuart to the Marquess of Londonderry.--(Rec. June 24.) My LORD, Paris, 21st June, 1821.

I AM to acknowledge your Lordship's Dispatch, inclosing two Letters from the Commissioners at Surinam, which contain further information respecting the continuation of the Slave-trade, under the French Flag; and I have addressed the Note to Baron Pasquier, which I have the honour to inclose, pointing out the bad effect these repeated infractions of the French Law are calculated to produce.

Though my Representations have certainly made a strong impression upon the minds of the French Ministers, the opposition to every measure which can render the abolition effective in the Chamber of Deputies, appears to render it difficult to comply with my demands.

I have the honour to be, &c. The Marq. of Londonderry, K.G. CHARLES S

CHARLES STUART.

(Inclosure.)-Sir Charles Stuart to the Baron Pasquier.

SIR,

Paris, 20th June, 1821.

THE reports addressed to His Britannick Majesty's Government, by the Commissioners employed to execute the engagements which have been contracted for the suppression of the Slave-trade, continue to represent the glaring abuses of the French Flag by Persons who are engaged in that commerce, under circumstances which, if correctly stated, can admit of no excuse. In transmitting these Reports to your Excellency, I cannot conceal that the result of the remonstrances I have already brought forward upon this subject, is ill calculated to give the British Government and Nation a full reliance upon the efficacy of His Most Christian Majesty's Regulations for the abolition of the Slave-trade, much less to contradict the assertions these Papers contain, respecting the manifest increase of the evil.

The expectation of successive Legislative Enactments has, notwithstanding the various written and verbal engagements contracted by the French Government to this effect, been gradually weakened, until our hopes now rest entirely upon the administrative measures which it is proposed to adopt in the French Colonies; but, as even this feeble har to the increase of the Slave-trade still remains to be applied, I must remind your Excellency that a heavy responsibility will continue to be incurred, so long as this Question shall give cause for complaint.

I have the honour to be, &c. H.E. the Baron Pasquier. CHARLES STUART.

No. 7.-.Sir C. Stuart to the Marquess of Londonderry.-.(Rec. July 1.) (Extract.) Paris, 28th June, 1821.

THE accompanying Circular Letter from a Commercial House at Nantes, offers fresh and striking proofs that the French Government do not prevent the continuation of the Slave-trade in the present state of their Legislation upon that subject, which I think warranted a communication to Baron Pasquier, accompanied by the observations contained in the Note I likewise forward.

The exclusive attention which the Chamber of Peers devote to their jadicial Proceedings, prevented the disclosure of what passed last week in that Assembly respecting the Petition against the Slave-trade; I have therefore been unable, until the present moment, to state to your Lordship, that the predictions respecting the opposition which every endeavour to check the trade would meet with, have been confirmed by the resolution of a portion of the French Ministry, to vote in favour of the resolution to proceed to the Order of the Day, and by their complaints against the Duke de Cazes and M. de Broglié, who alone endeavoured to support the Petition.

The fate of the same Petition in the Chamber of Deputies has been placed beyond a doubt by the result of the digression to this subject, in the debate upon the Expenses of the Colonial Department, which took place on Tuesday and Wednesday, when M. Portal's assertions, respecting the good faith with which the Government has endeavoured to put down this trade, and his efforts to prove that the imperfect state of the Legislation renders some additional enactment necessary, to enable them to attain that object, were contradicted by a discourse of M. Lainé, tending to show that the bare consideration of such a measure endangers the security of the French Colonies, and that it is expedient not to touch upon that question.

The Marquess of Londonderry, K. G. CHARLES STUART.

(Inclosure 1.)—Circular from a Commercial House at Nantes. MONSIEUR, Nantes, 18 Février, 1821.

DESIRANT vous faire participer dans une expédition pour la Côte d'Afrique, je dispose en ce moment, et vous avoir pour co-intéressé, je vous détaille ci-après mon projet, son coût et le resultât qu'il pourra donner. Ainsi que vous le rémarquerez par le contenu de la présente, on ne courra d'autre risque que celui de gagner, puisque tout sera assuré.

Je vous avoue que c'est vraiment tout ce qu'il y a de mieux à entreprendre aujourd'hui: ces sortes d'expéditions donnent de très grandsavantages, et notre Port en offre la preuve par la multiplicité des armemens qui s'y font journellement en destination de la Côte d'Afrique.

Mon Batiment est neuf, d'une marche supérieure, et de 70 pieds de tête en tête; il est en brick, et je doute qu'il y en ait un plus joli en ce Port.

Le prix auquel s'élevera l'armement n'excèdera pas fr. 84,000, et le détail dans lequel je vais entrer, vous convaincra que j'y ai apporté la plus grande attention, et la plus sévère économie.

Ce Batiment du Port de 145 tonneaux, se nommera la Petite Lilie, et sera commandé par le Capitaine Olivier, homme de son état connu et recommandable sous tous les rapports.

Je lui donnerai une Cargaison de fr. 35,000, et je suis assuré, ainsi que le Capitaine, qu'il sera possible de traiter de 250 à 300 N------, qu'on vendrait, une fois rendu, plus de fr. 2,000 chaque.

Le navire, prêt à prendre son chargement gréé, équipé, muni d'armes, pourvù tous rechanges nécessaires pour un voyage de long cours, compris avances et vivres pour cette opération, ainsi que son doublage en cuivre, artillerie, &c.

Coutera	fr. 49,000
La Cargaison bien assortie étant de	
L'entier armement s'élevera à	fr. 84,000

Je ferai assurer la totalité de la mise hors, s'il est possible, la prime en sus, à fin de couvrir l'entier capital.

Si vous désirez un Prospectus avec détail, je m'empresserai de vous en faire parvenir un, persuadé que, connaissant bien la délicatesse de ces sortes d'opérations, vous n'en ferez que l'usage le plus discret. Je vous le confierai avec plaisir et sous le sceau de l'amitié.

S'il entrait dans vos convenances de me charger du soin d'un armement pour votre propre compte, ou celui de vos connaissances, je m'engagerais à l'exécuter avec tout le zèle, l'économie, et la célérité possible, ayant à cet égard tous les moyens à ma disposition.

Veuillez, s'il vous plaît, avoir la complaisance de me fixer le plus promptement possible, sur la somme que vous désirerez prendre dans non expédition, son départ devant avoir lieu avant la fin de Mars prochain.

En attendant votre réponse je vous offre mes services en cette Ville pour tout ce qui peut vous être agréable. J'ai l'honneur, &c.

BERTHIER.

(Inclosure 2.)-Sir Charles Stuart to the Baron Pasquier. SIR. Paris, 26th June, 1821.

THE inclosed Copy of a Circular Letter, which has been addressed to the principal commercial-houses in this Capital, offers a proof of the open infraction of the French Laws for the abolition of the Slave-trade, which cannot be contested; and confirms the assertions contained in the several Communications I have already addressed to your Excellency upon this subject.

Although I cannot doubt the immediate application of the existing Law to this flagrant Case, a permanent remedy is not to be expected until further Enactments of the Legislature shall provide against the recurrence of such practices. I have, &c. H. E. the Baron Pasquier.

CHARLES STUART.

No. 8.—Sir C. Stuart to the Marquess of Londonderry.—(Rec. July 5.) Paris, 2d July, 1821. (Extract.)

I INCLOSE the Answer, which the Baron Pasquier has just returned, to my several Communications upon the subject of the illegal speculations which have been undertaken lately from French Ports, for the conveyance of Slaves from the Coast of Africa to the West Indies.

I have, &c.

CHARLES STUART. The Marquess of Londonderry, K.G.

(Inclosure.)-The Baron Pasquier to Sir Charles Stuart. A Paris, ce 28 Juin, 1821. MONSIEUR L'AMBASSADEUR,

J'AI recu avec la Lettre que votre Excellence m'a fait l'honneur de m'adresser avant hier, la Copie d'une Circulaire qui parait avoir été envoyée à plusieurs maisons de commerce de Paris, et dont l'objet est de proposer ouvertement une expédition à la Côte d'Afrique, pour la Traite des Nègres.

Je me hâte de transmettre cette pièce au Ministre de la Marine, et je l'invite à faire toutes les dispositions nécessaires pour rechercher et poursuivre devant les Tribunaux les Personnes qui osent violer si manifestement les Loix de l'Etat. J'ai l'honneur, &c.

S. E. Le Chevalier Stuart.

PASQUIER.

No. 9.— The Marquess of Londonderry to Sir Charles Stuart. SIR, Foreign Office, 27th August, 1821.

I HAVE the honour to inclose for your Excellency's information, the extract of a Letter from Lieutenant Hagan, of His Majesty's Brig *Thistle*, to Captain Kelly of His Majesty's Ship *Pheasant*, relative to two French Vessels engaged in the Slave-trade on the Western Coast of Africa; and I have to request that your Excellency will take an opportunity of communicating this intelligence to His Most Christian Majesty's Government.

I likewise inclose for your Excellency's information, the Extract of a Letter from Mr. Kilbee, at The Havannah, announcing the arrival there of a French Slave Brig. I have, &c. H. E. Sir Charles Stuart, G.C.B. LONDONDERRY.

No. 10.-Sir C. Stuart to the Marquess of Londonderry.-(Rec. Sept. 27.) My LORD, Paris, 24th September, 1821.

I INCLOSE the last Communication, in which fresh instances of the violation of the Laws abolishing the Slave-trade have been carried to the knowledge of the French Government, together with a short Note from Baron Pasquier, being a mere acknowledgment that it has come to hand. I have, &c. The Marg. of Londonderry, K.G. CHARLES STUART.

(Inclosure 1.)—Sir Charles Stuart to the Baron Pasquier. SIR, Paris, 6th September, 1821.

I HAVE the honour to acquaint your Excellency, that the information which has reached His Britannick Majesty's Government, in the course of the last month, shows, that on the 8th November two French Vessels were employed in the Slave-trade on the Coast of Africa, between Sierra Leone and Cape Palmas; the one being the *Catherine*, seized by the order of Sir George Collier in February last (having changed her Crew, except the Mate, and the Prize Crew being supposed to have been overpowered by the French remaining on board,) and conveyed to one of the West India Islands for the purpose of being sent to Barbadoes; she will remain two months on the Coast of Africa, and it is believed that her Cargo is now on shore at the Gallinas: the name of the other Schooner is the *Laurette* of Nantes, De la Cluse, Master.

A Letter from The Havannah, of the 10th June, announces the arrival, on the 6th of May, of a French Brig, *l'Aimable Henriette*, T. A. Brint, Master, with 246 Negroes, consigned to Messrs. Blair, Aixpurna, & Co. I have, &c. H. E. the Baron Pasquier. CHARLES STUART. (Inclosure 2.)—The Baron Pasquier to Sir Charks Stuart. MONSHEUR L'AMBASSADEUR, Paris, 19 Septembre, 1821. J'AI reçu la Lettre que votre Excellence m'a fait l'honneur de m'adresser rélativement à de nouvelles infractions aux Lois sur la Traite, qui paraissent avoir été commises par des Batimens Français. J'ai l'honneur de la prévenir, que je me suis empressé de transmettre ces informations au Ministre de la Marine. J'ai l'honneur, &c. 8. E. Le Chevalier Stuart. PASQUIER.

No. 11.—William Hamilton, Esq. to Sir Charles Stuart. Sir, Foreign Office, 28th September, 1821.

I HAVE the honour to transmit to your Excellency the Copy of a Dispatch (dated 16th April,) with its Inclosures, received from the British Commissioners at Sierra Leone, containing some general observations and information on the present state of the Slave-trade between Sierra Leone and the Line: In communicating to your Excellency the commands of their Excellencies the Lords Justices of the Kingdom, that you take an early opportunity to call the attention of the French Government to this subject, I have to point out to your Excellency the very frequent infractions of the Treaties for the abolition of the traffick in Slaves, by Vessels navigating under French Colours, and to request that you will not fail strongly to impress on the minds of the French Ministers, the injurious and disgraceful conduct of their Officers, in permitting such repeated infractions of those Treaties by French Subjects. I have, &c. H. E. Sir Charles Stuart, G.C.B. WILLIAM HAMILTON.

No. 12.-Viscount Sidmouth to Sir Charles Stuart.

SIR,

Foreign Office, 30th October, 1821.

I HAVE the honour to transmit to your Excellency the Copy of a Letter from the Colonial Department, inclosing a Letter from Mr. Warrington, His Majesty's Consul at Tripoli, on the Coast of Barbary, on the subject of the trade in African Negro Slaves, which appears to be there carried on under the protection of the French Flag:

Although the Decrees of the French Government, of the 8th January 1817, and 15th April, and 24th June 1818, on the subject of the Slavetrade, are so vague, that it is difficult to say this precise trade comes within any positive prohibition which has hitherto been communicated to this Government, yet is this traffick totally indefensible, on the only pretence on which any exception can justly be founded; viz. the physical necessities of the Colonies.

Your Excellency will take an early opportunity of laying these Papers before the Government of His Most Christian Majesty, and move them to institute such inquiries into the facts alleged as may lead to the effectual prevention of such improper and illegal trade for the future. I am, &c. H. E. Sir Charles Stuart, G.C.B. SIDMOUTH.

(Inclosure 1.)—Henry Goulburn, Esq. to William Hamilton, Esq. SIR, Downing Street, 9th October, 1821:

I AM directed by Earl Bathurst to transmit to you, for the information of the Marquess of Londonderry, the accompanying Copy of a Letter from His Majesty's Consul General at Tripoli, inclosing certain Documents, from which it appears that an illegal traffic in Slaves is carried on from that Regency under the French Flag.

I have, &c.

William Hamilton, Esq.

HENRY GOULBURN.

(Inclosure 2.)—Mr. Consul Warrington to Earl Bathurst. My LORD, Tripoli, 10th July, 1821.

A CIRCUMSTANCE has this morning transpired, which I consider my duty to inform your Lordship.

Spiro Andonopolo has many Years resided at, and enjoyed the protection of the British Flag in, Tripoli.

I regret to find he has been trafficking in Black Slaves, and I lament that any one here would encourage a fellow-subject of mine in such illegal acts, and would promote the said traffick by embarking those unfortunate creatures on board a French Vessel.

This affair being of the greatest importance, I have made every inquiry, and sorry am I to say, that the French Flag continually conveys Black Slaves under the name of Passengers, which in itself denotes a conscious knowledge of the impropriety of the act. I beg to refer your Lordship to the accompanying Paper produced at my Office.

Carrying Slaves for sale, I am aware, is not tolerated nor sanctioned by various Governments; I therefore take the earliest opportunity of making the same known to your Lordship. I have, &c. Earl Bathurst, K.G. HANMER WARRINGTON.

(Inclosure 3.),-Declaration of Spiro Andonopolo.

Tripoli, 10th July, 1821.

THE British Consul General having, this 10th of July 1821, refused to legalize a certain Document, because 12 Black Slaves are specified in it, I am particularly anxious to clear my conduct, and assure the said Consul General of my having been ignorant that the English Laws prohibit the traffick in Negroes in the Mediterranean. I had shipped the said 12 Blacks on board a French *Bombarde*, the French Consul having desired the Slaves to be embarked as Passengers, assigning as a reason, that if they were embarked under the denomination of merchandize, the Master would not be responsible for their death, though the French Consul was fully aware that the said Slaves were purchased by me and embarked in the French Bombarde to be sold at Navarino. That the above is the truth, I declare in my justification, in the presence of the undersigned Witnesses. SPIRO ANDONOPOLO.

Witnesses to the Declaration and Signature.

ANGELO KERI.

J. P. CHATTEN.

No. 13.-Sir Charles Stuart to the Marq. of Londonderry.-(Rec. Nov. 25.) (Extract.) Paris, 22d November, 1821.

I HAVE not failed to make known to the French Minister the circumstances connected with the Infraction of the Slave-trade, to which your Lordship's several Instructions have adverted, by addressing to the Baron Pasquier, the Notes , under date of the 6th September (transmitted to your Lordship in my Dispatch of the 24th September) and of the 2d October, of which I enclose a Copy, calling upon the Government to give effect to the existing Laws against the Slave-trade, or to make the Supplementary Enactments which are necessary to complete the suppression of that Commerce; and it is only within these few days that I have received the accompanying Answer.

The Marq. of Londonderry, K.G.

CHARLES STUART.

(Inclosure 1.)—Sir Charles Stuart to the Baron Pasquier. Sig, Paris, 2d October, 1821.

THE Papers I have the honour to inclose are extracted from the Correspondence of the Commissioners His Britannick Majesty's Goremment have charged with the execution of the Treaties for the abolition of the Slave-trade, and they contain the revolting description of the enormities at this moment practised upon the Coast of Africa, which call so loudly for the interference of the several Governments under positive engagements to abolish the Traffick, that I consider it my duty to lose no time in placing the subject under your Excellency's view.

Among the Vessels which are stated in this narrative to be employed on the Coast, your Excellency will observe that the speculations of the Slave-traders in Nantes and St. Malo bear a conspicuous part, and that their operations are described with circumstances of detail, which appear to bring the Offenders within the range of the existing Legislation.

As the Custom-house Books in those Ports afford the means of verifying these statements, I flatter myself that His Most Christian Majesty's Government will take advantage of the opportunity, to prove to the world their determination to enforce the Law, and that by acting up to the spirit as well as the letter of their engagements, these facts may enable them to make those further regulations which appear necessary, completely to prevent future infractions. I have, &c. H. E. the Baron Pasquier. CHARLES STUART.

(Inclosure 2.)—The Baron Pasquier to Sir Charles Stuart. MONSIEUR L'AMBASSADEUR, Paris, 16 Novembre, 1821.

J'AI reçu avec la Lettre que votre Excellence m'a fait l'honneur de m'adresser le 2 Octobre dernier, les Documens rélatifs à la Traite des Noirs qui s'y trouvaient joints, et que je me suis empressé de transmettre à M. le Ministre de la Marine.

Après y avoir donné toute l'attention convenable, M. le Ministre de la Marine vient de me répondre, que ces Documens, qui n'indiquent nominativement qu'un seul Navire Français, ne semblent pas justifier le soupçon que les Navires armés à Nantes et à St. Malo, fassent une partie rémarquable de ceux employés à la Traite des Noirs.

Votre Excellence m'avait fait egalement connaître, par sa Lettre du 5 Septembre dernier, que le Navire *la Laurette* et *l'Aimable Henriette* de Nantes, étaient soupçonnés d'avoir fait le même trafic. M. le Ministre de la Marine, après avoir fait faire des récherches à cet égard, m'annonce qu'elles ont conduit à réconnaître, que le Navire mentionné dans la Lettre de votre Excellence sous le nom de *la Laurette*, était *la Levrette* de Nantes, Capitaine De l'Ecluse; et que des poursuites judiciaires sont dirigées en ce moment contre l'Armateur de ce Bâtiment.

Quant à l'Aimable Henriette, ce Navire est de même l'objet de recherches sévères, pour constater s'il a été employé à la Traite des Noirs. J'ai honneur d'être, &c.

S. E. Le Chevalier Stuart.

PASQUIER.

No. 14.-Sir Charles Stuart to the Marq. of Londonderry.-(Rec. Dec. 27.) My LORD, Paris, 21st December, 1821.

EVERY proof of a sincere desire, on the part of the French Government, to give effect to the Enactments of their Legislature upon the subject of the Slave-trade, being a matter of interest to His Majesty's Government, I inclose a Paper containing the particulars of the Proceedings which have taken place against an Individual at Marseilles, who has been convicted of the infraction of the Law against that crime. I have the honour to be, &c.

The Marq. of Londonderry, K.G. CHARLES STUART.

(Inclosure.)-Extract from the French Newspaper l'Etoile, of the 21st December, 1821.

LE Tribunal de Police Correctionnelle de Marseille a prononcé le 11 du courant, sur une Cause rémarquable. Il s'agissait d'une accusation portée par le Ministère Public, contre le Capitaine Quoniam, prévenu d'avoir participé à la Traite des Nègres. Divers interrogatoires avaient été subis par ce Capitaine, soit par devant M. le Commissaire de la Marine, soit en présence de M. le Juge d'Instruction. Plusieurs témoins avaient déjà été entendus à une précédente audience; les uns avaient rétracté les dépositions qui avaient été faites par eux à M. le Commissaire de la Marine; un Nègre qui avait fait partie de l'équipage du Capitaine Quoniam, fut appélé en témoignage. Il chargeait principalement ce prévenu. Hors de la prestation du serment interrogé par M. le Président sur la religion qu'il professait, il répondit n'en avoir aucune, et n'adorer que le soleil; néanmoins il fut entendu, et le Tribunal décida alors qu'on aurait tel égard que de raison à sa déposition.

M. Castellan, Substitut de M. le Procureur du Roi, soutenait l'accusation. Ce jeune Magistrat s'est élevé avec force contre un négoce que réprouvent la réligion, et tous les droits de la nature, il a démontré combien il était utile pour l'intérêt de la société de réprimer un pareil délit. C'est ainsi, a-t-il ajouté, que ce trafic odieux est puni chez nos voisins des peines les plus sévères. Il appartient aux Français, à cette Nation grande et généreuse, de montrer au monde civilisé toute haine et l'indignation que lui inspire un commerce que rien ne peut légitimer.

M. Castellan a puisé les principales preuves dans le rôle d'armement pris au Sénégal par le Capitaine Quoniam. Sur ce rôle sont portés 12 Nègres. A son arrivée à la Havane, où le délit a été consommé, le Capitaine prétendit qu'ils avaient pris la fuite. Aucune pièce ne constate les poursuites que dût diriger alors le Capitaine Quoniam. Une autre preuve, qui militait contre lui, est celle, que l'on peut trouver en ce que le Capitaine Quoniam avait rempli ses barriques d'eau pour former son lest. M. le Procureur du Roi a dévéloppé toutes les inductions que l'on pouvait tirer de ces circonstances, comme des expressions consignées dans quelques Lettres qui furent séquestrées par le Ministère Public chez le Capitaine Quoniam. Il a conclu aux peines portées par la Loi du 15 Ayril, 1818.

M. Massol d'André avait à défendre l'Accusé. Il a combattu tour à tour les raisonnemens de M. Castellan, et attaquant ensuite la question de droit, il s'est basé principalement sur les termes de la même Loi, qui attribuent la connaissance des affaires rélatives à la Traite des Noirs, aux Tribunaux chargés de connaître celles du commerce Etranger. Il a soutenu qu'en conséquence, de même que les contraventions aux Lois des Donanes ne peuvent être poursuivies que sur des Procès-verbaux, de même les délits résultant de la Traite des Noirs ne peuvent être constatés et poursuivis que sur des Procès-verbaux, dressés par les Consuls ou Agens Français, au lieu où le délit a été commis ; qu'en l'absence de pareilles pièces, aucune preuve légale n'était acquise.

GREAT BRITAIN AND FRANCE.

Le Tribunal, après une heure et demie de délibération, a prononcé le jugement qui condamne le Capitaine Quoniam à la confiscation de son Navire et de la Cargaison, et à l'interdiction de ses Lettres de Capitaine.

No. 15.—The Marquess of Londonderry to Sir Charles Stuart. SIR, Foreign Office, 18th January, 1822.

It has been in my contemplation for some time past, to instruct your Excellency to renew, with the present French Government, those discussions which you have been so long engaged in with their Predecessors, for the more effectual execution of His Most Christian Majesty's engagements for the Abolition of the Slave-trade; but I have hitherto abstained from doing so, from the persuasion that we cannot reasonably hope that such an extensive subject could occupy the attention of the French Government so early after its formation. As I perceive, however, that your Excellency has already held a conversation with Monsieur de Clermont Tonnerre on the subject of the Colonies, I am to desire that you will lose no time in sounding his Excellency on that of the Slave-trade, pointing strongly his Excellency's attention to the inadequacy of the present Law of France to repress this evil, which unfortunately appears to be carried on by French Ships and Subjects, as well in the Colonial Ports of France, as along the whole line of the African Coast.

I do not feel that I can at this moment add any thing to your Excellency's existing stock of information, for the purpose of assisting you in obtaining from the French Government satisfactory explanations upon this subject; but I beg you will, at your earliest convenience, bring the point referred to under their consideration; endeavouring in the first instance to draw M. Clermont Tonnerre's favourable attention to the matter to be discussed. I am, &c. H. E. Sir Charles Stuart, G. C. B. LONDONDERRY.

No. 16.-Sir Charles Stuart to the Marq. of Londonderry.-(Rec. Jan. 31.) (Extract.) Paris, 28th January, 1822.

I HAVE lost no time in giving effect to the wishes expressed in your Lordship's Dispatch of the 18th instant; and with a view to induce the French Ministers to come to some determination on the question of the Slave-trade, I have stated in the Note marked (A.) the further enormities on the Coast of Africa, which have come to the knowledge of His Majesty's Government, and have urged that the time is now arrived when it is very expedient to manifest the sincerity of their intentions to abolish this traffick. Having also in several conversations with different Members of the French Government, and with M. de Chateaubriand, drawn their serious attention to the subject; I have availed myself of the opportunity to address the Note I inclose (B.) to M. de Montmorency, and I am not without hopes that it may produce a favourable effect. I have, &c. The Marquess of Londonderry, K.G. CHARLES STUART.

(Inclosure A.)—Sir Charles Stuart to the Vicomte de Montmorency. SR, Paris, 22d January, 1822.

I HAVE the honour to inform your Excellency that a flagrant act of Slave-trading under the French Flag, committed on the African Coast, has come to the knowledge of His Britannick Majesty's Government.

A Vessel called the *Daphne*, supposed to be American, under French Colours, trading in Slaves, having been captured by an American Schooner the *Alligator*, was taken by the Crew, who had no sooner regained their liberty than they sailed back to the African Coast, where a Cargo of between 100 and 200 Negroes was taken in, the Prize-Crew being all the time on board in confinement; and these wretched Beings, having been subsequently conveyed to Guadaloupe, were there, without hindrance, landed for the market.

The avowed principles of the French Government encourage me to here, that the disclosure of the circumstances of this transaction will induce them to adopt, without delay, the measures which are calculated herevent the further abuse of their Flag. I have, &c. I have, &c. I have, &c. I have, &c.

(Inclosure B.)—Sir Charles Stuart to the Vicomte de Montmorency. Su, Paris, 28th January, 1822.

THE Documents I have already had occasion to address your Excellency, having sufficiently proved the frequent violation of the Laws collishing the Slave-trade, the feelings to which these violations have prentise on the part of the British Government, will, in a great meaare, have prepared your Excellency for the manifestation of the hope that the change which has taken place in His Most Christian Majesty's Councils will not be unfavourable to the efforts of those who have so long and so usefully laboured in bringing about the effectual Abolition of that Commerce.

Promise after promise, assurance after assurance, have hitherto not only remained unfulfilled, but the national feelings in France have been abused, and a sentiment of mistrust has been created respecting the notives of every overture by which His Britannick Majesty's Ministers have invited the French Court to concur in the furtherance of this great work.

I am sure, however, that a Cause, distinguished by every principle of religion, humanity and national honour, will now meet with the more serious attention which such weighty considerations prescribe. I leave your Excellency therefore to determine whether it will best be advanced by Legislative or Administrative measures; and, if an accurate examination into the bearings of the question should lead His Most Christian Majesty's Ministers to think measures of joint execution are best calculated to prevent the infraction of the Laws enacted in both Countries, the principle of a fair reciprocity will render my Court desirous to further any reasonable arrangement which your Excellency may propose for that purpose; and, in the hope that your Excellency's favourable opinion will carry this overture without delay to the knowledge of His Most Christian Majesty, I anxiously await an Answer which shall enable me to report to my Government the satisfactory determination to which it shall give rise. I have, &c. H. E. the Vicomte de Montmorency. CHARLES STUART.

No. 17.—Sir Charles Stuart to the Marquess of Londonderry. My LORD, Paris, 7th February, 1822.

THE French Ministers assure me that the Note in which I have pressed their immediate consideration of the measures which are necessary to complete the Abolition of the Slave-trade, has been laid before the Cabinet and favourably considered; and, in a conversation which I held with M. de Montmorency, he told me he should think it his duty to repeat to me, in writing, the assurance of his intention to meet the wishes of His Majesty's Government, and accordingly the same evening I received the Letter I inclose. I have, &c. The Marquess of Londonderry, K.G. CHARLES STUART.

(Inclosure.)—The Vicomte de Montmorency to Sir Charles Stuart.

MONSIEUR L'AMBASSADEUR, J'AI reçu la Lettre que votre Excellence m'a fait l'honneur de m'adresser le 28 Janvier, rélativement à la Traite de Nègres.

Le Gouvernement de Sa Majesté Britannique sait que le Roi, qui désire franchement l'Abolition complette de ce trafic odieux, a pris jusqu'ici toutes les mesures qui ont dépendu de Lui pour y parvenir. Ces mesures ont été exécutées aussi strictement que possible par les différentes Autorités qui en ont eu la Mission; et s'il recommet encore des infractions aux Lois rendues contre la Traite, le Gouvernement de Sa Majesté Très Chrétienne, tout en les déplorant, peut faire remarquer que ce n'est point à ses Sujets seules qu'elles doivent être attribuées. Il a toutefois à cœur de rédoubler des précautions, et de faire, s'il le faut, des dispositions nouvelles pour assurer la répression de cette nature de délit.

Votre Excellence peut annoncer à son Gouvernement que cette matière fait en ce moment l'objet des délibérations du Conseil de Sa Majesté. J'ai l'honneur, &c.

S. E. le Chev. Stuart.

LE VICOMTE DE MONTMORENCY.

GREAT BRITAIN AND FRANCE.

No. 18.-Memorandum of the Comte de Caraman:

Londres, le 12 Mars, 1822.

A LA suite de diverses plaintes portées l'année dernière par le Gouvernement Anglois, le Gouvernement de Sa Majesté Très Chrétienne avoit chargé M. le Comte de Lardenoy, Gouverneur de la Guadeloupe, de faire procéder à des enquêtes sur les opérations de Traite de Noirs, imputées au Pavillon François.

Cet Administrateur a adressé au Ministre de la Marine divers Documens qui attestent le zèle qu'il met à découvrir et à réprimer la frande en ce qui concerne ce trafic odieux. Parmi ces Documens se trouve une Lettre du Directeur Général des Douanes, au caractère de probité duquel M. le Comte de Lardenoy rend hommage.

En 1819 et 1820 cet Officier eut connoissance de 4 versements de Noirs qui auroient été opérés dans les Quartiers du Port Louis, du Petit Canal, et du Moule. Il fut prévenu qu'on avoit vu traverser dans la Campagne du Port Louis un nombre assez considérable de Nègres, qui avoit été débarqués dans les Environs. Il enjoignit mussitôt à son Délégué au Port Louis de requérir la force et de faire des recherches pour découvrir les Esclaves. Il apprit que cet Employé, au lieu d'exécuter son ordre, avoit fait prévenir la Personne qui thit intéressée dans cette introduction ;' aussitôt il l'accusa, et le Goumeur ayant assemblé un Conseil, prononça la destitution de cet Employé infidèle.

Le second versement qui fut également opéré au Port Louis, étoit le résultat de la baraterie d'un Capitaine de Négrier Espagnol; mais le Directeur des Douanes en ayant été informé trop tard pour s'y opposer, il ne put qu'eloigner de ce poste l'Employé dont la conduite lui avoit été suspecte, et il fut en effet destitué.

D'autres rapports avoient annoncé qu'un débarquement de Noirs venoit d'être effectué par de grandes Pirogues au Petit Canal, et que déjà les Esclaves avoient été conduits sur une habitation désignée. Un détachement de Soldats y fut immédiatement envoyé, avec 2 Employés de Douanes; mais la dénonciation étoit fausse, et M. le Général Fougas, commandant le Quartier du Petit Canal (qui avoit lui-même assisté aux recherches faites avec toute la célérité et le zèle qu'on pouvoit désirer) adressa à M. le Comte de Lardenoy un Rapport qui ne laissa aucun doute à cet égard.

Le quatrième versement fut effectué dans le Quartier du Moule. M. le Directeur des Douanes ayant eu lieu de suspecter la conduite de PEmployé detaché au Moule, du Controleur, et du Commis Ambulant, demanda à M. le Comte de Lardenoy la punition de ces 3 Employés. Le premier étoit soupçonné d'avoir souffert le versement, et même d'avoir reçu un cadeau; les 2 autres qui avoient fait, peu de jours après le débarquement, une tournée dans le Quartier du Moule. étoient censés ne pas l'ignorer, et ils étaient fautifs de ne pas en avoir informé l'Autorité. Ils furent tous les trois éloignés de leurs fonctions.

Après avoir disculpé les Autorités de la Guadeloupe des reproches de négligence portés contre elles, l'attention des Ministres de Sa Majesté Britannique se fixera sans doute sur un fait qui a déjà été porté à leur connoissance,—la fabrication de faux Papiers François dans les Iles de St. Thomas, de St. Barthelemy, et de St. Eustache.

Il paroit évident, après une Lettre de M. de Ligny, Agent François à St. Thomas, qu'il se fabrique dans cette Isle de faux Papiers revêtus de la Signature contrefaite du Gouverneur de la Guadeloupe, ou de celle de M. le Comte Douzelot, Gouverneur de la Martinique; et à la faveur des quels, des Spéculateurs Etrangers rejettent sur le commerce François l'odieux d'un trafic illicit.

Depuis le commencement de la Guerre de la Révolution, cette horrible pratique a existé dans ces lles, dites *Ports Libres*, et il est très difficile de découvrir les Auteurs de ces crimes. C'est surtout à St. Thomas qu'ils se commettent le plus fréquemment : il n'y a pas longtems que M. de Ligny a été obligé de demander au Governeur de faire tirer sur son Bâtiment, qui était entré le matin sous Pavillon Danois, et qui sortoit le même jour sous Pavillon François.

Si l'on compare les recensemens faits à la Guadeloupe en 1810 et 1820, et si l'on admet que les naissances remplacent à peu-près les décès, on aura encore une preuve de l'exagération des Rapports qui ont été faits au Gouvernement Anglois. En 1810 la Population Noire étoit, d'apiès les dits recensemens, de 102,939; en 1820 elle étoit 88,397; ce qui offre une différence en moins de 14,542; et cependant la Traite des Noirs a été permise jusqu'en 1815, et l'on a pu jusqu'à cette époque, introduire des Africains dans la Colonie sans la moindre opposition.

Le Gouvernement Anglois doit être bien convaincu que les Autorités François n'ont pas cessé un instant de surveiller et de s'opposer à la fraude qui a pu être tentée. Si malgré tous leurs soins, on est parvenu en trompant leur vigilance à introduire quelques Noirs sur la Côte, c'est un malheur qu'elles n'ont pu éviter, pas plus que l'introduction par fraude d'une grande quantité de marchandizes prohibées. Ils ont poussé leur sollicitude jusqu'à répousser des expéditions directes, non seulement pour les Etablissemens François de Gorée et du Sénégal, mais encore pour les Iles du Cap Vert; et les Instructions données par le Procureur-Général d'après les Ordres du Gouverneur de la Guadeloupe, dont Copie est ci-jointe, seront une nouvelle preuve du zèle qu'elles mettent à seconder les intentions de leur Gouvernement.

Au surplus, M. le Vicomte de Chateaubriand, qui est attenden

incessamment, sera sans doute chargé de donner au Gouvernement de Sa Majesté Britannique les explications ultérieures qu'il pourroit désirer.

CARAMAN.

(Inclosure 1.)—Report of Monsieur Le Comte de Lardenoy. MONSIEUR, Basse Terre, le 12 Juin, 1821.

JE vous transmets, avec la Lettre de M. le Gouverneur, Copie de plusieurs Lettres qui lui ont été adressées par son Excellence le Ministre de la Marine, dans la vue d'assurer l'exécution des dispositions prohibitives de la Traite des Nègres.

Les Dépêches vous feront voir quelle haute importance le Ministre attache à la répression de la Traite.

Vous distinguerez dans les instantes récommendations de son Excellence à cet égard trois objets.

Le premier est de prévenir et empêcher par toutes les mesures de surveillance possibles toute introduction dans la Colonie de Nègres de Traite.

Le second est de vérifier si les importations dénoncées ont effectivement eu lieu; si des Africains ont récemment été introduits en aussi pand nombre qu'on le suppose.

Le troisième est enfin de poursuivre et de faire punir s'il y a lieu reux qui ont amené ou reçu à la Guadeloupe des Africains en contravention aux dispositions prohibitives de la Traite.

Ce dernier objet des Dépêches de son Excellence regarde spécialement le Ministère Public, et vous impose l'obligation de faire dans votre ressort les recherches les plus actives et les plus exactes, pour me mettre à même de juger s'il y a lieu de diriger efficacement des poursuites contre les Individus désignés comme ayant participé dans votre ressort au trafic prohibé et aidé à consommer les contraventions dénoncées.

Si les renseignemens que vous voudrez bien soigneusement récueillir sont assez précis et assez certains, vous aurez à requérir contre les délinquances la peine portée par la Loi du 19 Avril, 1818. Cette peine consiste dans la confiscation du Bâtiment et de la Cargaison. Ces Bâtimens ont disparu immédiatement après avoir effectué les débarquemens sur plusieurs points indiqués, et s'ils reparoissent l'Administration s'empresseroit sans doute de les faire saisir. Mais ce à quoi vous devez incessamment appliquer, c'est de tâcher de découvrir dans quelles mains sont passés les Nègres provenant des Cargaisons énoncés dans les Dépêches du Ministre au Gouverneur, les quelles Cargaisons étoient destinés aux Négocians dénoncés dans ces Dépêches. Je ne me dissimule pas combien cette découverte est difficile ; elle n'est pas néanmoins impossible, et l'Administration joignant ses efforts aux notres, nous pourrons y parvenir. Il ne paroît pas douteux que des Nègres de Traite n'ayant été en assez grand nombre amenés et disséminés dans la Colonie par des moyens illicites, il est facile de distinguer les Négres nouveaux des anciens. Ceux en la possession desquels ils se trouvent seront bien obligés de déclarer comment ils les possèdent, et de qui ils les ont achetés; nous parviendrons par là à connoitre les coupables, je veux dire ceux qui auront pris une part plus ou moins active à la Traite. Je ne connois pas d'autre manière d'exécuter la Loi, et il la faut absolument exécuter. C'est bien là le sens des Dépêches de son Excellence le Ministre de la Marine, et nous devons nous y conformer; je m'assure donc que vous seconderez mes intentions ainsi que celles de M. le Gouverneur.

Du reste, vous savez que ces affaires doivent être instruites et jugés, ainsi que les Contraventions aux Lois et Réglemens concernant le Commerce Etranger, conformement aux dispositions de l'Arrêté du 12 Vendemaire, an 11 (Art. 2 de l'Ord. Roy. du 22 Novembre 1819.)

Dejà vous devez avoir reçu avec la Lettre que M. le Gouverneur m'a adressée, Copie d'une autre Dépêche relative au Navire le *Felix* (Le Rodeur) Capitaine Boucher, ayant en vue le même objet.

Recevez, &c.

LE CONTE DE LARDENOY.

(Inclosure 2.)-The Procureur-General to the Governor of Guadaloupe. MONSIEUR LE GOUVERNEUR, Basse Terre, le 12 Juin, 1821.

J'AI reçu avec votre Lettre du 10 de ce mois, Nº 939, Copie des Dépêches adressées à votre Excellence, en vue d'assurer l'exécution des dispositions prohibitives de la Traite des Nègres.

Pour en remplir l'objet autant qu'il peut dépendre de moi, je viens de transmettre le tout à mes Substituts avec mes observations.

Vous trouverez ci-jointe la Copie de la Lettre que je leur adresse.

Je doute que tout en réunissant nos efforts nous ne puissions parvenir à découvrir et à faire punir les coupables.

Je désire que votre Excellence puisse trouver dans sa sagesse les moyens de faire cesser le désordre dont il s'agit. La fraude qui n'est pas arrêtée à l'instant même devient de jour en jour plus difficile à réprimer. En général, je ne puis agir que d'après des renseignemens positifs ; et je dois m'abstenir de toute poursuite quand il m'est démontré qu'elles ne feroient que grever le trésor sans amener aucun résultât.

Du reste, sur ces nouvelles Dépêches, comme sur la précédente rélative au Navire Le Felix, autrefois Le Rodeur, Capitaine Boucher je me suis mis en devoir de me procurer tous les renseignemens dé sirables, et j'ai engagé mes Substituts à procéder incontinent à des en quêtes selon l'intention du Ministre. Je suis, &c. Le Comte de Lardenoy. PELLERIN

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No. 19.—The Marquess of Londonderry to Sir Charles Stuart. Sir, Foreign Office, 26th March, 1822.

REFERRING your Excellency to my several former Dispatches on the subject of the Slave-trade, I am concerned to have to state to your Excellency, that the Reports recently received from the Governor of His Majesty's Settlement at Sierra Leone, and dated in January of this Year, show that this detestable traffick is still existing in full activity on the African Coast, covered and protected by the Flag of His Most Christian Majesty.

During the months of July and August last, the Leeward Coast being visited by His Majesty's Cruizers, 3 French Slave-traders, as by the enclosed List, were met with and examined in the Calabar.

At the same period, the River Bonny was found swarming with Slave-vessels. Your Excellency is furnished with a List of 7 of these, which abused and disgraced the Flag of France: 4 of them had their inhuman Cargoes on board.

On the line of Coast between Sierra Leone and Cape Mount, one of His Majesty's Vessels, in the course of a Cruize only of 10 days, fell in with 9 Slave-vessels, of which number 8 were French; and your Excellency is in this instance likewise furnished with their names and the particulars.

These instances will show to the Government of His Most Christan Majesty, the unfortunate advantage taken of the inadequacy of the Regulations of that Country to put a stop to this odious traffick.

These instances, however, do not stand singly. There are many tases in which particulars cannot be obtained; but an undoubted authority, of recent date, from the Factory of the Gallinas, states, that there were in the course of last Summer, 3 Slave-vessels under French Colours lying there; from Shibar it appears, that a large Slave-vessel, fully laden, sailed under the same Flag, within 10 days of the latest accounts; and on the River Pongas a French Schooner, M. Deis, Master, took on board 95 Slaves within a short time also of the date of this statement.

Besides the ordinary exportation in large Vessels, an extensive Carrying Trade appears to be kept up with the Cape de Verd Islands, principally by the small Craft belonging to Goree and Senegal.

There seems scarcely a spot on that Coast, which does not show traces of the Slave-trade with all its attendant horrors.

The arrival of a Slave-ship in any of the Rivers on the Windward Coast is the signal for War between the Natives; the Hamlets of the weaker Party are burnt, and the miserable Survivors carried off and sold to the Slave-factors.

It is clearly ascertained by inquiries made on the spot, and on the adjacent Coast, by His Majesty's Cruizers, that the number of Slavecargoes taken out of the Bonny in the preceding Year, amounted actually to 190. A similar Return from Calabar for the like period, made a total for that River alone also of 162.

I have His Majesty's express Commands to desire that your Excellency will make to the Government of His Most Christian Majesty an urgent representation of these distressing circumstances. You will advert to the Article which has recently been inserted by the Cortes of Spain, in their Criminal Code, making it Felony for a Spanish Subject to be concerned in this detestable traffic. You will call upon them to follow so just an example, pressing them earnestly and solemnly to submit to His Most Christian Majesty an Appeal to the Councils of the Nation, for such Enactments as may remedy those defects in their Laws, to which the growing state of this crime is mainly owing, and which defeat every effort made by other Powers towards putting down its most horrible practices,-practices which, covered as they are now, almost exclusively by the Flag of France, are at variance with the redemption of the pledge given by that Sovereign on the restoration of Peace to Europe. I am, &c.

H. E. Sir Charles Stuart, G.C.B.

LONDONDERRY.

(Inclosure 1.)—Memorandum of Slave Vesssels, examined by His Majesty's Brig Snapper, in July and August, 1821.

	Vessel.	Master.	Owner.	From.	Bound.	Belonging.	Under what Colours.	Intelligence or Remarks.
Off Cape Mount.	Schooner L'Etincelle	M. Audbert	M. Audbert	Bourdeaux	Trading Voyage	Bourdeaux	French	Completely fitted out for Slaves.
Off Old Calabar	Schooner L'Hypolite	H. Dupreyes	• • •	St. Pierre, Martinique	Old Calabar River	Martinique	Ditto	No one on board who could speak English.
In the River ditto	Brigantine Le Neptune	Duvaynes	M. Bidon	Cayenne	Calabar	Cayenne	Ditto	Waiting for Slaves. Only 6 of Crew alive.

(Inclosure 2.)—Memorandum of Slave Vessels with French Flags, and French Papers, boarded by the Myrmidon, in the River Bonny, October 1821.

Vessels.	· · · · ·	Name of Master.	Owner.		
Brig L'Isis - Leger - Prince - L'Active	Ditto	Sarem Tenco	Louis Bureau Solia With Slaves Piccarara on board. Houssay		
- L'Eugène - L'Alcide	Of Havre de Grace	Franc Moran Hardie	Bonnet de Marseille Completely Jag. Francois) fitted for		

(Inclosure 3.)—French Vessels boarded by His Majesty's Brig Snapper, October 1821.

SchoonerYM. Legonof	Guadaloupe, Owner.	
•	Nantesdo.	
Do Matilde M. Legou	Guadaloupedo.	
Do Caroline M. Labourd	Martinique do.	
Brig	Cayenne do.	
Do	Nantesdo.	
Do Clarisse M. Bomfi	Dodo.	
Ship, French Colours, full of Slaves, escaped.	•	

The *Pilote* and *Caroline* had full Cargoes of Slaves on board; the latter was retaken on her passage to Senegal; this is her *third* Voyage. The *Neptune* took 350 Slaves off in April or March this Year.

NETHERLANDS.

No. 20.— The Earl of Clancarty to Visct. Castlereagh.—(Rec. Mar. 30.) My LORD, Brussels, 27th March, 1821.

I HAD the honour on Sunday night last of receiving your Lordhip's Dispatch, dated the 21st instant, with its Inclosure.

In obedience to the Instructions thus conveyed, the Official Note (a Copy of which is herewith transmitted for your Lordship's information,) was yesterday addressed by me to his Excellency M. le Baron de Nagell. I can entertain no doubt that such an infraction of the Conventions of this Country with us for the Abolition of the Slavetrade, as that complained of in the above cited Papers, will not in the end be countenanced by this Government.

Well aware of the very anxious interest taken upon this subject by His Majesty's Government, your Lordship may be assured that I shall not relax my efforts to procure the complete and early execution of the Slave-trade Treaties, particularly that of May, 1818, by this Court.

I have the honour to be, &c.

Viscount Castlereagh, K.G.

CLANCARTY.

(Inclosure.)-The Earl of Clancarty to the Baron de Nagell.

Brussels, 26th March, 1821,

The Undersigned, &c. has received Instructions to express the sincere regret of the King, his Master, that the efforts heretofore used by him, under the Orders of his Court, to obtain the full execution of the very clear provisions of the Treaty of the 4th of May, 1818, had been hitherto attended with no satisfactory result.

He has been expressly directed to impress upon the attention of The Netherland Government, that the continuance of this horrible

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Trade, or its abolition within the Dominions of this Crown, to which His Netherland Majesty is solemnly pledged by Treaty, must depend entirely upon the Orders of this Court to their Colonial Possessions.

The Undersigned has, therefore, been instructed again to press the Government of The Netherlands for a satisfactory Answer, as to the due execution of the Conventions on this subject, whereby the King has solemnly engaged to prohibit *all* His Subjects from taking *any part whatever* in the Trade in Slaves, and also for the issue of corresponding Orders hence to the Colonial Authorities of this Kingdom, for the full execution of the Treaties on this subject.

This (as he has been directed to state) becomes the more necessary, because, by Advices recently received from the British Commissioners at Surinam, dated the 12th December last, it appears that a Slave ship, with her Cargo of Slaves, prize to, and brought to Surinam by a South American Privateer, has actually been permitted by the Colonial Government to unload, and to dispose of her Cargo there by sale.

The present system acted upon at Surinam, of which the above fact furnishes a striking, though by no means a solitary proof, evinces a manifest desire to counteract and evade the solemn Stipulations entered into, for the abolition of all traffick in Slaves, between the two Courts. The Undersigned is, however, anxious to add, under the directions of his Government, that His Royal Master feels quite confident that His Majesty the King of The Netherlands cannot, after the solemn agreements, and the lengthened consideration thereon which this subject has already undergone, intend or wish further to countenance by delay or otherwise, proceedings so much at variance both with the letter and with the spirit of the Treaties.

It is, therefore, confidently hoped that, in addition to those already made, the present statement will be sufficient to induce this Government immediately, to effectually execute their part of the Conventions on this subject, and especially that Stipulation whereby the High Contracting Parties engage "in the event of the measures already taken and to be taken by each 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."

The Undersigned has the honour, &c.

H. E. the Baron de Nagell.

CLANCARTY.

No. 21.-Viscount Castlereagh to the Earl of Clancarty.

My LORD, I FORWARD herewith to your Excellency the Copy of a Dispatch, dated Surinam, February 5th, 1821, from His Majesty's Commissioners at that Place, reporting the arrival and admittance of a Vessel containing Slaves, in contravention of the Ordonnance of The Netherland Government, dated September 17th, 1818, and in evasion of the Treaty of the 4th of May of the same Year.

You will be so good as to communicate this information to The Netherlands Government, and express to them His Majesty's full confidence that, while they issue directions to prevent similar occurrences in future, they will cause due enquiries to be instituted upon the subject, with a view of bringing to punishment these Delinquents against the Laws and engagements of their Country. I am, &c. H. E. the Earl of Clancarty, G.C.B. CASTLEREAGH.

No. 22.— The Earl of Clancarty to the Marquess of Londonderry. (Received April 20.)

My LORD.

Brussels, 17th April, 1821.

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I LOST no time after the receipt of your Lordship's Dispatch of the 13th instant, received here yesterday, in addressing an Official Note thereon to his Excellency M. le Baron de Nagell.

A Copy of this I have the honour to send herewith inclosed, for the information of His Majesty's Government, and I should hope it will be found answerable to the Instructions under which it has been prepared.

I have the honour, &c.

The Marq. of Londonderry, K.G. CLANCARTY.

(Inclosure.)—The Earl of Clancarty to the Baron de Nagell. Brussels, 16th April, 1821.

THE Undersigned, &c. feels considerable regret at the circumstance which again necessitates him to address his Excellency M. le Baron de Nagell, upon an additional and recent instance of violation of the Convention of May 1818, at the Colony of Surinam.

He has, however, received the Commands of the King, his Master, to communicate to this Court, that by Advices from the British Commissioners at Paramaribo, bearing date 5th February, 1821, it appears that a fresh arrival of Slaves, evidently not coming within the exception contained in The Netherland prohibitory Ordonnance of 17th September, 1818, and an obvious evasion of the Treaty of the 4th May of the same Year, had, within a few days previous to the above date, been admitted into that Colony.

He has furthermore been precisely and urgently commanded to express the full confidence of his Government, that, while it shall issue available directions to prevent similiar occurrences in future, His Majesty the King of The Netherlands will cause immediate and exact inquiries to be instituted upon the subject, with the immediate view of bringing to punishment the Delinquents against the Laws and solemn engagements of their Country. He avails himself, &c.

H. E. the Baron de Nagell.

CLANCARTY.

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No. 23.—The Earl of Clancarty to the Marquess of Londonderry. (Received April 20.)

(Extract.)

Brussels, 17th April, 1821.

I AM still without any Official Answer from this Government to my Note of the 23d December last, upon the proper construction of the Conventions for the Abolition of the Slave-trade.

But, on the evening of the 13th instant, I received an Official Note (a Copy of which is herewith transmitted) in answer to mine of the 26th ultimo, upon the subject of a Cargo of Slaves introduced into Surinam, in December last, by a South American Privateer.

To this Note I have replied again, strongly urging a speedy decision on the main subject, that is to say, the construction of the Treaties; and have also pressed forward the necessity of punishing such Persons at Surinam as may have violated the Conventions of this Country.

Since writing the above, the Note, of which a Copy is herewith inclosed, has been received by me, from M. le Baron de Nagell, accompanied by a Royal Decree in Dutch, which time does not admit to have translated, so as to convey a translated Copy by the present occasion. By the next Messenger such a Copy shall be forwarded.

The substance of the Decree is probably, however, sufficiently apparent from M. de Nagell's Note; and it appears to me so little to fulfil the Stipulations of this Country, that I shall address another Note to M. de Nagell upon this subject.

The Mary. of Londonderry, K.G.

CLANC ARTY.

(Inclosure 1.)—The Baron de Nagell to the Earl of Clancarty. Bruxelles, le 13 Avril, 1821.

Le Soussigné, etc. s'est empressé de mettre sous les yeux du Roi la Note que son Excellence le Comte de Clancarty, &c. lui a remise, tant à l'effet d'obtenir une réponse satisfaisante aux représentations précédemment faites par rapport à l'introduction d'Esclaves à Surinam, qui se faisait contraire aux Stipulations du Traité du 4 Mai, 1818, que pour se plaindre en même tems de l'admission et de la vente dans cette Colonie d'une Cargaison d'Esclaves qui y avoit été conduite par un Corsaire d'Amérique Méridionale.

En attendant que le Soussigné puisse avoir l'honneur de communiquer à son Excellence le Comte de Clancarty, la détermination du Roi concernant les représentations dont il s'agait, et qui font l'objet des délibérations sérieuses de Sa Majesté, il a été chargé d'informer son Excellence que le Département des Colonies se trouvant jusqu'ici sans nouvelle directe à l'égard de la plainte formée contre l'Administration de Surinam, le Gouverneur de cette Colonie a été invité de transmettre par la première occasion un Rapport spécial et circonstancié sur l'admission et la vente dont il s'agit, et sur les motifs qui ont réglé ses dispositions dans cette affaire. Le Soussigné, &c.

S. E. le Comte de Clancarty.

A.W.C. de NAGELL.

(Inclosure 2.)—The Baron de Nagell to the Earl of Clancarty.

Bruxelles, le 17 Avril, 1821.

LE Soussigné, &c. ne veut pas tarder un instant de transmettre à son Excellence le Comte de Clancarty, l'Arrêté par lequel le Roi, son maire, vient de prohiber l'importation dans les Colonies des Pays Bas, et particulièrement à Surinam, des Esclaves provenant de telles Colonies Etrangères, où l'introduction directe de l'Afrique est permise, et ce moyennant l'application des mêmes peines qu'entraine l'importation d'effets prohibés.

Le Soussigné, se référant à la Copie ci-jointe de la disposition de 8a Majesté, a l'honneur d'assurer en même tems son Excellence, au nom du Roi, que Sa Majesté se fera tenir la main à l'exécution de la prohibition qu'elle vient de prononcer, dans la confiance que le Gouvernement Britannique veillera réciproquement et de la même manière àce que l'importation d'Esclaves des Colonies Etrangères, où l'introduction directe de l'Afrique n'est point prohibée, n'aye pas lieu dans les Colonies de Sa Majesté Britannique.

Le Soussigné profite de cette occasion pour faire part à son Excelleuce que les Notes qu'elle lui a fait l'honneur de lui adresser dernièrement sur le même objet, ont été mises sous les yeux du Roi ; et s'emmesse, &c.

LE. le Comte de Clancarty.

A. W. C. de NAGELL.

(Inclosure 3.)—Decree of the King of The Netherlands.

Brussels, 16th April, 1821.

Arrêté du 16 Avril, portant défense d'introduire dans les Colonies du Royaume, des Nègres amenés des Colonies Etrangères, où leur introduction directe d'Afrique est permise.

Nous Guillaume, par la grace de Dieu, Roi des Pays Bas, &c.

Considérant que d'après des avis reçus, il paroîtroit qu'on introtuit de temps en temps dans la Colonie de Surinam des Nègres amenés de Colonies Etrangéres où la Traite directes des Nègres d'Afrique n'est point encore prohibée;

Vû le Traité du 4 Mai, 1818, conclu entre les Pays Bas et la Grande Brétagne.

Và aussi la Loi du 20 Novembre, 1818, (Journal Officiel No. 39); Sur les rapports de nos Ministres des Affaires Etrangères, de la Justice, et pour l'Instruction Publique, l'Industrie Nationale, et les Colonies;

Le Conseil d'Etat entendu, avons statué et statuons :

L'introduction dans les Colonies de notre Royaume, et spécialement dans la Colonie de Surinam, des Nègres amenés des Colonies Etrangères où il est permis de les introduire directement d'Afrique, est prohibée sous les peines comminées sur l'importation de marchandises prohibées dans la dite Colonie.

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Notre Ministre pour l'Instruction Publique, l'Industrie Nationale et les Colonies, est chargé de l'exécution du présent Arrêté, dont il sera donné connoissance à nos Ministres des Affaires Etrangères et de la Justice, ainsi qu'au Conseil d'Etat, et qui sera inséré au Journal Officiel. GUILLAUME.

Par le Roi, T. G. de MEY VAN STREEFKERK.

No. 24.—The Marquess of Londonderry to the Earl of Clancarty. My LORD, Foreign Office, 1st May, 1821.

I REQUEST your Excellency will communicate to the Government of the King of The Netherlands, that the Instructions referred to in the Treaty for preventing illicit traffick in Slaves have been issued to His Majesty's Ship Sybille, of 48 guns, Captain Joshua Ricketts Rowley, and not to the Bann and Nautilus, as stated to have been intended, on a former communication from the Admiralty. I have, &c. H. E. the Earl of Clancarty, G. C. B. LONDONDERRY.

No. 25.—The Earl of Clancarty to the Marquess of Londonderry.— (Received May 11.)

My LORD,

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Brussels, 8th May, 1821.

I HAVE the honour to acknowledge the receipt of your Lordship's Dispatch of the 1st instant, directing me to notify to this Government the issue of the Instructions referred to in the Treaty of 4th May, 1818, to His Majesty's Ship Sybille of 48 guns, commanded by Captain Joshua Ricketts Rowley, and that the intention of issuing Instructions, as heretofore announced to this Government, to the Bann and Nautilus, had not been carried into execution. In consequence of these directions, I immediately addressed an Official Note to the above effect to his Excellency M. le Baron de Nagell. I remain, &c. The Marquess of Londonderry, K. G. CLANCARTY.

No. 26.—The Marquess of Londonderry to the Earl of Clancarty. My LORD, Foreign Office, 8th May, 1821.

In reference to my former Dispatches to your Excellency, on the subject of the traffick in Slaves carried on at Surinam, I send for your Excellency's information, a Copy of a Despatch, dated Surinam, 16th February, 1821, from His Majesty's Commissioners at that Place, upon the subject in question. *H. E. the Earl of Clancarty*, G. C. B. LONDONDERRY.

No. 27.—The Earl of Clancarty to the Marquess of Londonderry. (Received May 18.)

(Extract.)

Brussels, 15th May, 1821.

I HAVE the honour to acknowledge the receipt of your Lordship's Dispatch of the 8th instant, with a Copy inclosed therein of the Letter of His Majesty's Commissioners at Surinam, of the 15th February last.

I, in consequence, held yesterday morning a Conference with the Baron de Nagell, in which I read to him that part of the Dispatch of the Commissioners which relates to additional infractions of the Treaty, stating to him, that the permission of these was much and deeply felt by the British Government.

The Marquess of Londonderry, K.G.

CLANCARTY.

No. 28.—The Earl of Clancarty to the Marquess of Londonderry. (Received June 9.)

(Extract.)

Brussels, 5th June, 1821.

YOUR Lordship is already acquainted with the state in which the Negociation stands, relative to the construction of the Treaty of 1818 with this Court, on the subject of the Slave-trade.

The object of the Official Correspondence lately carried on by me, under your Lordship's directions, for the purpose of obtaining a Declaration more in unison with the manifest expressions of the Treaty, has at length been accomplished.

The Arrêté, or Decree of the King, of the 16th of April last, directly acknowledges the illegality, and prohibits under penalty, the introduction of Slaves into his Colonies from Places with which a direct Trade with the Coast of Africa is still permitted; and the same conclusion is come to with regard to importations from Foreign Colonies or Places, the direct Trade between which and the Coast of Africa in Slaves is prohibited.

This will be found by reference to the accompanying Copy of an Official Note which I yesterday received from M. le Chevalier Le Clerc.

Though we have thus far made progress upon the true and plain construction of the Treaty, yet I shall think it my duty, fully aware of your Lordship's anxiety on this subject, again to press this Government upon it.

The Marquess of Londonderry, K.G.

CLANCARTY.

(Inclosure.)—The Chevalier le Clerc to the Earl of Clancarty. (Extrait.) Bruxelles, le 4 Juin, 1821.

Le Soussigné ayant reçu les Ordres du Roi, son Maître, concernant la Note que son Excellence Monsieur le Comte de Clancarty, Ambassadeur Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Britannique, a remise au Département des Affaires Etrangères, touchant les mesures prises en dernier lieu par le Gouvernement des Pays Bas contre l'introduction d'Esclaves dans les Colonies de ce Royaume, et particulièrement à Surinam, se trouve autorisé de représenter à son Excellence que la Traite des Nègres ayant été abolie dans les

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Pays Bas dès l'an 1814, les dispositions subséquentes, en exécution des engagemens pris par le Traité du 4 Mai, 1818, pour la repression du Commerce des Esclaves, ont mis de nouveaux obstacles à ce que cet odieux trafic ne soit point exercé par les Sujets de Sa Majesté le Roi des Pays Bas:

Que le Gouvernement Britannique s'étant plaint que l'introduction d'Esclaves dans les Colonies des Pays Bas, et particulièrement à Surinam, continuait à avoir lieu, le Gouvernement des Pays Bas, considérant qu'il n'est guères probable, que cette importation puisse se faire des Colonies Britanniques, ou d'autres endroits où le Commerce d'Esclaves a été défendu et prohibé, a rendu son Arrêté du 16 Avril de la presente Année:

Que par les dispositions qu'il renferme, le Gouvernement a oté aux Colonies de ce Royaume la possibilité d'entretenir les relations qu'elles auraient pu avoir contracté, en fait du Commerce des Esclaves, avec les Possessions Européennes, dont les Souverains auraient pu avoir mis des réstrictions à la répression de ce trafic, et nommément ceux d'Espagne, de la France et du Portugal. Que les nouvelles reçues des Plantations à Surinam, par rapport à l'Arrêté sus dit, fournissent les preuves les plus décisives que toute chance d'importer des Esclaves a été entièrement perdue par la Résolution Royale du 16 Avril :

Qu'on ne saurait concevoir d'après cela quel serait l'endroit du monde qui puisse encore inspirer de la crainte, ou donner lieu à des soupçons d'une introduction frauduleuse :

Enfin, que par suite des instructions, qui ont été dépêchés à M. le Gouverneur-Général, *ad interim*, de Surinam, ce Fonctionnaire ne se trouvera nullement dans l'incertitude à l'égard des intentions, et de la volonté du Roi sur cette matière.

Par toutes ces raisons, le Gouvernement des Pays Bas aime à se persuader que le maintien du Traité du 4 Mai, 1818, sera suffissamment assuré par les dispositions actuellement existantes contre le Commerce d'Esclaves, sans qu'il soit nécessaire de recourir à d'autres mesures plus coërcitives; et que les nouvelles explications que le Soussigné a été chargé de donner à son Excellence le Comte de Clancarty, ne laisseront plus rien à désirer au Gouvernement de Sa Majesté Britannique, et lui feront attendre avec confiance l'effet de l'Arrêté du 16 Avril.

(En l'absence du Ministre des Affaires Etrangères,

Le Secrétaire du Département,)

S. E. le Comte de Clancarty.

A. LE CLERC.

No 29 — The Marquess of Londonderry to the Earl of Clancarty. My LORD, Foreign Office, 25th June, 1821

In reference to my former Dispatches to your Excellency upor

the subject of the illegal Slave-trade still carried on at Surinam, in contravention of the spirit of the Treaties contracted between His Majesty and the King of The Netherlands, for the Abolition of this inhuman traffick; I have the honour to furnish your Excellency with the Extract of a Dispatch dated the 5th of February, 1821; the Copy of a Dispatch dated the 16th of February, 1821; and the Copy of a Dispatch dated the 1st of March, 1821; from His Majesty's Commissioners at that Colony.

These Documents state, as your Lordship will perceive, that, owing to the inefficacy of the Dutch Laws, and the indifference of the Local Authorities, the admission of Slaves from Africa into the Colony of Surinam is continually taking place, and that the French Flag is almost always resorted to for these nefarious practices.

His Majesty's Ambassador at Paris has been consequently written to upon the subject, and these Papers are furnished to your Excellency for the purpose of giving still more weight to the earnest application which you are now making to The Netherland Government upon this subject.

I am, &c. H. E. the Earl of Clancarty, G.C.B.

LONDONDERRY.

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No. 30.—The Earl of Clancarty to the Marquess of Londonderry. (Received July 2d.)

(Extract.)

Brussels, 29th June, 1821.

I HAD this morning the honour of receiving your Lordship's Dispatch of the 25th instant, with its several Enclosures.

In my former Notes to M. de Nagell and M. le Chevalier Le Clerc, I had already remonstrated with this Government, on the subject of the facts conveyed in the Correspondence with His Majesty's Government of the Commissioners at Surinam, up to the 15th of February last, inclusive. I had therefore only, on receipt of your last Instruction, to convey to this Government the additional complaints made by these Gentlemen, of the continued infractions of the Treaty referred to in their Letter of the 1st of March, and to avail myself of the occasion thus presented, to urge in the strongest manner, a final and satisfactory decision upon the whole of this business.

The Marquess of Londonderry, K.G.

CLANCARTY.

No. 31.—The Marquess of Londonderry to the Earl of Clancarty. My LORD, Foreign Office, 7th August, 1821.

I HAVE the honour to transmit to your Excellency, Copies of the Addresses of the two Houses of Parliament to His Majesty the King, at the close of the last Session, on the subject of the continued prosecution of the Slave-trade under the Flags of Foreign Powers, notwithstanding the recorded abhorrence of that traffick by every Government in Europe,

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I furnish your Excellency with these Documents, not with any view to your officially communicating them to the Government to which you are accredited, or founding any immediate and special proceeding upon them, other than in following up the Instructions of which you are already in possession; but it is necessary that you should know the sentiments of Parliament upon the subject, in order that, in your intercourse with the Dutch Ministers, you may frame your language and conduct thereon, in conformity to the views therein expressed.

I am, &c.

H. E. the Earl of Clancarty, G.C.B.

LONDONDERRY.

No. 32.—The Marquess of Londonderry to the Earl of Clancarty. My LORD, Foreign Office, 14th September, 1821.

I HAVE the honour herewith to inclose for your Excellency's information, the accompanying Copies of a Dispatch and Inclosures which the Lords of the Admiralty have received from Commodore Sir G. Collier, dated off Accra, on the 12th of March last, covering a Correspondence between the Commander of His Majesty's Sloop *Phcasant*, and the President of Elmina Castle, relative to a supply of Canoes, which Portuguese Vessels engaged in illicit Slave-trade, are stated to have obtained from Elmina; and your Excellency will communicate to The Netherland Government the contents of the said Papers, in pursuance of the Instructions under which your Excellency is acting on this subject. I am, &c. H. E. the Earl of Clancarty, G.C.B. LONDONDERRY.

No. 33.—The Earl of Clancarty to the Marquess of Londonderry. (Received September 22.)

My LORD, YOUR Lordship's Dispatch of the 14th instant, conveying a Copy of Commodore Sir George Collier's Letter to Mr. Croker, with the Correspondence therein inclosed, reached me yesterday.

Your Lordship may rest assured that I shall make use of the same, for the accomplishment of the main object we have in view:—that of inducing the Court, heartily to concur with us in the adoption of every requisite detail for the final and universal Abolition of the Trade in Slaves. I have, &c. The Marquess of Londonderry, K.G. CLANCARTY.

No. 34.—The Marquess of Londonderry to the Earl of Clancarty. My LORD, Foreign Office, 21st September, 1821.

I HAVE received and laid before the King your Excellency's Dispatch of the 3d of August, together with the Note inclosed in it, which the Baron de Nagell addressed to you on the 28th July, upon the subject of the due execution of the Treaty concluded between Great Britain and The Netherlands, for the extinction of the traffick in Slaves.

This subject is felt to be of so much importance, that the King has commanded me to direct your Excellency to solicit the honour of a personal interview upon it with His Majesty the King of The Netherlands.

You will state to His Majesty that the King has every confidence in the known integrity of the Councils of the King of The Netherlands, and that the general assurances of the Baron de Nagell, that the last Instructions sent out to the Dutch Colonies are adequate to the effectual prevention of the traffick, have afforded gratification to His Majesty, inasmuch as those assurances are indicative of a desire to satisfy the solicitude felt by this Government, that the hoped-for result of the Treaty shall not, by any omission, mistake, or unnecessary delay, fail of receiving its due accomplishment.

You will say to His Majesty, however, that you are directed not to conceal from Him that this gratification is very much lessened by the general nature of the expressions in which the assurances are conveyed, and in which the Baron de Nagell appears to abstain from any communication of the contents of the Instructions given.

You will repeat to His Majesty, that every confidence is placed by this Government in the wish of the King of The Netherlands to act up to what he feels to be the due execution of the Treaty, and that in this spirit His Majesty has been ready, and will always be found willing, to direct his Ministers to communicate to the Government of The Netherlands, every Law, Instruction, or other proceeding, entered upon by the Government of Great Britain, towards the due execution (on their part) of the Treaty between the two Countries.

You will express the hope entertained here that His Netherland Majesty will not suffer this confidence to be abated by any want of return on the part of this Government; and you will submit to His. Majesty that this Government cannot be satisfied with a reserve of the measures taken upon the question by The Netherland Government, whilst those which have been hitherto adopted are known to have varied somewhat from the full stipulation of the Treaty, and to be manifestly insufficient to the carrying it into effect.

You will here state to His Majesty the fact, amongst others, which has come to the knowledge of this Government, that in the latter end of May last, the French Schooner *l'Aurore*, M. l'Oiseau, Master, was permitted to disembark in the town of Paramaribo 143 Slaves, recently imported from Africa, and consigned to M. Solomon de la Para, a resident Proprietor of the Colony of Surinam.

Your Excellency will press the circumstance of these infractions of the Treaty by the Colonial Authorities of The Netherlands, thus openly and repeatedly committed, in instances which you have had already occasion frequently to represent to the Government of The Netherlands, both previous and subsequently to their Decree of the 16th of April last; and you will entreat His Majesty most urgently and respectfully to make a full communication to this Government, of the detail of the measures which he has taken since the Decree of the 16th of April last, towards the due execution of the Treaty between the two Countries for preventing the traffick in Slaves, a communication by which His Majesty will return the confidence justly reposed in him, and will enable this Government to satisfy the universal and anxious interest taken by the British Nation upon this important subject.

Your Excellency will also be pleased to take an opportunity of addressing to M. de Nagell an Official Note upon this subject, fully explaining the views of His Majesty's Government, as thus detailed.

I am, &c.

The Earl of Clancarty, G.C.B.

LONDONDERRY.

No. 35.—William Hamilton, Esq. to the Earl of Clancarty.

My LORD, I AM directed by the Secretary of State to have the honour to state to your Excellency, that it appears by a Letter, dated the 16th of October, 1821, from the Secretary to the Admiralty, that the Instructions referred to in the Treaty with The Netherlands, for the prevention of the Slave-trade, which had been issued to His Majesty's Ship *Euryalus*, upon the West Indian Station, have been transferred from that Ship to His Majesty's Ship *Tamar*, of 26 guns, Captain Sir W. S. Wiseman.

I am further directed to request that your Excellency will have the goodness to make a communication of the circumstance above mentioned to the Government of His Majesty the King of The Netherlands.

I am, &c.

H. E. the Earl of Clancarty, G.C.B.

W. HAMILTON.

No. 36.—The Marquess of Londonderry to the Earl of Clancarty. My LORD, Foreign Office, 8th November, 1821.

IN reference to the Treaty existing between Great Britain and The Netherlands, for the prevention of the Slave Trade, I am to request that your Excellency will take an opportunity of communicating to the Dutch Government, that, conformably to the stipulations contained in that Treaty, signed Instructions have been issued to the two following Ships of His Majesty's Navy, viz. *Pyramus*, 42 guns, Captain Francis Newcombe; *Iphigenia*, 42 guns, Captain Sir Robert Mends; and that

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the Instructions which had been issued to His Majesty's Ship Tartar Captain Sir George Collier, have been recalled and cancelled.

I am, &c.

H.E The Earl of Clancarty, G.C.B. LONDONDERRY.

No. 37.-- The Earl of Clancarty to the Marquess of Londonderry. (Received November 20.)

MY LORD, I HAVE the honour to acknowledge the receipt of your Lordship's Dispatch of the 8th instant; and in obedience thereto, have communicated to this Government the issue of Instructions, under the Treaty for the prevention of the Slave Trade, to His Majesty's Ships, the *Pyramus*, 42 guns, Captain Francis Newcombe; and to the *Iphigenia*, 42 guns, Captain Sir Robert Mends; and also that the Instructions which have been issued to His Majesty's Ship, *Tartar*, Captain Sir G. Collier, had been recalled and cancelled.

I am, &c.

The Marquess of Londonderry, K.G.

CLANCARTY.

No. 38.—The Earl of Clancarty to the Marquess of Londonderry. (Received December 9.)

(Extract.)

The Hague, 4th December, 1821.

THE Instructions conveyed in your Lordship's Dispatch of the 21st September last, upon the subject of the Treaty between Great Britain and The Netherlands, for the abolition of the Slave-trade, though long since received, you are already aware, have not been neglected.

The result of an interview which the Duke of Wellington had with the King of The Netherlands, in August last, prior to the issue of these Instructions, in which His Majesty entered upon this matter with his Grace; and of a subsequent Conference which your Lordship also had with His Netherland Majesty, upon the same point, left me little more to do, than, after the establishment of the Court at this Place, to take an early opportunity of resuming the subject with the King, for the purpose of bringing it to a formal conclusion. This was accordingly done at my first private audience with His Majesty at The Hague; and His Majesty was pleased to desire that I should arrange with M. le Baron de Nagell, the manner in which our wishes should be most conveniently carried into formal execution.

The result has been, that I have addressed a Note to His Excellency, and I can have but little doubt that this will produce the effect we so much desire.

In the course of my Conferences with M. de Nagell, on this subject, I mentioned to him the specific complaint stated in your Lordship's Despatch of the 21st September above referred to, of an importation into Paramaribo having been permitted by the Colonial Authorities at Surinam, of 143 Slaves, consigned to M. Solomon de la Para, a resident Proprietor of that Colony, in the month of May last, from the French Schooner *l'Aurore*; and I pressed upon his Excellency the necessity of having these points inquired into, and the guilty Parties punished. He observed this must have taken place, according to the facts stated, prior to the possible receipt at Surinam, of the King's Decree of the 16th April last, and of its accompanying Instructions; that the matter should, however, be thoroughly investigated; but he suggested, for the sake of more easy reference, that the matter of this complaint should be separated from the larger and more general subject, and therefore recommended, that it should exclusively form the subject of a particular Note. I did not hesitate to comply with this recommendation, and addressed a Note accordingly to his Excellency on the subject.

The Marquess of Londonderry, K.G.

CLANCARTY.

No. 39.—The Marquess of Londonderry to the Earl of Clancarty. My LORD, Foreign Office, 4th January, 1822.

A DISPATCH, dated the 28th of August, 1821, has been received from His Majesty's Commissioners, resident at Surinam, under the Treaty with The Netherlands, for the Abolition of the Traffick in Slaves.

It appears, from the purport of that Dispatch and its Inclosures, that great abuses are practised at Surinam, in overlooking, and thereby virtually encouraging, the importation of Slaves, contrary to the Treaty.

It may justly, but unfortunately, be inferred, from the tenor of the Communication, that ground of complaint exists, not only against the Cruizers of The Netherlands in not detaining suspected Vessels, but against the Governor of the Colony in permitting the entry of Vessels and landing of their Cargoes of Slaves, when those Cargoes bore marks too evident for mistake, of having been very recently imported from Africa.

These facts are not perhaps stated in the Dispatch of the Commissioners with all the details which ought to accompany the disclosure of such transactions; but your Excellency will take an opportunity of calling the attention of The Netherlands Government to the circumstances, in order that they may, by repeated and strict directions, and by such other measures as shall seem to be necessary, prevent so fatal an infraction of the Treaty as that represented to be committed by their own Officers, in opposition to the just and humane wishes of their Sovereign for the extirpation of this Traffic. I have, &c. H. E. the Earl of Clancarty, G.C.B. LONDONDERRY.

No. 40.—The Earl of Clancarty to the Marquess of Londonderry. (Received 24th January.)

(Estract.)

The Hague, 11th January, 1822.

THE Mail of Tuesday last from London, which arrived here yesterday Evening, brought me your Lordship's Dispatch of the 4th Instant with its several Inclosures, comprising the Correspondence of His Majesty's Commissioners at Surinam with the Governor of that Colony, upon the subject of several importations of African Slaves there, in violation of the Treaty between Great Britain and The Netherlands.

Upon the subject of the violation of this important Treaty, by or under the connivance of the Colonial Authorities of this Country, your Lordship is acquainted with all the Correspondence which, in conformity with the Instructions received from His Majesty's Government, has been carried on by this Embassy with the Court of The Netherlands, and you are also fully aware of all the difficulties which were encountered in its progress.

In what manner, with your Lordship's and the Duke of Wellington's immediate assistance, a reasonable prospect has been afforded of surmunting these difficulties in future, will be found detailed in my Dispatch of the 4th December of the last year.

Under these circumstances, upon reading over the Correspondence "His Majesty's Commissioners at Surinam, inclosed with your Lordship's Dispatch, and finding that the whole statements of which it was composed referred to transactions prior to the issue or possible receipt of the Instructions by their Colonial Authorities from this Government of the last year, which they allege to be effectual; I deemed it merely necessary, in the present state of the business, to communicate their substance verbally to the Baron de Nagell.

The Marquess of Londonderry, K.G.

CLANCARTY.

No. 41.-The Earl of Clancarty to the Marquess of Londonderry. (Received January 24.)

(Extract.)

The Hague, 18th January, 1822. In my Dispatch, addressed to your Lordship on 4th December last, I had the honour of stating that I should address a Note, under your Lordship's Instructions, to M. le Baron de Nagell, relative to the illicit introduction of 143 Slaves, by the French Schooner l'Aurore, into the Colony of Surinam.

The answer to this Note reached me on the 16th instant; of this a Copy is herewith inclosed.

As the disembarkation of the Slaves was clearly in direct violation of the provisions of the Treaty, I have thought it my duty, in answering the Baron de Nagell's Note, to suggest to this Government the propriety of their issuing orders for the restoration to freedom of the unfortunate Individuals who have thus been made the objects of illicit Traffick.

The Marquess of Londonderry, K.G.

CLANCARTY.

(Inclosure).-The Baron de Nagell to the Earl of Clancarty.

La Haye, le 16 Janvier, 1822.

Son Excellence le Comte de Clancarty, &c. a représenté itérativement, et en dernier lieu par sa Note en date du 26 Novembre dernier, contre l'importation d'Esclaves à Surinam, en contravention du Traité du 4 Mai, 1818.

Le Soussigné, etc. a l'honneur d'observer à Son Excellence en général, et plus particulièrement à l'égard de la cargaison d'Esclaves importée par le Navire François, *l'Aurore*, Capitaine l'Oiseau, dont la Note du 26 Novembre fait mention, que le Gouverneur-Général, *ad interim*, à Surinam, a cru pouvoir permettre l'entrée et la vente des 143 Esclaves provenant de cette cargaison, en vertu de l'Article 5 de la Loi du 20 Novembre, 1818; Le Maître, Contre Maître de l'équipage du dit Navire, ayant déclaré sous serment, par devant la Cour de Justice de Surinam, que ces Esclaves avaient sejourné depuis 5 à 6 ans à la Guadeloupe.

Son Excellence aura vu, par le Rapport du Ministre des Colonies joint aux Instructions qui ont été dépêchées à Surinam, et qui se rapportent à l'Arrêté explicatif du Roi des Pays Bas, en date du 6 Avril, dernier, que le dit Arrêté a été connu à Surinam vers le 1 Juillet, et que par conséquent toute importation d'Esclaves qui, jusques là, aura pu être accordée en vertu de l'Article 5 de la Loi précitée, aura cessée à dater de cette époque; de sorte qu'on aime à se flatter que les informations que le Gouvernement Britannique aura reçues depuis ce tems, ne donneront plus sujet à des plaintes de cette nature.

Le Soussigné prie Son Excellence M. le Comte de Clancarty d'agréer, &c.

S. E. Le Comte de Clancarty.

A. W. C. de NAGELL.

No. 42.—The Marquess of Londonderry to the Earl of Clancarty. My LORD, Foreign Office, 12th February, 1822.

In reference to the Treaty with the Government of The Netherlands for the prevention of the Slave-trade, I have to acquaint you, for the information of that Government, that it appears by a Dispatch from Sir Charles Rowley, commanding on the West Indian Station, that a signed Instruction, as mentioned in the said Treaty, has been issued to His Majesty's Ship *Tyne*, of 26 guns, Captain James Kearney White, Commander. I am, &c.

H. E. the Earl of Clancarty, G.C.B. LONDONDERRY.

No. 43.—The Earl of Clancarty to the Marquess of Londonderry. (Received February 24.)

(Extract.)

The Hague, 19th February, 1822.

THE last Mail from England brought me your Lordship's Dispatches of the 12th instant.

The Communication I am directed to make to this Government that the proper signed Instructions, under the Treaty of May 1818, for the Abolition of the Slave Trade, had been issued to His Majesty's Ship, the *Tyne*, has been conveyed accordingly; and I have received from his Excellency M: le Baron de Nagell, an answer acknowledging the receipt of this Communication.

The Marquess of Londonderry, K.G.

CLANCARTY.

No. 44.— The Marquess of Londonderry to the Earl of Clancarty. My LORD, Foreign Office, 24th February, 1822.

Is reference to my Dispatch of the 6th of April, 1819, addressed b Mr. Chad, upon the subject of the facilities afforded by the Dutch at Elmina to the carrying on of the illegal Traffick in Slaves, by supplying Foreign Slave-trade Vessels with Canoes, without which that Trade could not be carried on between the Gold Coast and the Line; I have the honour to transmit herewith to your Excellency, the Copy of a Communication, dated the 14th instant, from Mr. Cock, who acted a Secretary to the late African Institution. Your Excellency will perceive by the purport of this Communication, that the hopes held out by the Baron de Nagell to Mr. Chad, that the practices in question would be effectually repressed, have, unfortunately, not been realized.

Your Excellency will therefore take an early opportunity of laying the inclosed statement before the Ministry of the King of The Netherlands, and of urging them to send out to Elmina, without delay, such Instructions as shall be best calculated to give effect to the benevolent intentions of their Sovereign, to put an end by every means in his power, to the nefarious Traffick in Slaves I have, &c. H. E. The Earl of Clancarty, G.C.B. LONDONDERRY.

(Inclosure 1.)—S. Cock, Esq. to the Marquess of Londonderry. My LORD, New Broad-street, 14th February, 1822.

I most respectfully beg leave to lay before your Lordship an extract of a Letter which has just been received by a Member of the late African Committee, from his Correspondent on the Gold Coast, by which it will be seen that the Dutch at Elmina are encouraging the Slave-trade, by allowing Foreign Slave-vessels to obtain those supplies of Canoes at that Settlement, without which that Trade could not be carried on between the Gold Coast and the Line.

The importance of preventing Slave-ships obtaining such supplies of Canoes, was pointed out to your Lordship by the Committee, in my

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Letter to you of the 30th March, 1819, to which I humbly beg to refer on the present occasion. I have the honour to be, &c. The Marquess of Londonderry, K. G. S. COCK.

(Inclosure 2.)—Extract of a Letter from Anoramobaz, dated the 10th November, 1821.

Not a week passes but two Portuguese Vessels arrive at Elmina: it is extraordinary that this is not stopped, and still more so that the Dutch supply the Portuguese with Canoes,—a main point to them. The Slave-trade is more openly and securely carried on since the Treaty with Spain and Portugal than before.

No. 45.—The Earl of Clancarty to the Marquess of Londonderry. (Received March 14.)

(Extract.) The Hague, 5th March, 1822. YOUR Lordship's Dispatch of the 24th ultimo, with its Inclosures, reached me on the Evening of Friday last, the 1st instant.

In obedience to the Instruction thereby conveyed, the Note, of which the accompanying Paper is a Copy, was addressed by me to M. de Nagell.

The Marquess of Londonderry, K.G.

CLANCARTY.

(Inclosure.)—The Earl of Clancarty to the Baron de Nagell. The Hague, 2d March, 1822.

THE Undersigned, &c. has been directed to acquaint this Government, that notwithstanding the very full and detailed explanations afforded by M. de Nagell's Note of the 11th August, 1820, upon the subject, information has been communicated to the British Government from the African Gold Coast, dated so lately as the 10th November, 1821; whence it should appear that encouragement still continues to be given by the Dutch Colony at Elmina to the Slave-trade, by the supply to Foreign, and especially to Portuguese Vessels, of Canoes for the purpose of carrying it on. Scarcely a week is said to pass in which two Portuguese Ships do not arrive at Elmina, and there meet with all the facilities of Canoes, for the furtherance of this Traffick, which they can desire. It should appear, therefore, that the hopes held out by his Excellency's Note above referred to have not been realized.

Fully sensible as is his Court of the laudable anxiety of His Majesty the King of The Netherlands to put a stop to this practice, the Undersigned has been instructed to state the above fact to this Court, full reliance being placed, that such Instructions will in consequence be immediately sent out to Elmina, as shall be best calculated to prevent in future the facilities afforded to Foreigners on that Coast, through the supply of Canoes, by which they are enabled to carry on the Slavetrade, and such as may give full effect to the benevolent intentions of His Majesty, for the abolition of this Traffick.

The Undersigned, &c.

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CLANCARTY.

H. E. The Baron de Nagell.

No. 46.—The Earl of Clancarty to the Marquess of Londonderry. (Received March 25.)

(Estract.)

The Hague, 22d March, 1822. I HAD vesterday a very interesting and most satisfactory Conference with the Minister for the Colonies of this Government, upon the proper construction and execution of the Treaty of 4th May, 1818, between His Majesty and the King of The Netherlands, for the abolition of the Slave-trade.

In this, his Excellency expressed himself as willing to admit, in its full extent, the justice of our construction of this solemn and important Treaty:-and that under its provisions all Trade whatever in Slaves, whether direct or indirect, was absolutely prohibited to the Subjects of both Countries, and consequently, that all importations of Slaves into the Colonies of The Netherlands, from any place whatever, and under whatever Flag, (except from one part of their Colonies to another, in Dutch Ships) was strictly to be prevented as illicit and inadmissible : hat however some instances of infraction might have occurred at a pior period, he gave me the most solemn assurances that the King, his Master, was as anxiously bent as my Government could be, in carrying every provision of the Treaty under the above construction into full execution; and that the measures he (M. de Falck) under His Maisty's directions, had already taken, were such as completely to insure this object :- that on the effect of these he had the most perfect rehance;-that they would have come into operation by reaching the Colonies about the 1st of July last; subsequently to which date I might confidently assure my Government that no infraction whatever of the Treaty, by Subjects of The Netherlands, over which any Govemment could reasonably be considered as possessing control, would be found to occur, and especially at Surinam.

After the embarrassments which have been encountered in the humane efforts of His Majesty to put an end to the detestable Traffick in Slaves, through the medium of Treaties with several of the Powers of Europe, permit me to congratulate your Lordship, upon what I trust I may (without the fear of disappointment) designate as the full accomplishment of this important object, as far as relates to the Kingdom of The Netherlands.

The Marquess of Londonderry, K.G.

CLANCARTY.

PORTUGAL.

No. 47.—The Right Hon. Edward Thornton to Viscount Castlereagh. (Received July 30.)

My Lord,

Rio de Janeiro, 4th May, 1821.

THE receipt of your Lordship's Circular Letter, of the 22d September, 1820, to the Ministers at the Court of Madrid, The Hague, and Rio de Janeiro, relating to a judicial decision on the subject of a Ship engaged in the illegal Traffick of Slaves, was delayed on account of the accident which occurred to the October Packet, *Montague*, and that Dispatch did not reach me until two or three days before the events of the 26th of February; but I communicated it immediately to the Count de Palmella, who transferred it to his Successor, M. de Pinheiro.

It was about three weeks ago, that I received from the latter an Official Note, (of which, with its Inclosure, I have the honour of transmitting to your Lordship a Translation) announcing to me that Instructions would be sent to His Most Faithful Majesty's Minister, to sign an Additional Article, in the sense, and indeed in the literal expressions, of your Lordship's Dispatch. I expressed my willingness to sign the Article here, if His Most Faithful Majesty should regard the authority given to me by your Lordship's Dispatch as satisfactory; but it was judged right, in the formality of an Additional Article, that the requisite Full Powers should be exhibited on both sides.

I have likewise communicated to this Court, Copies of your Lordship's Dispatches of the 28th November, relating to subjects connected with the Slave-trade; and I shall leave Transcripts of these Papers in the hands of His Majesty's Commissioners for their government hereafter. I have the honour to be, &c.

Viscount Castlereagh, K. G. EDWARD THORNTON.

(Inclosure 1.)—M. de Pinheiro Ferreira to the Rt. Hon. Edw. Thornton. (Translation.) Palace of Rio de Janeiro, 12th April, 1821.

THE Undersigned, Minister and Secretary of State, &c. has received the King his Master's orders, to declare expressly and officially to Mr. Thornton, &c. that His Most Faithful Majesty accedes to the inclosed Additional Article, conceived in the very terms of Lord Castlereagh's Dispatch, as communicated to him.

His Majesty has in consequence given orders for transmitting to his Envoy at the Court of London the necessary Powers for presenting that Article, and for signing and subscribing it, on its approval, together with His Britannick Majesty's Plenipotentiary.

The Undersigned avails himself, &c.

SILVESTRE PINHEIRO FERREIRA.

The Rt. Hon. E. Thornton.

GREAT BRITAIN AND PORTUGAL.

(Inclosure 2.)—Additional Article.

It is agreed, 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 immediate Cruize 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 of the 22d day of January, 1815, and of the Additional Convention of the 28th day of July, 1817, she is to be justly detained by Cruizers, and finally condemned by the Commissioners, although such Slave or Slaves shall not be found actually on board at the time of capture.

The present Additional Article shall have the same force and effect as if it were inserted, word for word, in the Additional Convention of the 28th day of July, 1817.

In witness whereof, we, the Undersigned Plenipotentiaries, duly authorized, ad hoc, by our respective Sovereigns, have signed it, and have thereunto affixed the Seals of our Arms. Done in London, &c.

No. 48.- The Marquess of Londonderry to E. M. Ward, Esq. SIR. Foreign Office, 4th September, 1821.

I HAVE the honour to transmit to you an Extract of a Dispatch which the Lords Commissioners of the Admiralty have received from Sr G. Collier, dated in the Bight of Benin, the 19th March, 1821, and covering the Copy of a Declaration (also herewith inclosed) witten on the face of the Royal Passport, of the Portuguese Brig Victoria, found off Whydah, under suspicious circumstances, and so added thereto, in the hope that the said Document might meet the eye of some Portuguese Authority, enabling him thereby to trace the legality of the Voyage of the Vessel in question.

I have accordingly to desire, that you will take an early opportunity of communicating the same to the Government at Lisbon, in furtherance of the object in view. I am, &c. LONDONDERRY. E. M. Ward, Esq.

No. 49.-E. M. Ward, Esq. to the Marquess of Londonderry. (Received October 30.)

My LORD.

S 10.0

Lisbon, 20th October, 1821. I HAVE the honour herewith to submit the Copy of my Note to M. Pinheiro, on the subject of Sir George Collier's statement respecting a Portuguese Slaver, transmitted in your Lordship's Dispatch of the 12th ultimo, and also a Translation of M. Pinheiro's Answer.

His Excellency says that the necessary enquiries have been directed to be made in order to enforce a due execution of the Treaty.

I have, &c.

The Marquess of Londonderry, K.G.

E. M. WARD.

(Inclosure 1.)-E. M. Ward, Esq. to M. Pinheiro.

Lisbon, 13th October, 1821.

THE Undersigned has the honour to communicate to his Excellency Silvestre Pinheiro Ferreira, &c. an Extract of a Dispatch transmitted to him by the Marquess of Londonderry, addressed by Sir George Collier to the Lords Commissioners of the Admiralty in London, dated in the Bight of Benin, the 19th March, 1821, and covering the Copy of a Declaration (also herewith inclosed) written on the face of the Royal Passport of the Portuguese Brig *Victoria*, found off Whydah under suspicious circumstances, and so added thereto, in the hope that the said Document might meet the eye of some Portuguese Authority, enabling him thereby to trace the legality of the Voyage of the Vessel in question.

The Undersigned complies with his Instructions, to lay the same before his Excellency, in the full confidence of the cordial co-operation of His Most Faithful Majesty's Government towards the furtherance of the object in view. He has the honour, &c. H. E. Sen. Pinheiro. E. M. WARD.

(Inclosure 2.)—M. Pinheiro Ferreira to E. M. Ward, Esq. (Translation.) Lisbon, 17th October, 1821.

THE Undersigned, &c. has received the Note of E. M. Ward, Esq. dated the 13th instant, and transmitting an Extract of a Dispatch addressed by Sir George Collier to the Lords Commissioners of the Admiralty, relative to the Portuguese Brig *Victoria*; and having laid the same before the King, His Majesty has been pleased to command the necessary inquiries to be made, in conformity with the Treaties, in order to cause those Treaties to receive their full execution.

The Undersigned, &c.

E. M. Ward, Esq. SILV

SILVESTRE PINHEIRO FERREIRA.

No. 50.—The Marquess of Londonderry to E. M. Ward, Esq. SIR. Foreign Office, 27th March, 1822.

I SEND to you herewith a Copy of a Report, dated the 22d of January, 1822, from the Governor of His Majesty's Settlement at Sierra Leone; and I have to call your attention to that part of it which relates to the illicit Slave-trade, as carried on under the Flag of Portugal.

It is lamentable to observe the instances, which are almost daily met with by His Majesty's Cruizers on the African Station, showing that this detestable traffick still exists, and is continued with an activity and a boldness which one can hardly reconcile with a due execution of the Portuguese Laws in this respect, by their Subordinate Authorities. It is true that some of the Vessels engaged in this Trade, meet with the fate which they seem to brave as much as they deserve; but in other cases, the circumstances are unfortunately such as to allow of their escaping, at least for the moment.

You will see that at Whydah and Badagry 6 Slave-trading Vessels were found under the Portuguese Flag; these Vessels were furnished with boilers, irons, water-casks, and other implements, with which Vessels destined for this cruel barter are equipped; they had no Slaves on board, and could not therefore be detained.

Six Portuguese Slave-vessels, the List of which is inclosed, were kewise examined about the same time at Calabar and Lagos.

An extensive Carrying Trade appears to be kept up with the Cape de Verd Islands, from the Portuguese Settlements of Cacheo and Bissao; and the Slave-traders at Cacheo have recently given their traffick in the Rio Grande a new feature of barbarous atrocity. They visit this River in armed Sloops and Boats, and, landing during the night, carry off as many as they can of the unfortunate Inhabitants.

The fine Rivers Nunez and Pongas, are entirely under the controul of renegado Slave-traders; most of the Slaves sent from the former River find their way to Cacheo and the Cape Verds, where, it is said, they are shipped as Domesticks to the Brazils.

The accounts of the number of Slave-cargoes shipped from the several Rivers on the Coast, during the last Year, show them to be enormous; and it is more than suspected, as you will have perceived, that the Portuguese Flag, and that Portuguese Subjects, are deeply implicated in this Crime.

Under these circumstances, I have to desire that you will state the facts to the Government of His Most Faithful Majesty, accompanied by the observations which will naturally suggest themselves to you, and press upon the Government to issue such prompt and severe Orders upon the subject, as may give effect to the Stipulations which have from time to time been entered into with that Country, with a view to the immediate restriction and gradual abolition of this disgraceful traffick.

I am, &c.

E. M. Ward, Esq.

LONDONDERRY.

E

GREAT BRITAIN AND PORTUGAL.

-	Vessels.	Masters.	Owners.	From.	Bound.	Belonging.	Under what Colours.	Intelligence or Remarks.
Lagos Roads.	Ship Mercury.	E. Ped. Saintez.	Paul Josse.	St.Salvador.	Angola.	St.Salvador.	Portu- guese.	Completely fitted out for Slaves.
Ditto.	Brig Bomfine.	Jacq. Johane.	Souza Joao Joze.	Lisbon.	Entarda.	Lisbon.	Ditto.	Ditto.
Ditto.	Brig Boma Hora.	Eml. Fonseca.		St.Salvador.	Lagos.	St.Salvador.	Ditto,	Owned she was waiting for Slaves.
Ditto.	Brig Aliana.	Antonio.		Ditto.	Ditto.	Ditto.	Ditto.	No one on board could speak Eng- lish.
Ditto.	Brig Strella.	M. Baptiste.		Ditto.	Ditto.	Ditto.	Ditto.	Ditto.
In the River Calabar.	Schooner Conceiçao.	Ant.P. Barbaroza	Maria de Cruiz.	Princes Island.	St. Sal- vador.	Ditto.	Ditto.	56 Slaves on board. For Judgment in Mixed Commission Court.

(Inclosure.)—Memorandum of Slave-vessels, examined by His Mujesty's Brig Snapper, in July and August, 1821.

No. 51.—The Marquess of Londonderry to E. M. Ward, Esq. SIR, Foreign Office, 27th March, 1822.

You will see, by No. 121. B. of the Papers laid before Parliament in the course of last Session, and of which you are herewith furnished with a Copy, that on the 22d September, 1820, I addressed a Dispatch, by the King's Commands, to His Majesty's Ambassadors at Madrid and in The Netherlands, and to His Majesty's Envoy at Rio de Janeiro, on the subject of the construction of the 9th Article of the Treaties with those Powers respectively, for the prevention of the illegal traffick in Slaves.

You will perceive, that in those Papers I alluded to the letter of that Article which authorizes ships of War to detain and bring in suspected Vessels, only in the event of Slaves being at the time found on board of such Vessels. I proposed in that Dispatch, that a Declaration should be issued in the spirit of the Treaty, by the Powers concerned, purporting that, if there shall be proof that a Slave or Slaves had been, for the purpose of illegal traffick, put on board a Vessel in the course of the Voyage on which she was captured, such Vessel might justifiably be detained by the Cruizers, and finally be condemned by the Commissions.

By Nos. 124 and 145 of the Papers in question, you will see that the Courts of Spain and The Netherlands agreed to the Declaration proposed; and, by the accompanying Copy of a Dispatch, dated 4th May, 1821, together with its Inclosures, from Mr. Thornton, His Majesty's late Envoy at Rio de Janeiro, you will learn that the Court of Portugal had at that time announced to Mr. Thornton, that the necessary Powers should be sent to His Most Faithful Majesty's Minister in London, to sign an Additional Article to the Treaty, in the sense of my proposition.

M. de Souza, the other Minister from His Most Faithful Majesty at this Court, having since been recalled, and no such Article having yet been signed, I have to direct that you will renew this Negetiation with the Portuguese Government, with a view either to the issue of a special Declaration, or to the signature of an Additional Article to the Treaty, to the effect already mentioned, according as that Government shall prefer.

You will lose no time in bringing this subject before the consideration of the Ministers of His Most Faithful Majesty; and, as soon as I shall hear from you the course which they will pursue, the necessary Full Powers shall be forwarded to you, to enable you to complete this arrangement, without any further delay, which would be of serious prejudice to the cause of the Abolition, and to the fair interpretation of the Treaties in question. I am, &c. E. M. Ward, Esq. LONDONDERRY.

SPAIN.

No. 52.—Viscount Castlereagh to Sir Henry Wellesley. SR, 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 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 your Excellency 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 of 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 the 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 authorised against illegal trading in breach of the Stipulation just mentioned, as against the violation of the more immediate provisions 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, 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 Ship's 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 modification of the Treaty, since it would probably be impossible to establish any effectual check against such evasions.

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 stipulation 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 of May, 1820, for the completion of all Spanish Slave-trade Voyages, your Excellency will repeat the statements contained in my Letter to M. d'Uzoz of the 11th June, 1820, 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 Treaty of September 1817, in respect to the Stipulation, 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. H. E. Sir Henry Wellesley, G.C.B. CASTLEREAGH.

No. 53.—Sir Henry Wellesley to Visct. Castlereagh.—(Rec. April 5.) (Extract.) Madrid, 26th March, 1821.

THE Count de Toreno moved, on the 23d instant, in the Cortes, "that a Committee should be appointed for the purpose of proposing, agreeably to the tenor of the 6th Article of the Treaty concluded between Great Britain and Spain, on the 23d of September, 1817, the adoption of such measures as might tend to restrain the African Slave Trade, which is still continued in violation of that Treaty, and to the injury of the cause of humanity, both by Spaniards and by Foreigners, under the Flag of Spain, such Penal Laws being enacted as may be deemed conducive to the final Abolition of so scandalous and inhuman aTraffick."

The Motion was carried in a very full House, with only two dissentient voices; and a Committee has been appointed for the above purposes, consisting of the Deputies named in the margin. [The Conde de Toreno, and MM. Lallave, Martinez de la Rosa, Calatrava, and Ramos Arispe.]

The Report of the Committee will probably be presented in the course of a few days; and I hope that I shall shortly have the satisfaction of announcing to your Lordship, that such Penal Laws have been passed in the Cortes, as may be expected (as far as Spain is concerned) to impose a considerable restraint upon this traffick, if they do not effect its total extinction.

Viscount Castlereagh, K. G.

HENRY WELLESLEY.

No. 54.—Sir Henry Wellesley to Visct. Castlereagh.—(Rec. April 19.) My LORD, Madrid, 5th April. 1821.

I RECEIVED by the last Post your Lordship's Dispatch, dated the 16th February, directing me to make a representation to the Spanish Government, on the subject of the resolution taken by the Spanish Authorities at The Havannah relative to the Brig *Tellus*, which had arrived there laden with Slaves, and to other Slave-ships which may enter that Port, having cleared out previously to the 30th May, 1820.

I have already apprised your Lordship of the appointment of a Committee of the Cortes, to take into consideration the best mode of preventing the traffick in Slaves from being carried on under the Spanish Flag. The Report of the Committee was presented to the Cortes on Monday last, the 2d instant; and it may be expected that the Penal Enactments proposed in it will be passed in the course of a few days. As the adoption of the measures recommended by the Committee is of the utmost importance with a view to preventing the trade from being carried on by Spaniards, or under the Spanish Flag; and as their proceedings bid so fair to be attended with a satisfactory result; I have thought it advisable to postpone any communication to the Minister for Foreign Affairs upon the subject of your Lordship's Dispatch, until the Cortes shall have come to a decision upon the measures recommended in the Report of their Committee. I have, &c. Viscount Castlereagh, K.G. HENRY WELLESLEY.

No.55.—Sir H. Wellesley to the Marq. of Londonderry.—(Rec. Apr.29.) (Extract.) Madrid, 16th April, 1821.

I AM concerned to have to inform your Lordship, that the measures proposed by the Conde de Toreno, for restraining the traffick in Slaves, have been rejected by the Cortes, although there was every appearance of their being passed without difficulty.

Your Lordship will recollect that the Conde de Toreno's first Motion upon the subject (when he entered into much detail, both as to the cruelties exercised in this traffick, and as to the penalties he meant to propose, and concluded by moving for the appointment of a Committee) was agreed to almost unanimously. The Report of the Committee was received, and went through the usual course of being read 3 times, at stated periods, previous to its being discussed, and at these periods not a word was stated in objection to it. A day was then fixed for entering upon the discussion, when the President informed the Assembly that the Government had suggested the expediency of treating the subject in a Secret Session. This recommendation was adopted, notwithstanding the opposition of the Conde de Toreno.

Being of course excluded from the Secret Session, I cannot state what passed in the discussion; but I have since learnt, that, after a long discussion, the Assembly came to a decision, that there were no grounds for coming to a vote (no habia lugar & votar), and the Question was consequently lost.

The Marq. of Londonderry, K.G.

HENRY WELLESLEY.

No. 56.-L. Hervey, Esq. to the Marq. of Londonderry.-(Rec. May 28.) My Lord, Madrid, 14th May, 1821.

I HAVE reason to apprehend that it is intended, in the Cortes, to move for 2 Years' extension of the term fixed by the Treaty between Great Britain and Spain for the Abolition of the Slave-trade. I shall lose no time in seeing M. Bardaxi upon this subject, who is arrived, or hourly expected. I have, &c.

The Marg. of Londonderry, K.G.

LIONEL HERVEY.

No. 57.— The Marquess of Londonderry to Lionel Hervey, Esq. Sir, Foreign Office, 12th June, 1821.

I HAVE to acknowledge the receipt of your Dispatch of the 14th ultimo, stating that you have reason to apprehend that it is intended to move in the Cortes, for 2 Years' extension of the term fixed by the Treaty between Great Britain and Spain, for the final Abolition of the Slave-trade.

I lose not a moment in directing you, by command of His Majesty, to remonstrate in the strongest manner with the Spanish Government, against giving countenance to so gross an infraction of its Engagements, should such a measure be really in contemplation.

You are fully aware of the importance which His Majesty's Government and the British Nation at large attach to the total extinction of the traffick in Slaves; and that traffick having been abolished by the Spanish Government, in a solemn Engagement contracted with that of His Majesty, and that in consideration of the payment of a large sum of money; I have only to desire that you will use every exertion in your power to discourage the idea, by expressly declaring that His Majesty meither would nor could in any way lend himself to the abrogation or alteration of the Engagements so contracted. I am, &c. Lionel Hervey, Esq.

No. 58.—The Marquess of Londonderry to Lionel Hervey, Esq. Sir, Foreign Office, 3d July, 1821.

Is reference to my former Dispatches addressed to His Excellency Sir Henry Wellesley, on the subject of the due execution by Spain of the Treaty between His Majesty and the Catholick King, for preventing illegal traffick in Slaves; I furnish you with the accompanying Copy of a Dispatch, dated the 9th of April, 1821, from His Majesty's Commissary Judge at The Havannah; and I have to direct your attention to that part of it in particular, which states that the two Spanish Commissioners at The Havannah have been nominated to other Situations. I have, in consequence to desire that you will move the Spanish Government to fill up, without delay, the vacancies occurring by the removal of these Gentlemen, so that the powers of the Mixed Commission, under the Treaty abovementioned, may not be virtually suspended I am, &c.

Lionel Hervey, Esq.

LONDONDERRY.

No. 59.—The Marquess of Londonderry to Lionel Hervey, Esq. SIR, Foreign Office, 7th August, 1821.

I HAVE the honour to transmit to your Excellency Copies of the Addresses of the two Houses of Parliament to His Majesty the King, at the close of the last Session, on the subject of the continued prosecution of the Slave-trade under the Flags of Foreign Powers, notwithstanding the recorded abhorrence of that Traffick by every Government in Europe.

I furnish your Excellency with these Documents, not with any view to your officially communicating them to the Government to which you are accredited, nor founding any immediate and special proceeding upon them, other than in following up the Instructions of which you are already in possession; but it is necessary that you should know the sentiments of Parliament upon this subject, in order that, in your intercourse with the Spanish Ministers, you may frame your language and conduct thereon, in conformity with the views therein expressed. I am, &c.

Lionel Hervey, Esq.

LONDONDERRY.

Note.—A similar Communication was made to His Majesty's Ambassadors and Ministers, at Paris, Brussels, and Lisbon.

No. 60.-William Hamilton, Esq. to Lionel Hervey, Esq.

SIR, I AM directed by the Marquess of Londonderry to transmit to you the accompanying Copies of two Dispatches from Mr. Kilbee, of the 10th June and 7th July, which relate to the admission of certain Slaveships into the Port of The Havannah, in violation of His Catholick Majesty's Decree of September, 1817; and I am to desire that you will communicate the substance of their contents to the Spanish Minister for Foreign Affairs, at the first convenient opportunity.

I am, &c.

Lionel Hervey, Esq.

WILLIAM HAMILTON.

No. 61.—William Hamilton, Esq. to Lionel Hervey, Esq.

SIR,

Foreign Office, 31st August, 1821. By the Marquess of Londonderry's desire, I herewith transmit to

you, for the information of the Government to which you are accredited, the accompanying Copy of a Note which has been received from a Gentleman lately returned from Cuba, who was an eye-witness of several open violations of the Abolition of the Slave-trade, during a short residence in that Island. I have, &c. Lionel Hervey, Esq. W. HAMILTON.

Note .- A similar Communication was made to Sir Charles Stuart.

(Inclosure 1.)—Zachary Macaulay, Esq. to Joseph Planta, Jun. Esq. (Extract.) London, 17th August, 1821.

I TAKE the liberty of inclosing, for your information, and that of the Marquess of Londonderry, a Note which I received a few days ago from a Gentleman lately returned from Cuba, where he spent a short time in the month of May last: short as his residence there was, he had an opportunity of witnessing the open and flagrant violation of the Engagements of their Governments, on the part both of French and Spanish Subjects.

A Letter which I have also seen from St. Jago de Cuba, written in May last, states, that there, as well as at The Havannah, the Slave-trade was in full activity. A French Brig had also arrived there with a Cargo of Slaves, and several Vessels were fitting out for Africa.

Joseph Planta, jun. Esq. ZACHARY MACAULAY.

(Inclosure 2.)-Note of a Gentleman arrived from Cuba.

London, 4th August, 1821.

I HASTEN to communicate to you a few observations, relative to the continuance of the Slave Trade in Cuba, made during a short residence there, in the month of May last.

In doing this, I shall confine myself to what I saw, or to facts the truth of which is there generally acknowledged.

Frequent importations of Negroes continue to be effected on the Coast, especially in the neighbourhood of Havannah, and St. Jago de Cuba.

Early in May, I saw a company of new Negroes marched into Havannah publicly, in number about 200.

At two other different times, but also in May, I saw smaller gangs of new Negroes, whose approaching sale was publicly mentioned.

These persons I knew to be new Negroes, by the manner in which they were marshalled on their march, and their language, and their general appearance, being different from that of Creole Negroes.

On Friday, May 8th, I extracted from the register of arrivals in the Port of Havannah a Notice, of which the following is a translation.

"May 6, 1821. From Cape Lopez, Africa, the French Brig *PAimable Hariette*, J. A. Brint, Master, in 40 days, with 246 Negroes (bozales) consigned to Blain, Airgpuxua & Co. three passengers from Schooner *Helot*, shipwrecked on that Coast.

The Vessel here mentioned, was pointed out to me, by Persons themselves engaged in the Slave-trade, and interested in its continuance. Zachary Macaulay, Esq.

No. 62.—Lionel Hervey, Esq. to the Marquess of Londonderry. (Received 21st September.)

(Extract.)

Madrid, 5th September, 1821.

I HAVE the honour to inclose, for your Lordship's information, the translation of a Note which I have received from the Minister for Foreign Affairs, communicating that, in compliance with the requisition of Sir Henry Wellesley, Orders have been sent to The Havannah and to Sierra Leone, for the strict execution of the Treaty of 1817, for the Abolition of the Slave-trade.

The Marquess of Londonderry, K.G. LIONEL HERVEY.

(Inclosure.)—M. de Bardaxi to Lionel Hervey. Esq.—(Translation.) SIR, St Ildefonso, 27th August, 1821.

Your Predecessor, Sir H. Wellesley, having, in consequence of communications made to the British Government, by the British Commissioners established at The Havannah for the purpose of witnessing the execution of the Treaty for the Abolition of the Slave-trade, required of the Government of His Catholick Majesty, that, to prevent certain abuses, which are reported to have been committed, contrary to the spirit and letter of the Treaty of 1817, Orders should be given to the Spanish Authorities at The Havannah and Sierra Leone, to proceed, in as far as regards them, to the faithful execution of the stipulations of the said Treaty, which fix the 30th October 1820 as the final term, conceded to complete the Voyages of the Spanish vessels employed in the Slave-trade; and His Catholick Majesty, accurately informed of the circumstances of the case, and a religious observer of the stipulations in favour of humanity, by which he has bound himself in this Treaty with His Britannick Majesty, has been pleased to command that the Orders solicited by Sir H. Wellesley, in the name of his Government, shall be immediately dispatched.

By order of His Majesty, I have the honour to communicate to you, that the above Commands have been carried into execution, in the most explicit terms. I have, &c. Lionel Hervey, Esq. EUSEBIO DE BARDAXI Y AZARA.

No. 63.—Lionel Hervey, Esq. to the Marquess of Londonderry. (Received October 23.)

(Extract.)

Madrid, 3d October, 1821.

IN obedience to your Lordship's instructions, I have repeatedly called M. Bardaxi's attention to the illicit Traffick in Slaves which is still carried on at The Havannah, and he has promised me, most solemnly, that the Spanish Government will use its utmost endeavours to enforce the strict execution of the Treaty of 1817.

The Marq. of Londonderry, K.G. LIONEL HERVEY.

No. 64.... The Marquess of Londonderry to Lionel Hervey, Esq. Srg, Foreign Office, 31st December, 1821.

I HAVE to call your immediate attention to the inclosed Copies of Letters to the 30th October, from His Majesty's Commissioners at The Havannah, relative to the continued encouragement afforded in that Island to the Dealers in Slaves.

It appears that, on the 12th August last, the Portuguese Brig San Francisco, Don Antonio Justiano Master, arrived at The Havannah from Pernambuco, with a Cargo of salt and 59 Negroes, consigned to Messrs. Cuesto, Manzanal and Toso.

You will perceive that the Captain-General had, in the first instance, refused permission for the Negroes to be landed, but that, after the Vessel had remained a considerable time in the harbour, the Consignees finally obtained permission to land and sell the Negroes. This permission, it appears, the Captain-General was induced to grant, in consequence of a Report made upon the Case by the Assessors or Legal Counsel of the Government; but His Majesty's Commissioners, at the date of their Communication, had been unable to obtain a Copy of that Report, or any satisfactory explanation of the grounds on which it had been founded.

You will likewise observe, from the inclosed Letter, that, on the 34th October, 2 Spanish Vessels, viz. the Schooners Vecua and Icanam, Don Vincente Gomez and Don Antonio Moreiro, Masters, publicly cleared out from the Port of Havanuah for the Coast of Africa, with effects for the Slave-trade.

His Majesty's Government have received this intelligence with the deepest regret, and I have, accordingly, been commanded by the King to instruct you to bring the subject under the immediate and most serious consideration of the Spanish Government. You will remonstrate in the strongest manner against such repeated evasions, even on the part of the Spanish Authorities, of the solemn Engagements subsisting between the two Countries; and you will make known to them the earnest expectation of His Majesty's Government, that they will immediately adopt such decisive measures as may secure for the future a strict conformity, on the part of their several Authorities and other Subjects, with the Laws and Treaties actually existing for the extinction of this execrable Traffick. I am, &c. Lionel Herrey, Esq.

No. 65.—The Marquess of Londonderry to Lionel Hervey, Esq. SIR, Foreign Office, 26th January, 1822.

His Majesty's Government have learned with much satisfaction that the Spanish Commissioners at The Havannah have received from their Government, Instructions to carry punctually into effect, in all their proceedings, the Stipulations of the Slave-trade Abolition Treaty, and that Circular Orders to the same effect have been received by the Captain-General, the Admiral, and the Intendant, with directions to communicate the same to the several branches of their respective Departments.

As, however, His Majesty's Government have reason to believe, that the several Spanish Vessels of War cruising in those seas, are not furnished with the Special Instructions annexed to the Slave-trade Treaty, to enable them to detain Slave Ships agreeably to the Stipulations thereof; I have to desire that you will take an early opportunity of suggesting to the Spanish Government the expediency of providing the Commanders of such Vessels with those Instructions, forthwith, in order to ensure the due execution of this important duty.

I am, &c.

Lionel Hervey, Esq.

LONDONDERRY.

No. 66.—Lionel Hervey, Esq. to the Marquess of Londonderry. (Received February 24.)

My LORD, I HAVE the honour to acquaint your Lordship that Don Claudio Pinillos and Colonel Quesada have been appointed Commissioners at The Havannah, for carrying into execution the Treaty for the Abolition of the Slave-trade; the former in the place of M. Ramirez, the deceased Intendant, and the latter to succeed Don Francisco Arango, named Councillor of State. I have, &c. The Marguess of Londonderry, K. G. LIONEL HERVEY.

No. 67.—Lionel Hervey, Esq. to the Marquess of Londonderry. (Received March 21.)

(Extract.)

Madrid, 5th March, 1822.

I AM happy to be able to transmit to your Lordship a translation of the 276th Article of the Criminal Code, which has passed the Cortes, and which imposes severer penalties on the illicit Traffick in Slaves; and I can further add my conviction, that the Spanish Government will lend us every assistance for effectually carrying into execution the existing Treaties for the abolition of that nefarious commerce.

I have hitherto abstained from making any Communication to your Lordship upon this Article of the Criminal Code, as the whole has not yet been submitted to the King for his sanction, and has not been discussed in the Council of State.

The Marquess of Londonderry, K. G.

LIONEL HERVEY.

(Inclosure)-Extract from the Criminal Code of Spain .-- (Translation.)

ART. 276.—All Captains, Masters, and Pilots of Spanish Vessels, who purchase Negroes on the Coast of Africa, or introduce them into any Port of The Spains, or are found with Slaves on board their Vessels,

shall lose their Vessels, the produce of which when sold is to be conadered as a fine; besides which they shall be sentenced to 10 years hard labour on the public works.

The Captains, Masters, and Pilots, of Foreign Vessels, which may alke manner introduce Slaves into any of the Ports of the Monarchy, we liable to the same penalties.

In both the cases specified in this Article, the Negroes found on board, or introduced, shall be declared free.

No 68.-The Marquess of Londonderry to Lionel Hervey, Esq. SEL. Foreign Office, 10th March, 1822.

By the accompanying Copy of a Dispatch, dated the 15th December 1821, from His Majesty's Commissioners at Sierra Leone, and is Inclosures, you will perceive that a very considerable abuse is pracised by the Colonial Authorities of Spain, with respect to the Passports formerly granted by the Spanish Government for the carrying on of the Slave-trade, previous to its entire Abolition by that Power.

This abuse, you will see, consists in the renewal of the Royal Passports of the legitimate traffick for fresh voyages, by means of Notes or Memoranda endorsed or subjoined, bearing the signature of the Local inthorities, and assigning some colourable pretext for the assent if those Authorities to this evasion of the Engagements of their Sovereign.

In laying this Communication before the Spanish Government, you all state to them the conviction entertained by that of Great Britain, hat it will only be necessary to call the attention of His Catholick Majesty's Ministers to the subject, in order to induce them to issue immediate and peremptory orders to their Colonial Authorities, to discontinue a practice which, if persevered in, would render of no effect, the fulfilment, with the greatest good faith by the Mother Country, of the Stipulations into which she has entered with Great Britain, for the complete abolition of the Slave-trade, at the period fixed upon by the Ireaty of 1817. I am, &c. Lionel Hervey, Esq.

LONDONDERRY.

UNITED STATES.

No. 69.—The Right Hon. Stratford Canning to Viscount Castlereagh. (Received April 20.)

My LORD,

Washington, 8th March, 1821. By the December Packet, which did not arrive at New York till the th instant, I have received your Lordship's Dispatch of the 25th March, and I much fear that the Note addressed to me by Mr. Adams,

and transmitted to your Lordship in my Dispatch of the 2d January of this Year, will be found to contain the only measure of active co-operation against the Slave-trade, which the Government of The United States is inclined to suggest, in answer to the Proposals which I have made by His Majesty's Command.

The Committee on Slave-trade, appointed by the House of Representatives, gave in a Report favourable, in a degree, to the mutual concession of a limited right of search; but the Question was not taken up during the Session. A printed Copy of the Report is inclosed.

To remove every remaining doubt with respect to the intentions of the American Government, on the subject of the proposed co-operation, I called on Mr. Adams this morning, and, referring to the conversations which had taken place between us some time before, inquired whether any thing had occurred during the late Session of Congress to induce him to view my former Proposals in a more favourable light. I am concerned to state that his answer was in the negative; and he declared explicitly that nothing, as he believed, could induce the President to admit the proposed right of search. Perceiving no appearance of change on this point, I expressed a hope that the American Government might still be able to suggest some measures, in place of those proposed by your Lordship, of a more extensive and efficient nature, than merely furnishing the Cruizers employed by each Party on the African Coast with common Instructions. I observed that, without presuming to undervalue the latter suggestion, it could only be considered, at best, as capable of contributing in a secondary degree to the object in view. Mr. Adams replied, that he knew of nothing further which the American Government had to propose; and seemed to refer exclusively to the Note which he had addressed to me in the beginning of January. He added, however, that he would inform the President of our conversation. and, in case of any further suggestion arising on his part, would hasten to communicate it to me. I have, &c. STRATFORD CANNING. Viscount Castlereagh, K. G.

(Inclosure.)—Report of a Committee of the House of Representatives of The United States.

Report of the Committee to which was referred so much of the President's Message as relates to the Slave-trade.

February 9th, 1821.-Read, and ordered to lie upon the Table.

THE Committee to which is referred so much of the President's Message as relates to the Slave-trade, and to which are referred the Two Messages of the President, transmitting, in pursuance of the resolution of the House of Representatives of the 4th of December, a Report of the Secretary of State, and inclosed Documents, relating to the Negotiation for the suppression of the Slave-trade; REPORT,—That the Committee have deemed it advisable, previous to entering into a consideration of the proposed co-operation to exterminate the Slave-trade, to take a summary review of the Constitation and Laws of The United States relating to this subject. It will disclose the earnestness and zeal with which this Nation has been actuated, and the laudable ambition that has animated her Councils, to take a lead in the reformation of a disgraceful practice, and one which is productive of so much human misery; it will, by displaying the constant anxiety of this Nation to suppress the African Slave-trade, afford ample testimony, that she will not be the last to persevere in measures wisely digested to effectuate this great and most desirable object, whenever such measures can be adopted in consistency with the leading principles of her Local Institutions.

In consequence of the existence of Slavery in many of the States when British Colonies, the habits and means of carrying on industry could not be suddenly changed; and the Constitution of The United States yielded to the provision, that the migration or importation of such Persons as any of the States now existing shall think proper to idmit, shall not be prohibited by the Congress prior to the year 1808.

But long antecedent to this period, Congress legislated on the subject wherever its power extended, and endeavoured, by a system of rigorous penalties, to suppress this unnatural Trade.

The Act of Congress of the 22d March, 1794, contains Provisions, that no Citizen or Citizens of The United States, or Foreigner, or any other Person coming into, or residing within the same, shall, for himself or any other Person whatsoever, either as master, factor or owner, build, fit, equip, load, or otherwise prepare any Ship or Vessel, within any Port, or Place of The United States, nor shall cause any Ship or Vessel to sail from any Port or Place within the same, for the purpose of carrying on any Trade or Traffick in Slaves to any Foreign Country, or for the purpose of procuring from any Foreign Kingdom, Place or Country, the Inhabitants of such Kingdom, Place or Country, to be transported to any Foreign Country, Port or Place whatever, to be wild or disposed of as Slaves, under the penalty of the forfeiture of any such Vessel, and of the payment of large sums of money by the Per-.

By an Act of the 3d of April, 1798, in relation to the Mississippi Territory, to which the constitutional provision did not extend, the introduction of Slaves, under severe penalties, was forbidden, and every Slave imported contrary to the Act was to be entitled to freedom.

By an Act of the 10th of May, 1800, the Citizens or Residents of this Country were prohibited from holding any right or property in Vessels employed in transporting Slaves from one Foreign Country to another, on pain of forfeiting their right of property, and also double the value of that right in money, and double the value of their interest in the Slaves; nor were they allowed to serve on board of Vessels of The United States, employed in the transportation of Slaves from one Country to another, under the punishment of fines and imprisonment; nor were they permitted to serve on board of Foreign Ships employed in the Slave-trade. By this Act, also, the commissioned Vessels of The United States were authorized to seize Vessels and Crews employed contrary to the Act.

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By an Act of the 28th February, 1803, Masters of Vessels were not allowed to bring into any Port (where the Laws of the State prohibited the importation) any Negro, Mulatto or other Person of colour, not being a Native, a Citizen, or registered Seaman of The United States, under the pain of penalties; and no Vessel having on board Persons of the above description, was to be admitted to an entry; and if any such Person should be landed from on board of any Vessel, the same was to be forfeited.

By an Act of the 2d March, 1807, the importation of Slaves into any Port of The United States was to be prohibited after the 1st of January, 1808, the time prescribed by the constitutional provision. This Act contains many severe provisions against any interference or participation in the Slave-trade, such as heavy fines, long imprisonments, and the forfeitures of Vessels. The President was also authorized to employ armed Vessels to cruize on any part of the Coast where he might judge attempts would be made to violate the Act; and to instruct the Commanders of armed Vessels to seize and bring in Vessels found on the high Seas contravening the provisions of the Law.

By an Act of the 20th of April, 1818, the Laws in prohibition of the Slave-trade were further improved. This Act is characterized with a peculiarity of legislative precaution, especially in the 8th Section, which throws the labour of proof upon the Defendant, that the coloured Persons brought into The United States by him had not been brought in contrary to the Laws.

By an Act of the 3d of March, 1819, the power is continued in the President to employ the armed Ships of The United States, to seize and bring into Port any Vessel engaged in the Slave-trade by Citizens or Residents of The United States; and such Vessels, together with the goods and effects on board, are to be forfeited and sold, and the proceeds to be distributed in like manner as is provided by Law for the distribution of prizes taken from an Enemy, and the Officers and Crew are to undergo the punishments inflicted by previous Acts. The President, by this Act, is 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 have been brought within its jurisdiction; and to appoint a proper Person or Persons, residing on the Coast of Africa, as Agent or Agents for receiving the Negroes, Malattoes or Person of Colour delivered from on board of Vessels seized in the prosecution of the Slave-trade.

And in addition to all the aforesaid Laws, the present Congress, on the 15th of May, 1820, believing that the then existing provisions would not be sufficiently available, enacted, that if any Citizen of The United States, being of the Crew or Ship's Company of any Foreign Ship or Vessel engaged in the Slave-trade, or any Person whatever, being of the Crew or Ship's Company of any Ship or Vessel owned in the whole or in part, or navigated for or in behalf of any Citizen or Citizens of The United States, shall land from any such Ship or Vessel, and on Foreign shore, seize any Negro or Mulatto, not held to service or labour by the Laws of either of the States or Territories of The United States, with intent to make such Negro or Mulatto a Slave; or shall decoy, or forcibly bring or carry, or shall receive such Negro or Mulatto on board any such Ship or Vessel, with intent as aforesaid, such Citizen or Person shall be adjudged a Pirate, and on conviction shall suffer death.

The immoral and pernicious practice of the Slave-trade has attracted much publick attention in Europe within the last few Years; and in a Congress at Vienna, on the 8th February, 1815, 5 [8] of the principal Powers made a solemn Engagement, in the face of mankind, that this taffick should be made to cease; in pursuance of which, these Powers have enacted municipal Laws to suppress the Trade. Spain, [although lot a Party to the original Engagement,] did soon after, in her Treaty with England, stipulate for the immediate Abolition of the Spanish Slave-trade to the North of the Equator, and for its final and universal Abolition on the 30th of May, 1820. Portugal likewise, in her Treaty 1817, stipulated, that the Portuguese Slave-trade on the Coast of Africa should entirely cease to the Northward of the Equator; and agaged that it should be unlawful for her Subjects to purchase or trade in Slaves, except to the Southward of the Line: the precise period at which the entire Abolition is to take place in Portugal does out appear to be finally fixed ; but the Portuguese Ambassador, in the presence of the Congress at Vienna, declared, that Portugal, faithful to her principles, would not refuse to adopt the term of 8 Years ; which term will expire in the Year 1823.

At this time, among the European States, there is not a Flag which can legally cover this inhuman traffick to the North of the Line: nevertheless, experience has proved the inefficacy of the various and figorous Laws which have been made in Europe and in this Country; it being a lamentable fact, that the disgraceful practice is even now carried on to a surprising extent. During the last Year, Captain Trenchard, the Commander of The United States Sloop of War, the Cyane, found that part of the Coast of Africa which he visited lined with Vessels, engaged, as it is presumed, in this forbidden traffick; of

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these he examined many, and 5 which appeared to be fitted out on American account, he sent into the jurisdiction of The United States for adjudication; each of them, it is believed, has been condemned, and the Commanders of 2 of them have been sentenced to the punishment prescribed by the Laws of The United States.

The testimony recently published, with the opinion of the presiding Judge of The United States Court of the Southern District in the State of New York, in the Case of the Schooner *Plattsburg*, lays open a scene of the grossest fraud that could be practised to deceive the Officers of Government, and conceal the unlawful transaction. 1.1

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The extension of the Trade for the last 25 or 30 Years must, in a degree, be conjectural; but the best information that can be obtained on the subject, furnishes good foundation to believe, that during that period the number of Slaves withdrawn from Western Africa amounts to upwards of 1,500,000: the annual average would be a mean somewhere between 50, and 80,000.

The Trade appears to be lucrative in proportion to its heinousness; and, as it is generally inhibited, the unfeeling Slave-dealers, in order to elude the Laws, increase its horrors: the innocent Africans, who are mercilessly forced from their native homes in irons, are crowded in Vessels and situations which are not adapted for the transportation of human Beings; and this cruelty is frequently succeeded, during the Voyage of their destination, with dreadful mortality. Further information on this subject will appear in a Letter from the Secretary of the Navy, inclosing two other Letters, marked 1 and 2, and also by the extract of a Letter from an Officer of the Cyane, dated 10th April, 1820, which are annexed to this Report. While the Slave-trade exists, there can be no prospect of civilization in Africa.

However well disposed the European Powers may be to effect a practical Abolition of the Trade, it seems generally acknowledged, that, for the attainment of this object, it is necessary to agree upon some concerted plan of co-operation; but unhappily no arrangement has as yet obtained universal consent.

England has recently engaged in Treaties with Spain, Portugal and The Netherlands, in which the mutual right of visitation and search is exchanged; this right is of a special and limited character, as well in relation to the number and description of Vessels as to space; and to avoid possible inconveniences no suspicious circumstances are to warrant the deteution of a Vessel; this right is restricted to the simple fact of Slaves being on board.

These Treaties contemplate the establishment of Mixed Courts, formed of an equal number of Individuals of the two Contracting Nations, the one to reside in a Possession belonging to His Britannick Majesty, the other within the Territory of the other respective Power. When a Vessel is visited and detained it is to be taken to the nearest Court, and if condemned, the Vessel is to be declared a lawful Prize as well as the Cargo, and are to be sold for the profit of the two Nations; the Slaves are to receive a Certificate of Emancipation, and to be delivered over to the Government on whose Territory the Court is which passes sentence, to be employed as servants or free labourers; each of the Governments binds itself to guarantee the liberty of such portion of these Individuals as may be respectively assigned to it. Particular provisions are made for remuneration in case Vessels are not condemned after trial: and Special Instructions are stipulated to be furnished to Commanders of Vessels possessing the qualified right of visitation and search.

These Powers entertain the opinion, that nothing short of the concession of a qualified right of visitation and search can practically suppress the Slave-trade; an association of armed Ships is contemplated, to form a species of Naval Police, to be stationed principally in the African Seas, where the Commanders of the Ships will be enabled to co-operate in harmony and concert.

The United States have been earnestly invited by the principal Secretary of State for Foreign Affairs of the British Government, to join in the same, or similar arrangements; and this invitation has been senctioned and enforced by an unanimous vote of the Houses of Lords and Commons, in a manner that precludes all doubts as to the sincerity and benevolence of their designs.

In answer to this invitation, the President of The United States has expressed his regret, that the stipulations in the Treaties communicated, are of a character to which the peculiar situation and Institutions of The United States do not permit them to accede.

The objections made are contained in an extract of a Letter from the Secretary of State, under date of the 2d November, 1818, in which is observed, " that in examining the provisions of the Treaties communicated by Lord Castlereagh, all the essential Articles appear to be of a character not adaptable to the Institutions, or to the circumvances of The United States. The powers agreed to be reciprocally aven to the Officers of the Ships of War of either Party, to enter, March, capture, and carry into Port for Adjudication, the Merchant Vessels of the other, however qualified and restricted, is most essentally connected with the institution, by each Treaty, of two Mixed Courts, one of which to reside in the external or Colonial Possession of ach of the two Parties respectively. This part of the system is indispensable to give it that character of reciprocity, without which the ight granted to the armed Ships of one Nation to search the Merchant Vessels of another, would be rather a mark of vassalage than of independence. But to this part of the system The United States, having 10 Colonies either on the Coast of Africa, or in the West Indies, cannot give effect. That, by the Constitution of The United States it is pro-

vided, that the Judicial Power of The United States shall be vested in a Supreme Court, and in such Inferior Courts as the Congress may from time to time ordain and establish. It provides that the Judges of these Courts shall hold their offices during good behaviour: and that they shall be removable by impeachment, on conviction of Crimes and Misdemeanors. There may be doubts whether the power of the Government of The United States is competent to institute a Court for carrying into execution their Penal Statutes beyond the Territories of The United States; a Court, consisting partly of Foreign Judges, not amenable to impeachment for corruption, and deciding upon Statutes of The United States without appeal.

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" That the disposal of the Negroes found on board of the Slavetrading Vessels, which might be condemned by the Sentence of these Mixed Courts, cannot be carried into effect by The United States; for, if the Slaves of Vessels condemned by the Mixed Courts, should be delivered over to the Government of The United States as freemen, they could not, but by their own consent, be employed as servants or free labourers. The condition of the Blacks being, in this Union, regulated by the municipal Laws of the separate States, the Government of The United States can neither guarantee their liberty in the States where they could only be received as Slaves, nor control them in the States where they could be recognized as free. That the admission of a right in the Officers of Foreign Ships of War, to enter and search the Vessels of The United States in time of Peace, under any circumstances whatever, would meet with universal repugnance in the publick opinion of this Country; that there would be no prospect of a Ratification, by advice and consent of the Senate, to any stipulation of that nature; that the search by Foreign Officers, even in time of War, is so obnoxious to the feelings and recollections of this Country that nothing could reconcile them to the extension of it, however qualified or restricted to a time of peace; and that it would be viewed in a still more aggravated light if, as in the Treaty with The Netherlands, connected with a formal admission, that even Vessels under convoy of Ships of War of their own Nation, should be liable to search by the Ships of War of another."

The Committee will observe, in the first intance, that a mutual right of search appears to be indispensable to the great object of Abolition; for, while Flags remain as a cover for this traffick, against the right of search by any Vessels except of the same Nation, the chance of detection will be much less than it would be if the right of search was extended to Vessels of other Powers; and as soon as any one Nation should cease to be vigilant in the discovery of infractions practised on its own Code, the Slave-dealers would avail themselves of a system of obtaining fraudulent Papers, and concealing the real Ownership under the cover of such Flags; which would be carried on with

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such address as to render it easy for the Citizens or Subjects of one State to evade their own Municipal Laws; but if a concerted system existed, and a qualified right of mutual search was granted, the apprehension of these piratical Offenders would be reduced to a much greater certainty; and the very knowledge of the existence of an active and ligorous system of co-operation would divert many from this traffick, as the unlawful Trade would become too hazardous for profitable speculation.

In relation to any inconveniences that might result from such an arrangement, the Commerce of The United States is so limited on the African Coast that it could not be much affected by it; and, as it regards economy, the expence of stationing a few Vessels on that Coast would not be much greater than to maintain them at any other Place.

The Committee have briefly noticed the practical results of a reciprocal right of search, as it bears on the Slave-trade; but the objection as to the propriety of ceding this right remains. It is with deference that the Committee undertake to make any remarks upon it; they bear in recollection the opinions entertained in this Country on the practice of searching Neutral Vessels in time of War; but they cannot perceive that the right under discussion is, in principle, allied in any degree to the general question of search; it can involve no commitment, nor is it susceptible of any unfavourable inference on that subject; and even if there were any affinity between the cases, the necessity of a special agreement would be inconsistent with the idea of existing rights; the proposal itself, in the manner made, is a total abandonment, on the part of England, of any claim to visit and search Vessels in a time of Peace, and this question has been unequivocally decided in the negative in her Admiralty Courts.

Although it is not among the objections, that the desired arrangement would give any colour to a claim or right of search in time of Peace, yet, lest the case in this respect may be prejudiced in the minds of any, the Committee will observe, that the right of search in time of peace is one that is not claimed by any Power as a part of the Law of Nations; no Nation pretends that it can exercise the right of visitation and search upon the common and unappropriated parts of the sea, except upon the Belligerent Claim. A recent decision in the British Admiralty Court, in the Case of the French Slave-ship *Le Louis*, is clear and decisive upon this point. The Case is annexed to this Report.

In regard then to the reciprocal right wished to be ceded, it is reduced to the simple inquiry, whether in practice it will be beneficial to the two Contracting Nations. Its exercise, so far as it relates to the detention of Vessels, as it is confined to the fact of Slaves being actually on board, precludes almost the possibility of accident or much inconvenience.

In relation also to the disposal of the Vessels and Slaves detained, an arrangement perhaps could be effected, so as to deliver them up to the Vessels of the Nation to which the detained Vessel should belong. Under such an understanding the Vessels and Slaves delivered to the jurisdiction of The United States might be disposed of in conformity with the provisions of our own Act of the 3d March, 1819, and an arrangement of this kind would be free from any of the other objections.

An exchange of the right of search, limited in duration, or to continue at pleasure, for the sake of experiment, might, it is anxiously hoped, be so restricted to Vessels and Seas, and with such civil and harmonious Stipulations as not to be unacceptable.

The feelings of this Country on the general question of search, have often been roused to a degree of excitement that evince their unchangeable character; but the American People will readily see the distinction between the cases; the one, in its exercise to the extent claimed, will ever produce irritation, and excite a patriotick spirit of resistance; the other is amicable and charitable; the justness and nobleness of the undertaking are worthy of the combined concern of Christian Nations.

The detestable crime of kidnapping the unoffending Inhabitants of one Country, and chaining them to Slavery in another, is marked with all the atrociousness of Piracy; and, as such, it is stigmatized and punishable by our own Laws.

To efface this reproachful stain from the character of civilized mankind, would be the proudest triumph that could be achieved in the cause of humanity. On this subject, The United States, having led the way, owe it to themselves to give their influence and cordial co-operation to any measure that will accomplish the great and good purpose; but this happy result experience has demonstrated cannot be realized by any system, except a concession by the Maritime Powers to each other's Ships of War, of a qualified right of search; if this objec was generally attained, it is confidently believed that the active exer tions of even a few Nations would be sufficient entirely to suppress th Slave-trade.

The Slave-dealers could be successfully assailed on the Coasupon which the Trade originates, as they must necessarily consummore time in the collection and embarkation of their Cargoes, than is the subsequent distribution in the markets for which they are destined this renders that Coast the most advantageous position for their apprhension; and besides, the African Coast frequented by the Slaveships is indented with so few commodious or accessible Harbours, the notwithstanding its great extent, it could be guarded by the vigilan of a small number of Cruizers. But if the Slaveships are permitted by the states of the states of the states are permitted by the Slaveships are permitted by the states of the states of the states of the states are permitted by the states of the states of the states are permitted by the states are permitte

to escape from the African Coast, and to be dispersed to different parts of the World, their capture would be rendered uncertain and hopeless.

The Committee, after much reflection, offer the following Resolution :

Resolved, by the Senate and House of Representatives of The United States of America in Congress assembled, That the President of The United States be requested to enter into such arrangements as he may deem suitable and proper, with one or more of the Maritime Powers of Europe, for the effectual Abolition of the African Slave-trade.

(Sub-Inclosure 1.)—Report of the Secretary of the Navy. Navy Department, 7th February, 1821.

SIR, I HAVE the honour to transmit to you such information as this Department affords upon the subject of the Slave-trade, in answer to your Letter of the 30th January last.

The inclosed Copy of a Circular to The United States District Attornies and Marshals has been answered, generally, that no Slaves have been brought into their respective Districts, with the exception of Maryland, South Carolina, and Georgia; answers have not been reteived from Louisiana.

There appears to have been partial Captures made upon the Coast and in the Neighbourhood of Georgia, by the Publick Vessels of The United States; the Slaves in some cases have been bonded out to Individuals until Adjudication.

The Slave-trade has been checked by our Cruizers upon the Southern Coasts of The United States, and no great attempts appear to have been made to introduce Slaves through illicit channels.

There are now in charge of the Marshal of Georgia 248 Africans, taken out of a South American Privateer, the *General Ramirez*, whose Crew mutinied, and brought the Vessel into St. Mary's, Georgia; 60 more are in the custody of the Marshal, detained and maintained in the Vicinity of Savannah; 40 or 50 more have been sent out of that State, under what orders it is not known.

The Ships cruizing on the Coast of Africa, during the last Year, captured the following Vessels engaged in the Slave-trade, but having no Slaves on board at the time; viz.

Schooner En	ndymion,	Schooner Esperanza,
	attsburgh,	and
Do. Sc	ience,	Brig Alexander.
Salah Line and the Line	1	ad in the District Courts

These Vessels have been condemned in the District Courts of New York and Massachusetts, and their Commanders sentenced to fine and imprisonment, under the Acts of Congress.*

* The information contained in this paragraph is not derived from any official source; it is nevertheless believed to be correct.

The most detailed information that has been communicated to this Department, in relation to the Slave-trade, will be found in the inclosed Copy, No. 2, from the late United States' Agent, then resident in Africa, but since deceased. I have, &c.

SMITH THOMPSON.

The Hon. Joseph Hemphill, Chairman of the Committee on the Slave-trade.

(Sub-Inclosure 1.)—Circular from the Navy Department. SIR, Navy Department, 13th January, 1821. I DULY received your Letter of 25th November last, an Answer to

which has been delayed by the urgency of publick business.

I request you will be pleased to inform me what disposition has been made of the 258 Africans mentioned in your Letter; and what expense, if any, has been incurred for their safe keeping. It is very desirable to save further expences by an early decision of their Case.

I wish also to be informed upon the cases of all others within your jurisdiction, and coming within the execution of the Laws for prohibiting and suppressing the Slave-trade. I am, &c.

SMITH THOMPSON.

The District Attornies and Marshals of The United States.

(Sub-Inclosure 2.)—The Rev. Samuel Bacon to the Secretary of the Navy.

(Extract.) Campelar (Sherbro' Island), 21st Murch, 1820.

THE Slave-trade is carried on briskly in this Neighbourhood. Had I authority so to do, I could take a Vessel lying within the floating of one tide, say 25 miles from us, in the Shebar, under American Colours, taking in a Cargo of Slaves. Their policy is to come with a Cargo of goods suited to the Market, deliver it to a Slave Factor on shore, and contract for Slaves. They then lie at anchor in the River, or stand out to sea for a specified number of days, till the Slaves are all procured and brought to the beach, and placed under a hovel or shed prepared for the purpose, all chained two and two. At the appointed time, or on a concerted signal, the Vessel comes in and takes her Slaves on board, and is off in an hour. This is rendered necessary, as they cannot be seized unless they have Slaves on board; and they are watched by the Cruizers, so as to be taken when they have Slaves with them. The Augusta, (the Schooner I purchased,) is a Vessel of 104 tons, a swift sailer, and was intended to take a Cargo of 100. She has a camboose fitted to boil rice in large quantities; Slaves receive one pint each per day.

The Hon. Smith Thompson.

SAMUEL BACON

(Sub-Inclosure 3.)-Letter from an Officer of the Cyane.

United States' Ship Cyane,

(Extract.)

Off Sierra Leone, 10th April, 1820.

DURING our stay at Sierra Leone, the European Gentlemen who were residents at the Place treated us with the utmost respect, striving who should be most forward in attention and hospitality. A Party was formed by those Gentlemen to show our Officers the interior Settlements ; and from their report on their return, I learned the extent of the Colony, and the benevolent philanthropy of the British Nation in alleviating the miseries of the oppressed and ignorant Africans. Not less than 6000 captured Africans have been landed at this Settlement by the British Ships of War. On their arrival, those of a proper age are named and sent to the adjacent Villages. A house and lot is appointed to each family, and they are supported one Year by Government, at the expiration of which they are obliged to look out for themselves. The captured Children are also sent to the Villages, where they are kept at school till married, which is always at an early age. At the head of each Village is a Missionary, who receives his annual support from the Government, and who acts in the double capacity of Minister and Schoolmaster.

Lieutenant Cooper and myself walked through the Villages situated to the Westward of Sierra Leone. We landed at King Town, the former residence of King Tom. The house in which the King resided is in ruins, and almost hidden from view by a shrubbery. From thence we proceeded to Krow Town, a small Village inhabited by about 500 Krow Men. The British Ships of War on this Station have each from 25 to 70 of these Men on their Books. The trade of this Place is considerable. Several Vessels entered and sailed during our short stay; many of them were loaded with ship timber, which is somewhat like our white oak. The other articles of trade are ivory, cam wood, wax and palm oil. We sent a Boat from Sierra Leone for Mr. Bacon, who came up and remained with us 2 days. He has already settled himself with his followers, (until after the rains,) on Sherbro' Island. I fear this Island will not answer his wishes; it is low, unhealthy, difficult of access for Ships, and is not very fertile. There are many Places to Leeward possessing greater advantages, one of which I hope he will select for a permanent Settlement.

After remaining 9 days at Sierra Leone we sailed for the Gallinas, a place of resort for Slave-vessels; since which we have made 10 Captures, some by fair sailing, others by Boats and stratagem. Although they are evidently owned by Americans, they are so completely covered by Spanish Papers that it is impossible to condemn them. Two Schooners, the *Endymion* and *Esperanza*, we sent home. We shall leave the Coast in the course of 3 or 4 days for Port Praya, from whence we shall proceed to Teneriffe for provisions. 74

GREAT BRITAIN AND THE UNITED STATES.

The Slave-trade is carried on to a very great extent. There are probably not less than 300 Vessels on the Coast engaged in that traffick, each having 2 or 3 Sets of Papers. I sincerely hope Government have revised the Law, giving us more authority. You have no idea how cruelly these poor Creatures are treated by the Monsters engaged in taking them from the Coast.

(Sub-Inclosure 4.)—Case of the French Slave-ship Le Louis; extracted from the 12th Annual Report of the African Institution, printed in 1818.)

THIS Vessel sailed from Martinique on the 30th January, 1816, on a Slave-trading Voyage to the Coast of Africa, and was captured near Cape Mesurado by the Sierra Leone Colonial Vessel of War, the Queen Charlotte, after a severe engagement which followed an attempt to escape, in which 8 Men were killed and 12 wounded of the British; and Proceedings having been instituted against Le Louis, in the Vice-Admiralty Court of Sierra Leone, as belonging to French Subjects, and as fitted out, manned and navigated for the purpose of carrying on the Slave-trade, after the Trade had been abolished, both by the internal Laws of France and by the Treaty between that Country and Great Britain, the Ship and Cargo were condemned as forfeited to His Majesty. From this Sentence an Appeal having been made to the High Court of Admiralty, the Cause came on for hearing, when the Court reversed the Judgment of the Inferior Court, and ordered the restitution of the property to the Claimants.

The Judgment of Sir William Scott was given at great length. The Directors will advert to such points of it as are immediately connected with their present subject. "No doubt," he said, "could exist that this was a French Ship intentionally engaged in the Slave-trade." But, as these were facts which were ascertained in consequence of its seizure, before the Seizor could avail himself of this discovery, it was necessary to inquire whether he possessed any right of visitation and search; because, if the discovery was unlawfully produced, he could not be allowed to take advantage of the consequences of his own The Learned Judge then discussed at considerable length the wrong. Question, whether the right of search exists in the time of Peace? And he decided it without hesitation in the negative. "I can find," he says, " 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. No Nation can exercise a right of visitation and search upon the common and unappropriated parts of the Sea, save only on the Belligerent Claim." He admits, indeed, and with just concern, that if this right be not conceded in time of Peace, it will be extremely difficult to suppress the traffick in Slaves. " The great object therefore ought to be to obtain

the concurrence of other Nations, by application, by remonstrance, by example, by every peaceable instrument which Men can employ to attract the consent of Men. 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."

"If this right," he adds, " is imported into a state of Peace, it must be done by Convention; and it will then be for the prudence of States to regulate, by such Convention, the exercise of the right with all the softenings of which it is susceptible."

The Judgment of Sir William Scott would have been equally conclusive against the legality of this seizure, even if it could have been established in evidence that France had previously prohibited the Slave trade by her Municipal Laws. For the sake of argument, however, he assumes, that the view he has taken of the subject, might, in such a case, be controverted. He proceeds therefore to enquire how far the French Law had actually abolished the Slave-trade at the time of this The actual state of the matter, as collected from the Do-Adventure. cuments before the Court, he observes, 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, 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 MostChristian 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 Authonty, 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 public 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 Office to which they were addressed ; for it is, I think, impossible that if any public 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 public and ostensible Acts, had passed for the Abolition of the Slave-trade.

"On the 30th of November, in the same year (1815,) the Additional

Article of the Definitive Treaty (a very solemn Instrument, most undoubtedly) is formally and publickly executed, and it is in these terms: 'The High Contracting Parties, sincerely desiring to give effect to the measures on which they deliberated at the Congress at Vienna, for the complete and universal Abolition of the Slave-trade; and having each, in their respective Dominions, prohibited, without restriction, their Colonies and Subjects from taking any part whatever in this Traffick, engage to renew conjointly their efforts, with a view to ensure final success to the principle which they proclaimed in the Declaration of the 8th of February, 1815, and to concert, without loss of time, by their Ministers at the Court of London, the most effectual measures for the entire and definitive Abolition of the Traffick, so odious, and so highly reproved by the Laws of religion and Nature.'

"Now, what are the effects of this Treaty? According to the view I take of it, they are two, and two only; one declaratory of a fact, the other promissory of future measures. It is to be observed, that the Treaty itself does not abolish the Slave-trade; it does not inform the Subjects, that that Trade is *hereby* abolished, and that, by virtue of the prohibitions therein contained, its Subjects shall not in future carry on the Trade; but the Contracting Parties mutually inform each other of the fact, that they have in their respective Dominions abolished the Slave-trade, without stating at all the mode in which that Abolition had taken place.

"It next engages to take future measures for the universal Abolition.

" That, with respect to both the declaratory and promissory parts, Great Britain has acted with the optima fides, is known to the whole World, which has witnessed its Domestic Laws as well as its Foreign Negotiations. I am very far from intimating, that the Government of this Country did not act with perfect propriety in accepting the assurance that the French Government had actually abolished the Slavetrade, as a sufficient proof of the fact; but the fact is now denied by a Person who has a right to deny it, for though a French Subject he is not bound to acknowledge the existence of any Law which has not publicly appeared; and the other Party having taken upon himself the burthen of proving it in the course of a legal inquiry, the Court is compelled to demand and expect the ordinary evidence of such a disputed fact. It was not till the 15th of January in the present year, (1817,) that the British resident Minister applies for the Communication I have described, of all Laws, Instructions, Ordinances, and so on; he receives in return what is delivered by the French Minister as the Ordinance, bearing date only one week before the requested Communication, namely the 8th of January. It has been asserted in argument, that no such Ordinance has yet, up to this very hour, even ap-

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peared in any printed or publick form, however much it might import both French Subjects and the Subjects of Foreign States, so to receive it.

"How the fact may be, I cannot say; but I observe, it appears before me in a manuscript form, and, by enquiry at the Secretary of State's Office, I find it exists there in no other plight or condition.

"In transmitting this to the British Government, the British Minister observes, it is not the Document he had reason to expect, and certainly with much propriety; for how does the Document answer his requisition? His requisition is for all Laws, Ordinances, Instructions, and so forth. How does this, a simple Ordinance, professing to have passed only a week before, realize the assurance given on the 30th July, 1815, that the Traffick ' should cease from the present time, every where and for ever?' or how does this realize the promise made in November, that measures should be taken without loss of time, to prohibit not only French Colonists, but French Subjects likewise, from taking any part whatever, in this Traffick? What is this Regulation in substance? Why, it is a mere prospective Colonial Regulation, prohibiting the importation of Slaves into the French Colonies from the 8th of January, 1817.

"Consistently with this declaration, even if it does exist in the form and with the force of Law, French Subjects may be yet the common carriers of Slaves to any Foreign Settlement that will admit them, and may devote their capital and their industry, unmolested by Law, to the supply of any such Markets.

"Supposing, however, the Regulations to contain the fullest and most entire fulfilment of the engagement of France, both in time, and in substance, what possible application can a prospective Regulation of January, 1817, have to a transaction of March, 1816.

"Nobody is now to be told that a modern Edict which does not appear, cannot be presumed; and that no Penal Law of any State can bind the conduct of its Subjects, unless it is conveyed to their attention in a way which excludes the possibility of honest ignorance. The very production of a Law professing to be enacted in the beginning of 1817, is a satisfactory proof that no such Law existed in 1816, the Year of this transaction. In short, the Seizor has entirely failed in the task he has undertaken, in proving the existence of a prohibitory Law enacted by the legal Government of France, which can be applied to the present transaction."

No. 70.—The Right Hon. Stratford Canning to the Marquess of Londonderry.—(Received July 18.)

(Extract.) Washington, 4th June, 1821. I AM most happy to learn that His Majesty has been graciously pleased to approve of my humble endeavours to execute your Lord-

ship's Instructions on the subject of the African Slave-trade; and I have now the honour to forward the inclosed Copy of a Note which I addressed to Mr. Adams on the 1st instant, communicating, in pursuance of the directions contained in your Lordship's Dispatch of the 25th March, the several Instructions under which the Commanders of His Majesty's Naval Forces, employed for the suppression of the Slave-trade, have been ordered to act. I have also communicated to Mr. Adams your Lordship's Letter, signifying His Majesty's pleasure on this subject to the Lords Commissioners of the Admiralty, and at his particular request, have left him at liberty to take a Copy of it, for the purpose, as he said, of framing a similar Instruction for the guidance of any American Vessels destined to cruize on the Coast of Africa.

It does not appear that the American Government has, at this moment, more than one Vessel, a Schooner, expressly commissioned against the Slave-trade; but Mr. Adams assures me, that another armed Vessel of the same description is designed for that service.

The Marq. of Londonderry, K.G. STRATFORD CANNING.

(Inclosure.)—The Rt. Hon. Stratford Canning to the Hon. J.Q. Adams. SIR, City of Washington, 1st June, 1821.

His Majesty's Government having received my communication of your Official Letter, dated the 30th December last, respecting the measures of co-operation proposed on their part to the Government of The United States, for the more effectual suppression of the African Slave-trade, I am now commanded to put you in possession of the inclosed Copies of the several Instructions under which the Commanders of His Majesty's Naval Forces on that Service have been directed to act.

It is my duty, at the same time, not to conceal from you, that His Majesty's Government have felt the deepest regret in learning the inability declared by the American Government, to contract such mutual Engagements as alone seem calculated to effect the utter extinction of that detestable Traffick, which still unhappily prevails in defiance of With the sincerest disposition to do justice to the views and Law. professions of the American Government on this important subject, it is not possible for His Majesty to consider the Counter-proposal, contained in your Letter, as an efficient substitute for the system of measures which I have had the honour of proposing to you; founded as those measures are upon the principle of combining the Cruizers of the several Maritime Powers into one common Force for the protection of the African Coast; but such is the King's benevolent anxiety to co-operate with the Government of The United States, in whatever may tend, in the slightest degree, to mitigate the evils of the Slave-trade, that His Majesty is willing even to avail himself of the present very limited opening to a concert between the two Countries.

In this view I am further commanded to inform you, Sir, that an Additional Instruction will be immediately sent to the Commanders of the British Cruizers on the Coast of Africa, to co-operate by all the means in their power with such American Vessels as shall be employed in that Quarter for the suppression of the Slave-trade.

I have the honour, &c.

The Hon. J. Q. Adams. STRATFORD CANNING.

No. 71.—The Right Hon. Stratford Canning to the Marquess of Londonderry.—(Received October 9.)

(Extract.) Washington, 28th July, 1821.

I HAVE not yet received from Mr. Adams any Answer to my Note, announcing that His Majesty's Government had accepted the Counterproposal made on the part of this Country, for co-operating with the British Cruizers on the Coast of Africa.

The Marq. of Londonderry, K.G. STRATFORD CANNING.

No. 72.—The Right Hon. Stratford Canning to the Marquess of Londonderry.—(Received October 9.)

(Extract.) Washington, 4th September, 1821. I HAVE the honour to inclose Copies of 2 Letters on the subject of the Slave-trade, which I received from Mr. Adams in the course of last month; the one containing some fresh explanations of the reasons which prevent The United States from acceding to the Slave-trade Conventions which His Majesty has concluded with the Courts of Lisbon, Brussels, and Madrid; the other communicating the Instructions under which it is intended that the American Cruizers, employed on the Coast of Africa, should in future co-operate with His Majesty's Naval Forces on that Station.

In acknowledging the receipt of these Letters, I have thought it my duty to reply rather at length (see Copy inclosed) to some of the arguments which Mr. Adams has advanced in justification of the line pursued by his Government.

I engaged in this task with less hesitation, because the Reports of your Lordship's Negotiations on the same subject, and the other printed Correspondence accompanying my Instructions, supplied the most ample light for my direction.

The late accounts from Sierra Leone, and the result of the late Cruize on the African Coast, appear to have justly conveyed to this Country a high notion of the effect produced in that Quarter by the presence of an American Force. The Schooner *Alligator* returned some weeks ago, after detaining and sending home for adjudication, 4 Vessels under French Colours, suspected of being engaged in the

Slave-trade. Of the 4 Prizes, 3 have been retaken by the respective Crews and carried to Guadaloupe or Martinique. The Commander of the *Alligator* alleges in his defence, that he had information against the Vessels which he captured, as being American bottoms, trading under false Colours.

Since the return of that Schooner, I am not aware of any Cruizer having been dispatched to replace her, nor can I learn that any armed Vessel destined for the Slave-service, is yet under orders for sea.

The Schooners lately employed on this Service carry 12 guns, and their burthen is about 180 tons.

The Marq. of Londonderry, K.G. STRATFORD CANNING.

(Inclosure.)—The Hon. John Quincy Adams to the Right Hon. Stratford Canning.

SIR.

Department of State, Washington, 15th August, 1821.

YOUR Letter of the 1st of June last, together with its Inclosures, has been submitted to the consideration of the President of The United States.

In the former Correspondence between us, in relation to the proposals of the British Government to The United States, inviting their accession to certain Regulations which had been agreed upon in Treaties between Great Britain and some other Powers, for a concert of operations, having in view the suppression of the African Slave-trade, the reasons were at some length assigned which restrained the American Government from assenting to those Regulations. As the simple fact, that the American Government declined acceding to the proposals of your Government, can scarcely render justice to their determination, and as the motives for it appear to have been misunderstood, I am instructed now to expose them in more detail, in evidence of the earnestness and sincerity with which The United States have pursued, and still pursue, the common and important object, the suppression of the Trade.

Long and earnestly as the Government of The United States have been engaged in contributing their exertions to that result, they have necessarily considered the range of their means for its accomplishment as limited by two principles; first, the boundaries of their own Authority, delegated to them in the Constitution of The United States; and secondly, the respect due by them to the Independence of other Nations.

The means of co-operation for the suppression of the trade, urged upon the acceptance of The United States by the proposals of Great Britain, and exemplified by her Treaties with Spain, Portugal, and The Netherlands, were, that the Citizens of The United States, engaged in commerce upon the High Seas, should be liable under certain circumstances, in time of Peace, to have their Vessels searched, and, with

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their Persons, seized and carried away by the Naval Officers of a Foreign Power; subjected to the decision of a Tribunal in a Foreign Land, without benefit of the intervention of a Jury of Accusation, or of a Jury of Trial, by a Court of Judges and Umpires, half of whom would be Foreigners, and all irresponsible to the Supreme Authorities of The United States. To such modes of Trial, and by such forms of Process, were the Citizens of the Union to be subjected, under charges for effences against the Laws of their Country !

The United States had very recently issued from a War with Great Britain, principally urged in resistance to a practice of searching Neutral Merchant Vessels for Men in time of War, exercised by Great Britain, as The United States deem in violation of the Laws of Nations. A proposal involving the exercise in time of Peace, of this same practice of search could not be acceded to by the 'American Government consistently with their principles.

Inadmissible as, under any circumstances whatever, they must have deemed this right of search to be, it was in one of the Treaties, to the stipulations of which their accession was invited, presented under an aspect of peculiar import, authorizing its exercise in the case even of Vessels under the Convoy of a Ship of War of their own Nation. Under the operation of this provision, the Commander of an American Convoy was not only to witness the search, seizure, and carrying away by a Foreign Naval Officer, for offences against the Laws of this Country, of its own Vessels, under his immediate protection, but was by give every facility to the act.

There appeared to the American Government to be no conceivable combination of circumstances which could render the provisions of this Stipulation necessary or proper for the proposed co-operation to suppress the Slave-trade; since a Vessel under Convoy of its own Nation, must always be amenable to the examination, search, and seizure, of its Commander, thereby rendering the intrusion of a Foreign Officer for the same purpose, as unnecessary and useless for the end proposed, as it is otherwise objectionable in itself.

If both these expedients had an aspect little reconcileable to the Independence of Nations, other measures, appertaining to the system, exhibited features equally inauspicious to Individual Rights. Among these curities in the Political Institutions of the Union, deemed the most important and precious to Individual Liberty, are the rules established to shield from oppression the rights of Persons accused of crimes. The Constitution of The United States, among other humane and beneficent provisions in their favour, had ordained, that they should be called to answer no other accusation than that of a Grand Jury ; that they should be sentenced only upon the Verdict of a Jury of Trial, and that they should be tried only by Judges; themselves responsible to the Justice of their Country by the process of Impeachment.

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To agree to Treaty Stipulations in violation of these principles, was not within the competent authority, or not within the just discretion of the American Government. They could neither sacrifice the Individual rights of their Citizens, by subjecting them to trial for offences against their municipal Statutes, before Foreign Judges, in Countries beyond the Seas; nor the rights of National Independence, by authorizing Foreign Naval Officers to search and seize any American Vessel, and still less, a convoyed Vessel, in the very presence of the American Commander of the Convoy. The reasons for declining these engagements were assigned to the British Government, in terms as explicit as was thought compatible with the spirit of conciliation which it was desirable to preserve throughout the discussion, and have remained without reply.

To the opinion strongly expressed in your Letter, of the inefficiency of the measures proposed on the part of The United States, as a substitute for those deemed by your Government to be alone adapted to the attainment of the end, namely, the concession of the mutual right of search, it might be replied, that neither the experience of the respective measures, as they have been found to operate in practice, nor the examination of them as they may be expected to operate in their nature, will warrant the conclusion that has been drawn. Of the right of mutual search it is clear, that its efficiency depends altogether upon its universal adoption. So long as it shall be declined by any one Maritime State, however inconsiderable, its adoption by all others, would leave it altogether ineffectual. Without reverting to the strong repugnance which has been manifested to it by other Maritime States of the first rank, it is scarcely to be expected that any principle so liable to misapplication and abuse, can obtain, as an innovation upon the Laws of Nations, the universal concurrence of all Maritime Powers. The expedient proposed on the part of The United States, of keeping Cruizers of their own constantly upon the Coast where the Traffick is carried on, with Instructions to co-operate by good offices, and by the mutual communication of information with the Cruizers of all other Powers, stationed and instructed to the attainment of the same end, appears in its own nature as well as to experience, so far as it has abided that test, better adapted to the suppression of the Traffick, than that of the British Government, which makes the Officers of one Nation the executors of the Laws of another. Abundant evidence has been exhibited by your Government, and has been made manifest to the World, that it is not the American Flag under which, at this time, this flagitious trade is The Cruizers of The United States have at least produced driven. the effect of depriving the Dealers in the trade of the use of their Flag. The most unqualified assent of The United States to the practice of mutual search could do no more.

It is finally to be observed, that the purpose of both Governments being the same, a purpose important in itself, and dear to the interests

of humanity, could scarcely be subserved by a controversial and acrimonious discussion, or an uncharitable estimation, on either part, of the means adopted by the other for the attainment of the common end. It is believed that end will be best and most effectually promoted, if each Party, applying with carnestness and sincerity the means of its own choice, and reconcileable to the genius of its own Institutions, shall permit the other to pursue its own course, without molestation, and without reproach.

I pray you, Sir, to accept the assurance, &c. The Right Hon. S. Canning. JOHN QUINCY ADAMS.

(Inclosure 2.)—The Hon. J. Q. Adams to the Rt. Hon. S. Canning. SR, Department of State, Washington, 20th August, 1821.

I HAVE the honour of inclosing berewith a Copy of an Instruction which will be immediately issued to the Commanders of the Publick Vessels of The United States, charged with the duty of cruizing on the Coast of Africa, for the purpose of carrying into effect the Laws of The United States against the Slave Trade.

I pray you to accept the assurance, &c. The Right Hon. S. Canning. JOHN QUINCY ADAMS.

(Inclosure 3.)-Instructions to American Ships of War.

(EXTRACT from Additional Instructions which shall be given to the respective Commanders of the Cruizing Vessels of the Navy of The United States, engaged, or that shall be engaged, on the Coast of Africa in the Suppression of the Slave-trade.)

To the Instructions heretofore given you for your government whilst emizing under and in execution of the Laws of The United States for the suppression of the Slave-trade, I now add, "That an arrangement has been made between the Government of The United States and that of Great Britain, that the Commanders of the publick Vessels they may respectively have employed on the Coast of Africa for the uppression of the Slave-trade, should co-operate by all suitable means for the accomplishment of that object." You will, therefore, as far as may be compatible with the discharge of your own duties, co-operate with the Commander of any British armed Vessel with which you may fall in, cruizing or stationed on the Coast of Africa, with a view to the suppression of the Slave-trade.

Should the occasion occur in which you may find it mutually convenient to cruize in company with any such Vessel, you will do so; and you will communicate to the Commander of such Vessel any information which at any time you may have obtained, which you may deem useful to him, and adapted to the object common to both Countries: the suppression of the Slave-trade.

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(Inclosure 4.)—The Right Hon. Stratford Canning to the Hon. John Quincy Adams.

SIR,

Washington, 27th August, 1821.

I HAVE the honour to acknowledge the receipt of two Letters from you dated the 15th and 20th instant, relative to the suppression of the Slave-trade; the second inclosing an Extract of the Instructions under which any Vessels of The United States cruizing on the Coast of Africa are intended henceforward to act.

These Communications I shall take the earliest opportunity of transmitting to His Majesty's Secretary of State; and I cordially hope that the expectation which you cherish of the benefit likely to result from carrying into effect the plan of limited co-operation, suggested by the American Government, and accepted by His Majesty, may be completely realized.

In your Letter of the 15th, there are some points of argument so nearly affecting the character of those measures which were previously proposed by the British Government, that I deem it an indispensable duty to notice them on the present occasion; not, be assured, Sir, with any design of leading to a controversial and acrimonious discussion, which, if I did not concur with you in deprecating, I should but ill express His Majesty's invariable sentiments; but for the sole purpose of doing justice to that system of combined operations, which, at sundry times I have had the honour of recommending to your adoption, as the most efficient litherto devised, for the complete extirpation of the Slave-trade.

Much as I am at a loss to imagine on what grounds you have supposed any misunderstanding to exist, with respect to the motives which have led your Cabinet to decline acceding to the proposals of the British Government, it is impossible to consider the anxiety which you manifest to explain and illustrate those motives, otherwise, than as offering additional evidence of the genuine and zealous desire entertained by the Government of The United States, to persevere in contributing effectually to the extinction of that most criminal traffick. Nor will you be surprised, Sir, that in treating a subject which you have justly described as dear to humanity, I, too, on behalf of His Majesty's Government, should be anxious, as far as it depends on my humble efforts, to set every part of the question in its true and natural light.

Of the two principles which you have specified as necessarily limiting the exertions of the American Government, namely, the extent of their Constitutional Authority, and the respect due to the Independence of other Nations, the former is one, which, in this case, can hardly be considered as open to discussion; no question of right being at issue between the two Governments, and each being solely and exclusively the competent judge of its own powers. That such has been the impression of His Majesty's Ministers I have but little doubt; and while the Government of The United States regard the limits of their delegated Authority, as opposing an insuperable bar to their acceptance of the British Proposals, and while they can neither suggest any adequate modification of those Proposals, nor discover in the Case itself sufficient grounds to warrant their applying for a more enlarged discretion, it only remains for those who are placed under no such restraints, to lament a circumstance, which, however it may coincide with the position and principles of this Nation, must tend, in their conception, to retard the accomplishment of an object most deeply interesting to the World at large.

But it is no departure from a perfect acquiescence in the view which you have taken of your own Powers and the genuis of your own Constitution, to express a full persuasion, that the construction of the Mixed Commissions, and their Forms of Process, as settled by Treaty, for the Adjudication of Slave Cases, however they may vary from the Institutions of this or of that Country, will be found in practice to afford an ample protection to individual rights. It is true, that the accused Persons miny neither the benefit of a Trial by Jury, nor that of appealing to their Natural Tribunals; but substitutes of no light value are found in the place of those important defences. The requisite proofs of guilt are distinctly specified. Of two Judges, who in the first instance form the Tribunal, one is the Countryman of the Defendant. In case of acquittal, a full compensation, including demurrage, is secured on the hith of Government, to the Party acquitted. And, finally, the eyes of both Governments, each ready to require justice at the hands of the other, are constantly fixed upon the proceedings of the Courts. In addition to these striking facts, I need not remind you, how often American property, in common with that of other Neutral Merchants, has been definitively adjudged by a Foreign Court of Admiralty. Any, distinction, which might at first be drawn between a practice enforced by the general Law of Nations, and one which can only be sanctioned by mutual concession, would, I think, be reduced on further examination to a mere matter of feeling, or at most, of incompetent authority.

The second principle assumed in your Letter, is no less indisputable, as ageneral proposition, than the first; but it is not so easy to comprehend in what respect the independence of Nations could possibly be endangreed by the adoption of measures directed to a common end, reciprocal in their operation, and grounded entirely on the consent of the Parties. You have referred to the practice asserted by Great Britain throughout the late Wars, of claiming her Seamen by right of search, from on board the Merchant Vessels of Neutral Powers. Allow me to say, that I do not perceive how the exercise of a belligerent right for that specific purpose, can be fairly identified with the Proposal now made, and already accepted by three Independent Powers, to agree, in time of Peace, to a mutual right of search, for the deliverance of those

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unhappy Beings, whom the concurrent Laws of Christendom have not yet been able to preserve from the rapacity of the Slave Merchant. It might be observed, that your argument would equally affect the practice of search under any circumstances; the search for contraband of War, no less than the search for Negroes. The fact is, that whatever rights are claimed as belonging to a state of War, must stand on their own grounds. They can neither be strengthened nor invalidated by concessions made under different circumstances, and adapted to other ends.

If this objection had not assumed the form of a principle, but were merely derived from an apprehension that abuses might eventually prevail in the practice of searching Vessels at sea, it would not, perhaps, have been difficult to suggest limitations sufficient to guard against such a contingency. By contracting the range, and particularly the period, of its operation, the measure in question might have been submitted to the test of experience, without involving the risk of any serious inconvenience.

The most sanguine imagination could hardly expect that an evil so vast, so deeply rooted as the traffick in Slaves, could be completely subdued without considerable sacrifices, as well as the most strenuous and unremitting exertions. It is more particularly under this view of the case, that I proceed to notice the very pointed repugnance which you have expressed to a Clause in the Slave-trade Convention between Great Britain and The Netherlands, extending the right of visit to Vessels under convoy of a National Ship. If this concession were really so objectionable as it has appeared to the American Government, it should at least be remembered that it bears upon both the Powers which are Parties to the Treaty; and, whatever sacrifice of feeling or of interest may be incurred by the arrangement, that Party whose Fleets are the most numerous, whose trade is the most extensive, can hardly be considered as having less than an equal share of the burthen. Supposing, again, that The United States, as I infer from your remarks, are wholly foreign to those motives, whatever they may be, which prevailed upon the Courts of London and Brussels to adopt the above-mentioned Clause, it is clear that the omission of a stipulation, in that case superfluous, could not have affected the general scheme of co-operation proposed by the British to the American Government, I am convinced, Sir, that you did not mean to represent this point as a paramount objection to the whole.

In the course of our frequent Communications on this important subject, I have never proposed an unlimited accession to the Engagements contracted by His Majesty with Spain, Portugal, or The Netherlands, and amicably communicated to the American Government, as the only form of Convention into which His Majesty was willing to enter with The United States. However satisfactory those Engage-

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ments appeared to His Majesty, modifications calculated to remove such impediments as arose from the peculiar views and institutions of this Country, were anxiously solicited; and when it was finally ascertained that the objections of the American Cabinet, extending as they still do, over the whole body of the existing Conventions, remained in its opinion insuperable, I did myself the honour to request information at your hands of any other plan of concert, equally efficient, which the American Government might feel themselves at liberty to suggest. This last appeal was made in full reliance on the firm and unvarying determination of the Government to continue their best exertions for the suppression of the Slave-trade.

With respect to the comparative efficiency of the measures proposed on either side, you may rest assured, Sir, that His Majesty's Ministers will be the first to rejoice whenever experience shall confirm the adrantages which you ascribe to those of your own Government. To root out the common evil is their sole object in this business; and if they are unable to regard the expedient of instructing the respective Cruizers on the African Coast to act in concert, as a complete substitute for the mutual right of search, the reasons of that impression are by no means difficult to conceive. It is notorious that during the late War, when Great Britain exercised the belligerent right of search, the Slave-trade was rapidly diminished; and that since she has ceased to possess that advantage, it has proportionably revived. It would, perhaps, be unfair to attribute these effects exclusively to the right of visit. But when every allowance is made for the change of authority, which several of the West India Colonies have successively undergone; there can be no question that during the late Wars, the Slave-trader was mainly deterred from his nefarious pursuits, by knowing that no Flag which he might hoist could secure him from the detection of a belligerent Cruizer.

It would be idle to depreciate the importance which you attach to the universal adoption of this practice, as requisite for its complete success; but in order to become universal, it must first be gradually embraced, and its efficiency, no doubt, will prove commensurate with its progress. Its first effect is to double the powers of every Cruizer commissioned by the respective Parties to act against the Slave-trade; an agreement to that purport between Great Britain and The United States, would give to every British and every American Cruizer the same means of counteracting that odious Traffick, which, under a system of common Instructions, can only be exercised by 2 Ships of either Flag, when sailing in company. Supposing even that all the Maritime Powers, acceding to the proposal of The United States, were to send out their Squadrons against the Slave-trade, there would clearly be room for evasion, so long as the Flag of each State could serve as a protective from the Cruizers of the rest. It cannot be denied, that, in legal theory, the Flag of the smallest Power might cover the illicit conveyance of Slaves; but where the property concerned does not belong to a Subject of that Power, but of one which is a Party to the proposed Convention, the Flag thus fraudulently used, could afford it no protection, nor could the State, whose Colours were thus unwarrantably prostituted, conceive itself entitled to interfere.

It cannot be meant to deny, that the presence of the American Squadron on the Coast of Africa has been productive of much good; nor would it be just to withhold from its Commanders that tribute of praise, which their laudable and zealous activity appears to have deserved. But, without inquiring into the number of Cruizers, which The United States may find it convenient to employ on that Service, or adverting to the natural circumstances which may interfere with their constant attendance on the Slave Coast, it must be remembered, that the object of the British Government is to combine a general and complete system for the extinction of an evil, which, as yet, the Laws have in vain condemned. It is with reference to this expanded view, that the respective Proposals must be finally considered. Partial measures may have the effect of reaching some particular mode of evasion, and may doubtless be attended with temporary benefit; but it is only to a full and comprehensive system, depriving the fraudulent Trader of every resource, that the World can look for a perfect cessation of the mischief.

In accord with the friendly sentiments which you have declared, I cannot dismiss this subject, without assuring you of my earnest desire to assist in rendering justice to the intentions and suggestions of the American Government, no less than to remove every appearance of obscurity or misconstruction from those of my own.

I beg, Sir, you will accept the assurances, &c. The Hon. J. Q. Adams. STRATFORD CANNING.

DENMARK.

No. 72. (A.)—The Marquess of Londonderry to H. U. Addington, Esq. SIR, Foreign Office, 26th March, 1822.

It being stated in a Memorandum, lately delivered in by M. de Caraman, French Chargé d'Affaires at this Court, an Extract of which is herewith inclosed to you, that, according to the accounts which the French Government receive from their Authorities in the West Indies, facilities are afforded in the Danish Island of St. Thomas, to the carrying on of the Slave-trade under the French Flag, contrary to the Decrees of His Most Christian Majesty and the Laws of France, by the fabrication of false Papers, with the counterfeit Signatures of the French Governors of Guadaloupe and Martinique; I have received the King's Commands to request that you will bring this statement to the knowledge of the Danish Government, which will, I am sure, be sufficient to induce them immediately to send directions for making strict inquiries in their Island above-mentioned, as to the practices herein imputed, accompanied with such Orders to their Authorities as shall effectually put a stop to them, should they exist, and prevent their recurrence.

The Danish Government is so well aware of His Majesty's sincere anxiety on this subject, and has so fully co-operated in the measures adopted by that of His Majesty for the extinction of this detestable Traffick, that we address them in this instance with the perfect confidence of obtaining the desired result. I am, &c. H. U. Addington, Esq. LONDONDERRY.

Memorandum.—Dispatches having a similar object to the above, have been addressed to His Majesty's Representatives in Sweden and Holland, with respect to the Islands of St. Bartholomew and St. Eustatius,

CORRESPONDENCE WITH HIS MAJESTY'S COMMISSIONERS.

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CORRESPONDENCE WITH HIS MAJESTY'S COMMISSIONERS.

SIERRA LEONE.

No. 73.-Messrs. Gregory and Fitzgerald to Viscount Castlereagh. (Received May 4.)

Sierra Leone, 25th February, 1821.

WE have the honour to notify to your Lordship, that M. de la Figaniere, His Most Faithful Majesty's Commissioner of Arbitration, has this day addressed to us a Letter, a Copy of which is herein inclosed for the information of your Lordship, to acquaint us with his intention of returning to England by the first opportunity, on the ground of ill health. M. de la Figaniere's state of health for some time past has not been good; it has only, however, within these few days been such as to determine him, on the advice of his Medical Attendants, to quit the Colony; he embarks in a Vessel that will convey this Letter to England. We have, &c.

E. GREGORY.

EDWARD FITZGERALD.

Viscount Castlereagh, K.G.

(Inclosure.)-The Portuguese Commissioner of Arbitration to the British Commissioners.

Sierra Leone, 25th February, 1821. GENTLEMEN, My extreme bad state of health, and the advice of 4 Medical Officers of this Colony, oblige me to leave it as soon as possible : thus I take the opportunity of the Ship Harrison, for England, which will

very soon depart. I do not doubt I shall return and resume again the functions of Commissioner; but should even in Europe my health continue impaired, and not permit me, I have not then the least doubt His Most Faithful Majesty will as soon as possible, have the Vacancy I leave, filled up.

I have, &c.

J. C. DE LA FIGANIERE E MORAO. The British Commissioners.

No. 74.-Joseph Planta, Jun. Esq. to the British Commissioners at Sierra Leone.

GENTLEMEN, Foreign Office, 27th February, 1821. I AM directed by Viscount Castlereagh to acquaint you, that the Ambassador from the Court of The Netherlands, has, by direction of his Government, notified to his Lordship, that His Netherland Majesty's Frigate the Melampus, of 350 Men and 44 guns, commanded

My LORD,

SIERRA LEONE.

by Captain Le Man, about to sail for the East Indies, will be provided with a Copy of the Treaty of 4th May, 1818, and with the Documents thereto annexed, relating to the repression of the Slave-trade.

I am, &c.

His Majesty's Commissioners.

J. PLANTA, Jun.

Note.-- A similar Letter was written to the Commissioners at Surinam.

No. 75.—Messrs. Gregory and Fitzgerald to Viscount Castlereagh. (Received May 22.)

My LORD,

Sierra Leone, 5th April, 1821.

WE have to inform your Lordship that Don Jozé Camps, on the 24th ultimo, addressed a Letter to the Acting Registrar of the Mixed Commissions, to notify to him, that, owing to the declining state of his health, and the advice of his Medical Attendants, he felt obliged to leave his Station here of Commissioner of Arbitration of His Catholick Majesty, to return to Europe.

We inclose for your Lordship's information, a Translation of M. Camp's Letter to the Acting Registrar.

We have also to inform your Lordship that Mr. R. B. Fitzgerald, Acting Registrar of the Mixed Commissions, whose state of health induced his Medical Attendants, some time past, to advise him to leave the Colony, now returns to England; and that his Honour the Acting Governor, has appointed Mr. James Woods to act as Registrar in his place.

Mr. Woods, from the time of the establishment of the Mixed Commissions, has been attached to them in the capacity of Commissioner of Appraisement and sale, and he has always faithfully discharged the duties of the Situation.

Don Jozé Camps and Mr. R. B. Fitzgerald embark in the Vessel that will convey this Letter to England.

We beg that your Lordship will permit us, in regard to Mr. R. B. Fitzgerald, to say, that we think it due to that Gentleman, to express to your Lordship our satisfaction of the manner in which he discharged the general duties of his Situation, whilst acting as Registrar of the Mixed Commissions; and that he merits the particular approbation of the Commissioners, for his conduct in upholding the respect and consideration due to the Mixed Courts, agreeably to the pleasure of your Lordship. We have, &c.

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E. GREGORY. EDWARD FITZGERALD.

Viscount Castlereagh, K.G.

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(Inclosure.)—The Spanish Commissioner of Arbitration to the Registrar of the Mixed Commission, -(Translation.)

Sierra Leone, 24th March, 1821.

THE bad state of my health, which each day increases, in consequence of repeated fevers, obliges me to return to Europe, in order to my recovery.

As I cannot here expect any amendment in my health, according to a Declaration made to me by Physicians; and as I find myself incapable in my present state, of fulfilling the duties of my Situation; I consider that my remaining a further length of time would be a useless sacrifice to my Country.

If I recover my health, my absence will be but temporary, unless His Catholick Majesty should dispose otherwise. I inform you of this, that you may communicate it to the Mixed Commission, of which I have the honour to be a Member. I am, &c. The Acting Registrar.

JOZE CAMPS.

No. 76.-Messrs. Gregory and Fitzgerald to Viscount Castlerengh. (Received July 27.)

Sierra Leone, 16th April, 1821.

On the 5th of January last, we had the honour to address to your Lordship a Communication relative to the existing state of the Slavetrade, and to the actual and prospective means of substituting for that traffick, legitimate branches of commerce, which may be found equally effectual for supplying the Natives of Africa with the Foreign Commodities that they are accustomed to consume. That Communication necessarily embraced a multiplicity of matters, for the satisfactory elucidation of which further information must be desirable. We have, therefore, deemed it expedient to collect such further intelligence, upon the most material branches of the subject, as the opportunities of our Station have afforded.

Since the date of that Communication, no Slave-trading Vessel of any Nation has been brought into Sierra Leone.

Private Letters received from His Majesty's Cruizers, proceeding to Cape Coast Castle, under the command of Commodore Sir George Collier, mention that they came upon the traces of the 2 French Vessels which had been reported to have gone to the Gallinas for Slaves. The second, as well as the first of those Vessels, had taken away a full Cargo. A Vessel bearing, as we understand, the Spanish Flag, appeared to be on the Coast for the purpose of taking in Slaves; measures were taking to frustrate her object. From that source we have not any further intelligence.

We take occasion here to correct an error into which we have fallen respecting the Vessel commanded by one Buntzen, some time since assassinated on the Coast by one of his own Seamen. We had under-

SIR.

My LORD,

SIERRA LEONE.

stood that the Voyage became abortive, and that the Vessel went off without a Cargo. We have since been informed that the Cargo was complete, or nearly so, at the time of the occurrence, and that the Vessel sailed with 150 Slaves, which might be about her full complement.

A Gentleman of known observation and intelligence, who acts as Supercargo of a Vessel employed in trading on the Coast, having arrived in the Colony from a Voyage nearly as far as the Line, we thought that he might furnish more extensive information concerning the state of the traffick in that direction, and also on the general objects comprised in our Statement. In this view we framed the Questions, of which the inclosed is a Copy, and the Gentleman to whom we allude, has had the kindness to give them the answers contained in the inclosed Paper.

It is now stated confidently in the Colony, that 2 fresh Vessels under the French Flag, arrived at Gallinas in the week before the last, for the purpose of taking in Slaves.

The probability which we intimated of the establishment of a general and constant trading intercourse between this Colony and the powerful Nation called the Foulahs, through Port Lago, at the head of the Sierra Leone River, is, we trust, on the point of being fully realized. The Gentleman who was sent from the Colony, to negociate for that object, has had a most favourable reception, and is now at Port Lago, on his return. He is accompanied by a Nephew of Almaney Abdool, King of the Foulahs, sent to complete the Negociations here.

We have the honour to inclose 3 Numbers of the Sierra Leone Gazette, one making more specific mention of the Slave-trading Vessels met or traced by His Majesty's Cruizers; the other two containing some details of the Expedition to Teembo, the Capital of Foulah Jallon. We have, &c.

Viscount Castlereagh, K.G.

E. GREGORY.

EDWARD FITZGERALD.

(Inclosure 1.) - The British Commissioners to

Free Town, 8th March, 1821. His Majesty's Commissioners under the Treaties for preventing the illicit traffick in Slaves, present their compliments to and would feel obliged if he would communicate to them, in a letter, such observations as, during his late Voyage, he may have made on the existing state of the Slave-trade.

His Majesty's Commissioners wish to be informed on the following points; 1st. as to the number of Spanish, Portuguese, Netherlands, French and American Vessels, that may have been on the Coast, and departed therefrom with Cargoes of Slaves, since July 1820; 2d. as to the number of Slave-trading Vessels under the Flags of the Nations before-mentioned, that may actually be on the Coast; 3d as to the effects that the restrictions of the Treaties of Abolition, enforced by the means of the British Cruizers, may have produced on the Slave Markets on the Coast; 4th, whether, in the event of these restrictions being continued in force, the Africans will be likely to turn their attention to any other commerce than that of Slaves; 5th, how far the produce of the Countries lying betwixt the River of Sierra Leone and Cape Coast, and of those situated between Cape Coast and Cape Lopez, may be deemed capable of laying a foundation for legitimate commerce, equivalent to the Slave-trade, in affording supplies of the usual articles of Foreign produce to the Natives.

E. GREGORY. EDWARD FITZGERALD.

(Inclosure 2.)—Answer of to His Majesty's Commissioners. GENTLEMEN, Sierra Leone, 3d April, 1821.

I HAVE the honour to acknowledge the receipt of your Note of the 8th ultimo, requesting that I would communicate to you such observations as I may have made, during my late Voyage on the Leeward Coast, on the existing state of the Slave-trade, &c.

In looking over the points on which you wish for information, I regret that any Communications I can make must be of so general a nature as scarcely to afford you data on which to form any thing like correct conclusions. However, what I have seen and learned shall be laid before you.

In answer to the first and second enquiries, "as to the number of Vessels that may have been on the Coast, and departed with Slaves, since July, 1820," and "as to the number of Ships, trading under the different Flags, that may be actually now on the Coast," it is impossible for me to give you a correct idea, at least so far as to distinguish those belonging to the different Nations; for, with the exception of the French, none show any Colours, and, doubtless, many avail themselves of the Flag of that Nation, who have no right to raise it.

We left Sierra Leone on the 5th of August last, proceeding down the Coast; at Cape Mount we found two French Schooners, whose Cargoes were on shore at the Gallinas, Mannah, and Sugaree; one for 250, the other 350. Both these, I since learned, got safe to their destination. The Kroomen informed us there were then two at little Cape Mount. There was also one at Trade Town for 300. From thence, until we arrived at Accra, we saw no Vessel that we could ascertain to be engaged in Slaving. One Schooner proceeded to Whydah, where she found 3 Corvettes of 22 guns each, and 130 men, two Brigs of 14 guns, and two Schooners, all waiting for Slaves. Mr. M'Coy, the Master of our Schooner, saw 550 Slaves marched from the old French

Fort (where Cha Cha, the Chief Slaver, resides) to the beach in one day, and from thence put on board one of the Brigs on the following night. One Corvette had sailed a few days before our arrival with upwards of 800 on board. Two of the Corvettes were chiefly manned with American Sailors, but showed no Flag; the other was Spanish (the Minerva.) She came to Accra when I was there, and took on board 150 in one night, from Accra, the Caboceer of the Dutch Town. I afterwards saw 125 Slaves in one house, all in irons, sitting in 3 rows upon the floor. These belonged to 2 French Schooners, that were cruizing from Popoe to Accra for a Cargo. With the exception of Half Cape Lahoo, from whence these have been sent, about the month of August last, (about 130,) I have great reason to believe that the Traffick in Slaves has been entirely discontinued from the Gold Coast. We saw several French, Portuguese and Dutch, going down to Whydah and the Bight of Biafra. I went on board four that seemed furnished with every thing indicating their destination to be for Slaves. At Trade Town we met a French Brig and Schooner, the Brig direct from Nantes with a Cargo of 400; the Captain had his goods on shore, and was purchasing his Cargo at the Slave-house on the Beach, not daring, as usual, to trust King Wise at his Town in the Bush. However, His Majesty had, the morning I went up to his Town brought in 35 prisoners, whom his People had caught the evening before in a small Town in the Interior, and who were intended for the Vessel. At Cape Mesurado, the Brig Adolphe, direct from St. Maloes, had nearly completed her Cargo for 380. The Captain hesitated not to assure me that he cared not for British Cruizers, and that he should be on the Coast again in 5 months. At the Gallinas we saw another Schooner that was to sail in 3 days, with 250.

I believe the following rough Statement may not be considered as overrated, at least it is the best guess I can give you from comparing the different Accounts, of which I took Notes at the time of receiving them. Say, since July 1820 to the end of February, so far as regards the windward Coast, and from July to November, to leeward of Cape Coast; viz.

4 Schoonersfor Gallinas	t 300)	1,200
2 dittofor Cape Mount	-		600
2 ditto and a Brigfor Cape Mesurado	-		900
5 ditto dittofor Trade Town			1,500
4 Vesselsfor Accra	-		1,200
2 ditto for Quitah	400		800
6 ditto for Popoe	-		2,400
5 Corvettesfor Whydah	700		3,500
6 Brigs for ditto	500		3,000
8 Schoonersfor ditto	300		2,400
Н			

Suppose from

Lagos and Porto Nova10 Vesselsa	t 350		3,500
Bonny River	-		7,000
Calabar		······	0,500
		:	38,500
		-	

There are seldom less than 12 to 15 Vessels in Bonny River at a time, and from 20 to 25 in Calabar. Of the state of the Trade to the Southward of the Line, I have no particular information, and cannot give any opinion. The Slaves furnished at Lagos and Porto Nova are chiefly from Eyes, and are from the North Bank of the Niger, from Sego to Ahoussa.

Referring to your third enquiry, I would observe, that the effects of the restrictions of the Treaties of Abolition are only visible from the Gold Coast to Sierra Leone, as the means at present possessed by the British Cruizers are not at all sufficient to reach the Slavers that frequent the large Rivers in the Bight of Benin and Biafra; and at Whydah and Popoe the Trade is still carried on with boldness and impunity. On the Windward Coast, however, where they still continue the Traffick, the Natives engaged in it are timid, and fearful of some dreadful visitation from the British Cruizers. The more intelligent of the Traders at the Gallinas, Mesurado and Trade Town, are also impressed with the belief that the British and American Menof-War will, in the course of 2 more Years, be enabled effectually to abolish the Trade at all those Places. The propriety of employing an increase of Force in this Service, and that Force of a different description from the present, has, I believe, already been represented to Government through the proper Channels; and if the suggestions made are followed, I have little doubt but that the Windward Coast would be kept clear, and a good account given of the Slavers in the Bight of Biafra.

It is with pleasure I offer a few remarks upon your fourth and fifth enquiries, as from my knowledge of those parts of the Coast to which those enquiries principally relate, and from the intercourse I had with the Natives, I am enabled to speak with a confidence which, to those who have not had the same opportunities of observation, might appear much too sanguine.

Along the whole range of Coast where the restrictions may be considered as having been effective (that is, from Accra to Trade Town,) industrious habits are extending their beneficial influence amongst the Inhabitants; a greater attention to agricultural and commercial pursuits is evidently increasing; and these pursuits want only encouragement to render them productive of extensive gain to the Merchants, and to make them the means of supplying the increasing wants of the Natives. As a proof that on the total abolition of the Traffick in Slaves, the Africans would, in the course of a short time, turn their attention to other pursuits, I would refer you to the fact, that though, previous to the abolition, the Inhabitants of the Gold Coast actually purchased palm oil from the Lago and Benin Traders, for domestic purposes, yet, in the course of the last 12 months, there were shipped from the same Country above 500 tons of that commodity.

The establishment of a Colonial Government, with the consequent extension of the benefits of British Laws, and the regular administration of justice, to the Fantee and Adanessee People on the Gold Coast, is an event much to be desired by every benevolent friend of Africa. It would completely prevent any Slaves from being carried off the Coast from Cape Lahoo to the Rio Volta. The security and protection afforded to Persons and property, the comparative salubrity of the climate, the openness of the Country, and a soil peculiarly adapted to the cultivation of various articles of tropical produce of extensive consumption in the European markets, together with the low price of labour, would, I conceive, encourage Settlers from home with other than merely commercial views. Their success would encourage the Natives to the employing of their numerous domestic Slaves in similar objects, which is what is chiefly wanted, to lead to the rapid civilization and improvement of the African People.

To accelerate this improvement, however, not only the fostering hand of Government, but the exertion of those enlightened friends of Africa, who have for so many Years, with unremitting assiduity, laboured for her benefit, is absolutely necessary. It is necessary that those who wish well to her interests should take every opportunity of directing the attention of His Majesty's Ministers to the best means of extending British influence and protection to those parts of the Coast where the Slave-trade has been discontinued; to press upon them the expediency of affording every possible facility to those whom the pursuits of business may induce to establish settlements with the views of cultivation; and most essentially to impress on their minds the great importance of immediately directing the benevolent exertions of the National School and Missionary Society, particularly the former, to those Parts where they would meet with a welcome reception. Along the whole Coast from the Kroo Country as far as Appollonia, the Inhabitants are all anxious to cultivate a close and increased connexion with the English, and the Chief Men desirous that their sons should be taught to read and write, or, as they express it, " to s'ane book all the same as white man." In corroboration, and as an evidence of the existence of this spirit, I have only to acquaint you that the Caboceers of Accra and of Cape Lahoo sent their sons with me to this Place to be educated, and had I been aware that the object would have been so

liberally met by the Government here, I could have brought two or three of the Chiefs' Sons from every Town on the Coast where I am known. I shall, probably, early in September, bring up 10 or 12 more, to be placed at School here for 2 or 3 years. By so doing, good, I know, will be produced, which may eventually lead to consequences important and beneficial.

It certainly would be no discredit to the Colony of Sierra Leone, which has already deserved well of our Country, to be in after-times considered as the sacred fountain, originating and supplying those streams of knowledge and civilization which the enlightened philanthropist confidently anticipates shall in time overspread this great, though hitherto much neglected, Country.

That the produce of the Countries lying between the River Sierra Leone and Whydah, (the Countries farther to the southward not having come under my own observation, I do not presume to give an opinion respecting them) would, in the space of a few Years, by proper encouragement, lay the foundation of an extensive legitimate commerce, fully equivalent to the Slave-trade, I think admits not a doubt.

On the establishment of a new Government at Cape Coast, a more active Commercial Intercourse between this Colony and that Settlement, it is probable, will be carried on; and it ought to be an object with both Governments to encourage the Chiefs along the whole Coast to visit both Establishments, to send their Children and People to them to learn mercantile Trades, &c. as well as "to s'ane book." I can assure you, that they only want such opportunities, and a recommendation of them by those in whom they have confidence, to embrace them with alacrity. But the chief intercourse that the Natives have had with White Men, has been with the Traders, who come to Africa direct from England, run down the Coast, purchase what the Natives bring to them, and return home, in most cases, after they have seen the Coast but 3 or 4 times; consequently they have little opportunity, and perhaps less inclination, to point out any thing to the Natives which might tend to enlighten or to improve them.

The Countries from the Kroo Country to Bereby, merit the particular attention of Government, as the Inhabitants are a fine and industrious race of People, most of them speaking English, and desirous that Englishmen should settle among them. The landing for boats is good at Grand Sisters, Gansway, and Cape Palmas; at this latter place, there is an excellent Harbour and good anchorage. The establishment of a British Colony at Cape Palmas would be a great point gained towards the general object. The Country is rich and not unhealthy, and produces pepper, gums, ivory, fine timber, and a supply of rice sufficient to direct the views of the West India interest hither, instead of to our rivals on the other side of the Atlantic. The River Cavally has a long course from the Interior, and affords the means of

extensive inland Navigation. Bereby is important on account of the large quantity of ivory brought from the Interior; there is also excellent anchorage close in shore, and good and protected landing for boats, in the roughest weather. From St. Andrews to Appollonia the Country is rich in the productions of the soil, but it might be rendered ten times more so, by cultivating a more intimate and friendly connexion with the Inhabitants. The Cape Lahoo, Grand Bassa, and Assignee Rivers, facilitate the communication of the Traders with remote Countries in the Interior, even to those on the banks of the Niger, from whence they bring large quantities of gold and ivory; and, if encouraged, many other productions of the Interior would find their way to the Coast. This part of the Coast is particularly worthy of attention, from its being the entrepôt of the whole of those Countries which constituted the Western Provinces of the Ashantee Empire, but which, by the defeat of the King of Ashantee by the Bontoohoos last year, are now become independent of that Government.

I have thus laid before you what I know of the present state of the Slave-trade, and as far as my information enabled me, answered your enquiries. If I have introduced any observations which you may consider tedious and inapplicable, or offered opinions that may be deemed impertinent, I beg you will attribute them to the ardent desire that I feel to give every information on the subject, to those who have the means to recommend with effect, whatever measures may be most conducive to the amelioration and civilization of the African People, and consequently beneficial to our Country.

I conclude with assuring you, that I shall feel happy in endeavouring to procure you whatever information I can, regarding any points with which you may be pleased to signify your desire to be acquainted I shall sail for the leeward Coast in the course of next week.

(Inclosures 3, 4 and 5, are the Sierra Leone Gazettes; of March 3d and 24th, and April 14th, 1821.)

No. 77.—Messrs. Gregory and Fitzgerald to Viscount Castlereagh. (Received July 27.)

My LORD, WE have the honour to acquaint your Lordship, that on the 9th instant, Don Francisco Lefer, His Catholick Majesty's Commissary Judge, addressed a Letter to the Acting Registrar of the British and Spanish Court of Mixed Commission, signifying his intention to quit Sierra Leone, for the purpose of residing at the French Settlement at Goree, during the continuance of the next rainy season; but that he would be ready, should the service of his Sovereign require him, to return to this Colony, on notice being given to him by the Acting Registrar.

The Acting Registrar having laid before us this Letter of Don Francisco Lefer, we thought it to be our duty, since we could not interfere with that Gentleman's departure, to represent to him, through the Acting Registrar, that we conceived that, if occasion should arise in his absence, it would not be consistent with our duty to defer the proceedings necessary to the fulfilment of those provisions of the Treaty of the 23d September 1817, which so strictly enjoin the most prompt measures for the adjudication of detained Vessels; and that he must be perfectly sensible that we had not any means of giving rapid convevance to Communications to or from Sierra Leone. To this representation Don Francisco Lefer replied, through the Acting Registrarthat he was convinced that the frequent and speedy communication between this Colony and Goree, by the way of St. Mary's, would at any time permit him to arrive here before the expiration of the 2 months granted by the Treaty, and that therefore he formally protested against any proceedings that we might undertake in his absence. In our answer, communicated through the Acting Registrar, to Don Francisco Lefer, we confined ourselves to say, that whilst we presumed not to interfere in any way with his sense of his duty, we must act according to our own sense of our duty, in such matters of business as might arise in the British and Spanish Court of Mixed Commission.

We have the honour to inclose Copies of the Communications alluded to; being a Copy of Don Francisco Lefer's Letter of the 9th instant, a Copy of our Letter of representation of the 11th instant, a Copy of his Letter of the 12th instant, replying to our representations, and a Copy of our Letter of the 13th instant, all addressed to the Acting Registrar.

We understand that Don Francisco Lefer will embark to-morrow in the Gambia Packet, which sails for His Majesty's Settlement in the river Gambia, or of St. Mary; from that Settlement he will proceed to Goree. The intimation given on our part to Don Francisco Lefer was not expressed in the absolute and unqualified intention to take proceedings to the extent of final adjudication, in every Case which may be brought into the British and Spanish Court of Mixed Commission during his absence; the intention was, not to allow his departure to deprive us of the right of fulfilling, as far as our best discretion shall direct, under the circumstances which may arise, the provisions of the Treaty, and the obligations of justice towards all Parties concerned.

The French Settlement at Goree, being situated nearly at a distance of 600 miles from the Colony, and the only regular means of communication with the neighbouring British Settlement of Bathurst, St. Mary's, being by the Gambia Packet, which arrives here once in 4, 5, or 6 weeks, it would obviously be quite uncertain in what time Don Francisco Lefer might arrive, upon a Letter sent him to Bathurst, St. Mary's, subject to all the hazards of indefinite delay and uncertain conveyance after arrival at that place. We should in the interval, have to encounter all the well-founded complaints and remonstrances, not of Captors only, but possibly also of Claimants, who are equally anxious and interested in a speedy decision.

We trust that our view of our duty in these contingencies will meet your Lordship's approbation. We have, &c.

E. GREGORY.

Viscount Castlereagh, K. G. EDWARD FITZGERALD.

(Inclosure 1.)-The Spanish Commissary Judge to the Acting Registrar. Free Town, Sierra Leone, 9th April, 1821.

THE Undersigned, His Catholick Majesty's Commissary Judge, presents his compliments to the Registrar of the Mixed Commission, and requests he will inform the Members of the same Commission, that the opinion of the Doctors he has consulted, being, that the bad state of his health does not allow him to remain in this Colony during the next rainy season, without danger for his life, he determines going to Gambia, and from thence to Goree, to re-establish his health, and reside there during the next rainy season.

The Undersigned will at any time be ready to return to this Colony, whenever the service of his Sovereign may require his presence, on the Registrar's shortest notice. The Undersigned, &c. James Woods, Esq. FRANCISCO LEFER.

(Inclosure 2.)—The British Commissioners to the Acting Registrar. SIB, Sierra Leone, 11th April, 1821.

WE request that you will inform Don Francisco Lefer, His Catholick Majesty's Commissary Judge, that you have laid before us the Note which he addressed to you on the 9th instant, communicating his intention to depart from Sierra Leone, and you will express to him our regret that his departure will altogether deprive the British and Spanish Court of Mixed Commission of a Representative on the part of Spain.

With reference to the concluding part of the Note of His Catholick Majesty's Commissary Judge, wherein he observes, that "he will at any time be ready to return to this Colony, whenever the service of his Sovereign may require his presence, on the Registrar's shortest notice," we have to request that you will represent to Don Francisco Lefer, that His Britannick Majesty's Commissioners conceive, that if occasion should arise in his absence, it would not be consistent with their duty to defer the proceedings necessary to the fulfilment of those provisions of the Treaty of the 23d September 1817, which so strictly enjoin the most prompt measures for the adjudication of detained Vessels. It is possible that other matters of business, also, may demand immediate attention, and Don Francisco Lefer must be already perfectly sensible that the British Commissioners have not any means of giving rapid conveyance to communications to or from Sierra Leone.

We are, &c. E. GREGORY.

James Woods, Esq.

EDWARD FITZGERALD.

(Inclosure 3.)—The Spanish Commissary Judge to the Acting Registrar. Free Town, Sierra Leone, 12th April, 1821.

THE Undersigned, His Catholick Majesty's Commissary Judge, has received the Registrar's Note of the 11th instant, in answer to his of the 9th instant.

In Answer to the said Registrar's Note, the Undersigned requests he will acquaint His Britannick Majesty's Commissioners, that the Undersigned had long ago communicated to his Court his intention to return to Europe, on account of the decaying state of his health, and was ready to put it into execution, when he was informed of the sudden and unexpected departure of His Catholick Majesty's Arbitrator for Europe.

The Undersigned, not to deprive at once the Spanish and British Mixed Commission of all the Representatives on the part of Spain, thought it his duty to remain at his post as long as the bad state of his health should permit.

The Undersigned, by remaining in this Colony the next rainy season, would expose himself to illness and perhaps to death, without any utility to his Sovereign : while, on the contrary, going to Goree, to breathe a more pure and more healthy air, he may hope to re-establish his health, and be able to co-operate in the proceedings of the Commission, in the case (very doubtful) of being wanted.

The Undersigned, by deferring his return to Europe, to re-establish his health, and going to Goree, to try to remain at his post as long as possible, gives a new and evident proof of his wishes to do his duty, and of his zeal for the accomplishment of the intention of his Government.

With reference to the representation which the Registrar has been directed by His Britannick Majesty's Commissioners to make to the Undersigned, respecting the concluding part of his Note of the 9th instant, "that the Undersigned will at any time be ready to return to this Colony, when the service of his Sovereign might require his presence, on the Registrar's shortest Notice," the Undersigned, far from being of His Britannick Majesty's Commissioners opinion, that, " if occasion should arise in the Undersigned's absence, it would not be consistent with their duty to defer the proceedings necessary to the fulfilment of those provisions of the Treaty of the 23d September, 1817, which so strictly enjoin the most prompt measures for the Adjudication of detained Vessels," the Undersigned is convinced, that the frequent and speedy communication between this Colony and Goree

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(by St. Mary) will at any time permit him to arrive here before the expiration of the two months granted by same Treaty, "in the case of absence of witnesses, (and much more so in the case of absence of a Judge, the Undersigned believes) or for want of other proofs;" consequently the Undersigued, in any case that His Britannick Majesty's Commissioners should determine not to call him to co-operate with them, in any matters of business concerning his Government, thinks it is his duty to protest formally by this present, against all proceedings of His Britannick Majesty's Commissioners without his being present.

The Undersigned requests that the Registrar will communicate this Note to His Britannick Majesty's Commissioners, inscribe it in the Registry, and let the Undersigned have immediately, a Copy of it, and of his Note of the 9th instant, both certified by the Registrar, and with the Seal of the Mixed Commission. The Undersigned, &c. James Woods, Esq. FRANCISCO LEFER.

(Inclosure 4.)—The British Commissioners to the Acting Registrar. Sie, Sierra Leone, 13th April, 1821.

WE request that you will inform His Catholick Majesty's Commissary ludge, that you have laid before His Britannick Majesty's Commisinners, his Note to you of yesterday's date, and that you are directed by them to say, in answer to the concluding part of the same, that while they presume not to interfere in any way with Don Francisco Lefer's sense of his duty, under the present circumstances of his health, which they sincerely regret, they must act according to their own sense of their duty, in such matters of business as may arise in the British and Spanish Court of Mixed Commission, during his absence.

We are, &c. E. GREGORY. James Woods, Esq. EDWARD FITZGERALD.

No. 78.—Messrs. Gregory and Fitzgerald to Viscount Castleredgh.— (Received September 10.)

(Extract.) Sierra Leone, 5th June, 1821. On the 17th ultimo, the Portuguese Ship Donna Eugenia, Manoel Jozé Silveira Master, captured on the 24th March last, in the river Bonny, lat. 4 deg. 26 min. North, by boats from His Majesty's Ship Tartar, Commodore Sir George Collier, and from His Majesty's Brig Thistle, Lieutenant Hagan, arrived in this harbour; and on the 19th she was condemned as prize, by the British and Portuguese Court of Mixed Commission. For the information of your Lordship we have the honour to inclose an Abstract of her Case.

Viscount Castlereagh, K.G.

E. GREGORY. EDWARD FITZGERALD.

(Inclosure.)—Abstract of the Case of the Ship Donna Eugenia, under Portuguese Colours, Manoel Jozé Silveira Master.

THE Donna Eugenia of 154 tons burthen, was fitted out at Pernambuco for a Slave-trading Voyage to Cabinda and Molembo, Places situated to the South of the Equator; she was provided with the Royal Passport required by the Slave-trade restriction Treaty, and with the usual Official Documents, to enable her to engage in a legal traffick in Slaves. She was armed with 6 twelve-pound guns, and manned with 25 Men; the Papers exhibited in Court pointed out Manoel Louis dos Santos, a Native of Oporto, but residing at Pernambuco, as the Owner of the Vessel; but there was nothing shown that proved his title to her. The Vessel was to return to Pernambuco from Cabinda and Molembo by the way of Parà.

On the 16th December, 1820, the Donna Eugenia sailed from Pernambuco; when advanced in the Voyage, a Protest was made by the principal Officers of the Vessel, and Seamen, dated the 9th January, 1821, latitude 21 degrees, 30 minutes south, and longitude 16 degrees, 51 minutes west of Greenwich, declaring, that in consequence of the Vessel being in a leaky state, they found it necessary to steer their course towards the Islands of St. Thomas or of Princes, in order that the Vessel might be there repaired, to enable her to proceed on her Voyage to the Places mentioned in her Passport. It did not appear however that they ever touched at those Islands, but it appeared from the declarations of the Master and of the Seamen examined, that they went into the river Bonny, and that there finding the trade advantageous, they commenced trafficking in Slaves; whilst they were pursuing this traffick, the Donna Eugenia was captured on the 24th March, with 83 Slaves on board, by boats from His Majesty's Ship Tartar, Commodore Sir George Collier, and from His Majesty's Brig Thistle, Lieutenant Hagan. Five of the Slaves died on the passage to Sierra Leone.

The Court on a review of the Evidence, of which the foregoing is the Abstract, decreed the Condemnation of the Ship Donna Eugenia, her tackle, apparel and furniture, and decreed the emancipation of the 78 Slaves remaining on board of her, and that they be delivered over to the Governor of the Colony, to be employed as servants or free labourers.

A suggestion having been made by Sir George Collier, that measures should be taken to secure the Person of Manoel Jozé Silveira, the Master, in order to his being tried by the Laws of his Country, it was left to Mr. Altavilla to determine whether he would send the Individual pointed out, to be prosecuted in the manner desired. Mr. Altavilla observed that he had no facilities of conveying such Persons to a proper Tribunal, with the means of convicting them; but he had no objection that this should be done by Sir George Collier, if Sir George should think fit to do so.

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The British Commissioners think it right to say, that they do not ind any thing in the Case to call for an extraordinary measure.

The firing on the boats is explained by the assurance, that, owing to the darkness of the night, they were taken for Native Canoes; as soon as it was ascertained that they were English, the firing ceased.

E. GREGORY.

Sierra Leone, 19th May, 1821. EDWARD FITZGERALD.

No. 79.—Messrs. Gregory and Fitzgerald to Viscount Castlereagh.— (Received September 10.)

(Extract.)

Sierra Leone, 6th June, 1821.

THE arrivals of Slave-vessels taken at considerable distances from this Place, have recently presented the Slaves on board to the Mixed Courts in circumstances of reduced health, more or less extensively diffused, in consequence of long Voyages, and generally also of crowded condition.

In such circumstances, the duties of humanity have pre-eminence over every other object, and your Lordship will perceive, that from the moment that a case of that nature was brought under our notice, we give our first attention to those duties.

In the Case of the Spanish Slave Schooner Anna Maria, prize to Is Majesty's Ship Tartar, brought in here on Sunday the 13th of May, it was intimated by the Prize Master, Mr. Hudson, when he came b deposit the Papers of the captured Vessel in the Registry, on the morning of Monday the 14th, that some of the Slaves were in want of medical aid, and of some immediate measures of relief. It was recommended as the proper course of proceeding, that a Petition should be presented immediately, setting forth the fact, and praying the necessary measures of relief, for which the Court would instantly adopt such proceedings as would appear best suited to the object. This was before the meeting of the Court. Subsequently, when the Court met, the Registrar was directed to give his assistance in the preparation of the Petition, a Copy of which was made out as soon as possible, and forwarded to his Honour the Acting Governor, with a Note requesting that he would order a medical Officer to visit the Anna Maria, and to report to the Commissioners upon the matter of the Petition.

The Court prolonged its sitting purposely to receive the Report expected in pursuance of the request addressed to the Acting Governor, and at length adjourned to the next day, giving directions to the Marshal to co-operate, without delay, in the accomplishment of such landing as the medical Officer should advise.

On the meeting of the Court, the next day, no Report was yet made; but the Commissioners were informed by the Marshal, that considerable delay had occurred in the arrangements for the landing of the sick the preceding evening, insomuch, that it was thought proper to defer it until the morning, when, upon his going on board, he found the whole of the Slaves in progress of disembarkation. The whole of the Slaves were in fact already landed.

The British Commissioners were exceedingly distressed at an event which might be considered as indicative of a premature judgment, or rather an abstraction of the property before any judgment could be formed; but his Honour the Acting Governor, on representation from the Commission, explained the circumstance, by attributing the total landing, in the particular instance, to a misunderstanding in the communication of the Acting Marshal with him on the 14th ultimo, touching the landing of the sick.

Shortly afterwards, the Portuguese Slave Ship Donna Eugenia, prize to the Tartar, was brought in on the 17th of May, and was immediately after visited by medical Officers. But no Report was made to the Commissioners. On the next day, however, Doctor Nicoll, Deputy Inspector of Hospitals, and Chief of the Medical Staff of the Colony, put into the hands of His Majesty's Commissary Judge, a Report made to him, and this Paper was laid before the Court, on its meeting, the same day, by Mr. Gregory.

The Court proceeded to consider the Case of the Ship Donna Eugenia, Prize to His Majesty's Ship Tartar, and to examine Witnesses; but very little progress was made in consequence of an interruption.

As soon as the Court could resume the examinations, all possible expedition was used to authenticate the material facts, so as to expedite the total landing of the Slaves, if that measure could with propriety be adopted. In consequence of the frank avowal of the Master, that he had taken in his Slaves in the River Bonny, North of the Line, considerable progress was made; and, after further proceedings being had, the recommendation of a general and immediate landing, was left by His Majesty's Commissioners to the discretion of Mr. Altavilla, who, as the Case was now nearly decided by the full evidence required according to the Convention, was not desirous of interposing any further delay. The Marshal was forthwith directed to make his arrangements for a general landing accordingly.

What may be expedient in long protracted Suits in contested Cases, has, happily, not been hitherto under our consideration. We think it best to leave such Cases to be adjusted according to the existing circumstances whenever they may arise.

Looking to the Cases which have hitherto occurred, and to those which may be expected in the ordinary course, we have not a doubt that a total landing before adjudication, unless in circumstances of illhealth, or other distress amounting to an absolute necessity, would be extremely disagreeable to the Foreign Commissioners, as well as to the actual holders; and, if adopted as a general principle of practice, we are satisfied it would be equally offensive to the Foreign Governments and Nations.

We presume to hope that our proceedings in these instances, and the view that we take of our duty, will meet with the approbation of your Lordship.

Viscount Castlereagh, K.G. EDWARD FITZGERALD.

No. 80.—Messrs. Gregory and Fitzgerald to Viscount Castlereagh. (Received September 10.)

My Lord,

Sierra Leone, 6th June, 1821.

For the information of your Lordship, we have the honour to inclose an Abstract of the Case of the Portuguese Brigantine Constante, Antonio da Costa Jardim, Master, captured on the 9th of April last, in Old Calabar River, Latitude 4 deg. 32 min. North: Longitude 8 deg. 34 min. East, by the Boats of His Majesty's Ship Tartar, Commodore Sir George Collier, and from His Majesty's Brig Thistle, Lieutenant Hagan; brought into Sierra Leone on the 3d instant, and condemned w Prize on the 5th instant.

In this Case, Mr. Altavilla felt considerable difficulty, from the mnt of those Witnesses, which the 3d Article of the Instructions for the Mixed Commissions annexed to the Convention points out, "2 or ³ at least of the principal Individuals on board the detained Vessel," in addition to the Master. The only Witnesses beside the Master, were the 2 black Sailors. mentioned in the Abstract. The examination of some of the Slaves taken at Calabar was proposed as a substimte; to this Mr. Altavilla agreed, but not without some objection, for he observed, that the Depositions of these Persons could hardly be admitted as evidence, and that it was departing more widely from the description of Witnesses pointed out by the Treaty. But as there was not any other mode of getting through the Case, and as the fact of taking in Slaves at Calabar, North of the Line, was easily established by the concurrent testimony of those Slaves, Mr. Altavilla concurred readily in the propriety of a Decree of Condemnation.

Further we do not find any circumstances connected with this Vessel of sufficient importance to be submitted to your Lordship.

We have, &c.E. GREGORY.Viscount Castlereagh, K.G.EDWARD FITZGERALD.

(Inclosure.)—Abstract of the Case of the Brigantine Constante, under Portuguese Colours, Antonio da Costa Jardim, Master.

THIS Vessel was of about 95 tons burthen, had 3 guns, 9-pounders, and a Crew of 21 Men. Her Owners were Carlano Raimundo de Navaes of Princes Island, and Domingo Peres dos Santos Chaves, of Bahia.

She had no Royal Passport, but she had a printed Copy of the Convention of the 28th of July 1817. The Brigantine was captured by Boats from His Majesty's Ship *Tartar*, Commodore Sir George Collier, and from His Majesty's Brig *Thistle*, Lieutenant Hagan, on the 9th April, 1821, in Old Calabar River, Latitude 4 deg. 32 min. North; Longitude 8 deg. 34 min. East.

The Master asserted, that the *Constante* was equipped at Bahia in the Brazils, for a Slave-trading Voyage to Cabinda, situated to the South of the Line; that, with a view of prosecuting this Voyage, the Vessel touched at Princes Island; that she was there cleared out for Cabinda, to which part of the Coast he subsequently went in her, and purchased 219 Slaves, which were put on board of the *Constante*; that after some time, the Vessel being in want of provisions, he took her into Old Calabar River, and there purchased about 26 Slaves, and shipped them on board of his Vessel.

This assertion of the Master, that the Constante sailed originally from Bahia, and that she took in part of her Slaves at Cabinda, passed uncontradicted, as the Court could not obtain from 2 other Witnesses who were examined, (they were black Portuguese Sailors, and the only part of the Portuguese Crew left on board) any decisive evidence on this point. One male and 3 female Slaves taken on board at Ephraim's Town in Old Calabar River, declared that a considerable number of other Slaves, as well as themselves, were shipped at that Place. This concurrence was sufficient to satisfy Mr. Altavilla, who had before made some difficulty on account of the absence of the testimony of "2 or 3 at the least of the principal Persons on board of the captured Ship, as well as that of the Master," according to the tenor of the 3d Article of the Regulations annexed to the Convention: these Persons were absent in consequence of being on board His Majesty's Ship Tartar, as being dangerous characters and likely to excite a revolt.

The Commissioners being therefore unanimous in the opinion, that the Constante was engaged in an illegal traffick in Slaves to the North of the Line, adjudged her in consequence to be condemned as Prize, and her Slaves, wherever taken on board, to be emancipated, and to be delivered over to the Governor of the Colony, to be employed as Servants or free Labourers.

About 245 Slaves were said to have been on board of the Constante at the time of Capture. Owing to the small size of the Vessel, the Captor, Sir George Collier, deemed it proper to remove part of the Slaves into His Majesty's Ship Tartar. Eighty of the Slaves were left on board the Brigantine; during the passage to Sierra Leone, 11 of this number died.

Of the Negroes removed from the *Constante* into the *Tartar*, 30 were put on board of His Majesty's Brig *Thistle*; 22 of this number reached Sierra Leone, 8 died on the passage.

His Majesty's Ship Tartar arrived yesterday with the remainder of the Constante's Slaves, 56 in number; 8 died on the Passage to Sierra Leone.

Sierra Leone, June 6, 1821. EDWARD FITZGERALD.

No. 81.—Messrs. Gregory and Fitzgerald to Viscount Castlereagh. (Received Sept. 10.)

My LORD,

Sierra Leone, 7th June, 1821.

UNDER date of the 16th of April last, we had the honour to acquaint your Lordship with the determination taken by Don Francisco Lefer, His Catholick Majesty's Commissary Judge, to leave this Colony for the purpose of residing at the French Settlement of Goree during the continuance of the ensuing rainy season; and we inclosed for your Lordship's information, Copies of the Correspondence which, through the Acting Registrar, had passed between that Gentleman and ourselves on the occasion. In our Letter we had the honour to lay before your Lordship the motives that prompted us to address Mr. Lefer on the subject of his intended departure, founded on the distance at which Goree is situated with respect to Sierra Leone, on the want of frequent seans of communication between the two Places, and on the serious monvenience that might be produced to all Parties from delay in Cases to be adjudged by the Mixed Commission. We had hoped that Mr. Lefer would have been induced to abandon his design of quitting the Colony; or at least that he would not have departed from it until the season should set in, when there would be a less chance of Slavetrading Vessels being brought to Sierra Leone for Adjudication. That Gentleman however, persisting in his designs, left this Place for the Gambia on the 21st April, placing the British part of the Commission, thereby, in the situation of having to act in Causes brought before them without the concurrence of a Representative on the part of Spain, or in the situation of having to postpone all such Causes to an indefinite time.

On the 13th ultimo, the Schooner Anna Maria, under Spanish Colours, was brought into this Harbour, with 238 Negroes on board. The Papers of the Anna Maria and the Declaration of the Captor, Commodore Sir George Collier, of His Majesty's Ship Tartar, being haid before us, we deemed it proper to examine the Witnesses concerned, and to take the Case of the Vessel into consideration.

The number and situation of the Negroes still remaining on board, rendered it extremely inexpedient to delay the Proceedings preliminary to their being landed. We were desirous, however, in this, as in every other part of the Case, to proceed with greater circumspection, as we had not the advantage of the presence of any Member of the Spanish part of the Commission.

The Witnesses examined, being the Chief Mate and 2 Sailors of the Anna Maria, deposed that she had been fitted out at St. Jago de Cuba; that she sailed from that Place for the Coast of Africa; that being arrived at Bonny, they commenced trading in Slaves, and that, up to the time of Capture, they purchased between 400 and 500 Slaves.

Through a misconception of Orders from the Commissioners, the Slaves of the Anna Maria were landed on the morning of the 15th May, before the Court had come to any decision on the Case.

The Examinations of the Witnesses being closed the next day, we considered that the circumstance of the Negroes being already on shore, rendered it expedient to come to a determination respecting their disposal; and the fact of their having been purchased as Slaves, and shipped on board of the Anna Maria, being so glaring, we thought ourselves authorized, in the spirit of the 13th Article of the Regulations for the Mixed Commission, annexed to the Treaty, to proceed to the Judgment of the Vessel, and, accordingly, we passed Sentence of Condemnation against her, and decreed her Slaves to be emancipated. We have the honour to lay before your Lordship an Abstract of the Case of the Anna Maria. It was stated in the examination, that between 400 and 500 Slaves were on board of the Anna Maria at the time of her Capture. From the crowded state of the Vessel, the Captor, Sir George Collier, removed part of the Slaves into His Majesty's Ship Tartar, leaving 272 on board of the Schooner; of these 34 died on the Passage to Sierra Leone.

Of the Slaves removed from the Anna Maria into the Tartar, 125 were put on board of the Donna Eugenia, a Portuguese Slave-ship, captured by Sir George Collier, and sent by him to Sierra Leone for Adjudication; and of these Slaves 38 died on the Passage hither.

The Tartar arrived on the 5th instant, bringing 28 of the Anna Maria's Slaves; 12 Slaves died on board of that Ship; (353 Slaves living, 84 Slaves dead: total 437.)

We had hoped that, in the course of our official duties, we should not have had occasion to instance any of His Majesty's Subjects being engaged in the traffick in Slaves. But it is now our painful duty to report to your Lordship, that the Chief Mate of the *Anna Maria* is, on his own acknowledgment, an Englishman. Respecting this Man and some others of his companions, we thought ourselves bound to communicate with the Acting Governor, in order that the attention of the King's Advocate might be directed towards him, as well as towards the People of the Vessel, who were suspected by Sir George Collier to have been engaged in piratical enterprizes. The inclosed is a Copy of the Communication addressed by us to the Acting Governor on this occasion.

The national character of Messrs. Wright and Shelton, part Owners

SIERRA LEONE.

of the Anna Maria, was also an object of enquiry in the course of the Examinations; but the result, as given in the Papers, did not furnish sufficient reason to look upon them as British Subjects, however they may still be liable to suspicion.

We beg that we may be permitted to draw your Lordship's attention to the fact of the sailing of the Anna Maria from St. Jago de Cuba in the month of December, 1820, 6 months after the Abolition of the Slave-trade by Spain, under the sanction of the Authorities of that Place, as appears by the Passport, dated 1st of December, 1820, which was given to the Vessel by Don Francisco Xavica de Radillo, Commandant of Marine at St. Jago; and by a Certificate, dated 2d of December, 1820, of duties having been paid on certain goods shipped on board of the Anna Maria, for the traffick in Slaves, given by 2 Officers of the Royal Treasury at St. Jago.

Your Lordship will perceive by the Examination of George Gardner. that at the time that the Anna Maria sailed from St. Jago de Cuba, a Ship heavily armed, and a Schooner, were fitting out at that Port for a Slave-trading Voyage to the Coast of Africa. The name of the Ship the Corshair, and Gardner thinks she may be at this moment on the We have, &c. Coast.

E. GREGORY.

Scount Castlereagh, K.G.

EDWARD FITZGERALD.

(Inclosure 1.) - Abstract of the Case of the Schooner Anna Maria, under Spanish Colours ; Juan de la Roche, Master.

(Extract.)

Sierra Leone, 17th May, 1821. THE fact of the Anna Maria being crowded with Negroes, the Declaration of the Captor, and the Depositions of the Chief Mate and Seamen of the Schooner, afforded the Court the proof of the traffick in which she was engaged.

The Anna Maria was fitted out for a Slave-trading Voyage at St. Jago de Cuba, under the sanction of the Authorities of that Place. Her Passport, dated the 1st December, 1820, was a general one, pernitting her to proceed to the Portuguese Island of Princes, for the purposes of commerce of an undefined nature; but a Certificate of 2 Officers of the Royal Treasury of St. Jago, dated the 2d December, 1820, found amongst her Papers, was to the effect, that certain goods therein specified, upon which duties had been paid, were embarked for the purpose of a traffick in Negroes. On the 8th of December, 1820, (6 months after this traffick was totally abolished by Spain,) this Vessel left St. Jago with the object of pursuing it on the Coast of Africa; an object avowed by the Parties, and known to the Spanish Authorities.

The Schooner, being of 172 tons burthen, was armed with 6 guns, (18-pounders,) and manned with 35 Men, some of whom were said to

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be Subjects of His Majesty; one of them, George Gardner, the Chief Mate, is, we regret to say, on his own acknowledgment, an Englishman. The British part of the Commission had hoped, that after the lapse of 14 Years since Great Britain abolished the Slave-trade, no one of her Subjects would be found so lost to humanity or to British feeling as to take any part in this detested Trade; this is the first instance which the Commissioners have discovered of so great a scandal; but they, as it has been intimated above, have the regret to learn that it is not the only instance in the Anna Maria. The Commissioners have requested the Acting Governor to direct the attention of the Acting King's Advocate of the Colony to these Offenders.

The Papers exhibited in Court pointed out Don Antonio Vincent, of St. Jago de Cuba, as the Armador, or Managing Owner, of the Anna Maria; but nothing was found to show his title to the Vessel; the Depositions of Gardner, and of the other Witnesses, stated that several Persons were concerned in her. Gardner pointed out Smith, the Supercargo, and Messrs. Shelton and Wright, Merchants of St. Jago, as part Owners; Smith and Shelton were declared to be Americans; Wright was, by Gardner, said to be a resident at St. Jago, but of English descent, and by Jones, one of the Negro Seamen, he was said to be a Native of Ireland. A Letter appeared amongst the Vessel's Papers, which seemed to show that Shelton and Wright were in some way or other connected with the Schooner. It was addressed by the Master, Juan de la Roche, to the two Persons, as an acknowledgment to them that he, though nominally the Commander of the Anna Maria, was subject to the orders of Matthew Smith the Supercargo, and that he only considered himself to be the first Officer of the Vessel under Smith.

The Vessel arrived in the River Bonny on the 3d of February, and immediately commenced trading in Slaves. Between the time of her arrival and that of her Capture, it appeared she took in between 4 and 500 Slaves. On the night of the 23d of March she was taken by the Boats of His Majesty's Ship *Tartar*, Commodore Sir George Collier, assisted by those of His Majesty Brig *Thistle*, Lieutenant Hagan; some of the Slaves threw themselves overboard at the time of the Capture, and were drowned.

From the crowded state of the Vessel, the Captor deemed it proper to remove a number of the Slaves into the *Tartar*; 272 were left on board of the *Anna Maria*; of this number 34 died during the Passage from Bonny to Sierra Leone, and 238 were brought into this Harbour. On the 16th instant, the Court, on a review of the Evidence, passed Sentence of Condemnation against the Schooner *Anna Maria*, her tackle, apparel, and furniture, and decreed the emancipation of the 238 Slaves then on board of her, as also the emancipation of such Slaves belonging to the Vessel as were removed from her into His Britannick Majesty's Ship Tartar, and that they should be delivered over to the Government of the Colony, to be employed as Servants or free Labourers.

E. GREGORY. EDWARD FITZGERALD.

(Inclosure 2.)—The British Commissioners to the Acting Governor of Sierra Leone.

SIR, WE have the honour to inform you that the examinations of Witnesses, in the Case of the Spanish Slave-trading Schooner Anna Maria, were closed yesterday, when the Court passed a Decree for the Condemnation of the Vessel, as Prize to the British and Spanish Governments, and for the emancipation of the Slaves brought to this Place on board her.

The Persons belonging to the Schooner, who were examined as Witnesses, were the Mate, George Gardner, an Englishman, resident for the 3 last Years on the Island of Cuba, and 2 black Seamen, Archibald Jones, a Native of Curaçoa, and Francisco Maria, a Native of St. Domingo.

We beg leave to suggest that the attention of the Acting King's Advocate should be directed immediately to those Persons, and to such others of the Schooner's Crew as may have been sent on board of His Majesty's Ship *Tartar*, if it should be deemed proper to examine or to detain them, with a view to any proceedings on the suspicion of Piracy, communicated by Commodore Sir George Collier, or for any other criminal matter. We have, &c.

	E. GREGORI.
H. E. the Acting-Governor.	EDWARD FITZGERALD.

No. 82.—Messrs. Gregory and Fitzgerald to the Marq. of Londonderry. (Received Sept. 3.)

My LORD,

Sierra Leone, 21st June, 1821.

WE beg leave, with reference to the Dispatch which we had the honour of addressing to your Lordship on the 7th instant, to inform your Lordship that a Portuguese Brig, named the *Gaviáo*, captured by Commodore Sir George Collier, brought here on the 17th instant, 47 Slaves, belonging to the number found on board of the Spanish Schooner *Anna Maria*, at the time of Capture; these 47 Slaves, with 7 who died on board of the *Gaviáo*, were originally removed from the *Anna Maria* owing to her crowded state, into His Majesty's Ship *Tartar*, from whence they were put on board of the *Gaviáo*.

The total number of Slaves emancipated and registered from the.

Anna Maria is 400; and the total number of the Slaves belonging to that Vessel, who died after her Capture, is 91. We have, &c.

E. GREGORY.

The Marg. of Londonderry, K.G. EDWARD FITZGERALD.

No. 83.—Messrs. Gregory and Fitzgerald to the Marq. of Londonderry. (Received Sept. 3.)

My LORD, Sierra Leone, 21st June, 1821.

WITH reference to the Abstract of the Case of the Portuguese Brigantine Constante, inclosed in the Dispatch which we had the honour to address to your Lordship on the 6th instant, we beg leave to acquaint your Lordship that a Portuguese Brig named the Gaviáo, sent in here by Commodore Sir George Collier, brought 7 Slaves belonging to the number found on board of the Constante at the time of Capture. These 7 Slaves, with one who died on board of the Gaviáo, were originally removed from the Constante, owing to her crowded state, into His Majesty's Ship Tartar, from whence they were put on board of the Gaviáo.

Proceedings respecting that Vessel have been instituted in the British and Portuguese Court of Mixed Commission: by the next opportunity we hope to have the honour of reporting to your Lordship on her Case. We have, &c.

E. GREGORY.

The Marq. of Londonderry, K.G. EDWARD FITZGERALD.

No. 84.—Messrs. Gregory and Fitzgerald to the Marq. of Londonderry. (Received Sept. 20.)

My Lord,

Sierra Leone, 5th August, 1821.

THE Registrar of the Courts of Mixed Commission received a few days ago a Letter, of which we have the honour to inclose the Copy, from Don Francisco Lefer, His Catholick Majesty's Commissary Judge, written at His Majesty's Settlement of Bathurst, in the River Gambia, for the purpose of announcing that he was under the necessity, from the infirm state of his health, of returning to Europe. We have learned, through the Master of the Packet which brought Mr. Lefer's Letter to Sierra Leone, that that Gentleman left the Gambia in the early part of July, in a British Vessel bound for Guernsey.

Some Dispatches have arrived here for the Spanish Commissioners, which were sent by Mr. Woods, the Acting Registrar, to Mr. Lefer's address in the Gambia, but were returned, in consequence of his departure for Europe. We have the honour to send them inclosed to your Lordship. We have, &c.

E. GREGORY.

The Marq. of Londonderry, K.G.

EDWARD FITZGERALD.

SIERRA LEONE.

(Inclosure.)—The Spanish Commissary Judge to the Registrar. Bathurst, St. Mary's, 29th June, 1821.

THE Undersigned, His Catholick Majesty's Commissary Judge, presents his compliments to the Registrar of the Spanish and British Mixed Commission, and requests he will acquaint His Britannick Majesty's Commissioners, that his health is so much decayed since his departure from Sierra Leone, that the Doctor's opinion is, that he cannot hope to recover it on this Coast; wherefore the Undersigned sees himself in the painful necessity to return to Europe, to re-establish his health, since his remaining any longer in this Country would expose his life, without any utility to his Government.

The Undersigned wishes sincerely, and hopes to be able in a short time, to return to Sierra Leone, to co-operate with His Britannick Majesty's Commissioners, to the fulfilling of the beneficent views of their respective Governments.

James Woods, Esq.

The Undersigned, &c.

FRANCISCO LEFER.

No. 85.—Messrs. Gregory and Fitzgerald to the Marq. of Londonderry. (Received Nov. 5.)

(Extract.)

Sierra Leone, 25th August, 1821.

WE have the honour to forward to your Lordship, a Statement of the Case of the Portuguese Brig *Gaviáo*, recently sent in here by His Majesty's Ships *Tartar* and *Thistle*, for Adjudication, under a charge of illicit trading in Slaves, and liberated by a Decree of the Mixed Commission Court.

This Case being of an intricate nature, and His Majesty's Commissioners having differed in opinion upon the question to which it was ultimately reduced, they have recorded those opinions in detail, as they were read in Court in the course of the Judgment.

Mr. Altavilla, although he expressed his sentiments very particularly upon each material point of the Case in the progress of the Examinations, and of the discussions upon them, preliminary to the Judgment, declined giving any formal written opinion in the final determination. The general tenour of his arguments, and the principles on which they are founded, have been included in the preliminary statements of His Majesty's Commissioner of Arbitration, for; the purpose of preserving them in a secure form.

> E. GREGORY. EDWARD FITZGERALD.

The Marq. of Londonderry, K.G.

(Inclosure.)—Case of the Portuguese Brig Gaviao, of Pernambuco, Jose Bento Macedo, Master; Elias Coelho Cintra, sole Owner.

Sierra Leone, 25th August, 1821.

THE Gaviáo sailed from Pernambuco on the 6th of September, 1821, with regular Papers for a legal Slave-trading Voyage. She had Clearing Papers for Cabinda, in 4 deg. 5 min. South Latitude, by the way of Angola and St. Thomas. A Letter of Instructions, addressed by the Owner to the Master, Macedo, and in default of him, successively to the Pilot, Duarte, and the Clerk, Barabino, gave particular directions for the various objects of the Voyage, the range of which was, by this Letter, extended to Princes Island, Latitude 1 deg. 49 min. North, as well as to St. Thomas. Correspondents at all those Places were specially mentioned, who would give assistance, and furnish any supplies that might be necessary.

The Gaviáo was constrained, by adverse weather, to put into Paraiba, on the Coast of Brazil, and afterwards into Bahia. She subsequently proceeded on her Voyage, stopping successively at Angola, St. Thomas, and Princes Island; sailed from the last-mentioned Place with clearance for Cabinda; but went direct to Old Calabar, latitude 4 deg. 32 min. North, where she was seized, at anchor, on the morning of the 9th of April, having arrived at the anchorage at 6 o'clock on the evening of the 7th. The Seizure was made on the ground of illicit trading in Slaves: the Vessel was brought to Sierra Leone for Adjudication.

On the 19th of June the British and Portuguese Mixed Commission proceeded to examine Witnesses in the Case, which, in the first instance, turned upon a supposed embarkation of one or more Negroes, as Slaves, for the traffick at Calabar, where the Vessel was taken.

It was clearly proved that no Negro was taken on board at that Place.

The inquiry was then directed to the question of the legality or illegality of the embarkation of certain Slaves, 7 in number, bought by the Master, 3 at St. Thomas's, and 4 at Princes Island, and taken on board for the alleged purpose of assisting in the labours of the Ship, a reduction of the original Crew having rendered such assistance necessary.

These Negroes were taken on board with the consents of the Local Governments, which consents appeared written on the face of Petitions presented by the Master, for the purpose of obtaining them.

In the Petition presented at Princes Island, the 4 Slaves embarked there were described as free Men; and the Master being interrogated upon this point, said, he described them as free, because he intended to give them their freedom, and to employ them as free Sailors.

SIERRA LEONE.

The evidence of the Master was supported by other Witnesses, ir respect to the reduction of the numbers of the original Crew, and in respect to the actual employment of these Negroes in the works of the Ship. They messed with the Crew, and they were not under any restraint.

Upon this evidence the Case came to be decided. Mr. Altavilla, His Most Faithful Majesty's Commissary Judge, gave his opinion simply, that the Vessel had not been engaged in illegal Slave-trade, and, therefore, the Claimant was entitled to restitution.

Mr. Gregory, His Britannick Majesty's Commissary Judge, was of opinion, upon a general view of the Case, that there were numerous proofs of an intent of illegal Slave-trading; and considering the denomination of free Men, as applied to the Negroes bought as Slaves at Princes Island, to have been designed merely as a deception to cover a destination of those Negroes for the traffick, he was of opinion, that these 4 Negroes were illegally embarked at Princes Island, consequently, in his opinion, the Vessel ought to be condemned as lawful Prize.

Mr. Fitzgerald, His Britannick Majesty's Commissioner of Arbitration, sat with the two Commissary Judges, in pursuance of the present established construction of that part of the 14th Article of the Convention, which, in the event of the death of either of the Portuguese Commissioners, authorizes the remaining Individual of the Commission to proceed equally. By that construction, it is agreed that a vacancy by departure from the Colony should be considered on the same footing as a vacancy by death, and that all the remaining Members should sit simultaneously as independent Judges, the majority to decide in cases of difference, as the ballot is not available in such cases.

This construction was first adopted in the Spanish Court, in the Case of the Nuestra Senora de Regla, when the British Commissary Judge and Commissioner of Arbitration sat with the Spanish Commissioner of Arbitration, in consequence of the inability of the Spanish Commissary Judge to attend to business, through severe indisposition. This precedent was, upon the same ground, adopted and followed on the vacancy in The Netherlands Commission, by the departure of M. Van Sertima from the Colony : and more recently in the Portuguese Court, on the departure of M. de la Figaniere, His Most Faithful Majesty's Commissioner of Arbitration.

Mr. Fitzgerald having reserved his opinion until the other Gentlemen had pronounced theirs, thought it expedient, on finding that they differed, to examine further Witnesses, and especially the Negro Seamen, in order to ascertain more fully whether the alleged diminution had actually taken place in the original Crew, and whether the Negroes embarked at St. Thomas's and at Princes Island were employed on

board in a manner conformable to the want alleged to have arisen from this diminution. The Negroes embarked at those Places were personally examined upon the last-mentioned point.

The diminution of the Crew, and the employment of these Negroes in the works of the Ship, appeared to be fully established by the result of these additional examinations.

Upon mature consideration of this additional evidence, together with that previously before the Court, Mr. Fitzgerald was of opinion, that there was a reduction of the Crew, both in number and in quality, those who left the Ship being principally white Men. He was further of opinion, that this was a sufficient motive to take in the assistance of the Negroes embarked at St. Thomas's and Princes Island; that, as far as could be 'ascertained, it was the real motive; and that the Negroes were employed, conformably to it, in the works of the Ship. According to these impressions he thought that the Vessel had not been actually engaged in illegal Slave-trade, and, consequently, she ought to be restored.

Mr. Fitzgerald, however, agreed fully with Mr. Gregory, that there were proofs of an intent of illegal Slave-trading, and that the Vessel went into Calabar in pursuance of that intent, and for that purpose. This intent, and the situation in which the Vessel was found, should, he thought, debar the Claimant from damage, although no actual trading in Slaves had been proved.

The restitution of the Vessel was decreed, in accordance with the concurring opinions of Mr. Altavilla and Mr. Fitzgerald.

Upon further deliberation, it appeared expedient to defer the consideration of demurrage and damages until the Claimant should apply to the Court on that head. E. GREGORY.

EDWARD FITZGERALD.

No. 86.—Messrs. Gregory and Fitzgerald to the Marq. of Londonderry. (Received November 5.)

My LORD, WE have the honour to inclose, for the information of your Lordship, an Abstract of the Case of the Portuguese Slave-trading Schooner Adelaide, captured by His Majesty's Ships Pheasant, Captain Kelly, and Myrmidon, Captain Leeke, brought into Sierra Leone on the 10th, and condemned as Prize on the 17th instant.

Nothing further than what is contained in the inclosed Abstract, presented itself in this Case worthy of your Lordship's notice.

We have, &c. E. GREGORY.

The Marq. of Londonderry, K.G. EDWARD FITZGERALD.

(Inclosure.)—Abstract of the Case of the Portuguese Schooner Adelaide, Jose Gonsalvez l'Aranjo, Master.

Sierra Leone, 17th September, 1821.

IT appeared from the Depositions of the Witnesses in this Case, that the Adelaide was equipped at Bahia, under the direction of her Owner, Nicholai Marques da Silva, and that she sailed from that Port in the month of March last; her Clearance Papers stated that she was bound to Molembo for a Cargo of Slaves, and her Passport allowed her to take in there 315 Slaves, being the number rated according to her burthen of 126 tons.

Instead, however, of proceeding to Molembo, the Adelaide directed her course to Cape Palmas, Latitude 4 deg. 35. min. North, from whence she proceeded within sight of land to Commenda on the Gold Coast. At Commenda she anchored, and the Master went on shore to purchase Canoes. In answer to Special Interrogatories, the Master said that he landed under one of the Forts of Commenda, but whether it was the English or Dutch Fort, he could not recollect; he purchased one or two Canoes from Natives who lived at some distance from the Forts. From Commenda, the Adelaide proceeded on to Elmina, but was prevented from anchoring off that Place by His Masty's Sloop Pheasant. The Slave-trading equipment of the Adelaide ing observed by Captain Kelly, the Commander of the Pheasant, her Master was warned by that Officer not to engage in a traffick of an licit nature. Not profiting by this warning, the Master proceeded with the Adelaide to Quitta, to purchase Canoes, those that he had bought at Commenda having been sent adrift on the approach of the Pheasant at Elmina. The Master stated that he landed under the Danish Fort at Quitta, but that he bought a Canoe from Natives who resided at some distance from the Fort.

From Quitta the Adelaide proceeded to Popo, where she took in Canoe-men; and from thence to Badagry, situated in about Latitude 6 degrees North, where her Master commenced trading in Slaves.

At Badagry, the Master was employed about 2 months in the collection of Slaves. On or about the 21st July, the Adelaide was again visited by the Pheusant, then proceeding down the Coast; but as the Adelaide had not then Slaves on board, she was not molested. On the succeeding day, the Slaves, to the number of 232, were all shipped on board of the Schooner, and she left that part of the Coast to proceed to Bahia. On the 25th, however, being in the vicinity of Cape Formosa, Latitude 4 deg. 15 min. North, she was discovered at some distance by the Pheasant, and by His Majesty's Sloop Myrmidon, Captain Leeke, who gave chase and captured her. During the passage to Sierra Leone, 25 Slaves died, and one on his being landed here.

The British and Portuguese Court of Mixed Commission, on a view

of this Case, passed Sentence of Condemnation against the Adeluide, and decreed her Slaves to be emancipated.

E. GREGORY. EDWARD FITZGERALD.

No. 87.—Messrs. Gregory and Fitzgerald to the Marq. of Londonderry. (Received December 12.)

My LORD, HEREWITH we inclose for the information of your Lordship, an Abstract of the Case of the Portuguese Schooner Conceiçáo, captured in Old Calabar River on the 2d ultimo, with 56 Slaves on board, by His Majesty's Brig Snapper, Lieutenant Knight, commanding. The Conceiçáo was yesterday condenned as Prize, by the British and Portuguese Court of Mixed Commission.

The revolutionary movements which had previously arisen in the other parts of the Portuguese Dominions, having extended their influence to Princes Island, a Provisional Government has, it appears, been formed there. There is reason to think that the change is not favourable to the strict observance or enforcement of the prohibitions and restraints attached to the pursuit of the Slave-trade to the Northward of the Equator.

We are sorry to say it is extremely probable that a Member of the Provisional Government was concerned in the equipment of the Conceiçáo, which is the more to be lamented, as such an example must remove from the minds of the People of the Island all apprehension of the interposition of the Local Authorities, to prevent similar transgressions on the part of any that may be so disposed.

In this Case of the Conceiçáo, as well as in the preceding one of the Adelaide, the Masters having no defence to make, were willing to expedite as much as they could, the proceedings on the part of the Captors; they consented, on a suggestion of the Commissioners, that the Slaves should be landed as soon as convenience would admit; this was done accordingly ; but in the Case of the Adelaide, the absence of the Chief Superintendent of captured Negroes and the indisposition of his Assistant, caused a delay of a couple of days in disposing of them. It will always be a particular object of attention on our part, to release those victims of avarice and oppression from their sufferings on board the Vessels in which they are brought hither, as immediately as a due regard to the impartial discharge of our judicial duty, and to your Lordship's Instructions for the cultivation of a good understanding between His Majesty's Subjects and those of His Most Faithful Majesty, will admit. In ordinary cases, the delay incident to the final adjudication of a Vessel having a plurality of Slaves on board, will not exceed a couple of days, if the Court shall be allowed to proceed in its business without interruption; the preparations for the reception and disposal of the

Negroes on shore by the Superintendent, can seldom be arranged in a shorter time. We have, &c.

The Marg. of Londonderry, K.G. EDWARD FITZGERALD.

(Inclosure.)—Abstract of the Case of the Portuguese Schooner Conceição, Antonio de Paola Barboza, Master.

Sierra Leone, 26th September, 1821.

The Conceiçáo, was fitted out at Princes Island; her Papers stated that she was bound to Cabinda for Slaves, with which she was to proceed to Bahia, and that she belonged to Donna Maria da Cruz of Princes. She had no Royal Passport, but she had a simple Pass, given in the name of João Baptista é Silva de Lagos, yet signed by Jozé Rodrigues Pedronho, and Jozé Xavier Gonzaga de Sá, who in some of the Papers were styled Members of the Provisional Government of Princes Island.

The Conceição sailed from Princes about the commencement of July last, and proceeded to Old Calabar River, where she was captured on the 3d of August following, by His Majesty's Brig Snapper, Lieutenant Knight, with 56 Slaves on board; 2 of the Slaves died on the Voyage from Calabar to Sierra Leone.

The Master of the Conceição, on his examination, stated that he understood that Donna Maria da Cruz was the Owner of the Vessel, but that he was placed in the command of the Schooner by Jozé Xavier Gonzaga de Sá, Member of the Provisional Government, who also hired and shipped the Crew, which consisted of 29 Persons, including himself and the Officers. The Master stated also, that he had not seen any bill of sale of the Vessel, but he understood that she had been sold to Jozé Xavier Gonzaga de Sá. There was not any bill of sale amongst the Vessel's Papers, nor any Document showing Gonzaga de Sá's right to the Conecição. A Passenger was on board of the Schooner at the time of capture, his name was Jeronimo Xavier de Sá, and he was said to be a Cousin of the Member of the Provisional Government of Princes Island.

The Master having admitted that he shipped the Slaves on board of the Conceição at Calabar, the British and Portuguese Court of Mixed Commission passed Sentence of Condemnation against her, and decreed her Slaves to be emancipated.

> E. GREGORY. EDWARD FITZGERALD.

No. 88.—William Hamilton, Esq. to the British Commissioners. GENTLEMEN, Foreign Office, 25th October, 1821.

I HAVE the honour to acquaint you, by direction of the Secretary of State, for your information, and that of the other Gentlemen acting with you in the Mixed Commission, of which you are Members, that it appears, by a Communication from the Admiralty, dated the 18th of October instant, that the Instructions referred to in the Treaty with The Netherlands for the prevention of the Slave-trade, which had been issued to His Majesty's Ship *Euryalus*, upon the West Indian Station, have been transferred from that Ship to His Majesty's Ship *Tamar*, of 16 guns, Captain Sir William Saltonstall Wiseman. I am, &c, *H. M's. Commissioners, Sierra Leone.* W. HAMILTON. *Note.*—A similar Letter was sent to the Commissioners at Surinam.

No. 89.—Viscount Sidmouth to the British Commissioners. GENTLEMEN, Foreign Office, 30th October, 1821.

YOUR several Dispatches up to the 21st of June last, containing an account of the proceedings of the different Mixed Commissions, have been received.

The contents of those Dispatches have occupied the serious consideration of His Majesty's Government, and with the view to avoid the repetition of those diversities of opinion between yourselves and the different branches of the publick service in the Colony, which are so detrimental to His Majesty's Service, and hurtful to the complete and effectual execution of the duties of the several Commissions for preventing illegal traffick in Slaves, such Instructions will be given to the Governor of Sierra Leone, and to the Naval Commander on the Station, as may be deemed most advisable to attain this desired object.

In the mean time I have to acquaint you, with reference to the representations which have been made respecting the forms of proceedings of the Mixed Courts at Sierra Leone, that the Court must be considered as open to all Persons, when the Commissioners are engaged in the exercise of their judicial functions, and the Instruction in the Printed Memorandum, "that the Parties are directed not to be admitted to the examination of witnesses," is not to be considered as an exception to this principle.

With respect to the question, whether or no the Commissioners should be present when the Interrogatories are put to the Witnesses, I have further to acquaint you, that it is the opinion of His Majesty's Legal Advisers, that unless such examination take place in open Court, it will be more proper that the Commissioners should not oe present, more especially under the particular form of Judicature authorized by the Commissioners under the Treaties.

I cannot close this Dispatch without again impressing upon you the absolute necessity, that you will in all your communications and demeanour as His Majesty's Commissioners, preserve a tone and spirit of conciliation, which will enable you the better to carry into effect the purposes of the Treaties with temperance and justice. I am, &c. H. Ms. Commissioners. SIDMOUTH.

No. 90.—The Marquess of Londonderry to the British Commissioners. (Postcript to the Duplicate of the last Dispatch.)

Foreign Office, 20th November, 1821. UPON the subject of open Courts, if you should still find the Commissioners of Spain, Portugal, and The Netherlands, averse to this mode of proceeding, you will see the propriety of referring them to the Inclosures in Nos. 92, 116, and 145, Class B. in the Papers

on the Slave-trade, presented to Parliament in the course of the last Session, in which Communications those Gentlemen will see the opinion of their Courts decidedly expressed, in coincidence with the wishes of His Majesty's Government upon the subject.

H. M's. Commissioners.

LONDONDERRY.

No. 91.—William Hamilton, Esq. to the British Commissioners. GENTLEMEN, Foreign Office, 13th November, 1821. Is reference to Viscount Sidmonth's Dispatch to you of the 30th of October last, I transmit to you the accompanying Copy of a Letter from the Under Secretary of State for the Colonial Department, dated the 8th instant; and I am directed by the Marquess of Londonderry. to call your particular attention to that part of it which suggests that you should request the assistance of the Governor of Sierra Leone, in all cases in which any delay in landing the Slaves might be attended with fatal consequences to those suffering individuals. I am, &c. H. M's. Commissioners. WILLIAM HAMILTON.

(Inclosure.)—Henry Goulburn, Esq. to William Hamilton, Esq. (Extract.) Downing Street, 8th November, 1821.

I HAVE laid before Lord Bathurst your Letter of the 29th ultimo, inclosing Dispatches which had been received from the British Commissioners at Sierra Leone, on the subject of certain differences which had arisen between the Commissioners and the Local Authorities, on points connected with the detail of the Treaties for preventing an illegal Slave-trade; and I am directed to acquaint you that Lord Bathurst has given instructions to Sir Charles M'Carthy, not to interfere with the ordinary disposition of Slaves under the Authority of the Commissary Judges, until Sentence has been pronounced, or his assistance formally required. His Lordship would however suggest to Lord Londonderry, whether the Commissary Judges should not receive instructions to call in the Governor's assistance, in all Cases in which, like those of the Anna Maria and Eugenia, any delay in landing the Slaves might be attended with the most fatal consequences to these suffering individuals.

W. Hamilton, Esq. HENRY GOULBURN.

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No. 92.—Joseph Planta, Jun. Esq. to His Majesty's Commissioners. GENTLEMEN, Foreign Office, 20th November, 1821.

I AM directed by Lord Londonderry to acquaint you, for your information, and that of the Gentlemen acting with you in the Mixed British and Netherlands Commission, that it appears, by a Communication which his Lordship has received from the Baron Fagel, Ambassador from the King of The Netherlands at this Court, that the Netherlands Corvette, *De Komut (La Comète)*, of 150 Men and 28 guns, Captain Pieterzen, under orders for the Western Coast of Africa, and for the East Indies, will be furnished with a Copy of the Treaty of the 4th May, 1818, and of the Documents thereunto annexed, for the repression of the traffick in Slaves. I am, &c. H. M's. Commissioners, Sierra Leone. J. PLANTA, Jun.

Note.-A similar Letter was sent to the Commissioners at Surinam.

No. 93.-Messrs. Gregory and Fitzgerald to the Marq. of Londonderry. (Received 7th March, 1822.)

My LORD, IN laying before your Lordship the Case of the Spanish Slave trading Schooners Nuestra Senora de la Caridad, and Nueva Virgen, taken by His Majesty's Ship Myrmidon, Captain Leeke, on the 5th September last, in the river Bonny, and condemned by the British and Spanish Court of Mixed Commission on the 7th of November, we consider it a point of duty to notice particularly an abuse which the concurrence of these instances would indicate to be not uncommon. This abuse consists in the renewal of the Royal Passports of the legitimate Traffick for fresh Voyages, by means of Notes or Memoranda endorsed or subjoined, bearing the signature of the Local Authorities, and assigning some colourable pretext for the assent of those Authorities to this direct and open violation of the Treaties.

In respect to the present Voyages, that pretext is the conveyance of Slaves alleged to have been already purchased and left behind, in former voyages, on the Coast to the Southward of the Line. It appears by the log-book of the *Nueva Virgen*, that an Agent was left in the vicinity of Cape Lopez, for the purpose of purchasing Slaves, or of collecting Slaves already purchased. But this serves but to mark more strongly the collusion of the Local Authorities with the Traders, for the violation of the Treaties by the illegal prolongation of the Traffick. It is not improbable, however, that these endorsed Notes of renewal might have been fabricated by the Traders, and it may at least be expected that such a defence will be set up.

The Spanish Government, it seems, has not issued any new Passports since the expiration of the term to which the Trade, in a legitimate or permitted form, was restricted. One of these Notes of renewal is dated the 29th of May, 1820. This would not have been necessary if a new Passport could even then have been had.

It will not be necessary for us to trouble your Lordship by pursuing further those observations which we trust we may be excused for having thus far offered. Certified Copies of the Passports-in question accompany this communication, and they will convey to your Lordship's judgment, more correctly than any reasoning of ours, the opinions and inferences that are most properly deducible from the several parts of them. We have the honour, &c.

E. GREGORY.

The Marg. of Londonderry, K.G. EDWARD FITZGERALD.

(Inclosure 2.)—Abstract of the Case of the Brig La Caridad, and of the Schooner La Nueva Virgen, under Spanish Colours.

Sierra Leone, 15th December, 1821.

THE Caridad and the Nueva Virgen, were brought to Sierra Leone on the 4th of November, 1821, by His Majesty's Sloop Myrmidon, Captain Leeke, without any of their original Spanish Crew on board, but with a number of Negroes that had been shipped in the river Bonny.

The facts relating to these Vessels, as stated in the declarations of Captain Leeke, and in the examinations of himself and of his Officers, are as follows:

About the 11th of August last, an attempt was made by the Boats of the *Myrmidon* to visit the Brig and the Schooner; the Crews of those Vessels having powerful means of defence, opened a heavy fire on the approach of the first boat, and succeeded in obliging the party to retire, yet not until, unfortunately, two Officers, one of them the Commander of the party, with a Serjeant of Marines and a Seaman, were wounded. At the next spring tides after this affair, Captain Leeke proceeded in the *Myrmidon* to the Place where the Vessels lay, which was a considerable distance up the river; he found the Brig and the Schooner entirely abandoned.

The Slaves had been removed from both Vessels, as well as some part of their Cargo.

The Masters of the Spanish Vessels, on the arrival of the Myrmidon, sent a Letter to Captain Leeke, by the Master of a French Vessel, then taking in Slaves at Bonny, expressing their regret that they should have fired upon the Boats of the Myrmidon; that they knew not to whom the Boats belonged; that they were extremely sorry for what they had done, and begged Captain Leeke that he would pity their situation.

Captain Leeke demanded the Slaves and the Cargo that had been removed from the Vessels. The Spanish Masters accordingly sent to Captain Leeke 149 Slaves belonging to the Brig, and 130 Slaves belonging to the Schooner; they also sent the Papers of both the Vessels.

These Papers consisted of a Royal Passport, a log-book, a muster-roll, and a Mediterranean Pass of the *Caridad*; and of similar Documents belonging to the *Nueva Virgen*. It appeared from these Papers that both the Vessels were fitted out at Santiago de Cuba; the Brig was commanded by José Sargana, was armed with 7 guns of different calibres, and with small arms, and was manned with 42 men.

The Passport of La Caridad bore the original date of Madrid, 2nd of April, 1818, and had the usual Royal and Official Signatures: it was made effective at Cuba on the 4th of March, 1819, in favour of the Brig Cometa, Don Juan Francisco Ballejos, Master; Antonio Balliant, Owner; coming to the Coast of Africa for 485 Slaves; signed Luis de Arruc. In the present instance, it was put in operation in favour of Don José Sagana, and authorized him "to proceed to the Coast of Africa, to the southward of the equinoctial Line, with the Brig under his command called Nuestra Senora de la Caridad, in search of the Negroes, that he had left there, as had been fully verified by the Documents which he had produced, dated Cuba, 21st of April, 1821; signed Francisco Xavier de Radillo." This authorization was endorsed on the manuscript Note upon the back of the Passport.

The Schooner La Nueva Virgen was commanded by Juan Bautista Valanzo, mounted 3 guns of various calibres, had small arms, and a Crew of 23 men. Her Passport was originally given in favour of the Schooner Nueva Virgen, José Izaura, Master and Owner; it was dated Madrid, the 14th July, 1818, and had the usual Royal and Official Signatures. It was made effective for the conveyance of 250 Slaves, by the authority of the Commandant of the Marine at The Havanuah, under date of Cuba, 23d September, 1819; signed Augustin Figueroa; Francisco Xavier de Radillo.

This Passport was renewed by a few lines endorsed in manuscript, in favour of the new Captain, Don Juan Bautista Valanzo, authorizing a voyage to the permitted Parts of the Coast of Africa, to trade in Slaves, complying with the requisite forms. This endorsement is dated Cuba, the 21st of May, 1820; signed Francisco Xavier de Radillo.

Another endorsed memorandum, "in consequence of the sickness of the above-named Captain Valanzo," authorizes Don Carlos Panjust to take the command of the Vessel in his place, and to proceed on the voyage, having complied with the necessary forms, "dated Cuba, 26th of June, 1820; signed Luis de Arruc."

A third endorsed memorandum, renders the Passport effective for the present voyage, in the terms of the following tenor:

"Renewed in favour of Don Juan Bautista Valanzo, in order that he, with the above-named Schooner, may proceed from this Port to the Coast of Africa, south of the equinoctial Line, in search of the Negroes which were left there, as a part of her Cargo, by the Brig proceeding from this Port, named *El Aquiles*, as the principal Owner, Don Antonio

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Vinentes, has made apparent, by judicial Documents, which have obtained for him the necessary permission from the other Authorities of this Place, Cuba, 17th of April, 1821; signed Francisco Xavier de Radillo.

It appeared by the log-book of the Nueva Virgen, that she left Santiago de Cuba on the 8th of May, 1821, in company with the Schooner Estrella and the Brig Caridad; the 3 Vessels, as was expressed, " being destined to the Coast of Africa, to the south of the Equator, to take away from thence 239 Negroes that had been left by the Brig Aquiles, Don Pedro Cardona, Master."

The Commissioners, at the conclusion of the examinations of Captain Leeke and his Officers, thought that the Papers given to Captain Leeke, by the Masters of the Caridad and Nueva Virgen, clearly established them Spanish characters: The Commissioners further examined some of the Negroes of each Vessel; they deposed that they were Natives of the Hiboo Country, which is in the Neighbourhood of Bonny River, and that they were sold to the Masters of the Brig and of the Schooner. The Commissioners, on the evidence thus obtained, decreed, on the 7th of November, the Caridad and the Nueva Virgen to be condemned as prize, for being engaged in the Traffick in Slaves.

The Slaves on board those Vessels were, at the same time, adjudged to be emancipated. Accordingly, 136 Negroes from the *Caridad*, and 106 Negroes from the *Nueva Virgen*, were delivered over to the Colonial Government: during the passage from Bonny to Sierra Leone, 17 Negroes died on board of the first, and 34 on board of the second Vessel. E. GREGORY.

EDWARD FITZGERALD.

No. 94.—Messrs. Gregory and Fitzgerald to the Marq. of Londonderry. (Received March 7.)

(Extract.)

ved March 7.) Sierra Leone, 10th January, 1822.

WE observed several months since, by the statements in the Newspapers, that the Report which we had the honour to address to your Lordship on the 5th of January, 1821, concerning the general state of the Slave-trade on this Coast of Africa at that time, was considered as far too sanguine.

Naturally anxious as we felt for the character of that Report, we conceived that, without presuming to enter into controversy with the high Authorities from which that opinion is stated to have emanated, or with the distinguished Individuals who are said to have expressed opinions somewhat similar, it might be permitted to us, as a matter of official duty, to offer a few facts in the way of explanation.

We thought it expedient, however, to delay this explanation, in order to afford opportunity for collecting more extended and more accurate intelligence, and by this intelligence to authenticate our general

conclusions, being fully persuaded that no measures of really wise and beneficent policy can be formed on a solid foundation, or be managed with due effect in operative administration, further than as they shall be suggested and directed by strict truth in matters of fact.

After the enquiries and considerations of an interval of 6 months, since we first became apprized of the questionable view in which the state of the Traffick, as communicated in the Reports, was regarded, we are still most humbly of opinion that the information which we had the honour to convey to your Lordship in that Report, is as correct as the nature of the subject and the extent of the scene would admit.

The main fact upon which the occasion for forming that Report suggested itself, was, that in the 6 months which had elapsed since the opening of the new Commission in June, 1820, to the date of the Report, not more than 1 Slave-ship had been brought into Sierra Leone for adjudication under the Treaties.

That Vessel was the Spanish Schooner Montserrate, taken in the River of Little Cape Mount, by His Majesty's Brig Thistle, Lieutenant Hagan, and condemned as prize by the British and Spanish Commissioners on the 2d November, 1820.

We beg leave now, after a further lapse of 12 months, to request your Lordship's consideration of the still more remarkable fact, that not a single Slave-trading Vessel has, in that period, been detained by any of His Majesty's Cruizers, to the northward of Cape Coast.

We are aware that this fact will not warrant an inference, that during these 12 months no Slave-trade has been carried on in those latitudes, under the Flags of the Powers included in the Mixed Commission Treaties; some Slave-trading Vessels under those Flags having been, in more than one instance, found mixed with the French Traders, who came boldly in considerable numbers to Cape Mount and the Gallinas, and to every other Slave-trading Station, in consequence of the exemption of the French Flag from that strict visitation which the Treaties impose on all who are subject to their influence.

From the best intelligence that we could collect, we were led to think that the following might be a tolerably correct general view of the state of the Traffick during the Year 1821.

Regarding the Coast to the northward of the Equator as divided into three Sections; the first extending from this Colony northward, and comprehending the usual haunts of the Slave-traders in these parts, as far as His Majesty's Cruizers have carried their operations; the second intermediate between this Colony and Cape Coast; the third extending from Cape Coast to the equinoctial Line; there is reason to believe that in the first Section, to the northward of this Colony, the Traffick was in a greast measure suppressed; in the section extending from this Colony to Cape Coast, the operations of the Traders were much cramped; and it was only in the Rivers and Stations from Cape Coast southward to the equinoctial Line, that the Traffick was carried on in the bold and open manner in which it was pursued in every part, before the establishment of the Commissions, and before His Majesty's Squadron was permanently stationed on the Coast.

Recently the interruptions and captures in the Rivers and Stations of that southern Section, have been of a nature to cause material, and probably lasting derangement in the Traffick. But this derangement is connected altogether with the frequency of the visitation on the part of the Cruizers, insomuch that during the period when the more active and constant exertions of the chief part of the Squadron were transferred to the southward, in the course of the year 1821, advantage was, it is said, taken of their absence, to carry off some Cargoes of Slaves from the northern Stations, in which the Traffick had been previously almost altogether terminated.

Having humbly offered these explanatory facts and observations in favour of the Report, dated 5th January, 1821, we have no wish to expose ourselves unnecessarily to the observation that we have travelled out of our province, in taking upon ourselves to communicate any intelligence of this kind, however immediately accessible to us; however directly presented in the course of our ordinary duties; unless, therefore, we shall receive your Lordship's commands to forward such information, when it may be deemed of sufficient importance, we shall forbear in future to notice the matters that may be considered adapted to such communications, otherwise than as such matters shall blend themselves incidentally with the Case immediately under our consideration.

Lieutenant Hagan, of His Majesty's Brig *Thistle*, arrived yesterday, from the Rio Pongas, with a Spanish Slave-trading Schooner, named the *Rosalia*, as his Prize; Lieutenant Hagan has been for several Years intimately acquainted with this River, and with the Native Chiefs who have Trading Factories on its banks; he states, as the result of information obtained in this and in another very recent visit, that they are all anxious to renounce the Slave-trade, and to put themselves under the protection of this Colony for purposes of legitimate commerce.

We have the honour to be, &c.

E. GREGORY.

The Marq. of Londonderry, K. G. EDWARD FITZGERALD.

No. 95.—The Marquess of Londonderry to the British Commissioners. GENTLEMEN, Foreign Office, 15th January, 1822.

I TRANSMIT to you herewith, for your information, and that of the other Members of your Board of Commission, the accompanying Copy of a Note dated the 8th instant, which has been addressed to me by the Ambassador of the King of The Netherlands at this Court, stating that the Netherland Corvette, *Kemphaan*, under orders for the West

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Indies, will be furnished with a Copy of the Treaty of the 4th of May 1818, and of the Documents annexed thereto, relative to the suppression of the Traffick in Slaves. I am, &c.

His Majesty's Commissioners, Sierra Leone. LONDONDERRY. Note.—A similar Letter was sent to the Commissioners at Surinam.

(Inclusure.)—The Baron Fagel to the Marquess of Londonderry. Whitehall Place, le 8 Janvier, 1822.

LE Soussigné, Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté le Roi des Pays-Bas, Grand Duc de Luxembourg, s'acquitte des ordres qu'il vient de recevoir de sa Cour, en portant à la connoissance de Son Excellence le Lord Marquis de Londonderry, que la Corvette de Sa dite Majesté, *de Kemphaan*, de 100 hommes d'équipage et de 18 pièces de canon, commandée par le Capitaine-Lieutenant de Vaisseau, Dingemans, et qui partira dans le courant de ce mois pour les Indes Occidentales, sera pourvue d'un Exemplaire du Traité du 4 Mai, 1818, et des pièces y annexées, rélativement à la répression du Commerce des Esclaves.

Le Soussigné saisit cette occasion pour rénouveller, &c. S. E. Le Marquis de Londonderry. H. FAGEL.

No. 96.—The Marquess of Londenderry to the British Commissioners. GENTLEMEN, Foreign Office, 10th March, 1822.

I HAVE received your Dispatches to the 10th January, 1822; the last mentioned Dispatch containing a Report of the state of the Slavetrade on the Coast of Africa.

With reference to the paragraph in which you state that, for reasons alluded to by you, you shall in future forbear to make these General Reports without direct Instructions from me, I have to acquaint you, that His Majesty's Government consider it very desirable that they should have such Reports from you, and indeed look upon the making them as an important branch of your duty.

I have, therefore, to direct, that you will continue to transmit to me, from time to time, these Reports, founded, upon the most authentick intelligence that your Situation enables you to collect; and I have further to direct, that at the beginning of each Year, you will send to me, for the purpose of more convenient reference, a general Abstract of your Proceedings during the Year just elapsed.

H. M.'s Commissioners.

I am, &c. LONDONDERRY.

HAVANNAH.

No. 97.—H. T. Kilbee, Esq. to W. Hamilton, Esq.—(Rec. March 13.) SIR, Havannah, 10th January, 1821.

I HAVE the honour to inclose a List of Slave-ships which have entered this Port and that of Matanzas, since the middle of December last.

No detained Vessel has yet been carried into this Port for adjudication. I have, &c.

W. Hamilton, Esq. H. THEO. KILBEE.

(Inclosure.)—List of Slave-ships that have entered the Ports of Havannah and Matanzas.

Matanzas, 18th December, 1819. Portuguese Brig Romano, D. José Antonio, Captain, with 454 Negroes, consigned to Atkins.

Havannah, 25th December, 1819. French Brig Caroline, D. Felix Triarte, Captain, with 240 Negroes, consigned to Carricaburn, Arrieta, & Co.

5th January, 1820. Spanish Ship *Minerva*, Don José Sanchez Sangredo, Captain, with 500 Negroes, consigned to Don Juan Bautista Zangronir.

- January, 1820. Spanish Ship Atalanta, Don Juan Jorge Peoli, Captain, consigned to Don Francisco de Bengoechea, with 570 Negroes.

No. 98.—H. T. Kilbee, Esq. to W. Hamilton, Esq.—(Rec. April 22.) SIR, Havannah, 7th March, 1821.

I HAVE the honour to inclose a List of the Slave-ships which have entered this Port since the date of my last Report.

On the 30th of this month the term expires which was allowed by the Governor and Intendant, for the return of such Vessels as have cleared out prior to the 30th May, 1820.

No Vessel has yet arrived for adjudication.

I am informed that several Vessels have lately sailed from hence, whose real destination is the Coast of Africa, although nominally bound to Ports in The United States. I have, &c.

W. Hamilton, Esq. H. THEO. KILBEE.

(Inclosure.)—List of Slave-ships which have entered the Port of The Havannah.

February 20. Portuguese Brig Zefiro, Don Victor Nobre de Brito, Captain, with 205 Negroes, consigned to Messrs. Cuesta, Manzanal, and Toso.

March 3. Spanish Ship Nuestra Senora del Pilar, alias la Zaragorana, Don Juan Sandeli, Captain, with 392 Negroes, consigned to Don Gabriel Lombillo.

No. 99.—H. T. Kilbee, Esq. to W. Hamilton, Esq.—(Rec. May 27.) SIR, Havannah, 9th April, 1821.

No Vessel has yet been carried into this Port for adjudication.

I inclose a List of the Slave-ships which have arrived here since the date of my last Report. I have learnt that other Slave-ships have lately entered some of the Out-ports, but I have not been able to ascertain their names.

On the 30th ultimo, the term of 5 months expired, which was allowed by the late Governor and the Intendant, for the admission of such Slave-ships as had cleared out from any part of the Spanish Dominions in legal time; and I am informed that it is the fixed determination of the Government here, not to admit henceforth any other Slave-ships, but such as have actually cleared out from this Port previous to the 30th May, 1820, and can adduce good reasons for their detention. The Posts of the two Spanish Members of this Mixed Commission will very shortly be vacant. The Intendant, Don Alexandro Ramirez, who is the Commissary Judge, has retired to the Country, and only waits for the Commission of the Intendancy of Mexico, to which he has been appointed, in order to proceed to his destination; and the Commissioner of Arbitration, Don Francisco Arango, has been named a Counsellor of State, and as soon as he shall arrange his affairs, purposes proceeding to Madrid.

I have not heard of any intention of appointing Successors to those Gentlemen; and, in the present state of the Peninsula, the matter may possibly escape the recollection of the Spanish Government. The 13th Article of the Regulations for the Mixed Commissions, annexed to the Treaty of September 1817, empowers the Captain-General to fill up, ad interim, the vacancies which may occur by the death of the Spanish Commissioners, and authorizes the Commission to proceed to the Judgment of Slave-ships, in case of the death of the British Judge or Arbitrator; but it does not contemplate the case of a vacancy occasioned by any other cause but that of death, nor does it authorize the Commission to proceed to Judgment, in the absence (from whatever cause) of any Spanish Commissioner. It appears therefore, that, if Messrs. Ramirez and Arango proceed to their respective destinations, before the arrival of their Successors, the powers of this Mixed Commission will be virtually suspended.

Both the Intendant and Mr. Arango have promised to write to their Government upon this subject. I have, &c. W. Hamilton, Esq. H. THEO. KILBEE.

(Inclosure.)—List of Slave-ships which have entered the Port of The Havannah.

March 8. Spanish Ship Herculina, Captain D. Joze Garay, with 390 Negroes, consigned to Messrs. Miró, Pie, and Co.

HAVANNAH.

March 11. American Schooner *Esencia*, Captain M. Brown, with 113 Negroes, which she left at Matanzas, consigned to Don Luis Martinez.

No. 100.—H. T. Kilbee Esq. to W. Hamilton, Esq.—(Rec. July 20.) SIR, Havannah, 2d May, 1821.

No Vessel has yet been carried into this Port, for adjudication by this Mixed Commission.

I have the honour to inclose a List of the Slave-ships which have entered this Port since the date of my last Report.

Upon the arrival of the first, namely, the Spanish Ship Merced, I waited upon the Intendant in order to remind him that the further term of 5 months, allowed by him and the late Governor for the admission of Slave-ships, had expired on the 30th March. I found, however, that he had not returned from the Country, but I was informed at his Office that the Vessel in question had been admitted, because she had cleared out in due time from Barcelona, and had given sufficient cause for her detention.

With respect to the other two Vessels, there can be no excuse for their admission; as they both belong to Foreign Powers, one of which has entirely abolished the Slave-trade, and the other permits its Subjeets to carry it on, solely for the purpose of supplying their own wants. With them, therefore, no cause of detention can be admitted, as they had no legal time for clearing out; and their entrance into this Port is expressly contrary to the Decree of His Catholick Majesty, issued in September 1817. I am only waiting for the return of the Intendant, who is daily expected, to bring this matter under his consideration, and that of the Captain-General; and by their decision, it will at least be ascertained, whether it be the real intention of the Authorities here, to suppress the traffick as far as lies in their power or not. It has been reported, that 4 other Spanish Slave-ships have been captured by the Insurgent Privateers, and that part of their Cargoes have been sold on the Coasts of this Island at very low prices. I have, &c. W. Hamilton, Esq. H. THEO. KILBEE.

(Inclosure.)—List of Slave-ships which have entered the Port of The Havannah.

April 12, 1821. Spanish Ship Merced, Don Juan Tramussas, Captain, with 306 Negroes, consigned to Messrs. Martorell & Co.

April 29. Portuguese Brig Romana, Don Antonio José, Captain, from Matanzas, near which Port there is great reason to believe that she landed her Cargo of Negroes.

May 1. French Schooner Brig *l'Africaine*, Mr. B. C. Quonian, Captain, consigned to D. Daniel Botefeur; she left her Cargo of Negroes at the Port of Batabanó, on the South of the Island.

No. 101.—Messrs. Kilbee and Jameson to Viscount Castlereagh. (Received August 7.)

My LORD,

Havannah, 8th June, 1821.

In conformity with your Lordship's Instructions of last Year, we apprized the Intendant that we had received, for the purpose of being communicated to our Board of Commission, 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, which List it was our intention immediately to forward to him. The Intendant replied that he had already received a similar List from the Government, which he had ordered to be published for the information of the Parties concerned; and some time after it accordingly appeared in the Government Journal of this City, of the 31st May. We have, &c.

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Viscount Castlereagh, K.G.

H. THEO. KILBEE. R. F. JAMESON.

No. 102.—Messrs. Kilbee and Jameson to Viscount Castlereagh. (Received August 7.)

My LORD,

Havannah, 8th June, 1821.

It is with great regret that we have the honour to inform your Lordship of the death of the Intendant, Don Alexandro Ramirez, His Catholick Majesty's Commissary Judge here, who expired on the 20th ultimo, after an illness of 2 days. His loss, both as a private and publick character, will be severely felt throughout this Island.

The Captain-General, in virtue of the authority granted to him by the Treaty with Spain, of September 1817, has declared to us his determination of appointing, provisionally, Don Claudio Pinillos, Treasurer of this Island, and now Acting Intendant, to the vacancy in this Mixed Commission, occasioned by the death of Don Alexandro Ramirez.

The Spanish Commissioner of Arbitration, Don Francisco Arango, having been appointed a Counsellor of State, intends very shortly to proceed to the Peninsula.

We have thought it right to apprize His Majesty's Ambassador at Madrid of these vacancies in this Mixed Commission, in order that he may have the goodness to take the necessary steps for having them speedily filled up.

No Vessel has yet reached this Port, for adjudication by this Mixed Commission. We have, &c.

> H. THEO. KILBEE. R. F. JAMESON.

Viscount Castlereagh, K.G.

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No. 103.-H. T. Kilbee, Esq. to William Hamilton, Esq.-(Rec. Aug. 10.) SIR, Havannah, 10th June, 1821.

By the joint Dispatch of Mr. Jameson and myself, dated the 8th instant, you have been apprized of the death of the Intendant, Don Alexandro Ramirez, Commissary Judge of this Mixed Commission.

Since the date of my last Letter, only 1 Slave-ship has entered this Port, namely, the French Brig *l'Aimable Henrictte*, J. A. Brint, Master, with 246 Negroes, consigned to Messrs. Blain, Aizpurna & Co.; she arrived on the 6th of May.

In my above-mentioned Letter, I informed you that I was only waiting for the return of the Intendant from the Country, to bring under his consideration and that of the Governor, the Cases of other Foreign Vessels which have lately been admitted into this Port, in violation of the Decree of His Catholick Majesty, dated in September 1817.

Unfortunately, however, the Intendant arrived here only the day previous to the paralytic attack which caused his death, and I had not an opportunity of conversing with him.

After that melancholy event, I took the earliest occasion to draw the attention of the Governor to the subject.

I apprized his Excellency of the determination taken by his Predecessor and the Intendant, to grant 5 months, in addition to the term allowed by Treaty, for the completion of the Voyages of Slave-vessels, which 5 months had expired on the 30th March, and that, notwithstanding, one Spanish and several Foreign Slave-vessels had been permitted to land their Cargoes since that date. I observed, that, with respect to the Spanish-vessel, I had been informed that she was admitted on the ground of her having sailed from a Spanish Port in legal time, and having given sufficient reasons for her detention; but that even this excuse, which I was far from admitting to be valid, could not be alleged in favour of the Foreign Vessels, which never had a legal time for clearing out, the traffick having been abolished by the Nation to which they belong. The Governor replied, that he recollected the Cases to which I referred ; that they had come before him, in the regular routine of Office, from the Department of the Intendant, with a recommendation that the Vessels in question should be allowed to enter. That he had, as was customary, referred the matter to his Assessor or Legal Counsel, who also gave a report in favour of their being admitted; and that he had accordingly issued an Order for that purpose.

I then requested his Excellency to inform me, whether it was his intention to admit Spanish or Foreign Slave-ships hereafter, if his Assessor should give an opinion to that effect. He replied, that he would take the subject into consideration, and inform me of his determination in a few days.

Since the above conversation, his Excellency has been very unwell, and I have not been able to renew the subject with him.

I have, &c.

W. Hamilton, Esq.

H. THEO. KILBEE.

No. 104.-H. T. Kilbee, Esq. to William Hamilton, Esq.-(Rec. Aug. 10.) SIR, Havannah, 7th July, 1821.

SINCE the date of my Report of the 10th ultimo, 2 Vessels have have been admitted with Negroes, namely, the Spanish Schooner *Dos Hermanos*, D. Andres José Pellicer, Master, consigned to D. Juan Madrazo, with 67 Negroes, which she is stated to have brought from Cuba, and to have landed at Batabano; and the Spanish Schooner *Concepcion*, with 100 female Slaves, which are stated to have come from the same Port of Batabano.

I have lately had an opportunity of renewing with the Governor the conversation reported in former Letters, and I am happy to inform you, that his Excellency expressed himself in the most satisfactory manner. He declared his determination not to admit any more Slave-ships, whether Spanish or Forcign, into the Ports of this Island, and to do every thing in his power to prevent illicit traffick in Slaves. He stated, that he had received Instructions to that effect from his Government : and he assured me of his readiness to attend to any suggestion which I should make to him, for the purpose of contributing to the effectual suppression of the traffick.

I thanked his Excellency for his friendly and satisfactory communication; and, availing myself of the permission he had given me, I pointed out to him the suspicious circumstances attending the Cases of the 2 Vessels mentioned in a former part of this Letter, one of which was stated to have come from Cuba and Batabano, and the other from Batabano, it being more than probable, that the very same Vessels had conveyed their Cargoes of Negroes from the Coast of Africa, or at least had received them from others, whose admission into the Ports of the Island was contrary to Treaty; and I added, that Batabano had frequently before been used as a kind of depôt for illicit Slave-trading.

The Governor said he would make enquiries respecting the Cases I had mentioned, and promised that for the future the Papers of Vessels arriving here under similar circumstances should be carefully examined.

Before we separated, I asked his Excellency whether he had received any information of a Successor having been named to the late Don Alexandro Ramirez, as Commissary Judge of this Mixed Commission. He replied, that the appointment of that Gentleman to the Intendency of Mexico, and of Don Julian Roldan to that of this Island, had been duly notified to him, but that no mention whatever had been made of the Office of Commissary Judge. I am, &c. W. Hamilton, Esq. H. THEO. KILBEE. No. 105.-H.T. Kilbee, Esq. to William Hamilton, Esq.-(Rec. Aug. 10.) (Extract.) Havannah, 7th July, 1821.

THE Abolition of the Slave-trade has been most beneficial to the Negro cause, in one respect; it has had the effect of improving their treatment and condition in an extraordinary degree; and within the last 2 Years, the general mortality of the Slaves has diminished, as nearly as can be calculated, one-half, although the number of importations has considerably increased.

I shall continue to have confidential communications with the Governor, whenever I shall see a necessity, for the purpose of contributing as far as possible to the final suppression of the traffick. I repeat, that I fully believe him to be sincere in his professions, and as long as he shall remain here, I am in hopes that some considerable progress may be made in the cause of humanity.

W. Hamilton, Esq.

H. THEO. KILBEE.

No. 106.- H. T. Kilbee, Esq. to the Earl of Clanwilliam.-(Rec. Sept. 13.) My LORD, Havannah, 4th August, 1821.

I HAVE the honour to acknowledge the receipt of your Lordship's Letter of the 16th February, inclosing for the information of Mr. Jameson and myself, Copy of a Dispatch addressed by Lord Castlereagh to His Majesty's Ambassador at Madrid, upon the subject of the admission of Slave Ships into this Port, subsequent to the expiration of the term allowed by Treaty for the completion of Spanish Slave-trade . Voyages.

No Slave Ships have entered this Port since the date of my last Letter. I have, &c.

The Earl of Clanwilliam. H. THEO. KILBEE.

No. 107.-H. T. Kilbee, Esq. to William Hamilton, Esq.-(Rec. Oct. 9.) SIR, Havannah, 28th August, 1821.

On the 12th instant, the Portuguese Brig San Francisco, Don Antonio Justisano, Master, entered this Port from Pernambuco, having on board a Cargo of salt, and 59 Negroes, consigned to Messrs. Cuesta, Manzanal and Toso.

As soon as I was apprized of this circumstance, I waited upon the Captain-General, when his Excellency informed me that he had already refused permission for the Negroes to land, even for the purpose of vaccination, for which an application had been made after the permission to land them for sale had been refused. In the course of the conversation which passed upon the occasion, it was suggested that I might address an official written representation upon the subject. This I thought it advisable to decline, alleging that His Majesty's Commissioners had no Authority or Instructions from their Government to interfere upon this and similar occasions; that their powers to act were confined to Cases of Vessels carried into this Port for Adjudication, in conformity with the Stipulations of the Treaty between Great Britain and Spain; and that when I ventured to address his Excellency upon the subject, it was quite confidentially, and solely for the purpose of being able to show hereafter that, as I was actually resident in The Havannah, and could not be ignorant of those transactions, I had adopted the only step in my power of preventing them, namely, by apprizing his Excellency of the facts, in order that, if he thought proper, the Decree of His Catholick Majesty, of September 1817, might be enforced.

Two Spanish Schooners, namely, *El Correo de Bahia Honda*, and the *Josefa*, have lately cleared out for Africa, without specifying to what part or for what purpose; but I have been informed that one of them has been purchased and fitted out by 16 Negroes, who, having acquired their liberty and some property, are desirous of returning to their own Country. The other Schooner, it is said, has cleared out for the general purposes of commerce on the African Coast.

On the 20th instant, publick notice was given of the sale of 80 Negroes, which had been imported into Batabano, consigned to Don Tomas Lasfuentes. As it was manifest, that they must have been admitted into that Port after the time allowed by Treaty, I mentioned the subject to the Captain-General, who said that he was not aware of the circumstances of the case, but that he would make enquiries respecting it. His Excellency has been indisposed lately, and I have not had an opportunity of renewing the subject.

The vacancies occasioned in this Mixed Commission, by the death of the Intendant, Ramirez, and the promotion of D. Francisco Arango to the Council of State, have not yet been filled up by the Spanish Government.

No Vessel has yet arrived here for adjudication.

I have, &c.

William Hamilton, Esq.

H. THEO. KILBEE.

No. 108.—H. T. Kilbee, Esq. to William Hamilton, Esq.—(Rec.Oct.9.) (Extract.) Havannah, 28th August, 1821.

THE Portuguese Vessel, San Francisco, still continues in this harbour, and I much fear that she will manage, in some way or other, to get her cargo on shore.

It is with much regret that I am under the necessity of expressing my apprehensions that the Captain-General will not suppress illicit Traffick in Slaves so effectually as I was induced to hope.

The case of the the Negroes brought here from Batabano, and advertised publicly for sale, is a flagrant breach of Law and Treaty; and yet his Excellency did not take up the matter, when I mentioned it to him, with the interest I could have wished. He promised, however, to investigate the affair. William Hamilton, Esq. H. THEO. KILBEE.

No. 109.-R. F. Jameson, Esq. to the Earl of Clanwilliam.-(Rec. Oct. 9.) (Extract.) Havannah, 1st September, 1821.

Statement respecting the illicit Slave-trade of the Island of Cuba.

TWENTY-SIX Vessels have entered the Port of Havannah (with Slaves to the amount of 6,415) since the 31st October 1820, the period assigned by Treaty for the total abolition of the Spanish Slave-trade. Of these Vessels, 18 were Spanish, 5 French, 2 Portuguese, and 1 American. Not one of these has been judicially noticed by the Government of the Island. On the contrary, the Merchants declare they received assurances that their Vessels entering from Africa, after the 31st October, would not be molested. Six months from that time were mentioned as the extent of such immunity; but the 10th month has ended, and Slave Ships still enter openly and unquestioned. Certain it is also, that Vessels are still permitted to fit out for the Slave-trade, as well as to enter with cargoes from Africa; nor has any Order, Notice, or other publick Document been issued, declaratory of the disapprobation of this Government, or an intention to enforce the Abolition of the Traffick.

With respect to the preventive influence of the British and Spanish Craizers, it is to be observed, that since the residence of the Mixed Commission in this City, 95 Slave Ships have entered the Port, (26 of them in open violation of the Treaty) besides about 40 others in the minor Ports of the Island: yet not one of these has been visited or detained by the Cruizers of either Power.

This, however, I conceive may be easily explained. When the Spanish Slave-trade was allowed to the south of the Equator, it was dearly impossible for Naval Officers on this Station to detain such Vessels as were returning from Africa, on the conjectural gound of their deviation. After the 31st October 1820, also, it was so currently given out (and that from authority) that the term of abolition was, or would be extended, that to have detained Slave Ships, in the face of such general intimation, would have been an extremely irritating measure, and probably ineffectual, from the declaration of the Spanish Commissioners, that they would not join in their condemnation. At present, such understanding cannot be allowed any weight; but since in the illicit traffick now carrying on, Foreign Flags are generally used, little I apprehend, can be expected from the efforts of the Navy in union with this Commission. The track of sea which surrounds the 2,000 miles of Coast which Cuba possesses, scarcely affords a cruizing ground, and is justly dreaded by Vessels of War; and, as above 1,500 Vessels an-

nually enter the Ports of the Island, (while Slave Ships in these seas are not marked out to Cruizers by their appearance or course, as they are when hovering on the African shore,) it is evident, to effectually detect, that all must be brought to and examined, a service so molesting and difficult, and it would seem beyond possibility, even if the firstnamed obstacle to naval exertion did not exist. Independently of these physical difficulties, I much fear there are some moral ones which merit consideration. The general custom of Naval Officers (English and Spanish) advertising the commercial world of The Havannah, in the publick prints, of their arrival and time of departure, in order to procure a freight of silver, must of course be relinquished as fruitless by the Captor of a Slave Ship; and it is also to be considered that great difficulty and responsibility attach to the Captor, since transhipments of Slaves from one Spanish Colony to another is still permitted, and the abuse of Flags is carried to a great height. On the Coast of Africa none of these impediments exist. Our Squadrons there have but the one specific service, and find the chief difficulty to be the number of Offenders: 200 sail of Vessels annually concentering round the scene of plunder, where the presence of one Ship of War is worth the service of a Fleet on other Stations.

From the above-mentioned causes, it would appear that the power of preventing and punishing illicit trade does, and must, rest almost entirely with the Local Government. The tone it takes, and the apparent insufficiency of Naval Police, seem to have given encouragement to illegal Traffick, which, even in the supposition of the zealous and unimpeded vigilance of both, it would too strongly meet with in the enormous profits usually realized by Slave dealing. Vessels are publickly clearing out for Africa, whether in legitimate trade for golddust and ivory is a doubt that is only answered here by a smile. Two Schooners are now fitting out in the harbour of Havannah, expressly for the Slave-trade. At Matanzas, Nuevitas, Trinidad, Barasoa, and Batabano, it is carried on with perfect impunity; and it is only 10 days ago, that a Cargo of Negroes, landed at the latter Port from a French Brig, were publickly advertised for sale in The Havannah. The majority of the Vessels that have latterly sailed on the well-understood Voyage to the African Coast, have cleared out for other destinations. Some to Monte Video, others to Teneriffe, Cape Verd Islands, and Princes Island. The Voyage is patronized by some Person of established credit, and accionistas (or shareholders) are admitted to bear its charges. The shares are as low as 100 dollars, and are eagerly sought for.

When the Vessel returns from Africa, if the principal Owners have sufficient weight and influence, she touches at Puerto Rico and provides herself with a Passport, for the total or surplus Cargo to this Island, thus removing all subsequent danger of seizure, under Article 7 of the Instructions appended to the Treaty of 1817. If she is without this, she directs her course through the Cayos, which lie round the North and South-east point of the Island, into one of the bays on the Coast; the Cargo is frequently bespoke; if it is not, it is conveyed to the plantations of the Consignee, and either sold from thence in parcels, or as I have known in several instances, marched to The Havannah as "the stock of a Planter about to retire."

There are at present (according to the best estimate I can make), about 3,000 Slaves on sale in the Island; notwithstanding this, adventures are pressing on to Africa, but it is to be observed that this period of the Year is usually heavy for the Slave-market, because the Planters in general have no command of money and can only purchase with produce. It is at the commencement of the Year that this becomes available, and they are consequently in funds to supply the deficiencies of their stock or enlarge their speculations.

The ordinary supply of Slaves which this Island received from Africa, from the period of its commerce being unshackled to that of the Abolition Treaty, was about 10,000 annually; since the latter period 65,000 Negroes have been imported, and nearly entirely absorbed by the rapid advance of cultivation, particularly of Coffee.*

The following, I believe, will be found a tolerably correct statement of the allotment of these unfortunate beings:

Total number of Slaves	268,789
Viz. 1.—On 750 Sugar Plantations 155,000)
2On 900 Coffeeditto 54,000)
3.—On 13,700 minor Estates, as	
tobacco and rice lands, breed-	
ing pens, maize farms, &c 36,000	1
[These minor Estates are in many instances owned	
and worked by free People of colour.]	
4.—Household Slaves 20,000)
265,000	

N.B.—In the Year 1804 there were only 108,000 Slaves in the Island.

At present the Sugar Plantations return about 7 per cent (Island value), while the Coffee Estates produced from the last Year's crop, above 30 per cent.; the smaller extent of capital required for their establishment, added to the great (though unequal) returns they usually

• 1Exports from Port of Havannah in 1816 :- Arrobas of Coffee	370,229
Boxes of Sugar	200,487
2Exports in 1820:Arrobas of Coffee	686,046
Boxes of Sugar	219,593

make, has given a stimulus for speculation in this branch of cultivation, which must lead to a consequent demand for Slaves.

Other causes are also powerfully operating to maintain the demand; from the cession of the Floridas to The United States there has been a considerable influx of Spanish families from the opposite shore; while the disturbed state of the South American Provinces has driven many Persons of substance to seek an asylum in this Island. In consequence, likewise, of the grants of lands, which, since the Year 1817, the Local Government has made, and engages to make, to Emigrants from Europe, about 1,500 Persons annually are arriving to settle: of these, various classes, those above the rank of labourers, can not form a settlement, even of a domestick kind, without the aid of Slaves : and thence new sources of demand are continually opening, which in a rising Country such as this (where, out of nearly 14,000,000 Acres of land, scarcely 3,000,000 Acres are beneficially occupied), afford every prospect of extensive increase. This summary will, I conceive, plainly show that incitement is not likely to be wanting to illicit adventure, and that without further checks than are at present provided, a system will be organized that will defeat the philanthropic views of the English Government in this Quarter.

The Earl of Clanwilliam.

R. F. JAMESON.

No. 110.-R. F. Jameson, Esq. to the Earl of Clanwilliam.-(Rec. Dec. 20.) (Extract.) Havannah, 26th October, 1821.

Two articles of intelligence, published in the Official Paper of this City, are of such a nature, that I think it my duty to inclose a Copy of the Paper, in which (marked 1. 2.) your Lordship will find the articles I allude to, and of which I here beg leave to subjoin a translation :—Departures of yesterday.

"1. For Africa, Spanish Schooner Vecua, Captain Don Vincente Gomez, with goods, for the Slave-trade.

"2. For the same destination, Spanish Schooner Icanam, Captain Don Antonio Moreira, with ditto.

The above Vessels were openly and regularly cleared out at the Custom-house, "para la trata," a term exclusively used in the Spanish Islands to express par excellence, the (Slave) trade. The Earl of Clanwilliam. R. F. JAMESON.

Memorandum.—The Paper inclosed is the Diario del Gobierno Constitucional de la Habana, (No. 298), of the 25th October, 1821.

No. 111.—Messrs. Kilbee and Jameson to the Marquess of Londonderry. (Received December 19.)

My LORD, ON the 12th August, the Portuguese Brig San Francisco, Don Antonio Justisano, Master, entered this Port from Pernambuco, with a Cargo of salt and 59 Negroes, consigned to Messrs. Cuesta, Manzanal & Toso.

Shortly after her arrival, we learnt that the Captain-General had refused permission for the Negroes to be landed; and, in a confidential conversation which passed with his Excellency upon that occasion, he declared his resolution to carry into effect, as far as lay in his power, the Stipulations of our Treaty with Spain, for preventing illicit traffick in Slaves.

The Vessel in question, however, continued for a considerable time in the harbour, and finally the Consignees obtained permission to land and sell the Negroes. We were informed that the Captain-General had been induced to grant this permission in consequence of the Report upon the Case made by the Assessors or Legal Counsel of the Government. We have not been able to obtain a Copy of the Report, but we understand that it is founded generally upon the hospitality due to the Vessel of a friendly Nation, driven into these seas by stress of weather, and not in a condition to pursue her Voyage.

In the confidential conversations which have subsequently passed upon this subject, we have not been able to obtain any more satisfactory explanation of the transaction; and although the grounds upon which the Legal Counsel are said to have rested their Report, namely, the arrival at this Port, through stress of weather, of a Portuguese Vessel with Negroes on board, are highly improbable, not to say impossible, and moreover do not by any means authorize the violation of our Treaty and of His Catholick Majesty's Decree, yet, upon mature deliberation, we were clearly of opinion that we are not warranted by your Lordship's instructions to make any official representation or remonstrance upon the Case.

We regret to have to inform your Lordship that, on the 24th instant, two Spanish Vessels, viz. the Schooners Vecua and Icanam, Don Vincente Gomez and Don Antonio Morceira, Masters, publickly cleared out from this Port for the Coast of Africa, with effects for the Slavetrade. We have, &c.

> H. THEO. KILBEE. R. F. JAMESON.

The Marquess of Londonderry, K.G.

No. 112.—William Hamilton, Esq. to Messrs. Kilbee and Jameson. GENTLEMEN, Foreign Office, 20th November, 1821.

I AM directed by the Marquess of Londonderry to return you his thanks for your respective Communications on the subject of the illicit traffick in Slaves, which is still carried on by Subjects of His Catholick Majesty, and not interrupted by the Spanish Authorities. I am also to recommend you to continue to direct your attention to this subject, and to keep His Majesty's Government regularly informed of all circumstances which bear on the more or less punctual execution of the Stipulations of the Treaty subsisting between the two Countries.

I am only further to recommend to you a perseverance in the same watchfulness over the illicit Slave-trade, as it may come under your observation, which you have shown hitherto; and the same prudent and conciliatory language and conduct in your intercourse with the Spanish Authorities, whenever you have to call their attention to apparent violations of their own Laws for the Abolition of this odious traffick. I am, &c.

His Majesty's Commissioners.

WILLIAM HAMILTON.

No. 113.-Messrs. Kilbee and Jameson to the Marquess of Londonderry. (Received January 19, 1822.)

My LORD,

Havannah, 10th December, 1821.

A SPANISH Privateer, named the *Paxaro Verde*, on the 6th ultimo, brought into this Port a Vessel having on board a Cargo of Negroes belonging to the Spanish Schooner *Antonica*, Don Joaquim Zorilla Master, which had been wrecked on Cayo Verde, near the Port of Guanaja, on the 19th October.

The Negroes were captured in Boats which were conveying them on shore from Cayo Verde, and were put on board a Coasting Vessel, in which they arrived here.

Having conversed with the Captain-General upon this subject, his Excellency readily agreed that this was a Case which ought to be tried by this Mixed Commission; and he accordingly ordered that the only Document he had yet received, viz. a Memorial from the Owner of the Privateer, praying that the Negroes might be declared lawful Prize, should be transmitted to the Register. In the mean time, by order of his Excellency, the Negroes were landed and deposited in proper hands.

The Vacancy occasioned in this Mixed Commission, by the death of Don Alexandro Ramirez, Spanish Commissary Judge, in May last, having not yet been filled up, and the Spanish Commissioner of Arbitration, considering the duties of his Office to be incompatible with those of Commissary Judge, a Note, of which a Copy is inclosed, was addressed to the Captain-General, requesting his Excellency, in virtue of the power invested in him by Treaty, to fill up the aforesaid Vacancy. A Translation of his Answer, notifying the Appointment of Don Claudio Martinez de Pinillos to succeed Don Alexandro Ramirez, is likewise inclosed. M. Pinillos subsequently took the oath prescribed by Treaty. On the 12th November, the two Commissary Judges met, to take into consideration the circumstances of the Case. From the first perusal of the Memorial transmitted by the Captain-General, it was evident that the legality of the Capture could not be tried by the Mixed Commission, the Vessel which made the Capture not be-

longing to the Spanish Royal Navy. And accordingly, at a second Meeting, at which the Captain of the Privateer appeared, and in his Declaration upon Oath stated, that his Vessel was private property, that he was not an Officer in the Spanish Navy, and that he was not provided with the Special Instructions annexed to the Treaty of 1817, it appeared to the Court that any further proceedings would be unnecessary, as the 9th Article of that Treaty expressly states, " that the visit and detention of Slave-ships, specified in this Article, shall only be effected by those British or Spanish Vessels which may form part of the two Royal Navies; and by those only of such Vessels which are provided with the Special Instructions annexed to the present Treaty." A Decree, pronouncing the incompetency of the Mixed Commission to try this Case, was extended by the Registrar ; and it was ordered, that the Documents presented to the Court should be transmitted to the Captain-General, to be by him referred to the proper Tribunal, which was to decide upon the Case, in conformity with the Law of the Kingdom, published in December, 1817, relative to illicit traffick in Slaves.

An Abstract of the Documents, and of the Proceedings, is herewith inclosed, together with a Translation of the Decree of the Court.

We have much satisfaction in reporting to your Lordship, that in this first Case which has come before the Mixed Commission, we have experienced every facility and attention on the part of the Captain-General, that could be required to give efficiency to our proceedings.

	We have, &c.	н.	Т.	KILBEE.
The Marquess of Londonderr	y, K.G.	R.	F.	JAMESON.

(Inclosure 1.)—The British Commissary Judge to the Captain-General. Havannah, 9th November, 1821.

THE Undersigned, His Britannick Majesty's Commissary Judge, having learnt that the Case of a Spanish Slave-vessel, detained and carried into this Port by a Spanish Cruizer, is about to be brought to Adjudication before the Mixed Commission established here, in conformity with the Stipulations of the Treaty for the Abolition of the Slave-trade, concluded between Great Britain and Spain in September, 1817, takes the liberty of suggesting to the Captain-General, the expediency of filling up the Vacancy which has occurred in the said Mixed Commission, by the death of Don Alexandro Ramirez, who held the Office of His Catholick Majesty's Commissary Judge. The 13th Article of the Regulations for the Mixed Commissions annexed to the aforesaid Treaty, and forming an integral part of the same, states, that on the part of Spain, the Vacancies shall be supplied, in the Possession of His Catholick Majesty by such Persons of trust as the Principal Authority of the Country shall appoint. The Captain-

General is therefore fully authorized to fill up the actual Vacancy; and the Undersigned ventures to request, that his Excellency will be pleased to do so with as little delay as possible, in order that the Person who shall be appointed, together with the Undersigned, may proceed without delay to the Adjudication of the Vessel in question, in conformity with the Stipulations of the aforesaid Treaty.

H. E. Don Nicholas Mahy. H. T. KILBEE.

(Inclosure 2.)—The Captain-General to the British Commissary Judge. (Translation.)

SIR.

Havannah, 10th November, 1821.

I HAVE received your Letter, dated yesterday, respecting the Appointment of Commissary Judge on the part of His Catholick Majesty, in the place of the Intendant, Don Alexandro Ramirez, who held that Office; and in reply, I have to inform you, that I have named Don Claudio Martinez de Pinillos, Senior Principal Minister of the Finance Department, to that Office; and I have directed him to present himself before me in order to take the oath, in conformity with the Constitution and the Laws. I have the honour, &c.

H. T. Kilbec, Esq.

NICHOLAS MAHY.

(Inclosure 3.)—Abstract of the Documents and Proceedings in the Case of the Negroes belonging to the Spanish Schooner Antonica, captured by the Privateer Paxaro Verde.

MEMORIAL of Don Francisco Vidal, Owner of the Paxaro Verde, dated November 9th, 1821, praying the Captain-General to allow him to land and sell the Negroes captured by his Vessel, as lawful Prize. He enters into several arguments against granting those Negroes their liberty.

• The Captain-General directs this Memorial to be referred to the Mixed Commission for its decision.

Minute of the Secretary, stating that he had received the said Memorial from the Captain-General, and also 2 Letters, notifying the Appointment of Don Claudio M. Pinillos to be Commissary Judge, on the part of His Catholick Majesty, and his having taken the proper oath.

Minute of the Decree of the Court, dated the 12th November, stating that it was necessary that the Captain of the *Paxaro Verde* should appear personally, and directing that the Captain-General should be requested to take steps for that purpose.

On the 15th of November, Don Nicholas de Ribes, Captain of the *Paxaro Verde*, appeared personally before the two Commissary Judges, the Secretary being present, and declared upon oath, in answer to the questions put to him by the latter, that he was named as above, was a Native of Palamos, in Catalonia, and was Captain of the Schooner

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Paxaro Verde; that the said Schooner was the property of a private Individual, and did not belong to the Royal Navy; that he was provided with a Commission (which he produced) authorizing him to capture Vessels engaged in Smuggling; that he had not received any Special Instructions relative to Vessels engaged in illicit traffick of Slaves; and that he was not an Officer of the Royal Navy, nor was there any such Officer on board his Vessel.

Minute of the Decree of the Court, stating, that it was not competent to decide upon the present Case, the Capture having been made by a Vessel which did not belong to the Royal Navy, and was not provided with the Special Instructions annexed to the Treaty.

This Decree was notified to the Parties on the 17th November, and the Proceedings were sent to the Captain-General, in order that they might be referred to the competent Tribunal.

On the same day Don Joaquim Zorrilla, Master of the Vessel to which the Negroes belonged, presented a Memorial, accompanied by various Documents, to the Mixed Commission, praying that the said Negroes might be restored to him. The Case, as set forth by him, is as follows :--

In the month of May last he sailed from Matanzas in the Schooner Antonica, of which he was Captain and Owner, for Buena Vista, one of the Cape de Verd Islands. The object of his Voyage was to recover some debts due to him there; but, upon his arrival, he found that it was impossible to obtain payment in any other manner than by taking Negroes, to which he at length consented. On his Voyage back to The Havannah, his Vessel was wrecked on Cayo Verde, where, with difficulty he landed the Negroes, and proceeded himself to the Port of Guanaja, on the North Coast of this Island, near to the Cayo where he was wrecked, and from thence to Puerto Principe, where he applied to the Authorities for assistance, and for permission to land the Negroes, which was granted on condition that they should be deposited in proper hands, until the determination of the Government at The Havannah upon the Case should be known. In consequence of this permission 4 Boats were obtained from the Commandant at Guanaja, and proceeded to Cayo Verde to convey the Negroes on shore, but upon their return they were attacked by the Paxaro Verde, and captured. Upon hearing this, Zorrilla again recurred to the Authorities at Puerto Principe, and orders were issued by them to the Captain of the Paxaro Verde to deliver up the Negroes, which orders the latter refused to obey, put the Negroes on board a Coasting-vessel, and carried them into The Havannah.

Zorrilla rests his Claim for the restoration of the Negroes, upon the circumstance that they were not embarked on the Coast of Africa, but at one of the Cape de Verd Islands, and were received from Portuguese Subjects, to whom it was lawful to carry on the traffick. The Court directed that a Copy of this Memorial should be annexed to the Proceedings, and that the Party should be informed of the Decree, pronouncing that the Mixed Commission was not competent to decide upon the present Case.

The same resolution was adopted with respect to another Memorial from the Owner of the *Paxaro Verde*, referred to the Court by the Captain-General, the object of which was that the Court of Admiralty might be directed to stop the Proceedings which it seems had been commenced there respecting this Case.

H. T. KILBEE.

(Inclosure 4.)—Decree of the British and Spanish Commissary Judges, in the Case of the Negroes belonging to the Spanish Schooner Antonica, Don Joaquim Zorrilla, Master, captured by the Spanish Privateer Nuestra Senora del Carmen, alias El Paxaro Verde, Don Nicholas Ribes, Captain.

(Translation.) Havannah, 17th November, 1821. THE powers of this Mixed Commission being limited to take cognizance of, and to try the Cases of Detention and Captures made by Vessels of War of the Royal British and Spanish Navies, as appears by the 9th and 11th Articles of the Treaty between their Catholick and Britannick Majesties, by the 5th Article of the Instructions with which the Commanders of the Vessels of War of both Powers should be provided, and by the 1st Article of the Regulations for the Mixed Commissions, annexed to the said Treaty; and it appearing, by the Declaration, upon Oath, of the Captain of the Schooner Nuestra Senora del Curmen, alias El Paxaro Verde, that that Vessel is a Privateer belonging to a private Individual, in which the Nation has no share : that she was not commanded by an Officer of the Royal Navy, and, consequently, was not provided with the Special Instructions for detaining and capturing Slave-ships; it is therefore hereby declared, that this Case does not come within the powers of this Mixed Commission, but belongs to the Tribunals of the Country, to be tried in conformity with the internal Law of the Kingdom, contained in the Royal Cedula of the 19th December, 1817, printed in continuation of the Treaty, and the Documents annexed thereto, as having been issued by His Catholick Majesty, in conformity with the 6th Article of the said Treaty. It is therefore ordered, that the Proceedings shall be transmitted to his Excellency the Superior Civil Chief (Captain-General), in order that he may be pleased to send them to the proper Tribunal, a Copy of them being left in the Office of the Secretary.

RAFAEL GONZALES, Secretary.

PINILLOS. H. T. KILBEE.

No. 114.-Messrs. Kilbee and Jameson to the Marg. of Londonderry. (Received January 19, 1822.)

My LORD,

Havannah, 10th December, 1821.

WE have the honour to inform your Lordship, that the Spanish Members of this Mixed Commission have apprized us that they have received from their Government Instructions to carry punctually into effect, in all their proceedings, the Stipulations of the Slave-trade Abolition Treaty concluded between Great Britain and Spain in September, 1817.

We understand that Circular Orders to the same effect have been received by the Captain-General, the Admiral, and the Intendant, with directions to communicate the same to the several branches of their respective Departments.

We would venture to suggest to your Lordship the expediency of moving the Government of His Catholick Majesty, to provide the several Spanish Vessels of War cruizing in these seas with the Special Instructions annexed to the Slave-trade Treaty, as we have reason to believe that none of them are at present authorized to detain Slaveships, in conformity with the Stipulations of that Treaty.

	We have, &c.	Н.	T.	KILBEE.
The Marq. of Londonderry,	K.G.	R.	F.	JAMESON.

No. 115.- The Marq. of Londonderry to Messrs. Kilbee and Jameson. Foreign Office, 8th March, 1822. GENTLEMEN,

I HAVE to acquaint you that Official Advices have been received from Madrid of the Appointment of Don Claudio Pinillos and Colonel Quesada, to be His Catholick Majesty's Commissioners at The Havannah, for carrying into execution the Treaty for the Abolition of the Slave-trade. The former Gentleman in the place of M. Ramirez, the deceased Intendant; and the latter to succeed Don Francisco Arango, named Counsellor of State. I am, &c. His Majesty's Commissioners.

LONDONDERRY.

RIO JANEIRO.

No. 116.-Messrs. Hayne and Cunningham to Viscount Castlereagh. (Received June -...)

Rio Janeiro, 1st March, 1821. (Extract.) WE have the honour to acknowledge the receipt, on the 19th ultimo, of your Lordship's Dispatches, dated the 10th and 24th September, and 16th November, with their several Inclosures.

Your Lordship's Dispatch of September 24th, places us in possession of the just and liberal construction which His Majesty's Govern-

ment have put on that Clause of the Convention in which detention is admitted, in the event only of their actually finding Slaves on board. We shall not fail, my Lord, to impress upon our Colleagues the absolute necessity to the fulfilment of the Treaties, and in strict justice to the Parties, to adopt the determination most congenial to the spirit and design of the Treaties. We feel, my Lord, however, fully persuaded of the utility, as well as necessity, of the Declaration, in explanation of the Clause in question, which your Lordship has instructed His Majesty's Minister at this Court to sign with His Most Faithful Majesty's Government.

The List of the Ships of War furnished with the Instructions referred to in the late Slave-trade Convention with Portugal, conveyed to us in your Lordship's Dispatch of November 16th, shall be laid before the Board of Commission at our first Meeting.

We have to inform your Lordship, that, in consequence of M. Silvestre Pinheiro's having been appointed Envoy to The United States, and, since Minister for Foreign Affairs, M. Yoze Silvestre Rebello has been nominated Commissary Judge in his stead, and we are only waiting the necessary formalities attending his Appointment to name a day for his installation. HENRY HAYNE. Viscount Castlereagh, K.G. ALEXANDER CUNNINGHAM.

No. 117.—Messrs. Hayne and Cunningham to Viscount Castlercagh. (Received July 3.)

My Lord,

Rio de Janeiro, 30th March, 1821.

WE have the honour to acknowledge the receipt, on the 13th instant, of your Lordship's Dispatch of the 28th November, 1820, inclosing a Copy of the Act of the 51 Geo. III. relating to the employment of British Subjects on board of Slave-vessels.

Any cases of this nature that may occur, within our knowledge, shall, without fail, my Lord, be taken cognizance of, in the manner directed by your Lordship's Dispatch above-mentioned.

We have the honour of informing your Lordship, that M. Jose Silvestre Rebello, the Portuguese Commissary Judge, appointed to succeed M. Silvestre Pinheiro, was formally installed on the 8th instant; and we seized that opportunity of renewing our request, that we should be furnished with a suitable House, and that those points submitted to the Portuguese Government for decision, respecting the regulations for the guidance of the Commission, should be decided without further delay. We also obtained a promise from the new Commissary Judge, as we had done from his Predecessor, that he would adopt the regulations, as revised by the Commissioners, without awaiting the decision of his Government, in the event of a Case occurring before he received it.

We likewise communicated, my Lord, to the Board of Commission,

RIO JANEIRO.

a List of the British Cruizers furnished with the necessary Instructions, for detaining Vessels trafficking illegally in Slaves, as we were directed by your Lordship's Dispatch of the 16th November last.

We have, &c. HENRY HAYNE. Viscount Castlereagh, K.G. ALEXANDER CUNNINGHAM.

No. 118.—Messrs. Hayne and Cunningham to Viscount Castlereagh. (Received September 3.)

(Extract.) THE Portuguese Commissioners laid, on the 10th May, before the Board of Commission, the Additional Article to the Convention, signed by His Majesty's Minister at this Court, on the 12th April, 1821, and forwarded for the sanction of the British Government. It was agreed my Lord, that the said Article should be acted upon, as if ratified, until the decision of the British Government should arrive.

HENRY HAYNE.

Viscount Castlereagh, K.G. ALEXANDER CUNNINGHAM.

No. 119.—Harry Hayne, Esq. to the Marquess of Londonderry. (Received November 6.)

My LORD,

Rio de Janeiro, 27th August, 1821.

I HAVE herewith the honour to transmit to your Lordship a Copy of the Case of the *Emilia*, captured by His Majesty's Ship *Morgiana*, and condemned by the Mixed Commission established at this Place, together with the recapitulation of the Evidence in the same Case.

I have the honour to be, &c: The Marq. of Londonderry, K.G. HENRY HAYNE.

(Inclosure 1.)-Case of the Schooner Emilia, Severo Leonardo, Master.

THIS Vessel sailed from Bahia on the 14th October, 1820, with a Passport and Papers, in order for a voyage to Molembo, with a Cargo of Tobacco and Spirits, (which Cargo is suited for a voyage to the north of the Line, and not marketable at Molembo.)

She was detained by His Majesty's Ship Morgiana, Captain Finlaison, on the 14th February, 1821, in lat. 3 deg. 50 min. north, long. 3 deg. 30 min. east, with 397 Slaves on board.

The Captor first steered for Sierra Leone, but finding the Slaves dreadfully crowded, he took a great many on board his own Ship, and put into Acará and Cape Coast for water and provisions, and there again, out of motives of humanity, he took more of the unhappy Creatures on board the *Morgiana*, in all about 200, and finally determined on shaping a course for this Place.

On the 21st May, he put into Bahia with the *Emilia*, to replenish her stock of provisions, and on the 7th July, the two Ships entered this Port.

On the 10th July, the Mixed Commission proceeded to adjudication, and on the 10th of August she was condemned; and after giving the Slaves each a Certificate of Emancipation, they were delivered over to the Judge of the District as the Alvará directs, and the Schooner to the Judge of Contraband, to be sold for the benefit of the two Governments.

At the time of delivery of the Slaves to the Government, they amounted to 351; 18 having been left sick at Cape Coast, and 28 having died during and since the Voyage.

(Inclosure 2.)-Recapitulation of Evidence in the Case of the Emilia.

THE Captain and all the White Men belonging to the *Emilia* fled from her at Bahia, the Contremestre, or Boatswain, only excepted.

The Boatswain, in his examination on Oath before the Commission, declared, that from Bahia the *Emilia* first went to Acará and Mina to water and buy Canoes, being bound from Bahia to Molembo; and that they then went to Molembo, New Molembo, or as some call it Onim. Now, Acará is 12 Degrees of Latitude to the North of Molembo, there is no other place on the Coast by that name, and Canoes are not used there.

Two Black Men belonging to the Schooner examined on Oath, the one free, the other a Slave. They both declared, that the *Emilia*, after leaving Bahia, went to Mina, Cape Coast, Acará, Ajudà, and Onim. The 3 witnesses agreed in deposing, that the Slaves were embarked at Onim, the Boatswain only ambiguously calling the same place, Molembo, New Molembo, or Onim; he, however, acknowledged that it was called by the latter name on shore; they all agreed in their having left the said Port 3 days previous to Capture; therefore, it is impossible that the *Emilia* could have come from Molembo, in 30 hours, a distance from the spot where detained, of at least 9 degrees of Latitude.

The Emilia, by one Log-book, is said to have sailed from Molembo on the 23d January, 1821, yet Letters and Notes speaking of embarkation, and even Bills of Lading signed by the Captain, were found on board, dated Molembo, 12th of February, 1821, only 2 days prior to the Capture. The Log-book is evidently fictitious, in corroboration of which, it is composed of half-sheets sewn together with fresh thread, one having been daily added, which, by a Note from the Captain of the Schooner to the Mate, ordering him so to prepare it for the homeward Voyage, proves such to be the system of deception practised.

A regular Log-book was found on board, kept by the Pilot, which takes the Schooner direct from Bahia to Onim, the Port where the Slaves, by the evidence of the Witnesses and other testimony, are proved to have been embarked. Another, kept by the Captain, corresponds perfectly with the preceding, till within a few days of their arrival on the Coast, and the remaining leaves appear to have been torn out. One Letter was also found, dated 6th February, Onim.

In the defence, drawn up by a celebrated Lawyer of Bahia, he brings 16 Affidavits, 3 of People belonging to the Schooner, who fled at Bahia, to prove that they received Letters on board from a small Vessel which had come from the North.

On comparing the Letter, dated 6th February, Onim, with the time and spot where said Vessel is declared to have been spoken, by a most liberal allowance, it is evidently impossible, had she spoken such a Vessel (which appears in no other part of the evidence) that she could have brought a Letter of so late a date.

Amongst the above-mentioned Affidavits taken at Bahia, one of them taken by Caetano Alberto de França, Captain of the Rosalia, (another Slave-vessel belonging to the same Owner) declares, that he himself witnessed the embarkation of the Slaves on board the Emilia at Molembo, that he was there in his Vessel, (the Rosalia) in December and January, 1821, and he saw the Emilia sail from Molembo late in the latter month. This Affidavit is proved to be the grossest perjury, not only by the preceding evidence, but by Letters which were found on board, written by himself. with precisely the same signature as that attached to the Affidavit, and dated the 12th of February, at Molembo, speaking of the sailing of the Emilia on the next day. The Witnesses examined, declared that they left the Rosalia in the Port of Onim. All the Letters found on board, except one (which was dated Onim) in order to accord with the Licence, were systematically dated Molembo.

The proofs alleged in favour of the *Emilia*, I have no hesitation in saying, are doubtless a series of perjuries from beginning to end; and the counter-evidence, in favour of the Captor, being so clear and decided, of the fact of the Slaves having been taken on board at Onim (in 6. 50. N.), and of their being for the purpose of traffick, that the Sentence of Condemnation was passed without hesitation.

No. 120.—Henry Hayne, Esq. to the Marquess of Londonderry. (Received January 26, 1822.)

My LORD, YOUR Lordship may wish to be informed of the system pursued by this Government in the distribution of the captured Negroes; I beg leave, therefore, to state the result of my observation in the Case of the *Emilia*, for your Lordship's information.

On the condemnation of the captured Vessel, a Certificate of Emancipation was distributed by the Mixed Commission to each Negro; the whole were then given over to the charge of the Ouvidor da Comarca, or Judge of the District, as the Alvara of the 26th January 1818, directs, for the purpose of being apprenticed.

A Curator was nominated in the form of the said Alvarà. The Judge announced to the public, that the Negroes were to be hired to Individuals, who were to apply for them to him in writing, and having obtained a Portuguese Subject of property as security, and being themselves approved, were deemed competent Persons. They were hired to the best Bidder, at the Judge's door, but to those only whose petitions had been approved by the Judge and Curator.

A Bond was entered into by each successful Bidder, for each Negro, to maintain, clothe, and instruct him or her in the Christian Religion, as well as in some mode of gaining a livelihood, and to pay the sum agreed upon annually in advance, as well as a fee to the Judge, his Clerk, and the Curator, on signing the Bond.

Notwithstanding, my Lord, the trouble and expense attending the hire of these Negroes, the competition was very considerable, owing, I presume, to their being a very superior race to those usually imported here, and to there being no risk of loss of capital in the event of death or desertion. They were hired, my Lord, at the rate of from 9 to 34 mil reis per annum, which, on an average, is fully equal to the interest of purchase money of new Negroes, and to Capitalists, in a pecuniary point of view, a disadvantage rather than an advantage. I am informed, my Lord, by the Judge, that an account is to be opened in the name of each Negro; that the money received on their account is to be placed in a coffer, which is to have 3 keys, to be in the possession of the Judge, a Treasurer, and the Curator; and that whatever may be due to each, will be paid to them at the expiration of their ser-Three hundred were distributed, my Lord, in this manner to vitude. Individuals; the remaining 50 to the Government, in different branches, on the same conditions: I have myself hired three, on the same terms, with a view of securing their freedom to them as soon as they are capable of profiting by it.

I cannot answer for there having been no abuses in the distribution; generally speaking, I believe the Negroes are in good hands, and will be well treated; but I should have preferred seeing them hired by private contract, rather than publick auction, because character might then be preferred to a trifling pecuniary advantage.

I think, my Lord, all things considered, that if honesty and good faith are maintained to the end, the system is as good as could have been expected.

I have the honour, &c. The Marquess of Londonderry, K.G. HENRY HAYNE.

SURINAM.

No. 121.-Messrs. Lefroy & Wale to Visct. Castlereagh.-(Rec. March 30.) (Extract.) Paramaribo, 12th January, 1821.

WE think it proper to take this opportunity of acquainting your Lordship with the recent death of our Colleague, the Dutch Commissary Judge, M. J. P. Changnion.

Viscount Castlereagh, K. G.

C. E. LEFROY. THOMAS S. WALE.

No. 122.-Messrs. Lefroy & Wale to Visct. Castlereagh.-(Rec. April.) My LORD, Paramaribo, 5th February, 1821.

WE have the honour to acknowledge the receipt of your Lordship's Letter of the 7th November last; inclosing the Copy of a Note from the Ambassador of the King of The Netherlands, at the Court of London, notifying that The Netherlands Brig the Swallow, then on her Cruize in the West Indies, would be furnished with a Copy of the Treaty of the 4th May, 1818, and of the Documents annexed thereto, on the subject of the restriction of the commerce in Slaves.

The Swallow Brig has not yet arrived in this Port, nor have we heard of her being in any other part of the West Indies, and we are extremely sorry to say that a fresh arrival of Slaves, evidently not coming within the exception contained in the Dutch Prohibitory Ordonnance of the 1st September, 1818, and in obvious evasion of the Treaty of the 4th May, of the same Year, have within these few days been admitted into this Colony. We have, &c.

Viscount Castlereagh, K. G.

C. E. LEFROY. THOMAS S. WALE.

No. 123.-Mes rs. Lefroy and Wale to Visct. Castlereagh.-(Rec. Apr. 17.) My LORD, Paramaribo, 16th February, 1821.

WE have the honour to acknowledge the receipt of your Lordship's Letters of last December. We have communicated the information contained in the first, (viz. the names and description of the Ships of the British Navy, commissioned under the Treaty with The Netherlands, for the suppression of the illicit Traffick in Slaves) to the other Members of our Board; and we shall obey the directions of your Lordship, conveyed in the second, by communicating to your Lordship and to His Britannick Majesty's Representative at Brussels, the name of any British Subject engaged in this trade in violation of the 51st Geo. III. c. 23, whenever the legal evidence, necessary to make such communication available, shall be brought before us. We beg at the same time to observe, that as these importations are almost all under the French Flag, and probably accompanied by regular Documents, purporting the

Negroes to be all Creoles, or old imported Slaves of the French Island, from which the Vessel professes to have procured them, although there can be no moral doubt of the contrary being the fact, it will be extremely difficult, if not impossible, to procure evidence of privity to their African origin, sufficiently precise and conclusive against the Parties engaged, to ensure their conviction in a British Court of Justice, or in any way to prevent the continuance of the Slave-trade under this Flag, unless some additional measures for its suppression are taken by the French and Dutch Governments. It is painful to us to reflect, that we have scarcely been able to close a single Dispatch to your Lordship since our arrival, without mentioning some case of the admission of Slaves into this Colony, in evasion of the Treaty in the execution of which we have the honour to be employed; and we are compelled to add to the present, that in spite of the strongest remonstrance which we have thought ourselves at liberty to make to his Excellency the Governor-General, (who in consequence of the death of our late Colleague M. P. I. Changnion, the Dutch Commissary Judge, is now one of the Members of our Court,) 2 Cargoes of fresh Africans, under the French Flag, have been admitted into this Place since the date of our last Letter. We have, &c.

Viscount Castlereagh, K. G.

C. E. LEFROY. THOMAS S. WALE.

No. 124.-Messrs. Lefroy & Wale to Visct. Castlereagh.-(Rec. May 11.) My LORD, Surinam, 1st March, 1821.

WE have the honour to acknowledge your Lordship's Letter of the 16th November, 1820, accompanied by a Copy of the list furnished to your Lordship from the Admiralty Office, under date of the 11th October, 1820, of such of His Majesty's Ships as are now cruizing, supplied with the Instructions referred to in the several Treaties with Foreign Powers for the prevention of the illicit traffick in Slaves, specifying the Names of their Commanders, and the Stations to which they belong. We have, in obedience to your Lordship's directions, communicated this information to the Board of Commission, of which we are Members.

It is with regret we are made to perceive, by the continued admission of Slaves into Surinam, the inefficacy of the measures yet adopted to suppress the illegal traffick. We feel convinced, that as long as the French Flag is exempt from Foreign inspection, and the Authorities in this Colony as indifferent on the subject as they have hitherto shown themselves, so long will the Dutch Colonists find in the French Settlements a ready medium for the supply of Africans, in defiance of any restrictive Enactments at present in force. We have, &c.

C. E. LEFROY. THOMAS S. WALE.

Viscount Castlereagh, K. G.

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No. 125.-Messrs. Lefroy and Wale to Visct. Castlereagh.-(Rec. May 21.) My LORD, Surinam, 3d April, 1821.

WE have the honour to acknowledge the receipt, on the 28th ult. of your Lordship's Letter of September 24th, 1820, inclosing a Copy of a Dispatch, addressed by your Lordship to the British Ministers at The Hague, Madrid, and Rio Janeiro, explanatory of the Article in the Treaty of the 4th May, 1818, for the repressing the Slave-trade, which provides that no Vessel shall be liable to seizure under that Treaty, unless in the event of Slaves being actually found on board. We shall, as far as lies in our power, adopt the construction which His Majesty's Government gives to this provision, and shall press its expediency in all our Communications with the other Members of the Court to which we belong. We have, &c.

C. E. LEFROY.

Viscount Castlereagh, K.G.

No. 126.—Messrs. Lefroy and Wa'e to Joseph Planta, Jun. Esq. (Received May 21.)

SIR,

Surinam, 3d April 1821.

THOMAS S. WALE.

WE beg leave to acknowledge the receipt, on the 26th ultimo, of your Letter, dated 29th December, 1820, informing us by Lord Castlereagh's direction, that His Netherland Majesty's Corvette *l'Arcad* (*l'Aigle*) of 28 guns and 150 Men, about to sail for the East Indies, would be provided with a Copy of the Treaty of the 4th May, 1818, and the Documents thereto annexed, relative to the repression of the Slave-trade. We are, &c.

C. E. LEFROY. THOMAS S. WALE.

Joseph Planta, Jun. Esq.

No. 127.-Messrs Lefroy and Wale to Visct. Castlereagh.-(Rec. Aug. 8.) My LORD, Surinam, 28th May, 1821.

In obedience to the commands communicated to us by your Lordship, we have the honour to inform you, that on the 19th instant, the French Schooner *l'Aurore*, which sailed from Guadeloupe on the 18th of last month, commanded by M. l'Oiseau, disembarked in the Town of Paramaribo 143 Slaves, consigned to Mr. Solomon de la Para, a resident Proprietor in this Colony.

We have no hesitation in giving it as our opinion, derived from actual observation, that this Cargo is of a description similar to those which we have before noticed to your Lordship, the Negroes having evidently been recently imported from Africa; at the same time, we think it proper to add, that since the 16th February, when we last had occasion to acquaint your Lordship with the arrival of 2 Cargoes of Africans, we understand that 2 or 3 Slave-vessels have been refused admittance to this Port; upon what grounds, we are unable to inform your Lordship, no communication on the subject having been made to us by the Colonial Authorities. We have, &c.

	C. E. LEFROY. THOMAS S. WALE.			
Viscount Castlercagh, K.G.				
N. 100 M				

No. 128.—Messrs. Lefroy and Wale to Joseph Planta, Jun. Esq. (Received August 13.)

SIR,

Paramaribo, Surinam, 3d June, 1821.

WE beg leave to acknowledge the receipt of your Letter of the 27th of February, acquainting us, by the direction of Viscount Castlereagh, that it had been notified to him by the Ambassador from the Court of The Netherlands, that His Netherland Majesty's Frigate *Melampus*, of 350 Men, 44 guns, commanded by Captain Le Man, which is about to sail for the East Indies, will be provided with a Copy of the Treaty of May 4th, 1818, and with the Documents thereto annexed, relating to the repression of the Slave-trade. We are, &c.

Joseph Planta, Jun. Esq.

THOMAS S. WALE.

C. E. LEFROY.

No. 129.—Messrs. Lefroy and Wale to the Marquess of Londonderry. (Received September 14.)

(Extract.)

Surinam, 4th July, 1821.

WE have the honour to inclose a Proclamation of the Governor of Surinam, promulgating the Copy of a Decree of His Netherland Majesty, dated the 16th April, 1821, on the subject of the importation of Slaves into this Colony.

Your Lordship will immediately perceive that this Decree leaves the case just were it found it, imposing no new restriction whatever on the Trade, inasmuch as none of the neighbouring Colonies are affected by the prohibition. The French Colonies, your Lordship is aware, are amongst those whose Sovereigns have prohibited the African Slavetrade; yet it is from them chiefly, as we have informed your Lordship, that importations to Surinam of new Africans have been made.

The Marq. of Londonderry, K.G.

C. E. LEFROY. THOMAS S. WALE.

(Inclosure.)—Proclamation of the Governor of Surinam, publishing the Decree of the King of The Netherlands, of 16th April, 1821.

Gazette of the Government, No. 5.-(Translation.)

WE, Cornelius Rynhard Vaillant, Knight of the Order of The Netherlands Lion, Governor-General, *ad interim*, of the Colony of Surinam, Commander-in-Chief of the Land and Sea Forces in the same, &c. &c. To all who shall see these presents, or shall hear them read, greeting: We notify, that his Excellency the Minister for Publick Instruction, National Industry, and the Colonies, having, under date of April 22d last, transmitted to us a Decree of His Majesty, dated Brussels, April 16, 1821, (No. 59.) of the following tenour: We, William, by the grace of God, King of The Netherlands, Prince of Orange Nassau, Grand Duke of Luxembourg, &c. [See Page 31].

In order that no one may plead ignorance of the above, we direct these to be published and affixed in all Places where it is customary, to be immediately circulated in the Plantations, and to be inserted in the Government Gazette.

Given at Paramaribo, Colony of Surinam, July 2d, 1821, the 9th Year of His Majesty's Reign. C. R. VAILLANT.

No. 130.-C. E. Lefroy, Esq. to the Marq. of Londonderry.-(Rec. Nov. 7.) My LORD, Surinam, 6th September, 1821.

WITH the most sincere regret I have to announce to your Lordship the death of my late friend and Colleague, Mr. Wale, which took place in the night of Monday last, the 4th instant, of the usual tropical fever. His loss will not easily be supplied to me, nor I think to the particular service in which he was engaged; a service equally obnoxious to the Europeans and Creoles, and even such of the Slaves themselves as look forward, from any prospect of emancipation, to the advantages of Slave-holding in their turn; and in this Colony rendered still more delicate and difficult, from the existence of local feelings; notwithstanding which, Mr. Wale completely succeeded in conciliating the esteem of all classes of the Inhabitants, without compromising, in the slightest degree, the high principles of justice and philanthropy in which his employment originated; and his abrupt and premature removal has excited as general and unaffected a sympathy as any event which has occurred here since my arrival. I have, &c. C. E. LEFROY. The Marg. of Londonderry, K.G.

No. 131.—C. E. Lefroy, Esq. to the Marq. of Londonderry. (Received January 18, 1822.)

(Extract.)

Surinam, 6th December, 1821.

1 AM happy to report to your Lordship, an assurance which his Excellency has this morning given to me, not only of the sincerity of the Dutch Government, in their determined co-operation with that of His Britannick Majesty, evinced in their Instructions to him, to put down the execrable traffick in Slaves, but of his own; and that he has, within these few days, refused admission to a Slave-vessel under the French Flag, notwithstanding the strongest importunity for its admission, and that he is most anxious to shut the Port entirely to such Cargoes; but that great difficulties arise from the connivance of the Authorities in the French Islands, from whom the Vessels (whatever be the character of their Cargoes) are frequently furnished with Documents of undoubted authenticity.

The Marg. of Londonderry, K. G.

C. E. LEFROY.

CORRESPONDENCE OF THE COLONIAL OFFICE, BELATING TO

THE SLAVE TRADE.

1821.-1822.

COMMUNICATIONS FROM THE GOVERNOR OF SIERRA LEONE.

LIST OF PAPERS.

No	
	Governor Sir Charles Mac Carthy to Henry
	Goulburn, Esq Jermyn Street 26th May, 1821.
2.	Governor Sir Charles Mac Carthy to Earl
	Bathurst14th Jan. 1822.
3.	Governor Sir Charles Mac Carthy to Henry
	Goulburn, Esq14th Jan. 1822.

No. 1.—Sir Charles Mac Carthy to Henry Goulburn, Esq.

SIR,

64, Jermyn Street, 26th May, 1821.

IT appearing, by a Letter I have received from Sierra Leone, that John Ouzeley Kearney, a British Slave-dealer, who provided Slaves for the French Schooner La Marie, as stated in a Letter I had the honour of addressing to Earl Bathurst on the 17th of February 1820, (No. 233,) left the Gallinas in the month of November last, in a small Vessel of his own, with 98 Slaves, for The Havannah, declaring his intention of returning on the Coast; I beg leave to request of you to submit to Earl Bathurst the propriety of stating the case to the Marquess of Londonderry, in order that application may be made to His Catholick Majesty's Government for the giving up of that Villain, to be tried for felony. The circumstances of his case have been so fully stated in the Papers laid before Parliament, that I conceive it unnecessary to make any further observations, but that the said Kearney held a Lieutenancy in the New South Wales Regiment, exchanged from that Corps to the Royal African Corps, and resigned his Commission in the latter Regiment in December, 1814; that having left Senegal in 1817, and sought an asylum at Sierra Leone, he was for a short period employed by me, but was discharged.

Some months after, he left the Colony, and became one of the most active Slave-dealers at the Galliuas. When I was made acquainted with his criminal conduct, a reward was offered for his apprehension, and every effort used (but in vain) to secure him.

I conceive such a Criminal should be made an example of, to deter others from departing from their allegiance for gold.

It is some satisfaction to me to be able to state, that at the period of his committing this crime, he held no situation either civil or military, or on half-pay. I have, &c. Henry Goulburn, Esq. C. MAC CARTHY.

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No. 2.-Sir Charles Mac Carthy to Earl Bathurst.

Government-House, Sierra Leone, 14th Jan. 1822. My LORD. I HAVE the honour of availing myself of the return to England of a merchant Brig (the Bedford,) with African timber, to report my arrival here on the 28th November last; and I have great pleasure in stating, that I found the European inhabitants and others very healthy, after experiencing what is termed rather a severe season, particularly upon New-comers. I have employed as great a proportion of my time as I could spare from my other duties, in visiting the Towns and Villages on the Peninsula, inhabited by liberated Negroes, and discharged soldiers from the 4th and 2d West India Regiments and the Royal African Corps; and it affords me the highest gratification to say, that I have found these people happy, contented and industrious; more particularly the former class (liberated Africans) who at different periods were landed here from the holds of Slave Ships; and, under the zealous care of the Chief Superintendent, Mr. Reffell, and of the Superintendents I appointed from the Church Missionary Society, have, during my absence, continued improving in religion, morals and agriculture. These have a great advantage over all the other establishments; they not only have been a longer period under the same system, but are inhabited by a more equal proportion of women, and consequently enjoy that first basis of all civilization, Christian Marriage. The Village of Waterloo is the only exception among the soldiers' settlements; it was formed at a late period in 1819, of discharged soldiers of the Royal African Corps, has a due proportion of women, and has improved accordingly.

I have, &c.

The Right Hon. Earl Bathurst, K. G. C. MAC CARTHY.

No. 3.—Sir Charles Mac Carthy to Henry Goulburn, Esq. Government-House, Sierra Leone, 14th Jan. 1822.

SIR, Government-House, Sierra Leone, 14th Jan. 1822. REFEREING to the observations I had the honour of addressing to you, in June last, on the subject of the Report of the British Commissaries in the Mixed Commission, to the Marquess of Londonderry, I sincerely lament that my forebodings, as to the extent of the Traffick in Slaves, have been fully realized; that more Slaves were carried from Africa in the course of last year than in the preceding year. Deeming it a part of my duty, however painful it may be, to communicate such information as I may obtain on this important subject, I have now the honour of transmitting herewith inclosed, a Memorandum on that subject, which I beg you may lay before Earl Bathurst.

I have, &c.

Henry Goulburn, Esq.

C. MAC CARTHY.

(Inclosure 1.)—Memorandum of the present actual state of the Slavetrade on the Coast of Africa.

THE Official Communications of Sir George Collier will have made His Majesty's Government acquainted with the state of the Slave-trade, up to the period of that Officer's departure from this Coast: it is therefore proposed to limit the present remarks to the actual state of that traffick during the last 6 months.

Of the illicit Trade on the Leeward Coast a very correct estimate may be formed, on the results of the several Cruizes made during the above period by His Majesty's Ships on that Station.

In the months of July and August His Majesty's Ship Myrmidon cruized in the Bight of Biafra, and in the course of a few weeks 16 Slave-vessels were boarded and examined by her; of this number, only 1, the Adelaide, (a Portuguese Schooner) came within the provisions of the publick Conventions; she was brought to this Colony and condemned in the Mixed Court.

His Majesty's Ship *Pheasant* was also employed about the same period on the Leeward Station; this Ship, at Whydah (formerly an English Fort) and Badagry, found 6 Slavers under *Portuguese* Colours; these Vessels, equipped with boilers, irons, water-casks, &c. had no Slaves on board, and of course could not be detained.

The Slave Factories in the Calabar and at Lagos, were likewise visited in July and August by His Majesty's Brig *Snapper*: at these Places, 1 *Spaniard*, 6 *Portuguese*, and 3 *French* Vessels were examined (as per inclosed List.) The *Conceiçao*, a *Portuguese* Schooner, having Slaves on board, was brought to this Colony for Adjudication.

The next cruize of the Myrmidon on the Leeward Station was equally conclusive, as to the increased state of this horrible traffick. Proceeding to the Southward, as far as the Bonny, Captain Leeke found that River swarming with Slave-vessels under different Flags; 8 bore the Colours of His Most Christian Majesty (as per Memorandum) and of these 4 had their inhuman Cargoes on board.

The circumstance of a heavy duty or custom becoming due to the Chiefs of Bonny and Calabar, on every Slave-ship when fully laden, necessarily induces them to keep a kind of Registry of the different Vessels; numeral Lists from these Rivers, and founded on the said Registry, frequently come to this Colony, but from their magnitude had been deemed exaggerated and incredible.

Captain Leeke, however, in the mouth of October ascertained, on good authority, that the number of Slave Cargoes taken out of the Bonny, from July in the preceding Year up to that time, was actually 190. A similar Return from the Calabar, for a like period, made a total of 162.

The line of Coast from this Colony to Cape Mount was the scene of the Snapper's Cruize; in October, Lieutenant Knight, her Com-

mander, in the course of 10 days fell in with 9 Slave-vessels; of this number, 8 were *French* (as per Inclosure) the other, under *Dutch* Colours, with a Cargo of Slaves on board, escaped.

The Gallinas, a notorious Slave Factory, not far to Leeward of this Colony, is rarely indeed without Slave-ships; the latest accounts state that there are 3 Vessels under *French* Colours now lying there. From Shebar, a Place still nearer us, a large Slave-vessel, fully laden and under the same Flag, sailed within the last 10 days.

On the foregoing facts, as to the state of the Leeward Slave-trade, it would be quite superfluous to offer any comment: wherever His Majesty's Ships touched, they found that criminal traffick in full activity; nor is it difficult to assume that it is carried on with redoubled ardour, during the occasional and necessary absence of our Vessels from their cruizing ground.

The renewal of the traffick in human Beings on the Windward Coast must be viewed by every friend to humanity with deep regret, accompanied as that renewal has been with cruel Wars amongst the hitherto peaceful Natives: the arrival of a Slave-ship in any of the adjacent Rivers is the signal for attack; the Hamlets of the Natives are burned, and the miserable Survivors carried and sold to the Slave Factors.

The line of Coast from the Island of Goree to the Mouth of the Gambia, and from thence to the *Portuguese* Establishments of Cacheo and Bissao, would seem to be the principal seat of this guilty traffick to Windward. From this Quarter, in addition to the ordinary exportation in large Vessels, a very extensive Carrying Trade is kept up with the Cape de Verd Islands, principally by the small Craft belonging to Goree and Senegal.

The Slave-traders at Cacheo have lately given their traffick in the Rio Grande a new feature of barbarous atrocity : they visit this River in armed Sloops and Boats, landing during the night, and carrying off as many as possible of the truly wretched Inhabitants. An Appeal to this Colony has been lately made, on behalf of 3 Villages lately ravaged in this manner.

The fine Rivers Nunez and Pongas are entirely under the controul of renegado *European* and *American* Slave-traders; most of the Slaves sent from the former River find their way to Cacheo and the Cape Verds, from whence it is said they are shipped as *Domesticks* to the Brazils.

A French Schooner, M. Déés, Master, took on board 95 Slaves; and a Spaniard, commanded by one Morales, also shipped 160, some time since in the Rio Pongas. This River not long ago was considered too near this Colony to be approached with impunity by Slave-vessels. A general idea of the traffick to Windward may therefore be formed, from the circumstance that latterly a great number of Slaves have

been exported from the Pongas, and that Slave-vessels may always be found lying there.

Since the departure of Sir Charles Mac Carthy for the Isles de Loss, the above statement has been fully corroborated by the return of His Majesty's Brig of War *Thistle*, commanded by Lieutenant Hagan, from a visit to the Rio Pongas. The *Thistle* has brought in under seizure the Schooner *Rosalia*, Don Francisco Freyne, late Master, having on board a Cargo of 60 Slaves, and bound to The Havannah. It is supposed that she had no regular Papers, as the Master, who has succeeded Freyne, said she had none at all, and he refused to come down to Sierra Leone. The *Rosalia* had lost 8 of her Crew in the Pongas: she sailed apparently under *Spanish* Colours; but as her Case is now before the Court of Mixed Commission it is not possible to give any material facts relating to her. Lieutenant Hagan, however, confirms the fact of the Slave-trade being rather increased than diminished.

(Inclosure 2.)—Memorandum of Slave Vessels, examined by His Majesty's Gun-brig Snapper, in July and August, 1821.

-	Vessel.	Master.	Owner.	From.	Bound.	Belonging.	Under what Colours.	Intelligence or Remarks.
Off Cape Mount,	Schooner L'Etincelle	M. Audbert	M. Audbert	Bourdeaux	Trading Voyage	Bourdeaux	French	Completely fitted out for Slaves.
Off Old Calabar	Schooner L'Hypolite	H. Dupreyes		St. Pierre, Martinique	Old Calabar River	Martinique	Ditto	Ditto.—No one onboard who could speak Eng- lish.
In the River ditto	Brigantine Le Neptune	Duvaynes	M. Bidon	Cayenne	Calabar	Cayenne	Ditto	Waiting for Slaves. Only 6 of Crew alive.
Lagos Roads	Ship Mercury	E. Ped. Saintez,	Paul Josse	St. Salvador	Angola	St. Salvador	Portu- guese	Completely fitted out for Slaves.
Ditto,	Brig Bomfine	Jacq. Johane	Souza Joac Joze	Lisbon	Cabinda	Lisbon	Ditto.	Ditto.
Ditto.	Brig Boma Hora	Eml. Fon- seca		St. Salvador	Lagos	St. Salvador	Ditto.	Owned she was waiting for Slaves.
Ditto.	Brig Aliana	Antonio		Ditto.	Ditto.	Ditto.	Ditto.	DittoNo one on board who could speak Eng- lish.
Ditto,	Brig Strella	Ab. Baptiste		Ditto.	Ditto.	Ditto.	Ditto.	Ditto.
In the River Calabar,	Schooner Conceiçao	Ant. P. Bar- baroza	Maria de Cruiz	Prince's Island.	St. Sal- vador	Ditto.	Ditto.	56 Slaves on board. For judgment in Mixed Com- mission Court.
Ditto.	Del Carmen	D. Oaumleys		Havannah	Calabar	Havannah	Spanish	No one on board who could speak English. Fitted out
	101.137	1.1	1.1	1 1977 []	1	101	So 51	for Slaves.

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(Inclosure 3.)—Memorandum of Slave Vessels with French Flags, and French Papers, boarded by the Myrmidon, in the River Bonny, October 1821.

[See Page 26.]

(Inclosure 4.)—Return of French Vessels boarded by His Majesty's Brig Snapper, October, 1821.

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(A.) COMMUNICATIONS FROM NAVAL OFFICERS STATIONED ON THE COAST OF AFRICA, OR IN THE WEST INDIES.

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No. 1.—Commodore Sir George R. Collier to J. W. Croker, Esq.
(Extract) H. M. S. Tartar, Santa Cruz Roads, 10th Jan. 1821.
I AM happy to say that these Islands have not for some months been visited, as formerly, by any Spanish Vessel, bound on or from Slaving Voyages; though I understand that among the Cape de Verd Islands more than the customary Trade in Slaves is going on.
J. W. Croker, Esq. GEORGE R. COLLIER.

No. 2.—Commodore Sir George R. Collier to J. W. Croker, Esq. (Extract.) H. M. S. Tartar, Sierra Leone, 4th February, 1821.

LIEUTENANT HAGAN, of the *Thistle*, with the same good success that has always recompensed his activity, is the only Officer who has been so fortunate as to capture any Slaving-vessels during my absence from this Coast.

Of the two, as per margin,* one is said to be owned by Persons claiming the British protection.

J. W. Croker, Esq.

GEORGE R. COLLIER.

No. 3.—Commodore Sir George R. Collier to J. W. Croker, Esq. (Extract.) H. M. S. Tartar, Cape Coast, 4th March, 1821.

His Majesty's Sloop Morgiana had arrived in these Roads the day before from the Bight of Biafra, bringing in with her a Slaving-Schooner, the Emilia, of from 140 to 150 tons, under Portuguese Colours, captured under the Slave Treaties, 3 deg. North of the Line, and bound to St. Salvador; having on board at the time of capture, the incredible number (for such a Vessel) of 396 Slaves. The Portuguese Master has the audacity to swear, that the Schooner was not from near Lagos, but from Cabinda. The Slaves, however, distinctly state the contrary: and from the little expence of water, when boarded (only 4 casks) it is evident she could not have been between 40 and 50 days from Cabinda.

But if one circumstance will more strongly justify the opinion of Captain Finlaison (as well as my own) it is, that the wound caused on the breasts of the Men and Women, by the application of a hot iron, bearing the particular mark of the Individuals to whom those Slaves may be consigned (and with which Children of an extreme tender age are also branded) is, even now scarcely healed, and at the time of Capture was so fresh as to leave no doubt on the mind of the Surgeon, of the truth of the statement made by some of these unfortunate sufferers, as to time and place of sailing from.

J. W. Croker, Esq.

GEORGE R. COLLIER.

• Two Sisters, British Sloop, with 16 Slaves ; Montserrate, Spanish Schooner, with B5 Slaves.

No. 4.—Commodore Sir George R. Collier to J. W. Croker, Esq. Sir, H. M. S. Tartar, Cape Coast, 4th March, 1821.

I HAVE the honour to acquaint you that I sailed in His Majesty's Ship under my command from Sierra Leone on the 12th February, and, after examining the Bananas, returned to the Mouth of the Sierra Leone on the 14th, to receive on board one of the *Thistle's* anchors, which had been left at Free Town to repair; from thence I sailed the next day to examine the Gallinas, Cape Mount, &c.

Off the Coast I was joined by the *Myrmidon* and *Thistle*, and I beg to lay before you, for the information of their Lordships, the Copy of a Letter from Captain Leeke, of His Majesty's Sloop *Myrmidon*, giving me his reasons for detaining a *Spanish* Schooner, which, though avowedly engaged in the illegal traffick in Slaves, had no Slaves actually on board, but on her weighing, however, from her anchorage off the Galfinas, several articles were thrown overboard; and as Slaves have unquestionably been so removed from Slaving-vessels before, it is not ungenerous, under all the circumstances attending this Vessel's Case, to believe the possibility of such an occurrence in the present.

Not any Person on board acknowledges to be the Master or Supercargo, not any Ship's Papers or Pass are to be found; neither is there any Log-book, or any account of the remaining stores or provisions; and two sets of Colours were found, *American* and *Spanish*, on board the Vessel.

Under all these circumstances I have felt it my duty to bring her down to Cape Coast Castle, where I shall have the Depositions of such of the Crew as can speak English, taken.

As a Vessel without any Papers or proof of nationality on board of her, had been liberated by the Judge of the Vice-Admiralty Court at Sierra Leone, some time ago, Captain Leeke declined taking her to Sierra Leone, and I therefore gave her convoy to the Gold Coast. So soon as the examinations are concluded, I shall direct her being convoyed a few degrees to the Southward, and leave her with such Spaniards as are on board of her, to return either to The Havannah, or to renew her transgressions off the Gallinas, and I have no doubt but she will be again fallen in with by some of the Cruizers.

I regret to say, a French Brig, crowded with Slaves, sailed from Trade Town the day before the Myrmidon was off. I have, &c. J. W. Croker, Esq. GEORGE R. COLLIER.

(Inclosure.)—Captain Leeke to Commodore Sir George R. Collier. Sir, H. M. S. Myrmidon, off 1 assa Cove, 20th February, 1821.

BEING at anchor under Cape Mount on the evening of the 16th instant, a Schooner hove in sight round the Point; upon her making us out she immediately bore up and made all sail to the S. W. I by this time was under weigh, and made all sail in chase, but from the

many changes of wind I was not able to get up with her till the next day at noon; she proves a Spanish Schooner, the Charlotta, of 2 guns and 22 Men, evidently well armed, and calculated for a Privateer, and her not having a Paper of any description on board certainly proves that she is upon this Coast for no very good purpose; and as our trade has of late suffered much by being plundered by Vessels of this description, I have deemed it my duty to detain her till I have the honour to fall in with you. The Master of the Schooner, with the whole of her Cargo, was landed 9 days ago at the Gallinas, for the purpose of purchasing Slaves: The Mate asserts, that the Papers, Log-book, &c. were taken from him by a Privateer off the Cape de Verd Islands, about 27 days ago; but a Man on board, by name Thomaso Bueno, positively swears, that she has never been boarded by a Vessel of any description since sailing from The Havannah. The French Brig that was off Trade Town, sailed from that Place 2 mornings ago with 250 Slaves on board. I have, &c.

Commodore Sir G. Collier, K.C.B.

HENRY J. LEEKE.

No. 5.—Commodore Sir George R. Collier to J. W. Croker, Esq. SIR, H. M. S. Tartar, Accra Roads, 10th March, 1821.

I HAVE the honour to transmit the Copy of a Letter from Lieutenant Hagan, of His Majesty's Brig *Thistle*, addressed to Captain Kelly, and which has been forwarded to me by that Officer.

I had noticed the circumstance of Lieutenant Hagan's success in my Letter No. 8; but as I think the detail creditable to him, and as I know the great difficulty of effecting a Capture by surprize in such Rivers as Little Cape Mount, I cannot avoid transmitting it to their Lordships, and by it their Lordships will observe, that the Slave-trade is likely to continue on the Coasts of Western Africa, under cover of the *French* Flag. I have, &c.

J. W. Croker, Esq.

GEORGE R. COLLIER.

(Inclosure.)-Lieutenant Hagan to Captain Kelly.

(Extract.) H. M. B Thistle, Sierra Leone, 8th Nov. 1820. I HAVE the honour to report for your information, that on the return of His Majesty's Brig under my command from the Cape de Verd Islands, I seized, on the 12th of September last, off the Rio Pongas, the Sloop *Two Sisters*, having on board 16 Slaves, the property of a British Subject.

On our arrival at Sierra Leone, on the 18th of September, I lost no time in completing our water and provisions, and having, in obedience to my orders, proceeded to leeward as far as Trade Town, I obtained information of a *Spanish* Schooner lying in Little Cape Mount River. I proceeded there, and, having availed ourselves of a heavy shower of rain, the boats were dispatched, under the orders of the Master, on the 16th of October, who was fortunate enough to surprise them. She proved to be the Spanish Schooner Montserrate, having on board 85 Slaves. There being but one Officer at that time doing duty, I was obliged to return to this anchorage with the Prize.

I feel gratified in being able to report, that the Coast between this and Cape Palmas is again cleared of Slave-traders, with the exception only of two French Schooners and one American. Capt. Kelly, H. M. S. Pheasant.

H. HAGAN.

No. 6.—Commodore Sir G. R. Collier to J. W. Croker, Esg. H. M. S. Tartar, Accra Roads, 12th March, 1821. SIR.

ALTHOUGH I am aware that Captain Kelly, of His Majesty's Sloop Pheasant, has forwarded to their Lordships his Letters of the 9th August, detailing, among other events, the circumstances attending the attack made by the Boats of His Majesty's Sloop under his command, upon a small Vessel, probably a Portuguese Slaver, near Cape Clara; and lamenting as I do the want of success on this occasion, I am, notwithstanding, induced to send an Extract from one of those Letters by way of duplicate, as it affords me the opportunity of bringing the name of Lieutenant Joseph C. Jellicoe before their Lordships, as a very zealous and meritorious Officer, and who upon this occasion received a severe wound, from a piece of langridge, in the throat.

Lieutenant Joseph C. Jellicoe, who has before lost an arm, as I believe, in His Majesty's service, appears on this occasion to have narrowly escaped with life; and, under the circumstances of climate, his recovery appears miraculous.

I am confident their Lordships will consider I only do my duty in making this statement, and in forwarding the within Extracts.

J. W. Croker, Esq.

I have, &c.

GEORGE R. COLLIER.

(Inclosure,)-Captain Kelly to Commodore Sir G. R. Collier. H. M. S. Pheasant, Cape Coast, 9th August, 1820. (Extracts.)

I AM sorry to have to report, that on the afternoon of the 9th ult. while running from Gabon to Corisco Island, for the purpose of redeeming the remaining survivors of the Ship Liverpool's Crew, a small Schooner was seen at anchor close in shore, about 9 miles North of Cape Clara, near which, on the beach, were some armed Natives, who fired on a boat which I had sent to sound along the Coast. I instantly hauld the Ship in, and sent the boats, manned and armed, under the orders of Lieutenant Jellicoe, the first Lieutenant, either to destroy or to bring the Schooner off. On their approach, it was found she had been hauled on shore, and was secured by 2 anchors on the beach, and, on their attempting to board her, a large body of Natives rushed from behind the bush and discharged a heavy volley of musquetry, which

killed 1 seaman, and wounded Lieutenant Jellicoe, 5 seamen and 1 Kroo-man.

Lieutenant Jellicoe conceiving that any further attempt against such superior numbers, almost concealed from their view by the bush or thicket, would be attended with a great sacrifice of lives, very prudently returned on board. I then decided on running the Ship in as close as possible, and endeavour to effect the destruction of the Schooner and a few visible huts with the guns. At 5 o'clock I anchored in 3 fathoms, but, from the water running off very shallow from the beach, we were then only in long range.

After firing for a short time (our situation being a critical one, having a reef both head and stern not more than 2 cables length off, and fearing the Ship might take the ground as the tide fell), I again got under weigh and stood out to sea at sunset.

It is with much satisfaction I have to add, that, through the skill and attention of Mr. William Clarke, Acting Surgeon, all the wounded are again returned to duty (although most of the balls or pieces of iron had to be extracted from their wounds), except Lieutenant Jellicoe, who was severely wounded in the front part of the throat by a piece of langridge, which carried away the whole of the muscle, and injured the trachia or wind-pipe. I hope I shall be pardoned by stating, in justice to the claims of a deserving Officer, that Lieutenant Jellicoe lost his left hand in his Country's Service when a Midshipman, for which he has never received any remuneration. May I also be permitted to suggest, that it would give great encouragement to the Kroomen to enter the King's Service, if the man wounded on this occasion was paid the small Pension (to which he would be entitled if he went to Greenwich to present his smart ticket) by the Governor of Sierra Leone.

Richard Thomas, able Seaman, killed; Joseph C. Jellicoe, Lieutenant, wounded, badly; Joseph Pickford, Caulker, slightly; Ed. Kenneddy, Quarter-gunner, ditto; David Lyon, able Seaman, ditto; Charles Fraser, able Seaman, ditto; Jack Davis, Kroo-man, forefinger left hand amputated.

Commodore Sir G. R. Collier.

B. M. KELLY.

No. 7.—Commodore Sir G. R. Collier to J. W. Croker, Esq.

SIR, H. M. S. Tartar, Accra, 12th March, 1821. THE accompanying Copy of a Letter from Captain Kelly, of His Majesty's Sloop Pheasant, having been transmitted to me by that Officer, as well as the Answer to it by the President of Elmina Castle, I think it proper to send Copies of the same, as well as to offer some observations thereon, for the information of my Lords Commissioners of the Admiralty, in case any question should arise. The assumption made by Captain Kelly, of many Portuguese Vessels engaged in the Slave-trade having, whilst lately passing the Gold Coast, obtained supplies of Canoes at Elmina Castle, appears certainly to rest upon the authority of the English Governor-in-Chief; and although, I dare say, the circumstance is as therein stated, yet I cannot believe, but the Canoes supplied were ostensibly required for a legal Trade, though of legal Trade, on the leeward Coast at least, along the Bights of Benin and Biafra, the Portuguese have none, unconnected with that of dealing in human Beings.

There is, however, one part of Captain Kelly's assertion in his Letter to the President of Elmina, which I feel it necessary to dissent from, lest their Lordships should recommend to His Majesty's Government some measures founded upon it.

It is, "that the surf upon the whole line of Coast in the Bight of Benin, precludes the possibility of carrying on this traffick without the assistance of these Canoes from the Gold Coast."

Between Quitta and Popoe, the Road of Whydah, Porto Novo, and Lagos, the usual haunts of the Slavers in this Bight, may be said to be enumerated. Off Benin Slave-vessels are seen occasionally, but these 2 last named Places have Rivers so important that Vessels of upwards of 150 tons may pass their bars.

At 3 of these Places Canoes can be hired for the purpose of sending off Slaves, or even legitimate commerce if required; and at Whydah I saw several Canoes above the beach: and some of these Canoes came off to the *Tartar* with a present from the King of Dahomey's brother; indeed the numerous Pullam or Canoe trees in the interior furnish evidence as to the possibility of a supply within themselves, so that if the selling or letting out these Canoes be absolutely prohibited, still it appears to me that more effectual Laws must nevertheless be adopted to prevent the Slave-carrying from that Coast.

It is the assistance and supply of Men on these occasions that becomes more important than even their Canoes.

The hiring of a Canoe by a Slaver, is in fact hiring so many Fantee labourers (for the Popoes and Dahomians will not trust a renegado Slave-trader afloat); and in general the terms are, in addition to their daily hire, the Canoe itself, after the accomplishment of the object of the Voyage; for the Fantees themselves will rarely engage without means assured to them of a safe return to the Coast; and the value of their services consists in their superior dexterity in the management of their Canoes; for though the establishments on the Sea Coast of Benin are small, and principally the factories of Europeans, yet the inland navigation is considerable; but the Canoe men of this Bight are little acquainted with the surf on the beach, though quite equal to paddling on the numerous Lakes and Rivers which line the back of this tract of Coast.

The custom of procuring Canoes on the Gold Coast is certainly continued, and the *Portuguese* Master readily makes oath to the legal object of his Voyage, and the purity of his intentions when required to do so. In short, when only waiting the favourable moment to ship off his Cargo, I have known the Master to swear he came for palm oil, though his hold, stowed with water casks and farina, sufficiently attested a different object. I have, &c. J. W. Croker, Esq. GEORGE R. COLLIER.

(Inclosure 1.)—Captain Kelly to the Governor of Elmina.

SIR.

H. M. S. Pheasant, Cape Coast Roads, 27th Dec. 1820.

SINCE my arrival at this anchorage it has been communicated to me by Governor Smith, that a vast number of Portuguese Vessels employed in the Slave-trade have recently passed down the Coast, and that the whole, or the greater part of them, have been provided with Canoes from Elmina; and as the violence of surf on the whole line of Coast in the Bight of Benin precludes the possibility of carrying on this traffick without the assistance of these Canoes, the supplying of them is most decidedly aiding and abetting in the Slave-trade; and as such conduct appears to me to be in direct violation of the Proclamation of His Majesty the King of The Netherlands, forbidding his Subjects from trading in Slaves, and of affording assistance to others in so doing, and as it is also an indirect infraction of the Treaty entered into by our respective Sovereigns for the abolishing of the Slave-trade ; I feel it my duty, in the absence of Commodore Sir George R. Collier, Bart. and K.C.B. as the Senior Officer of His Majesty's Ships employed in these seas for the purpose of carrying that Treaty into effect, to make this representation to you, in the hope that you will immediately adopt such measures as will effectually put a stop to any further Canoes being so supplied to these Vessels. From the assurance contained in the Letter which I had the honour to receive from you yesterday, of the desire of His Netherland Majesty's Officers to effect every thing in their power which may tend to check this infamous traffick, I feel convinced every attention will be paid to this representation. I am. &c.

J. Vousthout, Esq.

B. MARWOOD KELLY.

(Inclosure 2.)-The Governor of Elmina to Capt Kelly -(Translation.) SIR, Elmina Castle, 28th December, 1820.

I HAVE received your Letter of yesterday's date, informing me, that Governor Smith has acquainted you that a vast number of *Por*tugnese Vessels employed in the Slave-trade have recently passed down the Coast, and that the whole, or greater part of them, have been provided with Canoes from Elmina.

I have to thank you for the frankness wherewith you acquaint me

with your Author, and beg to remark at the same time, that as GovernorSmith appears to be so well acquainted with what happens at Elmina, he certainly ought to give you still more useful information, about who are the Persons that are thus aiding and abetting the Slave-trade, according to your opinion.

I have not the least doubt as to the accuracy of your statement about the violence of the surf in the Bight of Benin, and that it is impossible to carry on this inhuman traffick without the assistance of Canoes, but I wish to ask you, if you are of opinion that legal Trade, such as for ivory, palm oil, &c. &c. can be carried on at these Places without them ?

And will you further allow me to ask you, if it is true or not that some months since a *British* Schooner left Cape Coast Roads for lceward with a large Canoe supplied by that Place?

I can assure you I am utterly unacquainted, that any Canoe or Canoes are provided from this Place to *Portuguese* Vessels, and I am at all times ready to make the most solemn affirmation, that neither I nor any of His *Netherland* Majesty's Officers have known of such a supply, much less that it should have been with our sanction and approbation.

Moreover, I have to observe, that although the providing of Canoes is in your opinion such a direct violation of the Proclamation of His Majesty the King of *The Netherlands*, and only serving to afford assistance to the Slave-trade, it has, notwithstanding, not pleased my Government to furnish me with any positive orders on the subject. More than once it has been asked by the Government on this Coast, if it was allowed, lawful or not, to provide Vessels with Canoes; yet never any other answer has reached us than that the point was kept in consideration, out of which I should be glad to know if any prohibition can be drawn.

For prudential reasons, however, the supply of Canoes was put a stop to; and I was in the certain idea, that this provision had entirely ceased, when your Letter of yesterday acquainted me that it was otherwise known in Cape Coast Castle.

I will not say any thing about so many other Places where Vessels may be supplied with Canoes. It is well known to impartial Persons, that both to windward and to leeward, are Places admirably fitted for the purpose.

The positive measures which you hope I will immediately adopt to put a stop to the (as you say) still existing supply of Canoes, could not be more positive than those which are made use of by the Government of this Place; and I flatter myself, that as I faithfully adhere, and cause others to adhere, to my King's Proclamation and Treaty, it will be quite unnecessary for any Person to prescribe me any new instructions. I have, &c.

Captain Kelly.

J. VOUSTHOUT.

No. 8.—Commodore Sir G. R. Collier to J. W. Croker, Esq. SIR, H. M. S. Tartar, Bight of Benin, 19th March, 1821.

CONTEMPLATING the various reports of *Portuguese* and *Spanish* Slavers being on the Coast at Leeward, and which (though at variance with Captain Kelly's opinion to me) appeared in some degree corroborated in his Letter to the President of Elmina Castle, I proceeded from Accra on the 12th instant, for the purpose of reconnoitring the Bight of Benin, near Whydah, taking the *Thistle* Gun-brig with me.

In my way down I examined the River Volta, for reasons, however, not connected with any suspicion of the Slave-trade existing there, and at the *Danish* Fort of Adda, on the right bank of this River, I learnt that some Slavers were in the neighbourhood of Quitta.

Having spent sufficient time to enable me to decide upon the merits and capabilities of this River, of which so much has recently been said, I proceeded off Quitta, where I learnt that a *French* Slaver had a few days before put to sea with 380 Slaves on board, procured from the Leeward of that Fort, and that 2 others were on the Coast.

As the *Thistle* was sent a-head under disguise, a coasting Schooner, said to be English, was examined; and from circumstances connected with her, I have many doubts as to the legality of her pursuits, but I shall make this a subject of future report when better informed.

Off Whydah, the *Thistle* boarded a *Portuguese* Brig, the *Victoria*, whose Cargo was nearly landed, having in addition to her Royal Licence abundant proof that her object was Slaves; none were, however embarked; and, after a proper examination, the Vessel was liberated. I am induced to mention this circumstance to show to their Lordships how difficult it is, under the present Treaties, to suppress this traffick.

This Vessel sails from the Brazils for a Cargo of Slaves, to be received at Cabinda, South of the Line, and the Master's reasons for a deviation from his pretended Instructions are, that the demand for Slaves at Cabinda had been so considerable that none were to be had; but though his water-casks were full and complete, his farina, as food laid in, and shackles for his Slaves ready to send on shore, still he pretended palm oil was the object of his Voyage. A domestick Slave on board declared to me they had not been this Voyage to Cabinda, and that they had only returned from Brazils a few days. Indeed, it appeared that she had completed her last Voyage, out and home, with a full Cargo of Slaves, in little more than 4 months; and, from the intimacy which appeared between the Master and the Natives, I have no doubt of the fact, more particularly as she is consigned to Senor de Souza (the celebrated Chacha at Whydah) a banished felon from the Coast of Brazil. As I judge the Brig will be ready to slip out in a couple of weeks, I shall direct the Pheasant to be off the Roadstead.

I close this, as my object is only to shew their Lordships, that, with

all the vigilance possible, the chances are against seizing Slave-vessels on this part of the Coast, within the strict meaning of the existing Treaties; and, although it is a positive fact, no description of Country produce is ever shipped in *Portuguese* Vessels from this part of the Coast, yet hundreds of Vessels under that Flag anchor here during the Year. I have, &c.

J. W. Croker, Esq. P. S. I take leave to inclose a Copy of the opinion I have endorsed on the face of the Brig Victoria's Royal Pass, which I did in the hope it might meet the eye of some Civil Officer in the Brazils, by which her entry being known, the legality of her Voyage might be traced. GEORGE R. COLLIER.

(Inclosure.)—Declaration of Commodore Collier, written on the face of the Royal Passport of the Portuguese Brig Victoria.

Whydah, the 17th day of March, 1821. I, the Undersigned, Commodore of His Britannick Majesty's Ships

and Vessels upon the Coast of Africa, for the suppression of the illegal traffick in Slaves (particularly North of the Line), do declare that the Portuguese Brig Vi toria, whereof Manoel Cardozo dos Santos is Master, was found by me laying off the Slave-town of Whydah, in the Bight of Benin, North of the Line, on this day, the 17th of March. 1821, where she could only be for the purpose of illegally purchasing Slaves; that although her Log asserts, that she has already been at Molembo, where she remained 3 days, and which Port she is said to have left on the 2d of March, and that she a rived here the 10th, after so short a passage as of itself to prove the Log a fabrication, but which circumstance being denied by some Individuals belonging to her, leaves no doubt on my mind as to her Voyage having been made direct from Bahia to Whydah, unless as in the case of the Emilia Slave-brig, captured by the Morgiana, the Town of Onim or Lagos, a few miles East of Whydah, which has been by the Emilia's Master christened Molembo, may have been the Port touched at by the Victoria; but as my conviction is, the Victoria has come here for a Cargo of Slaves, and as she has evidently acted contrary to her Royal Portuguese Passport, which prohibits her from entering any Port where the Slave-trade is not permitted to the Subjects of Portugal, I have, therefore, considered it my duty to warn the Master of the consequences of his violation of the said Passport, and do likewise denounce him to his Government, by marking the circumstances on the face of this Royal Passport, as I shall by Letter to my own. Given under my hand, on board His Britannick Majesty's Ship Tartar, off the Town of Whydah, in the 6th degree of North Latitude, and 2d **GEORGE R. COLLIER.** degree of East Longitude.

No. 9.—Commodure Sir G. R. Collier to J. W. Croker, Esq. His Majesty's Ship Tartar, N. W. Bay, Island of Fernando Po, 31st March, 1821.

I HAVE the honour to report to you, for the information of the Right Honourable the Lords Commissioners of the Admiralty, the successful results arising from my examining the Rivers of Bonny and New Calabar.

Having spent some days in surveying the Coast between Formosa and Fourchee Point, in order to fix the actual position of the former Cape, in which I accidentally learnt Captain Kelly and myself differed materially, I was preparing the Boats of the *Tartar* to proceed with the *Thistle* off the East entrance of Bonny River, when a Schooner was seen at anchor in that Channel. As the *Tartar* could not weather the West Sand Head, she was anchored, and Lieutenant Hagan soon after made known that the Boats would be useful. In the mean time a large Canoe (which it afterwards appeared had been employed piloting the Schooner down the River), came off to the *Thistle* (then under *Spanish* Colours,) to inquire if she was a Slaver.

The Canoe People took alarm, and were in the act of paddling off, when Lieutenant Hagan with that presence of mind and activity I have so long known him to possess, jumped into the Canoe, followed by a sailor and Kroo man, and prevented a retreat.

Fearing our Boats might not arrive in time, and as the evening was closing, he decided upon turning the services of the Canoe to the best advantage, and ordered Mr. Charles Lyons (an Admiralty Midshipman, but acting for the time as Master, and an Officer of great merit,) to push off with 30 men, and carry by stratagem what he certainly could not have effected otherwise without considerable loss of lives.

As the Officer and Seamen were all secreted in the bottom of the Canoe, the surprise was most complete: the Bonny People answering, when hailed, all was well; that the Brig was a *Spaniard* for Slaves, and the Ship was English, for oil. The stern-chasers of this daring Slaver were then abandoned, and the Supercargo retired with his Officers to the cabin. This afforded those in the Canoe the opportunity of boarding; but a firing instantly commenced from the cabin, by which Mr. Lyons was slightly hurt, as well as one Seaman and a Marine.

The drunken obstinacy of the Supercargo, who, as well as the Master, is American, English, and Spanish, by turns, compelled a return of the fire; and I lament to say, that some of the female Slaves jumped overboard, and were immediately seized by the sharks swarming round the Vessel. The Canoe during the bustle unluckily escaped, and made immediately for the harbour of Bonny, by which information was given of the approach of the Boats.

This detained Vessel proves to be the Anna Maria, a Spanish Schooner, from Cuba to this Coast, Juan De la Roach, or La Roche, Master, but,

SIR,

by his Papers, under engagement to follow the orders of his Supercargo, who is to be privately considered as the Captain. Of this person's nationality I can say nothing, but that he is either American or English, though he maintains he is a naturalized subject of Spain, and living at Cuba. Of his mind and disposition I have seen enough to pronounce him as great a villain as can be; and I am almost tempted to believe his assertion, that he would rather have blown the Schooner up than have allowed her to have been taken, had time permitted his opening the magazine. Indeed, his maniac-like state, when first brought on board this Ship, fully justifies the conclusion and the reports made of him by Lieutenant Knight.

It now becomes a part of my duty to inform their Lordships, that in this Vessel there were near 500 souls, of which number upwards of 450 were Slaves. The males, with the exception of those styled domestic Slaves (whose duty is to attend upon the others,) were all linked in shackles by the leg in pairs, some of them bound in cords; and several had their arms so lacerated by the tightness, or long continuance of this restraint, that the flesh was completely eaten through.

To give their Lordships an idea of the crowded state of this Vessel, it will only be necessary for me to refer to her tonnage; but of the disease and sickness which had thus early been generated (for she had only cleared out the day before,) their Lordships may form an estimate when they learn that 30 of these beings, scarcely human, were obliged to be removed to the *Tartar*, in the severest stage of dysentery, and many under fever; and before I could allow her to weigh anchor from the Sand Heads, six times that number had been removed, literally to give room for the working of the Vessel. The cries and shouts of those in irons in the Slave room for water and for air (at least from signs this interpretation was given,) adding to the confusion, and making her voyage otherwise impracticable.

The melancholy picture this Vessel exhibited of the depravity of those who now follow up this trade, and the misery inflicted upon the unfortunate Beings in their power, may be imagined, but cannot be described. Yet, that their Lordships may form some opinion of the state of desperation to which the misery of these unfortunate Slaves had reduced them, I shall state, that although most of them were still in irons, and every English Officer and man armed, and though blunderbusses were pointed (as left by the Spaniards over the quarterdeck barricade) among the Slaves, yet a rising was attempted by them, which, highly creditable to Lieutenant Knight (then in charge,) was subdued without having recourse to fire-arms.

As the Spanish Crew of this Vessel had been actively employed in cutting away every rope within their reach, their personal confinement became an indispensable measure; and situations were thus exchanged with them and some of their late Slaves. On examining her Papers and Crew, it appears she is the same Vessel as was last year brought into Sierra Leone by His Majesty's Sloop *Myrmidon*, and there liberated, as none of the Courts at Sierra Leone were considered competent to investigate her Case; and, after being refitted, she proceeded off the Gallinas, and, I have no doubt, proceeded on to Cuba with a full cargo of Slaves. The excuse for the Authorities of The Havannah, granting her the protection she has, is founded on the circumstance I have now alluded to.

The Boats from this Ship, under Lieutenants Marsh and Graham, on ascertaining the fact of a *Portuguese* Slaving Ship being in the River Bonny, pushed on, and, after a tedious row, boarded her, receiving a fire of grape and musquetry, when her Crew ran below. She proved to be the *Portuguese* Ship *Donna Eugenia*, Manoel Jose Silveira, Master, and Manoel Lewis dos Santos, Owner, from Pernambuco, having a Royal Pass to slave at Cabinda and Molembo, south of the Line, and, like others, forbidden to proceed north of the Line. As she had been but a few days in the River she had only a proportion of her Cargo on board, 85 Slaves, male and female, being all that were found; nor am I inclined to believe that any had been sent on shore, as the Boats quickly followed the native Canoe.

I have now to report, that, having removed upwards of 200 of the Slaves from the Schooner Anna Maria, all her sick, as well as nearly the whole of her Crew, and supplied her with good water, I dispatched her for Sierra Leone, and proceeded with His Majesty's Brig *Thistle* and the *Donna Eugenia* to this anchorage. The water on board the Slave Ship being extremely bad, I have availed myself of the excellent opportunity I have of completing her with water and yams for 200 Slaves, and, having filled her to that number, shall dispatch her in the course of the day for Sierra Leone.

The prejudices the Slaves naturally have against White Men, and the difficulty of making those who are sick or diseased understand our wishes and motives, make their recovery from illness at all times extremely difficult and doubtful; and, though some are already dead, I persuade myself their Lordships will consider that I could not do otherwise than receive those I now have on board, the chances of disease spreading in the detained Vessels being considerably greater than in His Majesty's Ships, where so much more precaution may be taken.

Were I not so very near the River of Old Calabar as I now am, I do not think I should consider myself warranted in examining that River; but the reports I have heard, and the great good which I am told may spring, from the presence of His Majesty's Officers, to the British Ships legally trading in that River, induces me to spend a few days more in this Bight before I proceed to Princes Island.

I have, &c.

J. W. Croker, Esq.

GEORGE R. COLLIER.

No. 10.-Commodore Sir G. R. Collier to J. W. Croker, Esg. H. M. S. Tartar, King George the Fourth's Bay.

(Estract.)

Island of Fernands Po, 16th April, 1821. THE Boats of the Ship under the command of Lieutenant Marsh, with Lieutenants Knight and Graham, were dispatched up the River Old Calabar to reconnoitre the anchorage off Duke's Town.

The result of this examination has been the detention of 2 Slave-Vessels under the Portuguese Flag; the one a Schooner, named the Constantia, of 73 tons, belonging to Senor Caetano, Raimundo de Novaes and others, of Princes Island, having on board the great number of 250 Slaves. The Master of her has declared on his oath, that he was from Cabinda, South of the Line, and that, having missed the Island of Princes, where he was bound with his Slaves, he had put into the Old Calabar River for the purpose of obtaining supplies of provisions for his Slaves, but without having been able to obtain them. It is somewhat curious that he has a log corresponding with this assertion, the fabrication of which it is unnecessary to prove, and I only mention the circumstance to shew the little value the illicit Slavers affix to any sacred obligation.

The crowded state of this Vessel exceeds even those I have before seen, and although it is clearly substantiated that many of these unfortunate Beings had not been more than 24 hours on board the Constantia (and that some of those had been kidnapped by the Portuguese Master,) when captured by His Majesty's Boats, yet death had already commenced his career, and one Slave-woman was found nearly buried amongst the living, and before reaching the Ship, a male Slave died also, in my firm belief, from the cruelly crowded state of the Slaveroom, which, not only from its close and confined state, and the natural effluvia arising from various causes, was offensive in the highest degree. but was still further increased from the accidental circumstances of the Capture taking place before she had cleared the River, and the day on which the Sun was vertical, and season when tornadoes of rain were frequent.

As I feel it an imperative duty to remove all the male Slaves from the Constantia, before dispatching her for Sierra Leone, I shall do so, leaving only a few to fulfil certain duties; by this means, accommodation may in some degree be afforded for the female Slaves, amounting, as I understand, to 77 (for the crowded state of this Vessel has prevented the possibility of ascertaining the exact number correctly,) and in order that their Lordships may see the necessity which existed, I shall be excused for stating below the actual dimensions of this Vessel, and the proportions of space allotted for so many human Beings; at the same time, it is proper to observe, that the after part of the upper deck and forecastle must be occupied by the Crew, while the main deck has the Boat, the caboose for cooking, as also the yams for

the Slaves' provender, with water casks at each side of the gangway. I am in consequence obliged to remove almost every Portuguese to the *Tartar*; indeed nothing but the distressed state I am in, from the number of sick Slaves and Foreigners I have now on board, and the opportunity afforded by the *Thistle* giving them convoy and protection, would permit me to send the *Constantia* for adjudication, as she is scarcely trustworthy by herself, and least of all to perform such a voyage as one from the extremity of this Bight to Sierra Leone, and at this season of the year.

The other detained Vessel is the Gavido from Pernambuco for Cabinda, (furnished with a Royal Pass to carry Slaves,) but interdicted from trading North of the Line, though St. Thomas's is introduced into the License, which, if it means the Island, has certainly been the result of trick or connivance. The log-book of this Vessel, which appears to have been kept correctly, indicates her having been at Cabinda, which I am disposed to believe, because the Master states he carried Soldiers from Pernambuco, and the Royal Pass allows her to proceed, and to receive on board at Cabinda (being to the South of the Line) 357 Slaves. From the Coast of Africa she proceeds to St. Thomas's Island, thence to Princes Island, and from thence to Old Calabar, for the purpose of taking on board (as the Master states) palm oil.

The Gavido had arrived a few days previous to our Boats, and I understand did not intend to take a crowded Cargo. She had commenced paying some of her port dues, and had in consequence began slaving the day previous to her detention; and that this was the Master's object, the within Letter from the Native Chief, will be a satisfactory proof, as 3 Slaves, independent of any others sold by subordinate Traders, had been bargained for, and actually delivered over to the Master on board the Gaviáo, by the Duke himself; that they had not been paid for previous to her Capture is a circumstance lamented by that Chief in a very natural way.

After the Letter had been dispatched to me by the Chief, I received a verbal message from him, saying, that 2 of the 3 Slaves he had sold to the *Portuguese* Brig had been recovered, they having been landed from the Brig while the Boats were boarding, but that the third must be still on board; and it appears, that, owing to the circumstance occurring in the night, the Boats in mistake first boarded an *English* Merchant Ship laying near the *Gavido*, which, creating an alarm on board that Brig, advantage was then taken of it, and having only a few Slaves on board, and a Canoe alongside, the attempt was made to get rid of them, in which, with respect to the two above-mentioned, the *Portuguese* certainly succeeded, and the Sailors so employed returned to the Brig when in our possession.

Whether among the 8 Slaves found on board the Brig, the Slave of

the Chief, Ephraim, shall be one of that number, or whether he may have been disposed of in a more secure manner, must be hereafter decided; but as a Portuguese Sailor was found in the Brig's hold, endeavouring to force a pair of trowsers upon a Slave, and this Slave had neither a name, nor could he speak or understand either Portuguese or the native language of Calabar, I am inclined to believe he is one amongst those sent from the Interior, and probably the identical Slave sold by Duke Ephraim. In this belief, at least, he was sent on board the *Thistle*, and the Brig *Gaviáo* brought down the River by the Lieutenant in command.

In a conversation I have since had with the Master, he appeared ignorant of his having so many as 8 domestic Slaves on board, but, on referring to the Contre Maestro, he said they were taken on board at Princes Island.

On a reference to her Role d'equipage it does appear she had 4 domestic Slaves on board on sailing from Pernambuco, whose description however, does not answer to either of the 8 mentioned, nor are there any additional number of Slaves as domestic ones certified on her Role d'equipage, which bears the proper Signature of having undergone examination at Port Antonio, Princes Island. It is therefore an almost unquestionable fact, that if a part of these Slaves were not procured in Calabar, they must have been since quitting the Coast of Brazil; and I should hope, if 1 am to expect reasonable justice from the Mixed Commission, that this Brig will also be considered as having not only violated her engagement, but that she has been trading in Slaves contrary to the existing Treaty.

I have been more minute in this, as well as in other cases lately reported to their Lordships, because I am aware of the necessity which now exists, as I know from past experience the interest every Slaver has, in disproving the charge against his Vessel, tempts them to swear to the most evident falsehoods; and it is with concern I have remarked the most extravagant assertions have been recorded in the Mixed Court as proofs of innocence.

J. W. Croker, Esq.

GEORGE R. COLLIER.

No. 11.—Commodore Sir George R. Collier to J. W. Croker, Esq. (Extract.) H. M. S. Tartar, Sierra Leone, 6th June, 1821.

ALTHOUGH Captain Leeke was not successful in falling in with any of the Slaving-vessels employed in that Traffick between Rio Grande and the Cape de Verds, yet, as it was known the *Myrmidon* was on that part of the Coast, it is probable that the Slave expeditions were suspended for a time, and I am assured that the appearance of such a Vessel of War at Portendick, strengthened the respect the Moors were inclined to pay, from the proper conduct of Lieutenant Evans of the Snapper. I cannot close this Letter without an attempt at doing justice to the zeal and perseverance manifested by Captain Leeke, on this part of the Coast between St. Ann's Shoal and Cape Palmas, for he has literally so worried the Slavers, whose haunts he knew pretty well, as to have left scarce any thing to be done.

The only Foreign Vessel, *French* excepted, I have heard of as having been Slaving between this and Cape Palmas, was the *Carlotta*, the identical one I had before taken down to Cape Coast, and who had no sooner beat up again than she commenced her former Traffick; and a few days since, having near 270 of her Slaves on board, she upset in a squall off the Gallinas, and only 3 or 4 of her Crew were saved: of course the Slaves in irons had a very sorry chance. The Master and Survivors are now here, and I hope to see them.

A Portuguese Brig of large dimensions had, however, sailed from St. Jago for Cacheo, in the Rio Grande, the Master boasting he had a Royal Pass to carry away 1000 domestic Slaves. I have received this information through such unquestionable authority, that though I scarcely credit the fact, yet, if corroborated, I shall feel it proper to order a particular look-out in that neighbourhood.

J. W. Croker, Esq.

GEORGE R. COLLIER.

No. 12.—Commodore Sir George R. Collier to J. W. Croker, Esq. SIR, H. M. S. Tartar, off Sierra Leone, 17th June, 1821.

As I have reason to believe that the within Letter from Captain Finlaison, reporting the detention of the *Emilia*, *Portuguese* Slaver, did not accompany my Letter of the 4th of March last, or its Duplicate, I feel it proper to inclose the Copy, in order that it may be laid before my Lords Commissioners of the Admiralty. I am, &c. J. W. Croker, Esq. GEORGE R. COLLIER.

(Inclusure.)—Captain Finlaison to Commodore Sir G. R. Collier. SIR. H. M. S. Morgiana, Coast of Africa 15th February 189

SIR, H. M. S. Morgiana, Coast of Africa, 15th February, 1821. I BEG leave to acquaint you, that in returning from the Bight of Biafra, for the purpose of meeting you at Cape Coast, agreeably to the orders of Captain Kelly, of His Majesty's Ship Pheasant, being in Latitude 3 deg. 50 min. North, and Longitude 3 deg. 30 min. East; I captured, after a short chase, on the 14th instant, the Portuguese Schooner Emilia of 158 tons, having on board 396 Slaves, and, according to the information I have been able to obtain, out only 2 days from the River Lagos. From the very crowded state of her decks, and fearful of disease breaking out amongst the Negroes, I considered it my duty (notwithstanding the great inconvenience) to take 100 of them on board the Morgiana. I am, &c.

Commodore Sir G. R. Collier, K.C.B. WM. FINLAISON.

No. 13.—Lieutenant Knight to J. W. Croker, Esq. His Majesty's Gun-brig Snapper, Duke's Town, Old Calabar River, 5th August, 1821.

I BEG leave to inform you, for the information of my Lords Commissioners of the Admiralty, that on the 1st of August, being off the Bar of this River for the purpose of intercepting any Slave-vessels hat might be coming out from it, I boarded an *English* Trade-ship hich had just come down, and that Ship having the Pilot of the River on board, I sent for him, and compel ed him to take the *Snapper* up, though he was very unwilling to do so.

On the first night of entering the River I dispatched the Boats of the Brig, on having learned from the Master of the Ship boarded, that there were 3 Vessels of different Nations taking in Slaves from Duke Ephraim, the chief man of this part of the Country. Being much in want of wood and water, both of which can most easily be procured here, and as the Slave-trade is carried on at those Towns to a very great extent, the River being navigable to them with great ease, by means of Pilots, though they are 50 miles from the entrance, I judged, as no Ship of War was ever up at the Towns before, that the appearance of one might have some effect towards showing the Natives that it is our determination to lessen, at least, this inhuman traffick, if not in our power yet to prevent it totally. These considerations made me resolve to follow the Boats up all the way, and to take this opportunity of supplying our wants, although the rains are heavy at this time; but it is not the rainy season that is to be dreaded as the most sickly on this Coast, the foggy months that immediately follow are what ought to be most sedulously avoided; of this I speak from unquestionable authority, from numerous sources, and from some little experience, the Snapper not having a sick Man on board, but, on the contrary, every Person is in excellent health, though we have not had a dry day for several weeks.

I found the Boats under Mr. Cowie, the Acting Master, and Mr. Jeazes, Master's Mate, had captured a *Portuguese* Schooner, named the *Conceiçao*, with 56 Slaves on board, the property of the Governor of Princes Island, who has a constant succession of Vessels carrying Slaves to that Island, where he sells them at an advanced price to such as are afraid to venture on the Coast, but can buy them under the protection of the *Portuguese* Flag and Batteries, and can get in a few hours to the South of the Line.

The two other Vessels lying here are a Spanish Felucca and a French Brigantine, but the former not having any Slaves actually on board was not taken possession of, and the latter only examined and found belonging to Cayenne. In order to make my Letter as short as possible, I shall merely say of the captured Vessel, that, as the Slaves

SIR,

were just embarked, they are in good condition, and the number does not form a fifth part of what were to have been taken in; I shall as soon as possible send her to Sierra Leone for the Judgment of the Mixed Commission.

Allow me, Sir, to call the attention of their Lordships to the very great distance from these Rivers to that Port, which cannot fail to produce a great mortality among the Slaves, as in the case of the *Tartar's* prizes, and to be a great risk to the lives or healths of our Seamen and Officers who have to navigate them up, the Vessels being always in the most loathsome state imaginable; and to send medical assistance is not possible. Eight weeks is by no means to be considered a long time to perform this difficult Passage.

I am very sorry to inform you, Sir, that the most horrible practice of human sacrifice (of Slaves) is carried on here to an extent that I could not have believed Mankind, in any state, to have been capable of, much less People who in all other respects have arrived to an astonishing degree of civilization, and have left all other Africans that I have seen very far behind them.

Yesterday I had the mortification to see 5 heads and bodies lying in the Market-place that had been offered up at a funeral in the morning. The number in the Year must be excessive, as, were Duke Ephraim to die, a 1000 would be thus sent to accompany him.

To my expostulations with him on the subject, he answered, that as we hinder the sale of their Slaves, they take such means to rid themselves of them. To this I could only reply, that I would not permit it in sight of my Brig. The death of any Person who is considerable enough to possess or purchase Slaves, and many other ceremonies, are excuses for this barbarous custom, which is performed with singular ferocity, being accompanied with dancing, music, and shouts of joy, while the heads of the victims are tossed about in all directions. A few days ago there were 12 beheaded on the Beach in the sight of the Crews of all the shipping, 3 of which were English, that trade here for the palm oil; I must, however, add, that the superstition of these People appears to be invincible, though many are very sensible Men, and almost all speak English with fluency. I trust, Sir, I have said nothing in this Letter that is improper or ill-timed; I have endeavoured only to say what I thought it necessary for their Lordships to be acquainted with, and I shall only further say, that the French Flag is flying on all parts of the Coast for the purpose of Slaving; and that the Portuguese carry it on also exceedingly. The Squadron, of which I lately formed one, boarded in the Bight of Benin a short time ago, 12 Slave-vessels in 2 days, but there were no Slaves on board them. I am, &c.

J. W. Croker, Esq.

CHRISTOPHER KNIGHT.

No. 14.—Captain Kelly to Commodore Sir George R. Collier. (Extract.) H. M. S. Pheasant, Sierra Leone, 22d Sept. 1821.

AT Lagos I directed the Snapper to examine the Vessels at anchor, while the Myrmidon and Pheasant went in pursuit of a Brig that had made sail from it on our approach, but which I am sorry to say effected her escape; on the evening of the 23d the Snapper rejoined off Cape Formosa, but from its being late, and the weather unsettled, did not communicate, and the next morning at day-light she was again out of sight; I continued cruizing off Cape Formosa the whole of that day in hopes of falling in with her; the following morning a Vessel was seen from the mast-head to the Southward of us, made all sail in chase, Myrmidon in company, at 10 made her out to be a Schooner, and at 2-30 the Myrmidon brought her to, when she proved to be the Portuguese Schooner Adelaide, from Badagry, in the Bight of Benin, with 232 Slaves on board.

Commodore Sir G. R. Collier, K.C.B.

B. M. KELLY.

No. 15.—Commodore Sir George R. Collier to J. W. Croker, Esq. (Extract.) Knowle Cottage, near Exeter, 7th November, 1821.

THE within Letters from Captain Kelly, of the *Pheasant*, and Captain Leeke, of the *Myrmidon*, with their accompanying Papers, having just reached me, I feel it proper to transmit them without loss of time. J. W. Croker, Esq. GEORGE R. COLLIER.

(Inclosure 1.)—Captain Kelly to Commodore Sir George R. Collier. (Extract.) Sierra Leone River, 24th September, 1821.

I BEG leave to inclose the Copy of a Letter I have this day received from Lieutenant Knight, commanding His Majesty's Gun-brig Snapper, reporting his proceedings since parting company from the *Pheasant*, on the 21st July last, at Lagos, in the Bight of Benin.

You will perceive by Lieutenant Knight's Letter, that he has taken the Snapper up the Old Calabar River, and, with his Boat, has succeeded in capturing a Portuguese Vessel with 56-Slaves on board, belonging to Princes Island. Lieutenant Knight has also forwarded to me a list of 2 Vessels he boarded in that River, a Spaniard and a Frenchman, which were preparing to take in Slaves, but had none on board; also a French Schooner off the Mouth of the River.

Commodore Sir G. R. Collier, K.C.B. B. M. KELLY.

(Inclosure 2.)—Captain Leeke to Commodore Sir George R. Collier. H. M. S. Myrmidon, King George the Fourth's Bay,

(Extract.) Island of Fernando Po, 6th August, 1821. I HAVE the honour to send for your information, a report of my proceedings from the day of my parting company with you in Sierra Leone River up to the present date. On my way down the Coast, owing to the incessant rains, I could not get an observation for several days, and the strong currents set me so close in towards the land that I was unable to fetch further down than the River Grand Sestos. I did not meet with any Vessels on the Windward Coast, although it was reported that many under the *French* Flag are trading there for Slaves.

At Cape Coast I found His Majesty's Sloop Pheasant, and delivered your Letter to Captain Kelly, who immediately gave me an order to place myself under his command. After remaining there a day or two we weighed and proceeded to Accra, and by Cape St. Paulo to the Bight of Benin, in which Place the Slave-vessels are actually swarming; no less than 13 were spoken between Whydah and the River Lagos, 7 of which (6 large Brigs and a Ship of about 400 tons,) were laying at the latter Place waiting for Cargoes; one of them, a Brig, upon descrying us got under weigh and effected her escape by the darkness of the night. On the 5th ultimo, off Cape Formosa, a Vessel was seen soon after day-light; all sail was made in chase by both Ships, and at 3 o'clock, P. M. we took possession of her. She proved to be the Adelaide, Portuguese Schooner, of 126 tons, 26 Men, and had on board 232 Slaves, 19 of which have since died, owing to their dreadfully crowded state, and the very severe rains we have experienced.

Commodore Sir G. R. Collier, K.C.B.

HENRY J. LEEKE.

(Inclosure 3.)-Licutenant Knight to Captain Kelly.

(Extract.) H. M. Gun-brig Snapper, Old Calabar, 7th Aug. 1821.

I CAME to off the Bar of this River where I determined to wait as long as our water would last, not knowing in what direction to seek you further.

While waiting there, on the second day, an *English* oil Ship came out, which I boarded, and taking the Pilot from her, compelled him to take the *Snapper* up, having learnt from the Master of the Ship that there were 3 small Vessels taking in Slaves at Duke's Town.

I found on reaching Duke's Town, which is 50 miles up, that the Boat had captured the *Portuguese* Schooner *Conceiçao*, with 56 Slaves on board; the other two, a *Spaniard* and a *French* Brigantine, had not any Slaves shipped.

Before the arrival of the Brig at the anchorage the Natives showed a disposition to rescue the Schooner, which, as the Country is exceedingly populous, they might easily have done; one or two shots were actually fired at her from the Town.

As no Vessel of War was ever up at these Towns before, I think our presence may have a good effect.

The Comus was half way some Years ago; but until the Boats of the Tartar and Thistle went, in April last, the Slavers had little or no apprehension; and, indeed, if a Pilot cannot be procured, the risk of taking a Ship up cannot be recommended.

Slaving will hereafter be carried on with much caution. Both the *Spaniard* and *Frenchman* had Slaves purchased, but were afraid to embark them until ready to sail.

Captain B. M. Kelly. CHRIST

CHRISTOPHER KNIGHT.

No. 16.-Captain Kelly to J. W. Croker, Esq.

(Extract.) H. M. S. Pheasant, Sierra Leone River, 3d Dec. 1821.

I HAVE the honour to report, for the information of my Lords Commissioners of the Admiralty, that I put to sea from this anchorage on the 1st of October last, and having learnt that there were some Slave-vessels at anchor off the Gallinas I proceeded direct for that River. On my arrival there on the 10th of the same month, 3 Schooners and a Brigantine were seen, all of whom immediately weighed on our approach; the Schooners having much the advantage of sailing got away, although pursued for 24 hours.

The following morning I put back for the Brigantine, who, finding she could not escape, again anchored, and on the 12th we boarded her, when she proved to be *Le Pilote*, Louis Etienne L'Avergne, Master, of and from Nantz, trading, as he (the Master) said, for palm oil.

I also learnt from him that the Schooners were *French*, but had no Slaves on board; one of them was called *l'Espoir*, of Nantz, the others belonged to Martinique, their names he did not recollect.

Le Pilote belongs to Haentjens et Frere, of Nantz, and cleared out from Paimbœuf on the 14th July last.

I hauled to the Northward, with an intention of visiting Goree and Gambia, and then looking into the Casamanza River, where I had learnt an extensive Slave-trade was carried on with the Cape de Verd Islands, by *French* Vessels from Goree. Owing to light winds I did not reach the latter Island till the 11th of November, and again sailed the following day for the Gambia, off which I anchored the next morning. From all the intelligence I could here collect it appeared that my information respecting the Casamanza was either unfounded or much exaggerated.

I beg leave to inclose a List of 9 French Vessels boarded by the Pheasant and Snapper in their late Cruizes on the Windward Coast.

The circumstance of two of them having their Cargo of Slaves on board when boarded by the Snapper, viz. La Caroline and Le Pilote, the latter of which had been boarded by the Pheasant only a short month before, and reported as trading for palm-oil, will prove to their Lordships how well grounded are our suspicions of these Vessels belonging to the Subjects of His Most Christian Majesty.

J. W. Croker, Esq. B. M. KELLY.

No. 17.—Commodore Sir G. R. Collier to the Lords of the Admiralty. (Extract.) London, 27th December, 1821.

THE former Reports I have had the honour to lay before my Lords Commissioners of the Admiralty will, I trust, be considered so generally descriptive of the actual state of the several Forts and Establishments under British controul upon the shores of Western Africa, as not to require much remark from me now; I shall, therefore, only, in as limited a manner as possible, speak of their present condition.

Some Rivers and Places have, however, been visited during my late Cruize, which, in my two former Voyages to Africa, circumstances had prevented my examining. Of these, therefore, it may be necessary that I should speak somewhat in detail, and then proceed to consider the actual state of the Slave-trade, which is still in full activity upon a long line of Coast from Cape St. Paul, the western point of the Bight of Biafra, to the Equator, the vast extent and numerous population of which offer excessive profits to the supporters of this frightful traffick, who, indifferent to every feeling but that of gain, disregard the Decrees of their own Governments, either presuming they are never meant to be enforced, or from their pursuits never being interrupted by Cruizers bearing their Flags. The trade, North of the Equator, is still carried on under certain Colours (excepting when met by British Cruizers) with impunity, and in violation of actual Treaties.

In offering some remarks on the present condition of the Settlements, I shall commence with Sierra Leone, considering that the most important under the immediate controul of His Majesty's Government upon the Coast of Western Africa.

The publick buildings have not advanced so rapidly as I believe had been expected; but it is, nevertheless, gratifying to observe that the roads in the neighbourhood of Free Town and those in the mountains have been much improved, and that the bridges have been constructed of more durable materials than heretofore; considerably more ground has been cleared in the environs of the mountains; numerous stone and brick houses are supplying the places of the former wooden habitations in Free Town; Population increases; and British adventurers show less dread of the climate and pestilential vapours from the surrounding creeks. Yet, as in all other tropical Climates, one season frequently occasions more mortality than another, without any sufficient cause appearing. The streets of Free Town are, however, as much over-run with grass and indigo as formerly,-a great evil, and to be remedied only by the most positive municipal regulations. Some trees it is true have been felled within the Town, but unluckily almost those only which should have been preserved, being full-grown pullam (silk cotton) trees, protecting by their shade the little ravine near the fish-market, in which a spring of pure and excellent water is fed and

issues, being the sole supply of the Town, and applicable to the use of the shipping. Underwood will probably shoot up where these lofty trees stood, and protection to the spring in this spot will be thus afforded. Underwood, however, injurious to health, while tall, magnificent, fullgrown trees, allowing a free circulation under their branches, offer a salubrious shade in the extreme heat of a tropical sun, without the danger of collecting miasmata or those noxious vapours arising from the heavy dews of Africa. But as these trees, in their late situation really valuable, are now destroyed, it is to be regretted that so many others in the Town, of low growth, affording no advantage, are still suffered to remain, serving only to increase the damps, and thus prove of injury to health.

The population of Free Town is rapidly increasing, and as an ample supply of fresh water must, in a dry season in such a Climate, ever be an object of the utmost value—to secure this, I would suggest the laying of iron pipes from the hills, when the supply of water from the great fall in the mountains might be easily conducted to the north part of the Town, and this object could be effected at a small expence.

With the increase of population, buildings and commerce (as I believe in most other parts of the world), theft has increased also, and is the subject of complaint generally by the better class of inhabitants; and I am aware that much of this evil may be justly attributed to the Crews of the Slave-vessels brought to Sierra Leone for Adjudication. These Men are beyond all question, from the Captain to the Cabinboy, the vilest and most depraved class of human Beings; in my belief there is not a crime they consider one, and, therefore, whenever a prospect of robbery with impunity offers, I can have no doubt any one of the Crew of a Slave-vessel would never for a moment hesitate. Some plan of security should, in common justice to the inhabitants of Sierra Leone, be found against the depredations of these most worthless wretches, and during the time of their remaining at the Colony they should not be permitted to wander where they choose.

The Kroo-men who occasionally arrive at Sierra Leone are also said to be the perpretators of many thefts; but I never saw a more honest race of People than those I have had in the *Tartar*, and know not of a solitary instance of loss by the means of one of them. It is true the headman of each Party becomes responsible whilst on board Ship for the good conduct of the rest, and though this cannot be on shore, where they are so numerous, I would propose that every Kroo-man employed on shore, when detected in robbery or other crime, that, instead of prison confinement, he be branded on the arm with the word " Thief," removed from the Colony, and not permitted to return. A very few of such examples would do more in the suppression of theft by the Kroo-men than all the existing modes of punishment. In all the British Colonies, Persons of every description are required to give notice of their intention to leave them. Kroo-men could not be expected to do this, but they might on leaving the Colony of Sierra Leone, present themselves to the Collector of Customs, which would check the practice of leaving the Colony clandestinely.

Upon the whole, Sierra Leone may be said to be improving, and if the encouragement hitherto shown shall be continued to the *British* Merchant, no reason appears to me why this Colony shall not, in the course of time, amply repay anxiety and care, and the expense so liberally bestowed by the Mother Country.

Every Year some new prospect of improvement opens to the view of the Merchant; an intercourse with the interior of Africa now fairly promises ultimate success, and which must be productive of benefit to Great Britain; and it may be even expected, some Years hence, caravans shall resort to the neighbourhood of Porto Logo (on a branch of the Sierra Leone) to convey articles of British manufacture into the very interior of the Continent of Africa.

The late salutary measure of possessing ourselves by purchase of the right to the little cluster of Islands named Bananas, close to Cape Shilling, is one from which the best possible good must arise, if properly maintained. The clearing of these Islands has only commenced; the situation of them commands the Coast laying within them and Cape Mana, and their importance to the prosperity of the British Colony may be of the first consideration.

The Isles de Loss, which mark the Northern Boundary of the Sierra Leone Colony (for I view the River Gambia as distinct), do not at present appear to have increased in trade since the first Year of my arrival, but they are admirably placed for the ultimate purposes of the general Establishment; and the late disputed right to our lawful possession of them by the Natives on the neighbouring Shore, it might be desirable to put at rest for ever; more especially as this could be effected at the cost of only a few hundreds of pounds.

The Natives from this part of the Coast extending to the Sierra Leone River, are a mixture of Mahomedans and Pagans, a circumstance to be regretted as checking civilization and improvement, the ceremonies of the Mahomedans being received by the Pagans with the greatest respect, and becoming the more attractive as appearing only an improvement upon their own customs.

From the Isles de Loss British influence ceases, until we reach the Gambia, and this vast tract of Country, intersected by numerous and magnificent Rivers, is devoted to the purpose of crowding the Slave Depôts of the Cape de Verds, and, to facilitate this object, the *Portu*guese Establishment in the Rio Grande, lately in a state of decay, has since been restored and improved, and its Garrison increased.

Following my course now to the Gambia, I have great satisfaction in reporting, that the Settlement of Bathurst is fast improving in trade and commerce with the Native Africans. The Merchants are likely to benefit in a very high degree by the revival of the gum-trade, with the Trarzar Moors at Portendick; application was made to me for some naval protection, and, in consequence, I appointed a Gun-brig to this Service, directing the Officer commanding to afford all possible aid to the Merchants engaged in the revival of this valuable commerce; and, it is with extreme satisfaction I state, a Treaty was the result, and the British Merchants engaged in the trade have assured me, that gum, to the full extent of what may be required by Great Britain, may now be had in exchange for British goods, instead of obtaining this important article by the medium of France; and this promises to render our loss of the Senegal river unimportant.

Other intermediate parts of the Coast having been noticed in my former Reports, the Point of Cape Palmas next offers.

In the line from the Saint Ann's Shoals to this Cape (usually termed the Windward Coast) during the season of rains, the navigation is most unpleasant, and; from the frequent southerly squalls, Voyages to the Southward are generally tedious and protracted. In the fairer seasons, however, the land and sea breezes are regular, and from the shoals of Saint Ann to Cape Palmas a current sets, at the rate of $1\frac{1}{2}$ to 2 miles an hour, taking the line of Coast for its direction.

As it may serve to correct mis-statements, I think it proper to remark, that the representation by Robertson, of there being at Cape Palmas a harbour for large Ships has no foundation. I can speak of my own unsuccessful endeavours to find one, and those also of Captain Finlaison, of the *Morgiana*, and Lieutenant Hagan, of the *Thistle*, and I have found the representations of this Officer, Robertson, and also of another, Hutton, so full of mis-statement, that my belief is, many of the circumstances they detail as facts are entirely unfounded.

The reefs and sunken rocks at the distance of 8 or 9 miles from Cape Palmas, render this part of the Coast very dangerous to approach, and demand extreme caution until a Ship is absolutely to the Southward of the small rocky Island which almost joins the Cape itself. There, however, the anchorage is good and safe, except in the season of the rains, when it becomes altogether dangerous to approach, and quite unsafe to anchor at, and should not be hazarded unless pressed by some overbearing circumstance or particular necessity.

At Cape Palmas a small Fort established might be a check to the Slave-trade, and, by extending communication with the Natives, promote Christianity, and thereby civilization.

Rice, Malagetta pepper, the teeth of the elephant and the hippopotamus, are the principal articles of commerce in the neighbourhood of this Cape.

Close off the mouth of the Palmas River small Vessels anchor, but the entrance into the River is so shallow that a Boat at low water can pass only with difficulty. The Town is upon a hill, on a very small promontory, on the right side going in. The houses are of the rudest construction, circular, and drawing to a point at the top, but this particular form is some defence in the deluging season of the rains.

The Population of Palmas is very limited, and a Chief, called King Brown, governs it. A few miles to the North are 2 other Towns, and I was sorry to observe that the frequent Wars between the Petty Chiefs had been revived; these are carried on more in stratagem than in open hostility, and the capture of a Fishing Canoe with 3 or 4 Natives is a triumph, and one or more of the unfortunate Party invariably sacrificed.

The religion of the People of Palmas is Fetishism, as it is North and East of the Cape; but I observed a stronger inclination in the Natives of Palmas to change religion, manners, and customs, than I ever noticed amongst any of the native hordes in Africa, and the Chief, King Brown, seemed desirous of British protection, and appeared to consider that the Tartar had come to the Cape to afford him this. An old English Flag taken from a Slaving Vessel was given him, and was hoisted by him. The arms of the Palmas are spears ; though when their War Canoe goes out a few old musquets appear. This Canoe is formed from one pullam tree, and measured nearly 90 feet, containing, when I saw it, about 100 People. The timber of Palmas is the common African. A British Adventurer, a considerable distance from the Cape, has established a plantation and factory, and, profiting by the low price of labour of the Natives, has lately carried on a very successful trade in palm oil and ivory. He very prudently quits the Coast as early after the commencement of the rains as possible, and returns with the dry season.

In concluding my remarks on Cape Palmas, I think it proper again to notice the publications of Robertson and Hutton; they have both recommended that His Majesty's Packets, from India and Brazils, should touch at Cape Palmas; their extreme ignorance of the navigation of the African Seas, and of the winds and currents, only, can excuse such absurd suggestions. I notice the presumption of these Authors lest they should carry that further, by some spurious statement of publick benefits to His Majesty's Post-Masters General, and thus mislead.

Running Eastward from Cape Palmas, until I reach the British Possessions on the Gold Coast, I continue my Report with Dix Cove, now the most Western post.

The favourable opinion I have of Dix Cove, as a depôt for naval and victualling stores will, I think, be confirmed by my Successor. Fresh water I am satisfied may be procured by sinking wells, if the spot selected be not too near the beach; but at all events an extension of the tank offers no difficulty. If Dix Cove shall be chosen as a naval and victualling depôt, the expence of Canoe hire, which is so considerable at Anamaboe and Cape Coast, will be wholly spared. Succondee, as a depôt, was suggested by a well informed Servant of the African Company, and in consequence this Year I visited the place, entirely for the purpose of judging by personal observation. Their Lordships will remember, that the Fort of Succondee was completely destroyed by the French, and it has remained in ruins ever since. The expence of constructing another Fort is the first objection I make, and the advantage of landing under the lee of a projecting point is not equal in benefit to this charge, and the flat is so extensive at low water as to make it impossible at any time of tide to beach an empty Boat. If, however, the advantage of a beach without any surf shall become the consideration, a mole or pier, to be carried out on the reef of slaty rock, extending from the point, will be indispensable. The supply of water at Succondee will be entirely from the tanks; and, it seems to me, that Forts would be multiplied without any good whatever, unless being somewhat nearer the Presidency of Cape Coast than Dix Cove is.

Commenda, the next British Fort, has most properly been abandoned, and of British Settlements the Presidency of Cape Coast comes next in succession.

In the Town of Cape Coast I was much struck with the great improvements since my former visit. Lanes and Alleys, so narrow and so crowded as materially to check circulation of air, had been removed, and a broad spacious Street was forming. Some land on the hills has been cleared of underwood, thereby contributing to the health of the inhabitants, and fresh water has been found near the skirts of the town, which satisfies me that a constant and considerable supply may be obtained by sinking wells on this spot; and if the old well and tank, established long since for the use of the Natives, were repaired, an ample supply of water for the wants, not only of the inhabitants, but the shipping, might be depended upon.

I am induced so particularly to notice this from the circumstance of my having been compelled to solicit as a favour the small supply of 50 tons of water from the Dutch Governor of Elmina, for the use of the *Morgiana* and her Slave Prize; the tanks of Cape Coast being so reduced at the time as not to furnish more than a very limited allowance to the Inhabitants.

The defences of Cape Coast have been improved equally with the Town. I had frequently expressed to Governor Smith my opinion, that, on a commanding hill, the erection of a Martello Tower would prove the best protection that could be afforded, and serve as a complete check against all the attempts the Ashatnee King might ever make upon the Town.

Governor Smith having decided upon the measure, the work was

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commenced; but it proceeded slowly until the following event showed its importance, and roused the Inhabitants of Cape Coast to a full sense of the danger to which they remained exposed until the Martello was completed:

A murderous Chief, in the neighbourhood of Cape Coast, sacrificed with the most extraordinary and protracted torture, an unfortunate Fantee Slave. In the hope of checking these horrible acts within British influence, Governor Smith sent a Party of the Cape Coast Garrison to surprize the offending Chief and his Followers; in this attempt resistance was offered, and the Party from the Garrison firing, the Chief and several of those partaking in his barbarous practices were killed.

The Ashantee King had, since his Treaty with Mr. Dupuis, considered the Fantees, under the protection of the British at Cape Coast, as his Subjects, and in consequence demanded of Governor Smith compensation for the death of those who fell on the occasion I have related; and with his demand he intimated, that resistance to it would be followed on his part by measures of hostility.

This threat, which excited great alarm, every one knew was to be parried only by showing it could not be attempted without danger; and Governor Smith decided with great promptitude upon completing the Martello Tower immediately. To accomplish this, not only the personal labour of the Black Population generally was required, but it was indispensably necessary to subdue amongst the Natives also many of their most favourite prejudices, and entirely to destroy their reverence for many objects deemed by their Ancestors for ages past to be Fetish. and held in the highest veneration. A rock was to be blasted, an object of their constant worship; houses were to be destroyed, in which their families for generations past had been buried; and these were held so sacred that the Fetish Men predicted destruction to all who submitted to their removal. The difficulties of Governor Smith were considerable, and a Man of less firmness might perhaps have given way. Governor Smith persevered, and he is the first Man I believe who has yet so decidedly interfered between the Native African and his objects of worship.

Every obstacle that stood in the way of completing the Martello Tower, and rendering its powers of defence perfect was removed; the Natives in the Town of Cape Coast, notwithstanding their Priests threatened them with all evils, for the first time disregarded their threats and predictions, and assisted so earnestly in the construction of the Martello Tower, that before I left Cape Coast I had the satisfaction of seing it completed, and furnished Governor Smith with 4 of the *Tartar's* guns. I left Cape Coast in security it had never known before, bidding defiance to the Ashantee Chief, and the thousands he had so often threatened to bring against it. I cannot in fairness and justice to Governor Smith, conclude this part of my Report without adding, that by making this effort to subdue the false notions of the People in the vicinity of Cape Coast, he has so far reduced their confidence in their Fetish Men, that, in my belief, a great stride has been made towards their future improvement and civilization.

Anamaboe follows in the line of Coast, and it is justice only to state, that in the Fort cleanliness and good order are every where found; but if it is intended to preserve its means of defence, the present guns and carriages, generally speaking, require to be replaced by new. The Native Town, so large and populous, before the attack of the Ashantee, is now reduced to insignificance, and, I may add, almost to ruin; and the Natives remaining are principally those connected with, or dependent upon, the few Europeans stationed within the Fort, by whom all that now exists of commerce is conducted. The path leading to the interior, is that by which the communication is carried on with the Ashantee Capital.

The surf on the beach is so violent, and I may add, frightful, that Anamaboe should be the last Place on the Coast for a naval or victualling Depôt. Curiosity once led me to cross this surf, and the necessity of returning to my Ship alone compelled me to repeat it. The channel for the Canoes is very limited and between two small rocks, and the least inattention or want of management, when the surf is what is termed "bad," would subject Europeans attempting to land to inevitable destruction. The Natives who manage the Canoes are never in any danger of this sort, as the moment the Canoe is upset, quite indifferent to their European Passengers, they swim through the surf, however great it may be, with the most perfect confidence, and, from constant practice, in the most perfect security.

The last and most Eastern British Establishment upon this part of Africa is Accra; its Longitude has been fixed by the result of several observations, at only 5 miles West of Greenwich.

The Native District of Accra is small, and is confined by the River Succombe on the West, and the small Creek close to Prampram may be considered its Eastern Boundary; the extent of British Accra in land may be about 18 miles.

The British Fort of Accra is small, its walls are decaying, and its defences are most imperfect, yet, I am of opinion, Accra deserves support and improvement; it is well placed for trade, but in other hands it would be the resort of the Slave-dealer.

The Dutch still hoist, occasionally, in the ruins of their Fort at Accra, the Colours of their Nation.

Danish Accra, about 3 miles farther to the East, is protected by one of the most respectable Castles on the Coast, named Christianburgh.

The streets of the Towns of Accra are confined and dirty, but there

are some respectable houses of Europeans, and there are buildings in the skirts of the Towns formed with taste and views to comfort, ornamented with gardens and shrubberies.

The land in the boundaries of Accra is generally more rich and fertile than most other parts of this Coast; beef is here fattened and furnished in any quantity required by the Navy; sheep, pigs, poultry, fruit and tropical vegetables, are very reasonable in price; and the abundance of Indian corn or maize, at all times to be obtained, make Accra, to Shipping, preferable to any spot on the whole Coast.

The distress of the Natives for water is sometimes very great; and in the dry season they have been compelled to bring this necessary article from the River Succombe, a distance of 9 or 10 miles. The difficulty of obtaining it at certain seasons I am perfectly aware of, but great as it may be, it would not in my humble judgment authorise the expence of the plan proposed of conveying water by pipes into the Town of Accra; most of the European houses are already furnished with tanks, and no one built in future will I apprehend be without.

The removal of the establishment of Accra to the River Succombe, as suggested by Robertson, would destroy the value the Settlement at Accra has, for the prodigious surf at the mouth of the River Succombe would make an establishment there unavailable to Shipping; and the moment the British fort of Accra was abandoned, the Native Towns of British and Dutch Accra would again become Slave-marts. That I might satisfy myself whether the suggestions of Robertson really promised the advantages he states, I visited the River Succombe expressly for the purpose.

Tribute is paid to the Ashantee King; and of late he has demanded this of British Subjects residing even in the Town.

Having concluded my remarks on the British Settlements on the Gold Coast, I am induced to offer some observations, the result of personal investigation, upon the River Volta, not much known to, and very rarely I believe visited by, Europeans.

The River Volta unquestionably has its source in the Kingdom or Country of Ashantee, and empties itself on the Coast to the westward of Cape St. Paul: some Officers have asserted the Volta to be the mouth of the Niger; but this theory is too extravagant to be entertained; it is assuredly founded only in complete error and misconception.

In proceeding along the Coast from the westward, the breakers upon the bar of the Volta afford timely notice of its entrance, which, by a series of observations, I ascertained to be in 5 deg. 48 min. north latitude, 0 deg. 50 min. east of Greenwich. The Line of the bar gives a false appearance of width to the Volta, as it extends along the Coast in a southerly direction, between which and the beach the channel to the entrance of this River lays. Thus the bar becomes some miles in length, though the River at its mouth is not one mile across. There are 2 passages over the bar of the Volta entirely distinct from each other, one at the eastern extremity, the other nearly on the middle of the bar, but at low water neither of them safe for a Boat; and, in my opinion, at any time of tide much too dangerous for any craft to navigate, exceeding the size of large Boats or Sloops.

After crossing the Bar, the Channel to the mouth of the River, for upwards of 2 miles, is along the Eastern shore, and this Channel affords security to small Vessels until within a lagoon laying above the Bar, when the River branches off in 4 directions, and here it is that navigation, excepting by Boats or very small Vessels, ceases.

The Eastern branch of the River runs in that direction till it reaches the Danish Settlement of Quitta, and, connecting with the Rivers emptying themselves in that part of the Ocean, affords the means of communication with Popo, Whydah, and even Lagos, the great emporiums for the barter of Slaves in the Bight of Benin.

The most Western branch leads by an extremely small Channel to the River, on which, at the distance of about 10 miles from the Bar, and on the right bank, I found the Fort of Adda, where the River again widens, but contracts again in about a mile; and here, what at a distance seemed a beautiful landscape, proves no other than a defeusive swamp.

The Fort of Adda, bearing the Flag of Denmark, in the dry season is surrounded by marsh and bog; in the rains it must be almost inaccessible. The Person in charge of this Fort, and those about him, though all Natives, were so strongly marked with sickness and disease, as to induce no surprise on being told by them, that Europeans had not been before seen at their Fort for many Years.

Destructive to health as the situation of Adda at all times must be, yet the Population appeared more numerous than, with so little to invite residence, I should have expected; neither art nor industry however appeared amongst the Inhabitants: poultry and pigs seemed their principal objects of barter, and these were reasonable and in plenty.

The other branches of the Volta are formed by several small Islands, amongst which the Boats of the *Pheasant* searched in vain for the Danish Settlements of Adda; and it was perhaps accident that directed me to it, or I might (as Captain Kelly was) have been satisfied that the Fort of Adda no longer remained.

At Adda my search ceased; I had neither object nor time to advance; but I was there told Boats might proceed 30 or 40 miles further up, when Canoes only could navigate therein in about 8 days paddling, taking the advantage of tides. Comassie, the Capital of Ashantee, was but of short distance. Whether this information be correct I had no means of determining, though I know not why I should doubt it.

My object for entering the Volta, and exploring it as I did, was to satisfy myself how far the report, given by that enthusiast, Robertson,

was founded; and the result of my observation is, that no situation can be more undesirable for a British Establishment (so strongly recommended by him) than the banks of the Volta; but it will be with their Lordships to decide whether hereafter it may not be a desirable object, so far as the Geography of Africa is concerned, that this River should be traced with accuracy to its source.

Leaving the Volta, and rounding Cape St. Paul, the Bight of Benin is immediately entered; the configuration of the Coast is laid down with considerable accuracy by De Mayne, and the Honourable Captain Irby, till reaching Lagos.

During the rainy season, more particularly in the Bight of Benin, considerable Traffick is carried on in Slaves; but as they are usually removed to Whydah, I shall pass over the intermediate Towns of Popo, Porto Novo, and Badagry, and proceed to Whydah at once.

Whydah, in 2 deg. 14 min. east longitude, and 6 deg. 20 min. north latitude, is the Sea-port of the celebrated African Chief, the King of Dahomy, whose Capital, Abomey, is about 70 miles distant, in a north line.

The landing at Whydah is on the beach, through a dangerous surf; at the back of the beach is a River communicating from Popo, and I believe on to Lagos.

When the Slave-trade was sanctioned by all the Powers of Europe, the English and French had Forts and Establishments at Whydah, as well as the Portuguese: the two former have abandoned their Forts; but the latter remains, and the Slave-trade at Whydah is conducted to a very great extent by a Portuguese Renegado, named De Souza, who, banished from the Brazils, has fixed himself at Whydab, where he is the Agent or Slave-factor to the Brazilian Nation, and lives in prodigious splendour; assumes the rights and privileges of a person in authority, granting Papers and Licenses to the Slave-traders, in all the form and confidence of one empowered to do so by the Portuguese Government. The extent of the Slave-trade at Whydah may be judged of by the number of Portuguese Vessels anchoring off this Port and Lagos annually, being generally calculated at 100, and for no other purpose than to obtain Slaves. These Vessels, if met at Sea and boarded by a British Cruizer, report themselves bound to Cabinda and Molembo. and, if they have left the Coast of Benin a day only, they declare themselves to have sailed from the above-mentioned Ports, or even from the more southern parts of the Coast of Angola. Thus, though a Vessel receiving a Cargo of Slaves at Whydah is subject to capture. provided she be met with before she passes the limits of seizure, she avoids this by her short run, until she is in security by passing south of the Line; and then, if met with and boarded, the Master has a ready answer. The Ship's log, if fairly kept, will be at variance with his declaration; but the hazard to an Officer is so great by a capture_

however supported by written Documents, and this so easily overturned by the Affidavits, so readily made by every Portuguese in the Vessel, before the Mixed Commission, that against the evidence of plain facts and common sense, prudence and self-defence will generally prevail, and the Slaver will escape detention.

Proceeding now to the River Lagos, still further eastward in the Bight; here, as at Whydah, the Dealer is furnished with Slaves, though by the Treaty with Portugal he is forbidden. Both at Lagos and at Whydah the Slaves are housed until it is ascertained, by the absence of British Cruizers on other duties, interruption cannot be offered, when in a few hours the whole Cargo is embarked, the Vessel is at Sea, and in a couple of days she is within protected limits; and, once south of the Line, she proceeds on her voyage in security, for if intercepted by a British Cruizer when south of the Line, her statement that she comes from Cabinda or Molembo is protection to her.

A reference to any Chart of the African shores will at once give their Lordships an understanding how far the Portuguese act up to the Treaties they have made.

I am now arrived at that part of the Coast which may justly be considered the great focus of the Slave-trade. I shall therefore hope for their Lordships' excuse in entering somewhat more into a description of this Coast than, were it unconnected with the Slave-trade, would be necessary.

The whole range of Coast from the island of Cape Formosa (for an island it most unquestionably is) to the bar of the entrance of the Rivers New Calabar and Bonny, is one regular flat, covered with the bush and trees incidental to Africa, overtopped by the lofty pullam tree. This straight line of Coast is only broken at intervals where openings are found as at the mouths of Rivers.

Of these openings there are 6, some of them however may only prove deep inlets. In former Charts they have been described as Rivers, and I have not sufficient knowledge of them to confirm or contradict their being so, although their entrances were in general examined with the gratest care and attention by the Officers sent for that purpose; and the result of their opinion was, that the whole of these openings communicate with each other, making the Coast so many detached islands. Formerly, off these Rivers, Vessels engaged in the Slave-trade used to anchor, but since the general prohibition of this Traffick, they seek shelter within the Creeks and Rivers, and, in consequence, those of Bonny, New and Old Calabar, and Camaroons, have become the great Marts.

The trade in Slaves was formerly carried on along this Coast by the assistance of Canoes, and small numbers of Slaves were thus picked up on the Voyage; but the whole now centres off and in the Rivers, where regular Rendezvous have been established at those I have just named.

The Slave market of the New Calabar Town and River is supplied from the Country westward; Bonny and its River from the east; Old Calabar from the Country on each side of its banks, and for hundreds of miles in the interior; while the River Camaroons is furnished by various districts, and thus affords a mixed supply of Negroes.

Bonny, though it may be considered a bar River, is nevertheless accessible to Ships of 400 or 500 tons. There are two passages into the River, the most western being over the bar, on each side of which sand banks are seen, and become a guide to the channel; which I place in about the lat. of 4 deg. 23 min. north, and from long. 7 deg. 11 min. to 7. deg 18 min. east. This channel is the most accessible to Ships entering the River; but the eastern-most I consider more convenient for Ships quitting the River. The channel appears to be formed by the rush of water from Rivers forcing a passage between the bar and the eastern shore; the tides therefore become rapid, and one or two shoals laying in the channel are liable to shift. The general tendency of the current is strong to the eastward, and if due allowance be not made for it by anchoring in time, it may sweep a Vessel past the entrance, and thus carry her on round the entire great Bight of Biafra. It is this strength of current which has occasioned the great inaccuracy in point of longitude, generally remarked along this range of Coast.

The breakers connected with the bar of Bonny are extremely dangerous, and at low water a Boat cannot in safety attempt a passage, excepting by the eastern channel, but this channel, though narrow, is navigable to Boats and Vessels, if common precautions be used, and advantage of the ebb or flood tide, agreeably to circumstances, taken; for the bar does not in point of fact extend quite close over to the point of Rough Corner, probably from the great rush of the ebb tide; but the channel abreast of Rough Corner is very confined.

To the northward of the bar the River divides from its mouth, which is formed by the points of Fouché to the west, and Rough Corner to the east; the western branch having assumed the name of New Calabar River, and the eastern one retaining that of Bonny.

The New Calabar is supplied by innumerable streams from the Kingdom of Benin, to which her Town is said, but on what foundation I know not, to be tributary.

The River Bonny on the eastern side appears to offer more advantages for trade than New Calabar. The Town is upon the left bank, is very populous, and is situated upon an island; and off the Town is an anchorage in 10, 12 and 14 fathoms water.

The trade in palm oil, which a few Years ago was encouraged by the Chiefs of Bonny, is again lost, and the little to be procured is merely sufficient to load the tenders of one or two Liverpool traders at Old Calabar, which are sent here for the express purpose of collecting it. From the eastern part of Bonny bar to Tom Shots Point at the entrance of the great River of Old Calabar, the distance measured by chronometer is between 70 and 80 miles, nearly in an east line. The Coast is low, flat and level, bounded on a sandy beach, on which the surf beats with considerable force.

The mouth of Old Calabar River is so extensive that the land from Tom Shots Point cannot be seen from its opposite Coast named Backassy. The entrance is difficult and dangerous, though the breakers on the west bank, described so full of danger, are in fact the principal guide to the channel over the bar, which close to them has the deepest water.

Backassy, from which a mud flat extends some miles from the eastern bank of the River, divides the Old Calabar from the Rio del Rey, and makes it to me doubtful whether Backassy be not an Island.

After passing the bar of Old Calabar the River widens very considerably, though there the channel soon narrows again and becomes extremely shoal, except in very confined parts. The intricacy of the River Old Calabar also increases as you pass on to the northward; and the difficulty of navigation, from local causes, becomes so great, that without a native Pilot it would be impossible to reach that branch called the Tall Trees. It is here the usual anchorage commences, which continues along the arm of the River till abreast of Duke Ephraim's Town, the general resort of Slaving Vessels, as well as of the legal trader. The distance from the bar to this Town is estimated at 60 to 70 miles.

The channel near the Tall Trees is so narrow that, although the stream is of considerable width, the sails of Vessels when coming down the River from Duke's Town are frequently entangled with the projecting branches of the trees, so steep is the right bank at this particular spot.

The Rio del Rey on the Eastern side of Backassy was formerly a Rendezvous for the Slave-trader; but the Chief, Ephraim, has forbidden the Trade in consequence of the occasional attacks (as said) of Freebooters who have visited this part of the Coast.

The Rio del Rey is very spacious at its Mouth, and, though much less difficult to navigate, has not the advantage of being so connected with the Rivers in the Interior as Calabar. From the Rio del Rey the Land suddenly tends to the Southward till it opens the celebrated River of Camaroons, situated at the foot of the most remarkable Mountain in Western Africa.

The Latitude of its Peak, I estimated to be 4 deg. 12 min. North; it appeared to be the highest Land I had seen since the Peak of Teneriffe.

Having thus traced the Coast, as far as personal observation had

enabled me, I shall briefly remark, that the Rivers I have named within the Line of Coast from Cape St. Paul to the Peak of Cameroons, having been visited by myself or Officers of the *Tartar*, I am authorized in naming them as those from which immense Supplies of Slaves are drawn for the Foreign Colonies of every Maritime Power in Europe, Great Britain and the Northern States alone excepted; and that Spaniards and Portuguese, regardless of Treaties, still carry on an almost boundless Traffick in Slaves, where they are expressly by those Treaties excluded.

I now beg leave to draw the attention of their Lordships to the Island of Fernando Po.

This Island, very rarely visited, and little known, appears to possess capabilities of soil of the most valuable of our West India Colonies: it has very many local advantages, and seems, by its geographical situation, to be placed by Nature for the ultimate destruction of the Slave-trade.

I understood His Majesty's Government was desirous of every Information that could be afforded of Fernando Po, applications for countenance and protection having, as I had also heard, been made by Merchants of Liverpool and Glasgow, wishing to form Establishments on the Island; the Report I now offer to their Lordships will, therefore, I hope not be unacceptable.

The Island of Fernando Po, situated in the Bight of Biafra, in shape is an irregular triangle, and its size about that of Dominica.

Reports so various and contradictory had reached me of the resources and productions of the Island, and of the character of the Inhabitants, that I decided upon visiting Fernando Po so soon as the other duties of my command permitted; and in the mean time I ordered the *Morgiana* to examine it, and provisional directions were also given by me to the Commander of the *Pheasant* for the same service. Circumstances having, however, prevented the execution of my orders to the *Morgiana*, and the result of the observations to the *Pheasant* being so very imperfectly furnished me, I gladly availed myself of the first convenient occasion of examining the Island myself.

In the month of March, 1821, I arrived in the *Tartar* at Fernando Po, anchoring in the North-west, or, as I have named it, King George the Fourth's, Bay. I made with the utmost care a Trigonometrical Survey of this part of the Island, and which I have already had the honour of forwarding to their Lordships.

My Survey will, I presume to think, prove a very accurate Plan of that part of the Island in which North-west, or King George the Fourth's, Bay is situated. Its Latitude will be found 3 deg. 30 min. North, Longitude 8 deg. 38 min. East; but it remains with me to state such Nautical Remarks as a Survey will not express; then offer my observations on the climate and natural productions of the Island; and, lastly, the character, customs, and number of its Inhabitants, so far as my opportunities gave the means of judging.

On the 29th March, 1821, the Tartar anchored in North-west Bay.

This Bay is situated as its name imports. It has the high Peak on its Eastern side, and a Mountain on its West; the Land between forming a Saddle, till uniting with a Ridge of Mountains seen when going in.

On approaching Fernando Po from the Northward and Westward, with the intention of anchoring in North-west, or King George the Fourth's, Bay, little more information is requisite than that which respects the Situation of Goat Island and the Reef of Rocks laying to the N. N. E. of it, distant about 5 Miles; all but one of which being covered at high water, makes the Reef dangerous in the night or thick weather.

Goat Island is small and low, containing not more than 12 Acres: some lofty Trees of the teak species are growing upon it, and these being separated into 2 clumps, make the Island more distinguishable, and become to the Navigator his guide in the choice of anchorage in the Bay.

Upon Goat Island there is not any Water, and the little Soil lays on a bed of Granite. The landing is difficult, excepting at 2 very small sandy Coves, and these might easily be protected. To the Eastward of Goat Island the Channel is practicable by Boats only; and no Ship should attempt to pass between it and the Island of Fernando Po.

There were some remains of miserable Huts on Goat Island, indicating occasional Visitors; but these I found had lately left them for Fernando Po.

The high Peak of Fernando Po to the East of the North-west, or King George the Fourth's, Bay, cannot at all times be seen; but where it can, by keeping to the Westward of it, and the Peak a point on the larboard bow, you will not fail of soon raising Goat Island, which, at the distance of 4 leagues, appears a little advanced from the back ground, though at that distance but slightly distinguishable.

In case the Eastern or high Peak of Fernando Po is not visible, the Saddle, as before described, becomes an excellent mark to run for the Anchorage.

In steering in for the North-west, or King George the Fourth's, Bay, so soon as Goat Island is distinctly seen, it is necessary to get to the Westward of it, to avoid a Reef of Rocks about 5 Miles to the N.N.E. which in tornadoes or thick weather is very dangerous. By keeping Goat Island a point on the larboard bow, you run into soundings, and may prepare to anchor in North-west, or King George the Fourth's, Bay, where there are tides. The highest rise of the spring tides I found only 7 feet. In the Offing, the general set of the current is to the Eastward.

The North-west point of King George the Fourth's Bay is known when coming from the Westward by two detached trees standing on the point near this point; and to the Westward a small irregular reef of rocks is observable at low water; but the reef does not extend a quarter of a mile into the sea; and this appeared to me the greatest distance any of the rocks run from the several points on the Northwest shore. The Coast along this side of the Island of Fernando Po is very steep, until the approach to Two Tree Point, when soundings are found, but only with the deep sea lead, a mile or two from the shore; thence to the cod of the Bay the soundings are gradual to 15 or 16 fathoms, where it becomes proper to anchor; and here a ship rides about one mile from the shore.

The best marks for anchoring are to bring Goat Island in one with the Dry Rocks, forming the North-east point of the Bay, and the Western point of land bearing West by North. The watering place is then convenient, and its situation not to be mistaken, being the principal River in the Bay, and nearly South-east of the Anchorage; this I chose for watering the *Tartar*, but there are several other small Rivers equally convenient, if more Ships than one be present at the same time.

When anchored, it is proper to steady by the stream anchor; the ground is mud until it mixes with the sand upon the beach, which is black and shining.

The East side of North-west, or King George the Fourth's, Bay, has a rocky margin at high water, full of small coves; at low water the rocks at those points show themselves a cable's length in the sea.

The South side of the Bay has a black sand, which extends from the first to the second River, thence to the west angle of the Bay; the beach then becomes pebbled, and is rocky. There are two Rivers at the West end of the Bay, whose entrances are much smaller and shallower than either of those on the Eastern side; but my opinion is, they all communicate, as along the whole line of the back of the beach in North-west, or King George the Fourth's Bay, the East River may be traced about 30 or 40 yards from the coast. The water here is excellent; and in the event of the Natives being troublesome, ships may water in perfect security by felling a few trees and forming them as a breast-work.

Wood may be had in any quantity either from the beach or at the mouths of the Rivers emptying themselves into North-west Bay. The wood most easily cut we found to be the shingle, or lath-wood; the tree is tall and straight, and splits readily.

The rocks are covered with an oyster ; the shores at or near high

water mark abound in fish, and at the entrance of the River, described Fish River, we hauled the seine with great success.

The land and sea breezes are regular, except when interrupted by tornadoes, which frequently blow with considerable force, and, influenced by the adjacent mountains, from all quarters of the compass.

Of the climate of Fernando Po I can judge only by comparison with that of Princes Island, but 2 degrees South of it, my second visit so closely following the first, that, from actual experience, I can report only what I found the climate at one particular season, and this at that period when the sun is nearly vertical: at this time heavy rains, accompanied by violent tornadoes, were frequent, but not of long continuance; and on their clearing, the effect of the vertical sun was felt with increased inconvenience.

In the morning, and on the setting of the sun, the sides of the hills were covered with thick vapours, and heavy fogs were then usually hanging about the lowlands.

Tornadoes seem more frequent and more violent about the neighbourhood of Fernando Po than any other part of the Gulph of Guinea; and they are not confined to any particular quarter of the compass.

Around that part of Fernando Po we explored, a belt, I should judge in depth about a quarter of a mile, of thick wood, impenetrable from its closeness, gave security to the Natives from the lawless attacks of Pirates and Slave-traders. Forest trees of enormous size are here intermixed with a greater variety of shrubs and bushes than I ever observed, even on the Coast of Brazil.

Within this Belt, wherever the coast is flat, rivulets and small lakes overflow the Country, and make the Jungle still more difficult and impenetrable to the stranger.

Above and beyond the protection thus afforded, in several detached patches on the slopes of the hills, cultivation is carried on apparently with ability, reflecting much credit upon the Natives; and here their premanent residence seems to be, as the few huts we found on the North-east point of King George the Fourth's Bay seemed only temporary, and used by those employed in fishing.

It is not in my power to describe the habitation of these Islanders situated on the hills, as the approach to them was through an almost impenetrable Jungle; Lieutenant Marsh attempted to pass this, but he was obliged to relinquish it; the 2 or 3 huts upon the North-east point of the Bay were of the rudest and most miserable construction.

The soil of Fernando Po appeared imbedded upon a foundation of granite and mica, and sand-stone was also found; generally the soil itself was a rich loam, well suitable to produce all that is raised in the British Colonies in the West Indies, though, like all uncultivated land in climates where vegetation is so rapid, excepting the spots cleared by the Natives, and on the sides of one of the Western Mountains, which

exhibits an appearance as if cultivation had at some former period been successfully attempted, the whole is over-run with timber and underwood; the clearing of this must be attended with great labour and expense: but if ever the attempt should be made, the hiring of Kroo men would certainly be the cheapest means; unless the Natives should, by any inducement, be themselves disposed to submit to such labour.

Among the natural productions were cocoa-nuts, and yams of the most superior quality and flavour: to us they proved of the first importance; and these I found in great abundance, procuring not only sufficient for the Companies of His Majesty's Ship *Tartar* and *Thistle* Gun-brig, but also for several hundreds of Slaves, in 4 Vessels 1 had shortly before captured.

A few iron hoops which I directed to be cut into small pieces were accepted by the Natives in exchange for all we required; and a very ample supply of Negro food was thus obtained at a cost too triffing to be calculated.

Goats and fowls appeared occasionally, but in small numbers; and the fowls we procured were very inferior.

The timber on the Island was of great variety, but the pullam or silk cotton tree, so useful in forming Canoes, was above all others conspicuous. I observed a species of African teak, also the lignum vitæ, and a tree having a dark red wood capable of affording a dye.

The timber suitable for shingle for covering houses was very general; a species of wild nutmeg; and the gum tree of the Gambia; I noticed the calabash tree likewise, and a vast variety of others bearing a palmated leaf of great size, with a white odoriferous flower.

Of fruits we saw but few; the papan and cocoa nut were common; and I picked up several seeds of the erasmus or cormantine apple of the Gold Coast, whose fruit is a pleasing acid; the doom tree of Africa, remarkable for affording a poisonous decoction from its bark, was also observed; and the manchineal of the West Indies, with all the tribe of the palm and cocoa.

The palm wine of Africa is here made in great quantity, and is of most excellent quality, the trees growing to an extraordinary height.

The Natives of Fernando Po are in general of middle stature, very athletic, and of large muscle; the full grown Women still more so. The Natives appeared healthy, and I did not observe any particular marks of disease or infirmity amongst them, so frequently to be noticed in those of other parts of Africa; but my stay, not embracing in both periods more than 10 or 12 days, was too short, and my means of judging too limited, to speak otherwise than very generally; but their appearance of health cannot determine what effects the Climate might produce upon Europeans, unaccustomed to the rains, damps, and vapours, which in every part of Africa, and indeed in all tropical

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climates, so often generate fever and destroy European life. But no doubt can remain of this universally acknowledged fact, that as the Island became cleared of wood and brush, it would be more healthful.

Neither Men nor Women wore any other covering than a belt formed of grass, or plait of some vegetable, round the waist; many had only a single cord, made from the bark of a tree, neatly twisted, and within this, a few green leaves were stuck. Boys and Girls who had not reached to the years of puberty were without any covering whatever.

On the arm a small braid was fixed, which answered the purposes of ornament and of use, the rude knife carried by each Person being therein placed, and with it a small sprig of a flowering shrub; the latter we considered a token of peace.

On the wrist several had a braid of plaited bark, 3, 4, and 5 inches thick; sometimes ornamented with a bead, apparently made from bone and shells : others of the Natives had similar braids ornamented with a few glass beads, obtained probably from *Portuguese* Traders; round the necks of others were hung pieces of coral, broken shells, teeth, and the bones of animals.

The hair of these Islanders was matted into several locks; a mixture of palm oil and red ochre affords a protection against the rain as well as against vermin: the whole body was smeared over with this composition, even to their hands, and gave them the appearance of North American Indians rather than African Negroes.

The Women were all scarified in the face, and many had small gashes, appearing as if lately made; all wore a cap or bonnet platted so neatly and so firmly as to resist water; several had these ornamented with feathers, but without taste or uniformity.

Spears appeared the only weapon; these were made of the iron wood, and so neatly barbed that I mistook them for metal, nor was the point less hard or sharp; each Native carried half-a-dozen in his left hand as a supply.

One of these was thrown at a calabash about 20 paces distant with tolerable accuracy, and with some degree of exultation, till with a pistol bullet the calabash was shivered to pieces; at the report the Natives all fell flat, apparently to avoid the supposed danger; every one seemed confounded, and appeared to acknowledge the superior power of the weapon, which, on being given to them, they examined with great curiosity, but, after seeing it cocked, no one would touch it. The Canoes of these People, though large, were of the worst description I had seen; their paddles were disproportionably small; their table or painter made of a vine, very similar to the water-vine of Sierra Leone.

The Chiefs were only distinguished by a stick, the top of which appeared ornamented, in a manner a *Portuguese* Sailor has a rattan.

The Chiefs seemed to possess great power, as, on one occasion, when the Natives crowded over a line I had drawn on the sand as one not to be passed, they were beaten back with extreme violence by those who appeared with the mark of authority.

What may be their objects of worship I saw nothing to judge of, never witnessing any of their ceremonies.

The number of these Islanders cannot, from all I saw, be considerable; for as, I believe, the appearance of several Vessels at one time was never until then known by the present generation at Fernando Po, curiosity, or a desire to exchange their produce for what we had to offer in return, brought to our view the greater part of the Natives. I should estimate the Population of the Island at not more than 2,000. Indeed I am convinced that a few hundreds were the very utmost we ever saw collected together.

Of the Natives of Fernando Po every Person will be disposed to speak as he may by actual experience find them. I had heard them reported by Lieutenant Hagan, who had visited Fernando Po in 1816, when in command of the Colonial Schooner, as extremely savage and untractable, never to be trusted, and, as it were to complete the character of disgust, others had represented them to be cannibals. In landing, therefore, on the Island, I used the precautions prudence would naturally dictate, and in my first dealings I trusted to them but little; I however soon found that I had no reason to be suspicious, or to look for treachery; it was nevertheless necessary to guard against petty theft, to which the temptations appeared stronger than the nature of those People could resist.

There was a degree of jealousy shown by the Natives with whom our traffick commenced, towards such of their Countrymen who came from the interior to offer their produce; the Party with whom we were bartering appeared indignant at the approach of the new comers, and arming themselves with their lances, sallied forth along the beach to prevent what they considered intrusion. On this occasion we observed angry menaces; but a palaver took place, and the advancing Party retired to the other extremity of the beach, and all further show of hostility ended.

There was at first, on the part of the Natives shyness and suspicion towards us, but these soon wore away, and in the conclusion they appeared satisfied we meant them no ill. The short time the *Tartar* remained at Fernando Po did not afford me the means of acquiring any knowledge of the language, but it did not appear to bear affinity with any I had ever heard on the African Coast, or any Settlements I had visited in the Interior.

Having concluded my remarks on the Island of Fernando Po, and the several Settlements in Africa visited during the last Year of my Service upon that Coast, it becomes, as I humbly apprehend, my duty

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to shew to their Lordships what at present is the real and absolute state of the Slave-trade, and, in my endeavours to do so, I entreat their Lordships to believe that I neither exaggerate nor extenuate any occurrence whatever.

Witnessing as I have for the last 3 Years the Slave-trade in all its horrors, it would give me the sincerest satisfaction if I could with truth report that it was really declining; but if I did so I should only mislead their Lordships, and, as I think, thereby compromise my own character.

It is true that certain Powers have abandoned the Trade entirely, and others have professed and even engaged to confine it to within certain limits, but notwithstanding, my full persuasion is, this infamous traffick in amount is no less than it was; and numberless opportunities of personal observation justify my saying, that, in the manner of conducting it, in cruelty and brutality it cannot be surpassed.

I am aware of a Report, made by 2 publick Officers of the Colony of Sierra Leone, by no means in accordance with the above declaration. The returns, however, made by Officers under my Orders, of the vast number of Slaving-vessels seen in all parts of the Coast, even where the Trade is forbidden, my own actual personal experience, and the Representations and Affidavits of Masters of British Merchant Ships engaged in legal trade, in constant view of the Slaves, most unhappily, as I consider, refute the statements I refer to, and require me most unreservedly to repeat (though with the deepest concern), that in the Year 1821 this Trade was in its fullest activity.

Their Lordships will receive full confirmation of my statement, if it be required, when they shall be pleased to refer to the Letters transmitted by the Officers acting under my command; these will show what must be the enormous drain upon the miserable Population of Africa, when, within the interval of a few days, Slave-vessels are seen by these Officers on one part of the Coast only (and that on which *Portuguese* and *Spaniards* are by their Treaties forbidden to trade) sufficient to remove several thousands.

Very early in 1821, so close to the British Settlements as the Gallinas, the Schooner Carlotta was boarded by His Majesty's Ship Myrmidon, the Master and Supercargo were then said to be on shore, contracting for a Cargo.

The Vessel was under the Colours of Spain, but she had no Papers whatever; and though there seemed no doubt that she, like very many others similarly circumstanced, was at one period of the Year engaged in the Piratical Cruizing, and in Slaving when it seemed to offer better prospects, and it was acknowledged by part of the Crew that the object of the Vessel was Slaving (but this was qualified by stating, that the Slaves were to be embarked South of the Line), yet not having any Slaves on board, although the want of Papers would seem to found a

reasonable suspicion of her being a Pirate, it was not thought prudent to take her to Sierra Leone for Adjudication. But as I considered it my duty to frustrate the evident intentions of the Carlotta, if possible, I took her in charge from Captain Leeke, and towed her to Cape Coast Castle, where, after receiving the depositions of the Crew, I dismissed her; when no longer detained by me she beat round Cape Palmas back to the very spot she was first met, confirming my original suspicion of her object. Her Cargo being prepared, she embarked 260 Slaves; and the very next day, in a Tornado, off St. Ann's, for want of timely precaution, upset, and, dreadful to relate, the whole of these wretched People, confined in irons, sunk with her. And I cannot help regretting that her Master (who was the whole time on board in disguise, though sworn by himself to be left on shore) and 2 of her Crew, contrived to reach Sierra Leone in a Boat, where I found them, as bumanity would induce, but as justice would forbid, lodged in the hospital, receiving all the comforts British charity would bestow upon those of better deserts.

In February, 1821, Captain Finlaison, of the *Morgiana*, reported to me his having captured the *Emelia*, from Onim, in the Bight of Biafra, with 369 Slaves, and that many other Slave-vessels had been seen in the Bight.

The Portuguese Master of the Emelia affirmed, in my presence, that he came from Molembo, South of the Line, though it is proved that he left Onim only 3 days previously to his Capture; and the wounds from the hot iron on the breasts of the Men, and the bosoms of the Women, marking the property, being still fresh, gave further evidence of his falsehood.

Slave Masters generally keep 2 Logs, one for the purpose of navigation, and the other to produce in case of detention by a *British* Cruizer, as was the case in the present instance.

Within sight of a *Danish* Fort, on the Gold Coast, a Slaver was fearlessly shipping his Cargo, when the Governor of Christianbourg secured the Offender and liberated the Slaves.

At Whydah, in March, 1821, the *Portuguese* Brig Victoria was boarded by my own Boats; I found her landing the remaining part of her Slave goods; her Slave room, the fetters for confining Slaves, and the whole of her equipment, showed her purpose; she had a Passport or Licence from the Government of Brazil, to return with between 6 or 700 Slaves, to be received on board South of the Line only. Her Slaves were in the Slave rooms of De Souza, the *Portuguese* Agent at Whydah, all ready for embarkation; but the *Victoria* had not any actually on board, and therefore, though every circumstance I have stated, was, as I considered, most undoubted proof of her object, I dared not molest this Vessel; and, in a few days after my leaving Whydah, she left it also, with a complete Cargo, and within the 3 months previously, this Brig had also taken from the same Port upwards of 600 others.

The fact of the Victoria having embarked her Slaves North of the Line may be readily traced at the Brazils, unless on her arrival there the Passport, for receiving a Cargo South of the Line only, should have been destroyed, or by connivance not required; for on that Passport I noticed most fully where I found her and her evident object, in the hope that it might lead to the punishment of the Master, and the confiscation of the Vessel.

In the River Lagos, I had information in the month of March, of there being 3 Vessels slaving; yet as I was aware notice of His Majesty's Ship being at Whydah would be immediately conveyed to Lagos, I knew my only chance of capturing any of them was by keeping the sea and meeting them when their Cargoes were on board.

In the River Bonny, in March, 1821, the Spanish Schooner Anna Maria, of 170 tons, was captured by the Boats of the Tartar and Thistle, and though her Slave room was but 2 feet 11 inches high, she had no fewer than 450 Slaves on board; and that it may be understood how daring the Slave-traders are, this Vessel ventured on the Coast prohibited, at the time when it is considered best protected by His Majesty's Cruizers.

In the River Bonny also, at the same time, the *Portuguese* Ship the *Donna Eugenia* was captured by the Boats of the *Tartar* and *Thistle*, with about 90 Slaves, having but just commenced her Slaving, and the information I had of *French* Vessels having lately left the River was confirmed.

The Constantia, of between 70 and 80 tons, with nearly 250 Slaves, was captured by the Boats of the Tartar and Thistle nearly at the same time with those beforementioned, and it may not be improper here to remark, that this Vessel appeared on her condemnation to belong to Colonel Xavier, the Commandant of Princes Island, and Govemor in the absence of Gomez.

In my apprehension, from the experience of 3 Years Service in command on the Coast of Africa, not any means would be so likely to check, in a most material degree, the Slave-trade in the Bight of Biafra, as the establishment of a small Post either at Fernando Po or Goat Island, and therefore I take the liberty of intreating the attention of their Lordships to the peculiar situation of these Islands; by a reference to the Chart, or to the Survey, I have forwarded to their Lordships, it will be seen that a very trifling Establishment at either of these Islands, and a small depôt for the supply of His Majesty's Cruizers in the neighbouring Bights of Biafra and Benin, the blockade of the Rivers in these Bights might be carried on without any intermission, because the River Old Calabar would require to be actually visited only once in 3 or 4 weeks, and there is anchorage for Cruizers between these Islands and the Slave Rivers.

The Cruizers, by resorting at Fernando Po, would thereby have the ready means of effectually blockading the River Bonny, New and Old Calabar, Del Rey, the Camaroons, and indeed all that line of Coast to the River Nasareth, which lays only 2 miles South of the Line.

One Sloop of War, 1 or 2 Gun-brigs, and these occasionally relieved, would be ample force for this Service, and, I have no doubt, to interrupt the Slave-trade in these Rivers, so as to leave them open only to the Flag of *France*.

At Goat Island, looked at as merely a Territorial Possession, I am fully aware, the advantages might well be questioned, but I have explained on what grounds it may be desirable.

In my Report of last Year I stated to their Lordships my full persuasion, that neither *England's* Subjects, Capital nor Flag, were known in the Slave-trade in the course of my last Year's Service: by the Capture of the *Anna Maria* my suspicions were raised, and I regret they were, by my absence when this Vessel's Case was decided at Sierra Leone, neither confirmed nor removed; her Owner was clearly shown to be connected with the house of Messrs. Hutton and Bright, of Cuba, her Supercargo bore the *English* name of Matthew Smith, but when it suited he had a *Spanish* name also; several circumstances gave strong suspicion, but I had no means of investigation after the condemnation of the Vessel.

With the exception of this Case, of that of George Gardner, a Mate of the Anna Maria, who, confessing himself an English Subject, was left for trial at Sierra Leone, and of 2 or 3 English Seamen I found in the Slave-vessels, induced as they said, and as I believe, to embark in the understanding they were only to cruize under the Colours of Artigas against the Spaniards; I had no reason to suspect a British Subject engaged or concerned in the Slave-trade.

America has enacted very severe Laws against her Subjects convicted of being engaged in the Slave-trade; and if an Individual so humble as myself might be permitted to speak in language of praise of a body of Officers of another Nation, I should add, that it became with me a measure of justice only to observe, that the American Officers in command of the Vessels of War employed by their Government in the suppression of the Slave-trade on the Coast of Africa, had on all occasions acted with the greatest zeal in the object; and it was extremely gratifying to me to observe that the most perfect unanimity prevailed, between the Officers of His Majesty's Squadron and those of the American Vessels of War engaged in the same view.

France.—Vessels under her Flag are occasionally to be found on all parts of the Coast, her Colours being protection every where ; but the principal resort of *French* Slavers is in the River Bonny, where they are at most times in numbers, and where, as I was informed, they were establishing Factors for the regular supply of their Vessels. I had for some weeks on board the *Tartar* a remarkably intelligent Man acquainted with these parts, who informed me, that within the last 12 months he had seen in the 2 Rivers of Bonny and New Calabar, nearly 100 Sail of Vessels for Slaves, and that the greater proportion of these bore the White Flag.

Spain.—Although by her Treaty relinquishing the Trade, her Subjects infest the Coast of Africa still, and in the period of the rains they become most active, as then, to afford some protection to the Crews of His Majesty's Ships from the destructive consequences of the most unhealthful part of the season, these necessarily run to the Cape de Verds or Ascension. And I am quite satisfied, as suits the views of the Masters of the Spanish Slaving-schooners, they at one time act as Pirates against all Vessels, then under the Flag of Artigas as South American Cruizers, and then, when it shall better serve them, return to the practice of Slaving; and a Vessel under the South American Flag, professing herself a Cruizer, may wait a Cargo of Slaves off the Port they may be collecting, without power on the part of a British Officer to prevent her doing so, but at the risk of his ruin.

Portugal.—The Portuguese will cling to the Slave-trade as long as it shall be possible, the profits are so large as to induce all risks; and Vessels of this Nation range every part of the Coast, whether north or south, enter every port and creek where a Slave is to be purchased; and many small Vessels under this Flag are still employed in supplying the Slave Factories of Princes Island and St. Thomas.

Nothing can more strongly mark the indifference the People who navigate the Slave-vessels of *Spain* and *Portugal* show, to the miseries they inflict on the unfortunate Africans in their grasp, than the manner in which they crowd them on board their Schooners.

In 2 small Vessels, the one only 73, and the other about 160 tons, captured nearly at the same time by the Boats of the *Tartar* and *Thistle*, there were 700 Slaves. The height of between-decks of these Vessels was less than 3 feet; the Slaves were all fettered in pairs, jammed (for so only can 1 speak when I describe their situation) one within the feet of the other. Fever, dysentery, and all the train of horrible diseases common to the African Climate (increased by filth so foul, and stench so offensive as not to be imagined,) had attacked many of them, and the evident consequences to probably the greater part of the Slaves, determined me to seek a remedy if possible. I consulted Mr. Patten, the Surgeon of the *Tartar*, Mr. Clark, the Assistant-surgeon, and Mr. Bennet, the Assistant in the *Thistle*, as to a remedy, if one could be found; the result was, a general inspection of the Slaves, and every case of fever, dysentery, and other disease, to the amount

of nearly 100, was removed to the booms of the *Tartar*; and though there seemed, and assuredly was, extreme risk in doing so, yet by the precautions taken, and by the active and indeed never-ceasing attention of those valuable medical Officers, the only Person attacked with fever in the *Tartar* was the Surgeon's Assistant, but he recovered.

Several of the Slaves died nothwithstanding our best efforts, and I am fully persuaded few of those captured would have lived, had I suffered those in fever to remain in the filthy and putrid dungeons of the Slave-vessels.

I will presume to add one other circumstance, that I ventured to order the shackles of every Slave to be removed as soon after their Capture as possible; when the alarm of the Slave-masters became ridiculous, these men assuring me, that the life of no white person would be secure; but generally so sensible were the poor Beings who had been relieved, of their improved situation, that, by all the means they could express themselves, they showed the utmost gratitude and thankfulness.

I speak of these circumstances with no view to personal merit, for I did what humanity, and therefore what my duty, only required, and I am satisfied that every British Officer on the Coast of Africa would have done as much; but I state them merely to show how frightful the situation of the Slaves is, when in charge of the Spanish and Portuguese Slave-masters and their Crews, and with what merciless indifference their miseries are viewed by these Persons.

In concluding this Report, the last I shall probably have the honour of presenting on the Slave-trade, I hope I may be permitted to observe, that by their Lordships favour I was placed in Command of His Majesty's Naval Force on the Coast of Africa, that during the 3 years I have held it I have endeavoured to perform with zeal, and to the best of my ability, the very varied, and not unfrequently, distressing duties arising out of it; and I hope, that whenever I may have failed in any wish of their Lordships, good intention on my part has never been thought wanting.

If the progress of the Ship be traced, it will appear she was seldom inactive, and I can confidently observe, that in a Climate where care of health is generally thought so necessary, the consideration never dwelt one moment on my mind, where publick duty was to be performed; and I think it will be found, that I left as little as possible to the report of others.

From their Lordships, during my late command, I received many marks of indulgence and favour, and these I beg permission very humbly to acknowledge; and if, upon the whole, I shall be considered to have conducted the Service confided to me satisfactorily, I beg very respectfully to assure their Lordships I have not another desire.

The Lords Comm". of the Admiralty. GEO. R. COLLIER.

No. 18.-Captain Kelly to J. W. Croker, Esq.

(Extract.) H. M. S. Pheasant, Sierra Leone River, 4th Jan. 1822.

I HAVE the honour to report, for the information of my Lords Commissioners of the Admiralty, that in consequence of a communication from Governor Sir Charles M'Carthy, that intelligence had reached him of a *Portuguese* Schooner being in the Rio Pongas taking in Slaves, I directed Lieutenant Knight, of the *Snapper*, to proceed on the 19th ultimo with that Brig and the *Thistle*, taking with him the Boats of this Ship and *Myrmidon*, for the entrance of that River; there to anchor the Brigs, and then push up, with all the Boats under his personal direction, and examine every creek and usual place of Slavedealing in it; and if he should there find any Vessels acting in contravention to existing Treaties or orders, to bring them to this place for adjudication.

On the 28th the Expedition returned, and Lieutenant Knight reports that, after a thorough search, he only found 1 Vessel, viz. the Spanish Schooner Rosalia, from The Havannah, with a Cargo of rum and tobacco; part of which was landed at Ormond's Town, who, together with a British Subject, by the name of Lightburne, residing in the River, had undertaken to furnish him with 200 Slaves in exchange; but as they were not embarked, and in short could not be found, no steps could be taken for the detention of the Vessel.

I am happy to report that, from all the information Lieutenant Knight could obtain, only one Vessel (containing 100 Slaves) had left that River for more than 6 months

In order to prevent if possible the escape of the Schooner now there, I have ordered the *Thistle* to Cruize before the mouths of it, to interrupt her should she attempt to put to Sea with Slaves on board. J. W. Croker, Esq. B. M. KELLY.

No. 19.—Captain Kelly to J. W. Croker, Esq.

SIR, H. M. S. Pheasant, Sierra Leone River, 16th Jan. 1822. I HAVE the honour to report, for the information of my Lords Commissioners of the Admiralty, the arrival at this anchorage of His Majesty's Gun-Brig *Thistle*, from the service on which I had ordered her, as communicated to you in my Letter of the 4th instant, bringing with her the Spanish Schooner Rosalia, captured in the Rio Pongas, with 60 Slaves on board, the same Vessel as was boarded by the Boats of the Squadron under the orders of Lieutenant Knight, of the Snapper, on the 24th ultimo.

I beg leave to inclose a Copy of Lieutenant Hagan's Letter, detailing the particulars of her Capture, the result of the prompt and decisive measures adopted by that Officer.

As I am directed by my orders to be near this anchorage on the arrival of the succeeding Commodore, which Sir George Collier com-

municated to me as likely to have taken place in November last, and which has necessarily of late withdrawn my attention from those places to leeward of the St. Ann's Shoals, as far as Cape Palmas; it is with peculiar satisfaction I have to communicate, that from all the Reports brought by Canoe Men, which are frequently coming from thence, I have not learned that there has been any arrival of Slave-vessels on these parts of the Coast since those *French* ones reported in my Letter of the 3d ultimo. I am, &c.

J. W. Croker, Esq.

B. MARWOOD KELLY.

(Inclosure.)—Lieutenant Hagan to Captain Kelly. SIR, H. M. B. Thistle, off Rio Pongas, 13th Jan. 1822. I HAVE the honour to report, that in obedience to your orders I arrived off this River to watch the Spanish Slave-vessel lately examined in it; and having anchored off the sand Bar, I proceeded up in

the Boats to ascertain if she still remained.

I found she had dropped down some miles, and appeared to be making rapid progress in her equipment, and having learnt that many of her Slaves were in irons on shore ready for embarkation, I considered it my duty to effect if possible their release.

For this purpose I called a Meeting of the Traders and Chiefs, I represented to them that the British had made large sacrifices to the Spanish and other Governments to induce them to abolish the Trade in Slaves, and that, in consequence, Treaties the most solemn and binding had been made, not only for that purpose, but to give to the Ships of War of either Power a mutual right of Police over the Vessels of their respective Subjects, and that by virtue of that Power I claimed, on the part of their Britannick and Catholick Majesties, a release of the Slaves then ready for embarkation in the Schooner.

I have much pleasure in stating, that measures were promptly adopted, and they, with the consent of the Acting Commander, Francisco, caused 60 to be embarked, when she was taken possession of; she proves to be the *Rosalia*, the property of Don Joseph Sole, of The Havannah: sailed from thence under the command of Francisco de Hornes, who, with 7 of the Crew, fell a sacrifice to the Climate during her stay of 5 weeks in the River.

I shall proceed without loss of time with the Schooner to Sierra Leone, which I hope will meet with your approbation.

I am, &c.

Captain Kelly.

R. HAGAN.

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(B.) INSTRUCTIONS TO NAVAL OFFICERS.

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No. 1.—John Barrow, Esq. to Commodore Sir George R. Collier. SIR, Admiralty Office, 24th May, 1821.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you a Copy of a Letter from Lord Castlereagh, conveying to their Lordships His Majesty's pleasure, that the Commanders of His Majesty's Vessels employed in the suppression of the Slave-trade, should be instructed to use their best endeavours to co-operate, as far as may be in their power, with such Ships of *The United States of America* as may be placed on the Coast of Africa for the same purpose; with a Copy of a Letter which I have received from Mr. Planta, stating more particularly the meaning attached by his Lordship to the expression " to co-operate," as used in the first-mentioned Letter; and I am to signify to you their Lordships' direction, that you govern yourself according to the tenor of these Letters, and that you make the same known to the Commanders of His Majesty's Vessels under your Orders. I am, &c.

Commodore Sir G. R. Collier, JOHN BARROW. or the Senior Officer on the Coast of Africa.

(Inclosure A.)—Viscount Castlereugh to the Lords 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 anxious 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 have transmitted 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 endea-

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vours 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, &c.

The Lords Comm^r. of the Admiralty. CASTLEREAGH.

(Inclosure B.)—Joseph Planta, Jun. Esq. to John Barrow, Esq. SIR, Foreign Office, 12th May, 1821.

In reply to your Letter of the 6th ultimo, requesting, by direction of the Lords Commissioners of the Admiralty, to be acquainted with the precise meaning which His Majesty's Government may be pleased to affix to the term "to co-operate," in the Instructions proposed to be sent to the Vessels now cruising upon the Coast of Africa, for the prevention of the Slave-trade, in the event of their meeting with any Cruizers of The United States having the same object; I am directed by Lord Londonderry to state to you, for the information of their Lordships, that the meaning which his Lordship attached to that expression was, that the American Government having refused to enter into any more intimate concert with the British Government for the suppression of the illicit Slave-trade upon the Coast of Africa, British Vessels should, notwithstanding, be instructed to give such general assistance to any Ships of War of The United States as might appear on the Coast of Africa, towards the attainment of this common object, as was consistent with the existing Treaties and Rights of both Nations, and with the friendly relations and perfect amity subsisting between them.

I am, &c.

John Barrow, Esq.

JOSEPH PLANTA, JUN.

No. 2.—The Lords Commissioners of the Admiralty to Commodore Sir Robert Mends.

(Extract.)

Admiralty Office, 31st October, 1821 -

You are hereby required and directed to put to Sea in the Ship you command, as soon as she shall be in every respect ready, and to proceed with all convenient expedition to the Coast of Africa, where you are to employ yourself in affording such countenance and assistance to the British Settlements, and such protection to the British Commerce, as may be found requisite, and in preventing to the utmost of your power, any illicit traffick in Slaves by His Majesty's Subjects, or by the Subjects of the Kings of *Spain*, *Portugal*, and *The Netherlands*, with whom Treaties, as hereinafter-mentioned, have been concluded by this Country respecting that traffick; taking under your Orders, and employing upon the said Services, the Sloops and Gun-brigs named in the margin,* which are now on the African Station, and whose Commanders are directed by the Orders which we herewith inclose to you to place themselves under your command.

* Pheasant, Myrmidon, Moroiana, Snavver (G. B.), Thistle

You are to proceed in the first instance to Sierra Leone, where you, are to communicate with the Governor, and to confer with him as to the best mode of effecting the objects you have in view.

You will assign such Stations and give such Instructions to the Vessels under your Orders as you may judge most proper, with a view to the effectual fulfilment of those objects; and for which purpose several Bays and Creeks, particularly in the Bights of Benin and Biafra, must be diligently watched and frequently examined, to ensure, as far as practicable, by the force under your orders, the seizure of such Vessels as may be liable thereto, under the several Acts and Treaties for putting a stop to the trading in Slaves.

We herewith transmit to you Copies or Abstracts of the several Acts of Parliament, relating to *British* Subjects engaged in Traffick in Slaves, by which you are to be governed with regard to such *British* Subjects as you may discover to be engaged in the said traffick, and to use every means in your power to carry into full effect the said Acts.

With regard to Vessels belonging to the Subjects of the Kings of Spain, Portugal, and The Netherlands, we transmit to you herewith the following Documents, viz.

Copies of the Treaties or Conventions concluded between His Majesty and those Sovereigns, for the prevention of an illicit traffick in Slaves by their respective Subjects.

Acts of Parliament which have been passed to give effect to those Treaties :

And Instructions signed by us, authorizing you, in conformity with the Treaties, to search Vessels bearing the Flags of the said Nations respectively.

You are to be strictly governed by these Documents in your conduct towards the Vessels in question; and you will take care that the Commanders of the Vessels under your Orders also strictly attend to the same.

You will observe in the Treaty with Spain, that 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.

And you are to understand, that any Ships of the three beforementioned Nations, 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 those 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.

We send you herewith a Copy of a Letter addressed by our Secretary, on the 24th of May last, to Commodore Sir George Collier, with Copies of the 2 Letters therein referred to, respecting a co-operation between His Majesty's Vessels employed in the suppression of the Slave-trade, and such Ships of The United States of America as may be placed on the Coast of Africa for the same purpose; and we require and direct you to observe the Instructions contained in our Secretary's Letter accordingly.

The Ships under your command are to continue in the execution of the duties thus pointed out, so long as the weather shall not affect the health of their Crews, so as to make it necessary, in the opinion of the Commanders, to change the climate; when, after completing their water, and getting such refreshments as they can procure at Cape Coast Castle, Princes Island, St. Thomas's Island, or Fernando Po, (according to the situation of the Vessel) they are to proceed to Ascension to recruit and refresh the People; and after having so done, they 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 assigned to them, if supposed to be equally open with regard to the state of the weather there.

The Earl Bathurst having stated to us, that it is necessary to the Publick Service, that the Governor of Sierra Leone should, as early as possible, visit the Forts on the Gold Coast, in order to arrange their future establishment; and that it is desirable that he should be accompanied in this visit by the Naval Officer commanding on the Station: you are, therefore, to receive the said Governor on board the *Iphigenia*, whenever he may desire, for such purpose, and convey him to the several Forts along the Gold Coast; and when he shall have executed the Instructions he has received respecting them, you are to convey him back to Sierra Leone.

You will take every opportunity of transmitting to our Secretary, for our information, reports of your proceedings, and of those of the Vessels under your Orders; together with such observations as you may deem it advantageous for us to be made acquainted with, in regard to the Station entrusted to your charge, and particularly as to the progress made towards the entire suppression of the Slave-trade.

When the rains have regularly set in on the Coast of Africa, you are to proceed in the *Iphigenia* to Ascension, to refresh your Crew, &c.

After which you will proceed to Trinidad and Jamaica, for the purpose of receiving at those Places such refreshment and supplies as the Ship and Crew may stand in need of, &c.; and from Jamaica you are to make the best of your way to Spithead.

On your arrival at Spithead, you are to report the same, and your proceedings to our Secretary for our information.

Previously to your leaving the African Coast, you will take care to give the necessary Instructions to the Officer next in Command to you, for the guidance of the Squadron during your absence.

Commodore Sir Robert Mends, Senior Officer of His

Majesty's Ships and Vessels employed on the Coast of Africa.

No. 3.-John Barrow, Esq. to Captain Phillips.

SIR,

Admirally Office, 15th March, 1822.

In reference to the Order of my Lords Commissioners of the Admiralty, directing you to proceed to the African Station, I am commanded by their Lordships to transmit to you Copies of the Treaties which have been entered into with Spain, Portugal, and The Netherlands, for the prevention of an illicit traffick in Slaves, with Copies of 3 Acts of Parliament relating to them, and Instructions signed by their Lordships authorizing 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 the Instructions attached to them.

I also transmit to you herewith, Abstracts or Copies of the Acts of Parliament prohibiting the traffick in Slaves by His Majesty's Subjects. I am, &c.

Captain Phillips, H. M. S. Bann.

JOHN BARROW.

No. 4.—Instructions issued to the Commanders of all such of His Majesty's Ships and Vessels as have been ordered, from the 6th of February, 1821, to the 21st March, 1822, to proceed to either of the following Stations: viz. Jamaica, Leeward Islands, South America, Cape of Good Hope, and East Indies.

Sire, In reference to the Order of my Lords Commissioners of the Admiralty, directing you to proceed to the manded 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 traffick in Slaves, with Copies of 2 Acts of Parliament relating to them, and Instructions signed by their Lordships authorizing 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 the Instructions attached to them. You will likewise receive herewith, Abstracts or Copies of the Acts . of Parliament prohibiting the traffick in Slaves by His Majesty's Subjects.

The Commanders of H. M.'s S. Jamaica, Leeward Islands, &c.

The foregoing Letter, with the Documents therein referred to, have been issued between the 6th of February, 1821, and the 21st March, 1822, to the Commanders of the following Ships and Vessels of His Majesty:

Surinam,	Aurora,	Bustard,
Forte,	Doris,	Icarus,
Satellite,	Tyne,	Carnation,
Sophie,	Hyperion,	Tees,
Pyranus,	Glasgow,	Scout.

DOCUMENTS AND CORRESPONDENCE, RELATIVE TO THE CAPTURE OF THE FRENCH SHIP SYLPHE, BY HIS MAJESTY'S SLOOP REDWING. 1819, 1820.

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No. 1 — Commodore Sir George R. Collier to J. W. Croker, Esq. (Extract.) H. M S. Tartar, Sierra Leone, 22d February, 1819.

DURING my absence, the only Vessel of War which had arrived was His Majesty's Sloop *Redwing*, Captain Hunn: she came in for the purpose of landing the Slaves taken on board a Schooner, North of the Line, and of obtaining the Condemnation of the Vessel; but, under existing circumstances, the Judge of the Vice-Admiralty Court of this Colony did not feel himself authorized to take cognizance of the circumstance, and Captain Hunn sailed with the Schooner in companyafter landing the Slaves (300) four days previous to my arrival. J. W. Croker, Esq. GEORGE R. COLLIER.

No. 2.—Henry Goulburn, Esq. to J. W. Croker, Esq. SiR, Downing Street, 5th June, 1819.

I AM directed by Lord Bathurst to transmit to you, for the information and consideration of the Lords Commissioners of the Admiralty, the Copy of a Letter from Governor M'Carthy, with its Inclosure, relative to the Capture, by His Majesty's Sloop *Redwing*, of a *French* Schooner, named the *Sylphe*, with a Cargo of 368 Slaves, bound for Guadaloupe. I am, &c.

J.W. Croker, Esq.

HENRY GOULBURN.

(Inclosure 1.) - Governor M'Carthy to Earl Bathurst.

My LORD, Government-House, Sierra Leone, 25th Feb. 1819. I HAVE the honour to report to your Lordship, that Captain Hunn, of the Royal Navy, commanding His Majesty's Sloop Reducing, having fallen in with a French Schooner, the Sylphe, near Cape de Verd Islands, deemed himself authorized to detain her and bring her here for trial. I herewith inclose a Copy of his Letter to me, and beg leave to acquaint you, that under the particular circumstances of the case, I deemed it my duty to comply with Captain Hunn's application, and the unfortunate Beings were accordingly landed, and placed in the Negro captured Towns in the interior of the Country. Captain Hunn sailed for St. Helena on the 14th instant.

I avail myself of the present opportunity to solicit your Lordship's instructions on the subject. It has been reported here that a Commission, under the late Treaty, had been formed at home, but that the malicious and unfounded reports so industriously circulated in England, as to the insalubrity of this climate, had prevented the Person appointed to sail for Africa : should that be the case, I beg leave to submit to your Lordship's consideration the propriety of nominating to that Commission, either the present Chief Justice, or the acting King's Advocate, or any of the Civil Officers on the Establishment. On a reference to the Treaty, I am led to suppose that your Lordship will concur in my opinion, that it is scarcely possible for any Officer who may be appointed to such an office to commit an error, the Regulations are so very clear and pointed. A small addition to the Salary of any of the Officers now on the Coast would be adequate to this increased duty, and save public expenditure.

I cannot but add, that it is highly expedient to the welfare of Africa that something should be done soon, for the traffick in Slaves

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is increasing. Sir George Collier returned here on the 18th instant from the Island of Ascension, after a passage of 10 days only; he intends to resume his cruize in a few days, but the want of an established Court cramps all exertion in that great cause; and, in defiance of the Laws of their own Country, the traffick in Slaves is carried on under all Colours, but those of Great Britain. I have, &c. The Right Hon. Earl Bathurst, K: G. C. M'CARTHY.

(Inclosure 2.)-Captain Hunn to Governor M'Carthy.

H. M. S. Redwing, Sierra Leone, 10th Feb. 1819. SIR, 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 Sylphe, being 51 days from Bonna, with a Cargo of 368 Slaves, bound to Guadaloupe, 20 of whom have died on the passage.

I have, from the decisions of the Congress lately assembled at Aix-la-Chapelle, 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 of unfeeling and brutal avarice 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, &c.

His Excellency Lieut.-Col. M'Carthy.

FREDERICK HUNN.

No. 3.-John Barrow, Esq. to William Hamilton, Esq. Admiralty Office, 8th June, 1819.

REAR ADMIRAL PLAMPIN having transmitted to this Office a Letter from Captain Hunn, of His Majesty's Sloop Redwing, giving an account of his having captured the French Schooner La Sylphe, bound from Bonna to Guadaloupe, with a Cargo of Slaves; I am commanded by my Lords Commissioners of the Admiralty to transmit to you, a Copy of the said Letter, and of the one which, by their Lordships' direction, I have written to the Admiral on this occasion, and to request you will lay the same before Lord Castlereagh, for his Lordship's information. I am, &c. JOHN BARROW. William Hamilton, Esq.

(Inclosure 1.)—Captain Hunn to Rear-Admiral Plampin.

H. M: S. Redwing, St. Helena Roads, 17th Mar. 1819. SIR, I HAVE the honour to inform you, that on the 9th ultimo, being in Latitude 7 deg. 17 min. North, and Longitude 17 deg. 16 min. West, His Majesty's Sloop under my command fell in with the French Schooner La Sylphe, from Bonna, bound to Guadaloupe, having on

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board a Cargo of 368 Slaves, which I captured and carried into Sierra Leone, where I delivered the Slaves into his Excellency the Governor's order, and sent the Schooner on to the Cape of Good Hope for trial. I have, &c.

FREDERICK HUNN.

Rear-Admiral Plampin, Commander-in-Chief, St. Helena.

(Inclosure 2.)—John Barrow, Esq. to Rear-Admiral Plampin. SIR, Admiralty Office, 8th June, 1819.

HAVING laid before my Lords Commissioners of the Admiralty your Letter of the 26th of March, No. 18, inclosing a Copy of a Letter from Captain Hunn, of the *Redwing*, giving an account of his having captured the *French* Schooner *La Sylphe*, bound from Bonna to Guadaloupe, with a Cargo of Slaves; I am commanded by their Lordships to express to you their surprise that Captain Hunn should, without orders, and of his own authority, have violated the Flag of a friendly Power, and have captured a Vessel sailing under the Flag of His Majesty's Ally, the Most Christian King; and I am to signify their Lordships' direction to you to call upon the Captain to explain and account for his conduct on this occasion, for which his Letter above alluded to affords no excuse. I am, &c. *Rear-Admiral Plampin.* JOHN BARROW.

No. 4.—Viscount Castlereagh to the Lords of the Admiralty. My Lords, Foreign Office, 12th July, 1819.

In reference to your Secretary's Letter of the 8th ultimo, transmitting Copy of Captain Hunn's Report to your Lordships, dated the 17th March, of his having detained and carried into Sierra Leone the French Schooner La Sylphe, bound from Bonna to Guadaloupe, with a Cargo of 368 Slaves on board, which Ship Captain Hunn states, in the same Letter, that he had sent to the Cape of Good Hope for adjudication ; I am to signify to your Lordships the Commands of His Royal Highness the Prince Regent, that you do give Instructions by the earliest opportunity to the Commanding Officers of His Majesty's Naval Force at Sierra Leone and at the Cape of Good Hope, or elsewhere, if necessary, to take immediate steps for conveying the said French Schooner Sylphe from any Port at which she may be found, together with her Crew and such effects as she may have on board, to the nearest French Port, in order that on her arrival there she may be delivered over to the French Authorities, together with such proofs as may be necessary to enable them to proceed against the Parties who may be found guilty of having violated the Laws of their Country.

I have forwarded a Copy of this Letter to the Colonial Department, in order that Earl Bathurst may give such directions to the Civil Officers at the Cape of Good Hope and at Sierra Leone as may be

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necessary to facilitate the execution of His Royal Highness's Commands; and I request that your Lordships will have the goodness to communicate to me a Copy of your Orders, in order that the same may be transmitted to His Majesty's Ambassador at Paris, for the information of the Government of His Most Christian Majesty.

I have the honour, &c.

The Lords Comm". of the Admiralty. CASTLEREAGH.

P.S.—Copy of the Answer of the Marquis Dessolles to the Communication made to him by Sir C. Stuart, is herewith inclosed for your Lordships' information.

(Inclosure.)—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, annonçait à M. le Gouverneur de Sierra Leone la capture du Navire Français, la Sylphe, lequel parait 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 Chretienne, 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 paraissent 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, la contrebande des Noirs, a été arrêté par l'ordre du Commandant de l'Ile de Bourbon et remis au Capitaine de la Frégate Anglaise, la Magicienne. Comme il est probable que M. 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 Capitaine Hunn, votre Excellence ne soit pas douter que l'armateur et l'équipage de ce Navire ne soyent jugés et punis suivant la rigueur des Lois.

J'ai l'honneur d'être, &c.

S. E. Le Chevalier Stuart. LE MARQUIS DESSOLLES.

No. 5.—John Barrow, Esq. to William Hamilton, Esq. Admiralty Office, 17th July, 1819.

SIR, IN return to the Letter addressed by Lord Castlereagh to my Lords Commissioners of the Admiralty on the 12th instant, respecting the French Schooner La Sylphe, captured with a Cargo of Slaves on board, by His Majesty's Sloop Redwing; I am commanded by their Lordships to transmit to you, for Lord Castlereagh's information, Copies of the Letters which I have written by their direction to the Officers commanding on the Cape and African Stations, for carrying into effect the pleasure of His Royal Highness the Prince Regent, in regard to that Vessel. I am, &c. JOHN BARROW. William Hamilton, Esq.

(Inclosure 1.)-John Barrow, Esq. to Rear-Admiral Plampin. Admiralty Office, 17th July, 1819. SIR.

In further reference to your Letter of the 26th of March, No. 18, transmitting a Copy of a Letter from Captain Hunn, of His Majesty's Sloop Redwing, stating that he had captured the French Schooner La Sylphe, bound from Bonna to Guadaloupe, with a Cargo of Slaves; I am commanded by my Lords Commissioners of the Admiralty to send you a Copy of a Letter which their Lordships have received from Lord Castlereagh, signifying the pleasure of His Royal Highness the Prince Regent, that the Schooner should be conveyed from any place at which she may be, with her Crew, and such effects as she may have on board, to the nearest French Port, to be delivered on her arrival there to the French Authorities, with such proofs as may be necessary to enable them to proceed against the Parties who may be found guilty of having violated the Laws of their Country; and I am to signify their Lordships' directions to you, to take the necessary measures, without loss of time, for carrying His Royal Highness's intentions into effect, if the Schooner in question should be at any place within the limits of your command : observing, that she should be sent either to the Isle of Bourbon, or to the nearest French Settlement on the West Coast of Africa, as the Master of the Vessel may prefer.

I am, &c.

Rear-Admiral Plampin.

JOHN BARROW.

(Inclosure 2.)-John Barrow, Esq. to the Senior Officer on the African Station.

SIR, Admiralty Office, 17th July, 1819.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you a Copy of a Letter which their Lordships have received from Lord Castlereagh, signifying the pleasure of His Royal Highness the Prince Regent, that the French Schooner La Sylphe, which was captured in the month of February last, by His Majesty's Sloop Redwing, on her way from Bonna to Guadaloupe with a Cargo of Slaves, should be conveyed from any place at which she may be, with her Crew, and such effects as she may have on board, to the nearest French Port; to be delivered on her arrival there to the French Authorities, with such proofs as may be necessary to enable them to proceed against the Parties who may be found guilty of having violated the Laws of their Country; and I am to signify their Lordships' directions to you, to take the necessary measures, without loss of time,

for carrying His Royal Highness's intentions into effect, if the Schooner in question should be at any place within the limits of the African Station. I am, &c.

JOHN BARROW.

The Senior Officer of H. M. Ships on the Coast of Africa.

No. 6.- Rear-Admiral Plampin to J. W. Croker, Esq.

H. M. S. Conqueror, St. Helena Roads, 2d Oct. 1819. SIR.

I HAVE the honour to acknowledge the receipt of their Lordships' Letters, dated from the 22d of April to the 24th July last, and numbered from 15 to 26; Number 25 inclosing a Copy of a Letter from Lord Castlereagh to their Lordships, relating to La Sylphe, French Schooner, captured and sent to the Cape of Good Hope, by Captain Hunn, of His Majesty's Sloop Redwing, for adjudication.

I have directed Captain Moresby, of the Menai, who sailed for the Cape on the morning of the 30th ultimo, to put in execution their Lordships' Instructions to me on this head, by fitting La Sylphe for Sea, and, when ready, to send an Officer and a sufficient number of Men on board to navigate her, either to the Isle of Bourbon, or to the nearest French Port on the West Coast of Africa (as circumstances may render necessary) under charge of Lieutenant Kent, of the Hardy Tender, who will be in Simon's Bay on the arrival there of Captain I have the honour, &c. Moresby.

J. W. Croker, Esq.

ROBERT PLAMPIN.

No. 7.-John Barrow, Esq. to William Hamilton, Esq.

SIR,

Admiralty Office, 6th January, 1820.

In reference to the Letter from Lord Castlereagh to my Lords Commissioners of the Admiralty, of the 12th of July last, respecting the French Schooner La Sylphe, captured by Captain Hunn, of His Majesty's Sloop Redwing, with a Cargo of Slaves on board; I am commanded by my Lords to transmit to you, for his Lordship's information, Copies of a Letter, and its Inclosures, received from Rear-Admiral Plampin on the subject of that Vessel. I am, &c. JOHN BARROW. William Hamilton, Esq.

(Inclosure 1.)-Rear-Admiral Plampin to J. W. Croker, Esg.

SIR.

H. M. S. Conqueror, St. Helena Roads, 7th Nov. 1819. I HAVE to acquaint you, for their Lordships' information, that by a Letter from Captain Moresby, dated the 21st ultimo, he arrived the preceding evening at Simon's Bay, where he found the Redwing ; that the Nautilus was then at Algoa Bay, but he should send my orders by land to Captain Chapman, to return immediately to Simon's Bay and take in stock for the Squadron, so that I expect to see him in the course of a week or ten days. Captain Moresby informs me, that

the French Schooner La Sylphe had been purchased by the Colonial Government; that she was lying in Simon's Bay when he arrived there, and that he had put his Orders in execution by taking possession of her; that he had written to his Excellency Lord Charles Somerset, inclosing to his Lordship, for his information on the subject, Lord Castlereagh's Letter of the 12th of July last, to their Lordships, and requested his (Lord Charles's) assistance in procuring him the necessary Documents from the Civil Authorities at the Cape; that he should endeavour to find the Master or any other of the Crew, if still in the Colony; and as soon as his Excellency had directed the Person commanding La Sylphe to deliver her up, with all her effects, he should proceed to equip her, and, in compliance with my directions, send her forthwith to the Isle of Bourbon, under the directions of Lieutenant Kent, of the Hardy Tender, who will deliver her to the proper Authorities there, and bring back such Men as Captain Moresby may find it requisite to put on board her; as I do not suppose at this distance of time any of her original Crew will be found at the Cape.

Pursuant to their Lordships' directions, in your Letter of 8th June, 1819, No. 20, I have called on Captain Hunn to assign his reasons for having taken possession of the *French* Schooner La Sylphe, and herewith inclose to you, for their Lordship's information, a Copy of Captain Hunn's Reply, and its Inclosures. I have, &c. J. W. Croker, Esq. ROBERT PLAMPIN.

(Inclosure 2.)—Captain Hunn to Rear-Admiral Plampin. SR, H. M. Sloop Redwing, St. Helena, 5th Nov. 1819,

I HAVE the honour to acknowledge the receipt of your Letter of yesterday's date, calling upon me to explain and account for my conduct in capturing the *French* Slave Schooner *La Sylphe*, which I shall endeavour to do as circumstantially and briefly as the subject will admit.

Having learnt, whilst at St. Jago's, from Stewart Blacker, Esq. commanding His Majesty's Ship Lee, that there were several piratical Schooners in the neighbourhood, and on the South-west Coast of Africa, who had committed many depredations upon mercantile Vessels they had met, and had very recently landed upon some of the Cape de Verd Islands, whose Inhabitants they had plundered, and upon whose property they had levied contributions to a large amount, I deemed it my duty to watch for any of these Marauders, during the time I should be running in the tract above stated. Accordingly, on the 9th of February, at 1 A. M. a Sail was seen in South-west, which was almost immediately tacked, and made sail for His Majesty's Sloop under my Command, as if with an intention to make her out, upon which I took in top-gallant steering sails and hauled up to meet him ; in a very short time, being broad moon-light, he made us out and hauled his wind, which encouraged me to hope I had met one of those lawless plunderers, and consequently made every exertion to bring him to, which he as earnestly wished apparently to avoid.

Towards day-light he hoisted a Flag at his fore-top-gallant mast head, which from the haze I could not make out distinctly, but took it for that of the *American* Nation, and of which I have now no doubt, having found that Flag on board of him afterwards.

Shortly after day-light, having hauled down the Flag from forward, he hoisted that of His Most Christian Majesty at his main gaff, and shortened sail at 6 h. 45 m. or thereabouts; the Colours and Pendant of His Majesty's Sloop under my command being up during the whole chase.

At 7, I sent a Boat with a Commissioned Officer to examine him, and if at all suspicious of being the Vessel I had hoped, he was to send the Master with his Papers on board for my examination.

On going on board, the Officer found the Master with his Crew, amounting to about 38 Persons, with their clothes and bedding packed up, the Master surrendering the Vessel and Cargo, of which no further notice was taken than by sending him and his Papers on board this Vessel.

Upon examination of the latter I found he was a *French* Schooner cleared out from Guadaloupe for St. Thomas; but instead of going to St. Thomas, he had been to Bonny, and other Places on the Continent of Africa, and had on board a Cargo originally of near 400 Slaves, in direct violation of the Ordonnance of His Most Christian Majesty, endorsed by the *French* Authorities upon his Role d'Equipage, by which he was most strictly and positively forbidden to take on board a native African Black, either as Passenger or Crew, upon any pretence whatever, upon pain of forfeiting Vessel and Cargo, and such other punishment as should be decreed by Law in any of the Courts of Justice of His Most Christian Majesty.

Under these circumstances I had no hesitation in taking them to Sierra Leone, where I believed a French Commissioner was resident to take cognizance of this breach of the Laws of their Country.

Upon finding there was no Commissioner yet arrived, the Slaves were landed by order of the Governor; and from information I had of there being proper Authorities at the Cape of Good Hope, whither I was myself bound, I sent an Officer with an Order (a Copy of which I have the honour to inclose) in the Schooner to that Port, as I should thereby recover my Officers and Men much sooner than by sending her to Brest or any other Port in Europe.

I cannot close this account without stating, that the Court of Vice-Admiralty at the Cape of Good Hope issued a Special Decree for the sale; and the Condemnation of the Schooner (a Copy of which I have the honour to inclose) followed in the month of August, for a violation

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of that humane Ordonnance of His Most Christian Majesty, upon which, and the above stated Pleas, I took her into Sierra Leone, in the hope that by thus arresting the progress of this merciless Trafficker, and thereby forwarding the benevolent designs of His Most Christian Majesty's Ordonnance, I should ensure the approbation of both Governments. I have, &c.

Rear-Admiral Plampin.

FREDERICK HUNN.

(Inclosure 1.)—Order of Captain Hunn to Lieutenant Croker.

You are hereby directed to take charge of the *French* Schooner La Sylphe, and proceed in her with all dispatch to Simon's Bay, Cape of Good Hope, and then give her up with all her Papers, (herewith inclosed and sealed) to the Judge (or some other proper Authority by him directed) of the Vice-Admiralty Court, remaining by her yourself until every article of tackle, furniture, &c. &c. be safely and securely lodged in the hold, and the hatches sealed down, yourself taking duplicate inventories.

You will of course report yourself to the Commanding Officer, upon your arrival, who will most probably receive on board the Petty Officers and Seamen, until some good opportunity of rejoining this Sloop on her arrival; should neither of these expectations be realized, you will keep them close on board, as circumstances will admit, observing, that the less communication they have with the shore the better.

During your stay on board the Schooner, you will prevent any of her remaining provisions being consumed, until the period to which you are victualled shall arrive.

In stretching across to the Cape, should you make St. Helena to leeward, you will make for that anchorage, and should I have not yet arrived, await that event, or, if I have sailed, proceed with all dispatch, without anchoring, unless you wish to replenish your victualling, or any other imperious necessity should require your delay.

Given this 16th day of February, at Sea, on board the *Redwing*. Lieutenant C. Croker. FREDERICK HUNN.

(Inclosure 2.)-Decree of the Vice-Admiralty at the Cape of Good Hope.

AT a Court of Vice-Admiralty, held on Saturday the 28th day of August, 1819, before George Kekewich, Esq. Judge and Commissary, &c.—Present, George Cadogan, Notary Publick.

La Sylphe, Jean Julien Pagne, Master.

His Majesty's Sloop of War Redwing, Frederick Hunn, Esq. Captain, against the above Schooner, called La Sylphe, J. J. Pagne, Master, and against all Persons in general, in a Case of seizure and detention.

The Certificate of the Warrant is continued.

The Judge, at the Petition of Rowles, His Majesty's Procurator-General, assigned the cause for Sentence on the 3d and 4th defaults.

Rowles then brought in an Affidavit of Jean Julien Pagne, the

Master, and Affidavit of Mark Brough, late Seaman of said Schooner; he also brought in an Extract from the Log-book of His Majesty's Sloop of War, *Redwing*, Frederick Hunn, Esquire, Captain.

Rowles also brought in his libel, which the Judge, having heard read, admitted the same.

In pain of Parties cited, Rowles alleged the above Schooner to have been seized by His Majesty's Sloop *Redwing*, Frederick Hunn, Esq. Captain, as having on board 365 Persons, treated, dealt with, carried, kept, and detained as Slaves, in direct violation and contravention of the Ordonnance of His Most Christian Majesty the King of *France*, dated the 8th day of January, 1817, as also contrary to the existing Laws of *Great Britain*, and prayed the Court would be pleased to condemn the said Schooner, her tackle, apparel, furniture, and stores.

The Judge having heard informations thereon, and having duly deliberated, pronounced the above Schooner to have had on board at the time of the seizure thereof by His Majesty's Sloop of War *Redwing*, Frederick Hunn, Esq. Captain, 365 Persons, Natives of the Coast or Countries of Africa, treated, dealt with, carried, kept, and detained as Slaves, in direct violation, and contravention of the aforesaid Ordonnance of His Most Christian Majesty the King of *France*, as also contrary to the existing Laws of *Great Britain*, and as such liable and subject to confiscation; and by Interlocutory Decree condemned the said Schooner, her tackle, apparel, furniture, and stores, as having been taken and seized by His Majesty's aforesaid Sloop of War *Redwing*, Frederick Hunn, Esq. Captain. GEO. CADOGAN, *Registrar*.

No. 8.-Joseph Planta, Jun. Esq. to John Barrow, Esq.

SIR,

Foreign Office, 11th January, 1820.

I HAVE laid before Viscount Castlercagh your Letter of the 6th instant, on the subject of the *French* Slave Ship *Sylphe*, captured by Captain Hunn, of His Majesty's Sloop *Redwing*, and condemned at the Cape of Good Hope, and inclosing the Copy of a Letter from Admiral Plampin, stating the measures which he has taken for having that Vessel sent to the Isle of Bourbon for adjudication, together with the Copy of a Letter from Captain Hunn, explanatory of his conduct in having detained her, in consequence of her having had a Cargo of 360 Slaves on board, contrary to the Ordonnance of His Most Christian Majesty; and I am to acquaint you, for the information of the Lords Commissioners of the Admiralty, that Lord Castlereagh deems Captain Hunn's conduct, in this instance, to have been reprehensible, in having visited and detained, in time of peace, a Ship belonging to a friendly and independent State, for acts, however criminal, in breach of the Laws, not of Great Britain, but of that particular State.

I am, &c.

J. Barrow, Esq.

JOSEPH PLANTA, JUN.

No. 9.—J. W. Croker, Esq. to Joseph Planta, Jun. Esq. SIR, Admiralty Office, 14th January, 1820.

HAVING laid before my Lords Commissioners of the Admiralty your Letter of the 11th instant, respecting the conduct of Captain Hunn, of His Majesty's Sloop *Redwing*, in visiting and detaining the *French* Slave Schooner *La Sylphe*; I am commanded by their Lordships to request you will state to Lord Castlereagh that, on receiving from Rear Admiral Plampin, in the month of June last, a report of the detention of the Vessel in question, my Lords expressed to the Admiral their surprize that Captain Hunn should, without orders, and of his own authority, have violated the Flag of a friendly Power, and have captured a Vessel sailing under the Flag of His Majesty's Ally the Most Christan King. I am, &c.

Joseph Planta, Jun. Esq.

J. W. CROKER.

No. 10.—Commodore Sir George R. Collier to J. W. Croker, Esq. SIR, H. M. S. Tartar, Sierra Leone, 24th January, 1820.

IN acknowledgment of your Letter, in duplicate, of the 17th July last, desiring me to send, "without loss of time, the *French* Schooner Sylphe, captured by His Majesty's Sloop Redwing, with a Cargo of Slaves, to the nearest French Port, in order that on her arrival there she may be delivered over to the French Authorities, together with such proofs as may be necessary to enable them to proceed against the Parties who may be found guilty of having violated the Laws of their Country;" I have to state, that the *French* Schooner Sylphe was taken on, by Captain Hunn, to the Cape of Good Hope, but that should she return to this part of Africa I shall afford every facility to the fulfilment of their Lordships' wishes. I have, &c. J. W. Croker, Esq. GEORGE R. COLLIER.

No. 11.-The Navy Board to J. W. Croker, Esq.

SIR,

Navy Office, 25th February, 1820.

WE desire you will be pleased to represent to the Lords Commissioners of the Admiralty, that the Commissioner at the Cape of Good Hope has, by Letter of the 23d of November, informed us that, some months before, His Majesty's Ship *Redwing* had brought in the *French* Schooner Sylphe, captured on the Coast of Africa with a Cargo of Slaves on board, that the Schooner was condemned at the Admiralty Court of the Colony, and subsequently sold to the Colonial Government, when Orders were brought out by His Majesty's Ship *Menai* from His Majesty's Secretary of State, for her immediate restitution to the French Authorities at the Isle of Bourbon.

The Commissioner has further stated, that, as she was heaving down at the time the Orders were received, it was necessary to supply her with articles to equip her for Sea, an Account of which has been sent home by him; under these circumstances we request to receive their Lordships' directions, whether any claim is to be made against the French Government for the expences of the stores, &c. so supplied. We are, &c.

J. TUCKER.

P. FRASER.

J. W. Croker, Esq.

G. A. CHETWYND STAPYLTON.

No. 12.-John Barrow, Esq. to the Navy Board.

GENTLEMEN, Admiralty Office, 26th February, 1820.

HAVING laid before my Lords Commissioners of the Admiralty your Letter of yesterday's date, stating a communication which you had received from Commissioner Sir Jahleel Brenton, respecting a *French* Vessel called *La Sylphe*, detained by the *Redwing* and ordered to be restored, and requesting to be informed whether any claim is to be made against the French Government for the expences of the stores, &c. supplied to that Vessel; I have their Lordships' Commands to acquaint you, that no claim is to be made against that Government upon that account. I am, &c.

The Commissioners of the Navy.

JOHN BARROW.

No. 13.-John Barrow, Esq. to William Hamilton, Esq.

SIR, IN reference to former Letters respecting the French Schooner La Sylphe, detained by the Redwing, and ordered to be restored; I am commanded by my Lords Commissioners of the Admiralty to request you will acquaint Lord Castlereagh, that the Navy Board having reported that this Vessel had been supplied from His Majesty's dock-yard at the Cape of Good Hope with some articles necessary to equip her for sea, and requested to be informed whether any claim is to be made against the French Government for the expence of these stores, my Lords have signified to the said Board that no claim is to be made against that Government upon this account.

I am, &c.

William Hamilton, Esq.

SIR.

JOHN BARROW.

No. 14.-Rear Admiral Plampin to J. W. Croker, Esq.

H. M. S. Conqueror, St. Helena Roads, 1st March, 1820.

I BEG leave to acquaint you, for the information of my Lords Commissioners of the Admiralty, that the *Hardy* Schooner returned to this anchorage from the Isle of Bourbon on the 24th ultimo, having delivered up the *French* Schooner *La Sylphe* to the French Authorities at that Place, agreeably to their Lordships' directions.

I herewith have the honour to forward to you two Receipts for the said Vessel and furniture, and different Documents relating to her.

I have, &c.

J. W. Croker, Esq.

ROBERT PLAMPIN.

No. 15.-John Barrow, Esq. to Joseph Planta, Jun. Esq. Admiralty Office, 9th May, 1820. SIR.

In reference to the Letter of Lord Castlereagh to my Lords Commissioners of the Admiralty, of the 12th of July 1819, relative to the Sulphe, a French Schooner, detained as a Slaving Vessel by His Majesty's Sloop Redwing; I am commanded by my Lords to transmit to you, for his Lordship's information, a Copy of a Letter from Rear Admiral Plampin, with the original Receipts therein referred to, stating the delivery of the Schooner to the French Authorities at the Isle of I am, &c. Bourbon.

Joseph Planta, Jun. Esq.

JOHN BARROW.

PAPERS RELATING TO THE PORTUGUESE BRIG GAVIAO, AND THE SPANISH SCHOONER ANNA MARIA.

LIST OF PAPERS.

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PAPERS RELATING TO THE PORTUGUESE BRIG GAVIAO.

No. 1.-Commodore Sir George R. Collier to J. W. Croker, Esq. H. M. S. Tartar, King George IV. Bay,

Island of Fernando Po, 16th April, 1821. (Extract.) THE other detained Vessel is the Gaviao, from Pernambuco for Cabinda, furnished with a Royal Pass to carry Slaves, but interdicted from trading North of the Line, though St. Thomas is introduced into the License, which, if it means the Island, has certainly been the result of trick or connivance. The log-book of this Vessel, which appears to have been kept correctly, indicates her having been at Cabinda, which I am disposed to believe, because the Master states he carried

Soldiers from Pernambuco, and the Royal Pass allows her to proceed, and to receive on board at Cabinda (being to the South of the Line) 357 Slaves. From the Coast of Africa she proceeds to St. Thomas's Island, thence to Princes Island, and from thence to Old Calabar, for the purpose of taking on board (as the Master states) palm oil.

The Gaviao had arrived a few days previous to our Boats, and I understand did not intend to take a crowded Cargo; she had commenced paying some of her port dues, and had, in consequence, began Slaving the day previous to her detention; and that this was the Master's object, the within Letter from the Native Chief will be a satisfactory proof, as 3 Slaves, independent of any others sold by subordinate Traders, had been bargained for, and actually delivered over to the Master on board the Gaviao, by the Duke himself; that they had not been paid for previous to the Capture is a circumstance lamented by that Chief in a very natural way.

After the Letter had been dispatched to me by the Chief, I received a verbal message from him, saying that 2 of the 3 Slaves he had sold to the *Portuguese* Brig had been recovered, they having been landed from the Brig while the Boats were boarding, but that the third must be still on board; and it appears that, owing to the circumstance occurring in the night, the Boats in mistake first boarded an *English* Merchant Ship laying near the *Gaviao*, which creating an alarm on board that Brig, advantage was thus taken of it, and having only a few Slaves on board, and a Canoe alongside, the attempt was made to get rid of them, in which, with respect to the 2 above-mentioned, the *Portuguese* certainly succeeded, and the Sailors so employed returned to the Brig when in our possession.

Whether among the 8 Slaves found on board the Brig, the Slave of the Chief Ephraim shall be one of that number, or whether he may have been disposed of in a more secure manner, must be hereafter decided, but as a *Portuguese* Sailor was found in the Brig's hold, endeavouring to force a pair of trowsers upon a Slave, and this Slave had neither a name, nor could he speak or understand either *Portuguese* or the Native Language of Calabar, I am inclined to believe he is one amongst those sent from the Interior, and probably the identical Slave sold by Duke Ephraim. In this belief, at least, he was sent on board the *Thistle*; and the Brig *Gaviao* brought down the River by the Lieutenant in command.

In a conversation I have since had with the Master, he appeared ignorant of his having so many as 8 domestic Slaves on board, but on referring to the Contre Maestro, he said they were taken on board at Princes Island.

On a reference to her Role d'Equipage, it does appear she had 4 domestic Slaves on board on sailing from Pernambuco, whose description however, does not answer to either of the 8 mentioned, nor are there

any additional number of Slaves as domestick ones certified on her Role d'Equipage, which bears the proper Signature of having undergone examination at Port Antonio, Princes Island. It is therefore an almost unquestionable fact, that if a part of these Slaves were not procured in Calabar, they must have been since quitting the Coast of Brazil, and I should hope, if I am to expect reasonable justice from the Mixed Commission, that this Brig will also be considered as having not only violated her engagement, but that she has been trading in Slaves, contrary to the existing Treaty.

I have been more minute in this, as well as in other Cases lately reported to their Lordships, because I am aware of the necessity which now exists; as I know from past experience, the interest every Slaver has in disproving the charge against his Vessel, tempts them to swear to the most evident falsehoods; and it is with concern I have remarked the most extravagant assertions have been recorded in the Mixed Court as proofs of innocence.

J. W. Croker, Esq.

GEORGE R. COLLIER.

(Inclosure.)—The Native Chief of Old Calabar to Commodore Sir George R. Collier.

SIR,

Old Calabar, 9th April, 1821.

I FEEL it my duty to write you, and should have been very glad to have seen you up at Old Calabar. Should feel pleasure in rendering you any assistance that lay in my power. I have sent my Pilot to pilot the *Portuguese* Brig you took last night (unfortunate for me I put 3 Slaves on board, and has not got paid for them.) Should you or any of your Squadron visit this place I shall feel pleasure in rendering you or them any service in my power. Had you been inside the River I should have come down to have seen you. I am, &c.

Commodore Sir G. R. Collier. DUKE EPHRAIM EGAMBO. We, the Undersigned, the Commanders of the British Merchant Ships and Vessels in Old Calabar River, having seen the accompanying Letter from Duke Ephraim to Commodore Sir George Collier, do voluntarily declare that the same is the actual Signature of Duke Ephraim, the Chief of Duke Town in that River; to the truth of which we now solemnly depose upon the Holy Evangelists.

Present at the time of his signing the Letter.

GEO.	FORSTER,	Ship	George Canning	g.
Тно.	BRASSEY,	100	Jonathan.	
JOHN	BURRELL,	-	Jane	
S. C.	LYON,	-	Windermere	
R. E.	COUPLAND,		Ottawa.	

Sworn before me, on board His Majesty's Ship Tartar, off the Bar of Old Calabar River, in Africa, this 12th day of April, 1821. Witness, Rob. ATHERTON. GEORGE R. COLLIER, Commodore.

And we, the Undersigned, further declare, that the circumstance therein detailed, of the Slaves having been sent on board the Portuguese Brig by Duke Ephraim, is a fact within our knowledge, 2 of which were landed in the bush by the Portuguese, the moment they discovered the Men-of-War's Boats were boarding a Vessel near them.

> GEO. FORSTER,) THO. BRASSEY, Ships as above. S. C. LYON.

Sworn before me (as above), on board His Majesty's Ship Tartar, off the Bar of Old Calabar River, this 12th day of April, 1821.

GEORGE R. COLLIER, Commodore. Witness to the Signatures, ROBERT ATHERTON.

No. 2.-Sir George R. Collier to J. W. Croker, Esg.

SIR.

Knowle Cottage, Exeter, 4th May, 1822. I BEG leave to inclose you the Copy of a Document I have received from the Agent to the Owners of the Portuguese Brigantine Gaviao, (A.) purporting to be an Award made by the British and Portuguese Mixed Commission Court established at Sierra Leone, amounting to £1,520 13s. 9d. for costs, damages, and expenses stated to have been incurred, in consequence of the seizure and detention of the said Vessel; and I request you will do me the honour to submit the same to my Lords Commissioners of the Admiralty, in the hope that their Lordships may, from the peculiar circumstances of this Case, refer it to the Lords Commissioners of His Majesty's Treasury, with their Lordships recommendation, that the Seizors may be protected from all the consequences of this demand; as I trust it will appear the detention of the Gaviao was not wantonly made, but that the facts, as admitted even by the British Arbitrator, Fitzgerald, fully justified the measure.

I regret that I shall be under the necessity of troubling their Lordships at considerable length, but the Commission of Arbitration at Sierra Leone having thought proper to make an Award in favour of the Master, to the extent which appears in the accompanying Document, and payment having been demanded by the Person acting in this Country for the Master of the Gaviao, it becomes indispens le that I should enter into a detail of the several particulars of this Case; and I therefore purpose, in the first instance, to state the circumstances attending the seizure of the Gaviao, and then to offer some comments upon the Award in question.

Their Lordships are fully aware of the duties intrusted to me as Senior Officer and Commodore of His Majesty's Ships and Vessels on the Coast of Africa, towards checking the illicit traffick in Slaves, which, notwithstanding the Treaties that have been made with Foreign Powers, was known to exist. And in the furtherance, therefore, of

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their Lordships' general Instructions, and in consequence of information that many Vessels were constantly engaged in the traffick of Slaves in the Calabar River, situated some degrees North of the Line (where such traffick is prohibited), I proceeded in His Majesty's Ship *Tartar*, accompanied by the *Thistle* Gun-brig, and anchored off the Mouth of that River, outside the Bar, sending the *Thistle*, and also the Boats of the *Tartar*, over the Bar, to proceed up the River; and on the night of the 9th of April, 1821, or a little before daybreak, by mistake, a *British* Vessel was boarded by Lieutenant Marsh of the *Tartar*, who, on discovering his error, was directed by the Master of the *English* Ship *first* to the *Gaviao*, lying next his own Vessel, observing she had, the day previously only, commenced her Slaving. In consequence the *Gaviao* was boarded by the Boats of the *Tartar* and *Thistle*.

On boarding her much confusion appeared; and upon an Officer descending into the Slave-hold of the *Gaviao*, a *Portuguese* Sailor was discovered in the act of dressing a Slave in a jacket and trowsers, in order to give him the appearance of one of the Crew; but the Man evidently was a Slave, and it seemed that he had recently been put on board that Vessel.

The alarm given by Lieutenant Marsh boarding the British Vessel instead of the Gaviao, in the first instance, gave the Master of the latter the opportunity of removing 2, of 3 Slaves he had on board, which he landed, as afterwards appeared, in the bush, not more than 50 yards from the Vessel.

So soon as the Gaviao was secured, the Boats were taken by Lieutenant Marsh in pursuit of another Vessel, and in 2 days the Gaviao joined the Tartar.

Unfortunately, as it would now seem, but certainly with very good intention, the Officer in charge of the *Gaviao* on her Capture, for security, removed the Slave, which the *Portuguese* was seen dressing as an European, to the *Thistle*.

From the *Thistle* this Slave was again removed to the *Tartar*, and he was examined at Sierra Leone, though not officially, because the Mixed Commission Court would not interfere until the arrival of the *Gariao*; and I believe, that in fact, this Slave was never examined by the Court at all. However, his not speaking a word of *Portuguese*, or the Calabar language, appeared to satisfy every one that he had been brought from a distant part of Africa, and that he could not be a Domestick Slave, and that he was, without doubt, the third Slave purchased by the Master of the *Gariao* of the Duke Ephraim (a Calabar Chief) and afterwards claimed by him of me.

As the Tornadoes were violent, and to Vessels at anchor off the Bar dangerous, it became necessary to quit the anchorage without delay. In the interim, however, the Commanders of all the *British* Ships trading in palm-oil, and belonging to Liverpool, came down the River to bear testimony to the fact of the Gaviao having commenced Slaving.

They likewise brought a Letter to me from the King or Chief, Duke Ephraim, stating the same fact, but observing, that for 3 Slaves sold to the *Gaviao* the preceding day, payment had been prevented by the seizure of the Vessel, therefore lamenting her Capture, and asking restitution of the Slaves.

This Letter was signed by the Native Chief himself, who writes and reads the English language; it was verified by the oaths of the Masters of the British Ships who had witnessed the writing, and it was delivered by me into the Court of the Mixed Commission at Sierra Leone, as was also another Paper, being the Affidavits of the same Masters, deposing to the fact before stated, of the Duke Ephraim having sold and sent on board the Gaviao 3 Slaves, the day previous to her Capture.

Another Boat afterwards brought a verbal message from the same Chief to me, saying, that 2 of the 3 Slaves sold to the *Gaviao* had since been recovered, having by some means been landed in the night in the bushes opposite Duke's Town, and brought to him by some of the People, but that the *third* Slave must have been left on board. This confirmed the opinion entertained previously, that the Slave found in the hold, and in the act of being dressed as an European Sailor, was one of the identical Slaves sold by Duke Ephraim.

The Gaviao was under Portuguese Colours, and by her Papers it appeared that she had sailed from Pernambuco a few months before, with an ostensible destination, Benguela, a Port many degrees South of the Line, thence to return with a Cargo of Slaves to Pernambuco.

The Crew of the Gaviao appeared by the Muster-roll to be the usual number given to Slaving-vessels; and upon the Muster-roll 4 Slaves were noted as Domestick Slaves, being so many in addition to her Crew, certified as such by the Authorities at Pernambuco, for it is not allowable by the Laws of Brazil, nor in the other Colonies of *Portugal*, for any Vessel to embark even Domestick Slaves without their description being minutely given in the Muster-paper, or Role d'Equipage, with the view to prevent runaway Slaves being secreted on board Ship.

In addition to those above-mentioned, there were on board the Gaviao 5 other Slaves not noticed in the Role d'Equipage, nor certified on leaving either St. Thomas's or Princes Island.

It further appeared by the Log-book of the Gavias, that the Vessel had taken a Cargo of Slaves from Benguela, the Port mentioned in her Passport, South of the Line, to the Island of St. Thomas, and instead of returning to Pernambuco, as her Royal Licence engaged she should, with her Cargo of Slaves, she proceeded, after touching at St. Thomas's and Princes Island, and otherwise disposing of her Slaves, direct to the River Old Calabar, where, being some degrees North of the Line, shie is especially interdicted approaching, as well by her Licence as by Treaty; she, however, commences her traffick, not only for a second Cargo, but in a forbidden Latitude, and in contravention of the express conditions on which she is by her own Government permitted to trade.

Although I had removed to the *Tartar* a considerable number of sick Slaves from the Vessels seized previously to the *Gaviao* and *Constantia*, those in the latter Vessel becoming from their crowded state very sickly, I availed myself of the *Gaviao*, and removed nearly 70 on board of her, putting her in charge of an Officer and sufficient Crew, supplied with provisions for 2 months both for the Crew and Slaves, with orders for Sierra Leone, where she arrived on the 17th of June, some weeks after the *Tartar* and *Thistle*.

The very protracted Voyage of the Gaviao gave me considerable uneasiness, and I remained as long at Sierra Leone as their Lordships Orders would permit, waiting her arrival; after sailing I fell in with her off Sierra Leone River.

Previously however to my sailing, I applied to the Mixed Court to examine such of the *Gaviao's* Crew as were landed from the *Thistle*, satisfied that whenever they should mix with the Master and Supercargo, that they would be instructed the sort of evidence they should give, and that the evidence of each would be the same.

This act of justice to the Seizors was distinctly refused, though I have learnt it is practised in similar cases in the Court here; and though the *Portuguese* Commissioner told me he saw no objection. The *British* Arbitrator, Fitzgerald, in declining to take these examinations, contended that it was not proper to do so until the Master and other Officers of the *Gaviao* should arrive. But I cannot forbear digressing for one moment, that I may contrast this decision with the same Person's conduct in the Case of the *Anna Maria*.

The Master and other Officers of the Anna Maria were removed for security to the Tartar, on suspicion of their being English Subjects, and on their threat to blow up the Vessel.

I wrote to an Officer of the Mixed Court, requesting proceedings in the Case of the Anna Maria might be delayed until my arrival, as I thought I should be able to show that she was a Pirate, and one I had their Lordships Instructions to look for; but although the Spanish Judges were absent, and the Officers required by the Treaty to be examined, absent also, my application was disregarded, and the Vessel was condemned by the Mixed Commission in the shortest possible time.

On arrival of the Gaviao she was libelled in the Mixed British and Portuguese Commission Court, and on the 5th July that Court decreed the property to be restored.

The Court, however, must bave been satisfied of the intention of the Master to have carried on illicit traffick, inasmuch as, although the property was restored, the Mixed Commission directed the water-casks, platform, copper boilers, and several hundred pairs of Slave irons to be landed, appraised and sold, in order to prevent the *Gaviao* carrying on any traffick in Slaves whatever.

It is my duty further to state, that although not any damages were decreed to the Master upon restitution of the Gaviao, yet upon some representation made subsequently to the Decree, and long after he was in possession of his Vessel, the Mixed Commission Court thought proper to open the Case again, and to entertain a demand; and although the *Tartar* had several weeks sailed for England, when it was so evident that calling upon the Seizors to rebut such a charge at 3 days notice was no other than mere mockery, as not the most slendour prospect of my being able to know the circumstance could thereby be afforded until the Claim was decided, yet this proceeding was adopted; and in the entire ignorance of the Seizor, of this proceeding, the Mixed Court awarded, on the evidence of a *Portuguese* Slave Master and his Crew, damages to the amount of £1,520 13s. 9d. when, by the Arbitrator's admission, the Vessel was fitted for no other object than Slaving, and was found in a Latitude she was forbidden to approach.

The Award does not state the specifick items of which it is formed, but having received the accompanying Document (B.) from Sierra Leone, I find that the following allowances have been made, viz.

lst. Two-thirds of a charge of £105 3s. 9d. made for live stock, and cabin stores, stated to have been consumed by the Officers and Men of the capturing detachments during their stay on board, and at the cabin table during the Passage to Sierra Leone......£97 17s. 6d.

2d. The sum of £249 13s. 3d. is allowed for the whole tonnage of the Vessel, being 143 tons, from the 10th April to the 19th June, both days inclusive, being at the rate of 15s. a ton a month.....£249 13s. 3d.

3d. The sum of £74 2s. is allowed for the subsistence of the Slaves on board the *Gaviao* during the Passage to Sierra Leone, being at the rate of 1s. a day each man....£74 2s.

4th. About one-fourth of a charge of £199 5s. 9d. is allowed for loss and deterioration of sails, canvas and rope, amounting 10....£50.

5th. The sum of £288 is allowed for the demurrage of the Gaviao, such demurrage to be calculated from the 18th day of August, the Court-day on which the Seizors were cited by monition to appear and show cause against the Claim, until the 5th day of October, the day of the decision in this Case, making 48 days, which being computed at £6 for each day, amounts to....£288.

6th. The sum of £493 7s. $10\frac{1}{2}$ d. is allowed for alleged abstraction of the Cargo whilst the same was in the possession of the Seizors.....£493 7s. $10\frac{1}{2}$ d.

7th. The sum of £223 0s. 31d. is allowed to the Master of the

Gaviao, for abstraction of the goods belonging to his own private adventure.....£223 0s. 3¹/₂d.

Previously to my making any specifick observations on each of the 7 preceding items, I beg to call their Lordships' particular attention to that part of Mr. Fitzgerald's Award, which states, that " in the coniderations connected with the Judgment, an opinion was intimated by the Judges that the Claimant was not entitled to the demurrage provided by the 8th Article of the Regulations of the Mixed Commission, inasmuch as he had voluntarily placed himself in a situation highly reprehensible, and likely to invite seizure, being found in Calabar River, a noted Station of illegal Slave-trade, with apparent intent to trade for Slaves, his Vessel being professedly fitted out for a Slave-trading Voyage, and having on board several Negroes, newly embarked at St. Thomas's and Princes Island, who, although adjudged to have been legally taken on board, must be allowed to have furnished strong ground for suspicion of illegality."

The declaration of this opinion was however deferred for further advice, no claim for demurrage or other compensation being then before the Court.

On the 16th July it is stated that the Master preferred a Petition for a Commission of Survey, having found that the Cargo and stores, and the sails and rigging, were deficient, and that the latter had been cut. Accordingly, on the 23d a Commission issued, a survey took place, and a report was made of the condition of the hull, sails, and rigging, and of the quantity on board; but no valuation or sum, either of damage or otherwise, appears by this report to have been mentioned. Yet, on the 28th of July, the Master is allowed to give in an Account of damages, which is entertained by the *British* Commissioner of Arbitration, and as far as appears, decided by him, for their Lordships will perceive that his name only is prefixed to the Document.

I had no intimation whatever, either of the charges thus made, or the least opportunity afforded me of disproving any of the items. It appears that a Monition issued against the Seizors on the 14th of August, between 2 and 3 months after I had quitted Sierra Leone for England, (under the express Orders of their Lordships) citing me to appear on the 17th, only 3 days afterwards; and yet from that period until the 13th of October, was consumed in making up this Award, and in the difficulty of comparing *Portuguese* Papers, containing an account of what the Master stated to have originally formed his Cargo, with *English* Papers containing accounts of goods which remained on board the Vessel; offering, in apology for the delay, the Slavemaster's want of health, his ignorance of the English language, and of the forms of the Court of Mixed Commission.

Of the Slave-master's want of health I cannot judge; but I can positively state that the Person who presented himself to me as the Captain of the Gaviao, spoke the English language very distinctly, and his ignorance of the forms of the Court of Sierra Leone could not be so great as might be presumed, as he observed to me he had before been captured and his Vessel condemned by the Authorities of that Colony. In addition, I would remark, that he had his own Commissioner to appeal to, a Gentleman I always found very active, intelligent, and zealous in behalf of his Countrymen.

Whether the amount of this Award is intended to be made against the Seizors generally, against myself as the Senior Officer, against Lieutenant Marsh the actual Seizor, or against His Majesty's Government, does not appear; but I submit that it is quite a novel mode of proceeding to award damages against any Party, without affording the opportunity to rebut and explain the charges so made.

I submit that it cannot be intended to be made as against me, inasmuch as the Commissioners appeared so sensible of the intentions of the Master of the *Gaviao*, that they felt themselves justified in exceeding the authority given by the Treaty, so far as to direct the watercasks, beyond the number necessary for the Crew, to be landed, and also the boilers, false decks, Slave irons, and other articles of outfit for the Slave-trade to be removed and sold, in order to guard against a shipment of Slaves on the Voyage down the Coast.

And it is particularly worthy also of remark, that Mr. Fitzgerald in his Award, states "that it was thought expedient at the outset to pronounce explicitly upon the want of sufficient title to demurrage down to the date of restitution;" thereby, as I humbly submit, establishing most distinctly that the Vessel was seized justifiably; and that I should not have discharged the duty which I was intrusted with on the Coast of Africa, respecting the illicit traffick in Slaves, unless I had sent the Vessel into Port for Adjudication, and thus prevented her pursuing her nefarious traffick, which had already commenced, and would otherwise have been consummated.

In regard to the 1st item of £97 17s. 6d. allowed to the Master of the Gaviao, for his stock and cabin stores, I am at a loss to conceive how such a sum could be allowed, provisions having been sent for the Officers and Crew of the Tartar and Thistle for 2 months; nor is it to be believed that such a Vessel, and in such a Port, could have had articles of that description to even half the amount which is allowed. Mr. Fitzgerald could have had no other reason than the one he assigns, viz. that it was two-thirds of what the Man asked. The Letter of the Prize-master, accompanying this Statement (C.) will shew what the cabin stores expended were; and the admission of the very trifling articles mentioned by the Arbitrator (Fitzgerald) is, I presume, an explanation of that part of his Award which states that the Prize-master did acknowledge that some of the stores were expended.

The next item is an allowance of £249 13s. 3d. for tonnage of the

Nessel, at 15s. per ton per month, in consequence of her having been employed as a Transport, to convey part of the Slaves seized by the *Tartar* and *Thistle*; and the third item of $\pounds74$ 2s. for part of the subsistence of the Slaves, come under the same observation.

On these 2 items, I beg to observe, that the only doubt which I had of the Vessel being liable to condemnation, was on account of my inability to prove that more than one Slave was on board when captured, and not Slaves, as required by the Treaty, and this doubt arose from a discussion that had taken place on that point at Sierra Leone; and, therefore, I recommended, in the event of restitution being decreed, that the Master should be allowed such a compensation for the conveyance of the Slaves, as might have been paid for the hire of a Transport engaged in the like service, the urgency of which would I trust, in the opinion of their Lordships, have justified my employing any Vessel that might have offered.

In regard to the 4th item of \pounds 50, allowed for deterioration of sails, canvas, and rope, I have no specifick observation to make, beyond the notoriety that, in the payment of freight, the wear and tear of every article belonging to the Ship is invariably included, and I cannot suppose any reason for adding this charge.

The next item is an allowance of £288 [for demurrage, from the 18th August until the 5th October, at which lengthened period the Arbitrator, Fitzgerald, thought proper to make his Award; and here I must observe, with some astonishment, that any allowance whatever should have been made.

The Court decrees the Ship to be restored; on the 25th June the Marshal of the Court at Sierra Leone took possession of the *Gaviao*; on the 5th July the Master received her from him; and Mr. Fitzgerald, in his Award, giving compensation for matters arisen subsequently to the restitution, and over which I had no controul, says, that the delay is to be attributed primarily to the tardy and imperfect manner in which the Master placed his Case before the Court; and yet, contrary as I submit to every principle of justice and equity, is this Master to be rewarded by the payment of £288 for a demurrage of his Vessel, detained solely at his own instance and that of the Mixed Commission.

And it is worthy of remark, that the ground of giving this demurrage is stated by the British Arbitrator, Fitzgerald, to be founded on the decision of the present Lord Stowell, Judge of the Admiralty, on 2 Cases; viz. the *Correo Maritimo* and the *Zeestar*; when, by a reference to those Cases, nothing can be more opposite than the decisions in those Seizures, compared with this Case. They were both Captures improperly made, and the Captors detained them a length of time before they *consented* to restitution; and the Court, considering the whole of those circumstances, decreed demurrage to be paid for the detention prior to the restitution; but none was allowed for any time the Vessel was detained subsequently.

The 6th and 7th items are as follow: viz.

£.	\$.	d.
For abstraction of the Cargo, as it is called	7	101
Do of goods, the private adventure of the Master223	0	31
£ 716	8	2

It seems this allowance has been made by comparing the goods which remained on board the Vessel, with the Invoice of Goods shipped at Pernambuco; a more improper or unjust mode of assessing, either against a Seizor or His Majesty's Government, any sum, cannot well be imagined; particularly when it is considered that the Master states by his Log-book and Papers, that he has been at a Port South of the Line, and had there *bartered* for a Cargo of Slaves, and had commenced bartering in the River Calabar.

It is true that a small part of the Cargo was used, under the following circumstances, but which would not altogether amount to more than $\pounds 40$ or $\pounds 50$:

A demand was made by the Pilot and Duke Ephraim's head Man, named Yellow Duke, for some compensation for their loss, and nonpayment for services performed to the Brig Gaviao previous to her capture; and upon a reference to the Masters of the British Ships lying in the River, they represented that unless some compensation was made, their Ships and Persons would be affected, and that they should be prevented quitting the River; and that if the Pilots and Chiefs were paid what was due to them, much benefit might result by preventing the ill-will of the Natives, who would otherwise, on the British Men of War leaving the Coast, retaliate, or even commit some act of hostility hereafter upon a Man-of-War's Boat, when occasion should offer.

Under these circumstances, a recompense was made by some cotton stuffs (taken from the remains of 2 bales which were found open on board the *Gaviao*), as the customary present made by Slavers and other Vessels, upon their arrival at, or departure from, any of these Rivers.

From among the cottons in the 2 bales above-mentioned, 30 pieces of white coarse cotton, valued by the Masters of the British and American Ships lying in the River, at 5 or 6 dollars the piece, and as many of coarse handkerchiefs, valued at 1 or 2 dollars the piece, were given in liquidation of the general claim for Harbour Dues to the Chief, and Yellow Duke, as the principal Pilot; this was done with the knowledge of the Master of the Gaviao.

Two leaguers of arrack, or what is called in the *Brazils* aqua ardente, were observed on the deck of the *Gaviao*, they were found nearly half

empty, and had been broached by the *Portuguese*, on the *Gaviao's* first entrance into the River of Calabar, for the purpose, as well of trade, as to make occasional presents to the Natives coming on board to assist in navigating the Vessel, and to obtain information of *British* Ships of War, and also for attendance upon the *Portuguese* Slavers; a quantity of spirits being thus usually distributed by the Slaver to encourage trade; that is, the early bringing of Slaves to the market, and not unfrequently in part payment of those employed to collect them.

The casks of spirits had each a spigot in their heads; and I admit, that as the weather was very bad, a very few gallons from them might, in possibility, have been taken by some of the Sailors of the *Thistle* and *Tartar*; but that quantity must have been very small indeed, since the number of Men left with the Boat, in charge of the *Gaviao*, would not have exceeded from 16 to 20, and the access to this spirit was not beyond 2 or 3 days at the farthest, since at Fernando Po, where the *Tartar* sailed for after being joined by the *Gaviao*, a more minute investigation took place, and as there were 7 or 8 full leaguers of aqua ardente on board the *Gaviao*, the whole was removed for safety to the *Tartar*; and on my arrival at Sierra Leone, the same were delivered over to the Registrar of the Mixed Commission Court, but whether these form any part of the charge for loss of Cargo, or are credited in any manner in the Account, I have no knowledge whatever.

The Letter of Mr. Hannah, the Prize-master, (already noticed as Inclosure C.) gives a very clear and, I believe, a very honest statement of the cargo, stock, and private adventure of the Master; and I beg their Lordships reference to it.

The conduct of Mr. Walsh, as the Captain's Agent, having been freely commented on by the British Arbitrator, I have taken the liberty of attaching to this statement Copies of Letters from Mr. Walsh, (D.) who acted for me at Sierra Leone; but whose interference was forbidden by the Mixed Commission, until his interference became useless, by their having restored the *Gaviao*; and the calling upon him to produce evidence in opposition to that of the *Portuguese*, when these same Commissioners entirely disregarded that of Mr. Hannah the Officer in charge of the Vessel, appears to me no other than a mere show of justice.

They must have known, or rather the Arbitrator, Fitzgerald, who seems the Person deciding all questions of doubt, and settling all those of damages, that Mr. Walsh could do no more than resort to Mr. Hannah, as an Evidence who, as he states, had repeatedly offered himself during the Trial, but who was never examined at all until some weeks after the Gaviao was restored and delivered up to the Portuguese.

Of my own knowledge I can state, that all interference of either Seizor or Agent, to the time I left Sierra Leone in June last, was forbidden, and I was, myself ejected from the Court by one of the British Commissioners, and Mr. Walsh summoned by the Court to appear before Lieutenant-Governor Grant, for interference as my Agent in the Case of the Donna Eugenia, seized nearly at the same time the Gaviao was.

The Affidavit of Captain Marsh, (E.) (late First Lieutenant of the *Tartar*), the Officer who seized the *Gaviao*, contains some information in support of the grounds of the Seizure.

The Affidavits of some of the Masters of the Liverpool Ships in the Calabar River, (F.) at the time the Gaviao was seized, will shew her real character.

If their Lordships shall be pleased to take a view of all the circumstances of this Seizure, I humbly trust it will appear that no Vessel was ever seized more justifiably; and that the damages awarded are, in truth, no better than a reward or bounty to a Person who had violated every engagement he had entered into; for that the Master of the *Gaviao* was found where he was expressly forbidden, cannot be questioned; and that the equipment of his vessel, in all respects, shewed her object to be a Cargo of Slaves, the British Arbitrator, Fitzgerald, by every sentence of his reasoning, I think, unreservedly admits. I have, &c.

J. W. Croker, Esq. GEO. R. COLLIER.

(Inclosure A.)—Award of the British and Portuguese Court of Mixed Commission.

In the Case of the *Portuguese* Brigantine *Gaviao*, Jose Bento de Macedo, Master, seized and detained by His Majesty's Ship of War, the *Tartar*, commanded by Commodore Sir George Ralph Collier, Bart. K.C.B. under a charge of being engaged in the illicit traffick in Slaves to the North of the Equator.

THESE are to certify, that the Portuguese Brigantine Gaviao, her cargo, tackle, apparel, and furniture, were prosecuted in the British and Portuguese Court of Mixed Commission, established at Sierra Leone, for preventing the illegal traffick in Slaves, by Commodore Sir George Ralph Collier, Bart. and K.C.B. under a charge of being engaged in the said illegal traffick; and that it appeared to the majority of the said Court, that the said Sir George R. Collier did not adduce any evidence to prove that the said Brigantine was so engaged in the illegal traffick in Slaves. And that it further appeared to the said majority, that the said Jose Bento de Macedo did adduce sufficient evidence to prove that he was not engaged in the said illegal traffick. Wherefore, conformably to the provisions of the Treaty between His Majesty and His Most Faithful Majesty the King of Portugal, the said Brigantine Gavaio, her cargo, tackle, apparel, and furniture, were, on the 5th day of July in the Year of our Lord 1821, pronounced by the said Court, to belong as claimed, and the said Court

decreed the same to be restored to the said Jose Bento de Macedo, the Claimant, for his own use, and for the use of Elias Wilho Centra, of Pernambuco, the Owner and Proprietor of the said Brigantine, together with the costs, damages, and expenses incurred in consequence of the said seizure and detention.

And these are further to certify, that the sum awarded by the said Court to the said Jose Bento de Macedo, the Claimant aforesaid, in consideration of the costs, damages, and expences incurred through the said seizure and detention, amounts to £1520 13s. 9d. All which matters and things more fully do appear by the Records of the said Court, and for which 3 Certificates of the same tenor and date have been granted to the said Jose Bento de Macedo, to serve as one.

In faith and testimony of the truth whereof, we have hereunto set our hands and affixed the Seal of the said Court of Mixed Commission, at Freetown, in the Colony of Sierra Leone, this 27th day of October in the Year of our Lord 1821.

E. GREGORY. JOAO GMO. ALTAVILLA. EDW. FITZGERALD.

(Entered) JAMES WOODS, Acting Registrar, Mixed Commission.

(Inclosure B.)-Decision on Claims for Compensation.

ON the 5th July, the Portuguese Brig Gaviao, detained by Commodore Sir George Collier on a charge of being engaged in illegal Slave-trade, was liberated by a Decree of the British and Portuguese Mixed Court.

In the considerations connected with the Judgment, an opinion was intimated by the Judges, that the Claimant was not entitled to the demurrage provided by the 8th Article of the Regulations for the Mixed Commissions, inasmuch as he had voluntarily placed himself in a situation highly reprehensible, and likely to invite Seizure, being found in Calabar River, a noted station of illegal Slave-trade, with apparent intent to trade for Slaves, his Vessel being professedly fitted out for a Slave-trading voyage, and having on board several Negroes newly embarked at St. Thomas's and Princes Islands, who, although adjudged to have been legally taken on board, must be allowed to have furnished strong ground for suspicion of illegality.

The declaration of this opinion was however deferred for further advice, no claim for demurrage or other compensation being then before the Court.

On the 10th July, a Paper was given in by the Master, conveying an imperfect statement, which he was desired to amend, and to render more intelligible, by filing a regular claim; specifying the amount of compensation to which he considered himself entitled, for himself and for the Owners severally, with the ground of his demand, and the particulars distinctly stated, and the charges reduced into English money. On the 16th of July, a formal Petition was presented, stating that the Claimant, on resuming the command of the Vessel, in pursuance of the Decree of Restitution, found that the cargo and stores thereof were deficient, and also part of the sails and rigging, and the remainder thereof much cut and damaged; whereupon he prayed that a survey should be held upon the said Brig, her cargo, stores, tackle, furniture, and apparel, and that a valuation and a report thereof be made, in order that the damage sustained by the Petitioner and his Owners may be more fully ascertained.

A Commission issued accordingly, and a survey took place on the 23d July. The Report upon this Petition stated the condition of the hull, sails, and rigging, and the quantity and description of the goods actually on board, without any valuation.

On the 27th July, the Petitioner prayed a Copy of the Report. On the 28th of July, a further Petition of Claim was filed, alleging damages to the amount of $\pounds 3,341$ 13s. 64d. exclusive of freight, demurrage, costs, charges, and expenses: this Petition was accompanied by specific Accounts in detail, containing particulars of alleged damages to the same amount.

In proceeding to consider the particular head of charge composing this amount, it was thought expedient at the outset to pronounce explicitly upon the want of sufficient title to demurrage down to the date of the restitution; and, in disallowing demurrage, to pronounce also for the disallowance of a sum of £1,622 10s. included in the total amount of compensation claimed under the head of wages of the Master, the Officers, and the Crew of the Vessel; comprehending with those now on board, the others who had previously left the Vessel on the voyage, for whose wages specific charges were made, down to the date of their respective departures.

The Court was of opinion, that all charges incident to the Vessel are comprised under the general head of demurrage, and are to be allowed or disallowed under that head.

The first object on the face of the Accounts presented with the Claim, is a demand of £1,218 4s. $0\frac{1}{4}d$. as compensation for abstraction and deterioration of cargo, as well in the general stock of the Owner as in the private adventure of the Master.

In order to enable the Court to understand this matter more distinctly, the Commissioners had, upon the Petition of the Claimant, directed that a survey should be made, for the purpose of ascertaining the quantity and description of the goods now on board, and the condition of the same, and that an Inventory, containing the particulars desired, should be returned into Court with all convenient expedition.

The Court gave direction at the same time that the Master should be ready to establish, by competent proofs, the embarkation of the goods particularized, the state of the same at the time of the Seizure of the Vessel, and the time and manner of the abstractions for which he required to be satisfied.

The Inventory returned, in consequence of the prior part of this Order being written in *English*, was found not easily to admit combination with the original Inventories written in *Portuguese*, so as to afford the means of ascertaining, with any degree of accuracy, what was actually on board, and what was deficient, although it was apparent that a great general deficiency had taken place. A Translation of the original Inventories or Invoices became necessary to the desired facility in this matter, and was prepared accordingly. The investigation of this part of the Case was, in consequence of these impediments, much protracted and often postponed; it was not until the close of the final settling that any decisive opinion could be founded upon it.

Much difficulty and inconvenience was suffered by the Court in pursuing the investigation, from the want of an authorized Person, who might furnish Counter-statements on the part of the Captors, or bring forward opposing Evidence, or to whom reference might be had for the information desired by the Court upon the several points which arose in the Case. The Agent who acted for the Captors, at the commencement of the former part of the Case, Mr. John O'Neill Walsh, having by a Letter addressed to the Registrar, dated the 29th of June, declined all further interference, left the Colony immediately after, without appointing any Representative.

On the 14th of August, a Monition was issued, calling on the Captors to appear on the 17th, or on the next following Court-day, and to show cause why the costs, damages, and expenses, occasioned by the detention of the *Gaviao*, should not be allowed.

On the 16th of August, Mr. Hannah, late Prize-master of the *Gaviao*, addressed to the Acting Registrar a Copy of the Instructions given to him by Commodore Sir George Collier, the Captor, on sending him to take charge of the Vessel on the 17th of April. Some Accounts of provisions belonging to the *Gaviao*, expended for the subsistence of a number of Negroes put on board that Vessel, for a passage to Sierra Leone, were transmitted at the same time; but Mr. Hannah, when he was called before the Court to give information, said he was not authorized to act in any way on behalf of the Captors.

No other Agent appeared, nor could any one authorized to act in that capacity be found, in the course of the inquiries suggested by the Court for that purpose.

The only evidence available on the part of the Captors, was obtained from Mr. Hannah, in the course of Special Interrogatories put by the Commissioners, according as they found reason to think it likely that he might possess a knowledge of the facts to be ascertained.

The Court having, by repeated examinations, acquired all the information that appeared to be attainable in the Case, came to the following determinations upon the several items of claim presented to consideration.

A charge of £165 3s. 9d. was made by the Claimant for live stock and cabin stores, consumed by the Officers and Men of the capturing detachments, during their stay on board, and at the cabin table during the passage to Sierra Leone.

It appeared by the testimony of the Master, Macedo, and of the Clerk, Barabino, that very great devastation was committed by the Boats' Crews of the Men of War during the passage down the River Calabar; and although Mr. Hannah, the Prize-master, gave the Court reason to think that this statement was greatly exaggerated, he admitted that for about 4 days two Boats' Crews; comprising 4 Officers and from 36 to 40 Seamen and Marines from the *Tartar* and *Thistle*, were on board the *Gaviao*, and subsisted upon the live stock and stores of that Vessel, their own supplies being exhausted; and in some particular items Mr. Hannah confirmed the statement on the part of the Claimant.

The Court, on considering the whole of the matters disclosed in evidence, agreed that two-thirds of the amount claimed would be a fair compensation. The shipment and the actual state at the time of Capture, having been previously established in proof, a sum of £97 17s. 4d. being two-thirds of the whole amount, was decreed accordingly.

The Captor having put on board the Gaviao at Fernando Po, for conveyance to Sierra Leone, a number of Slaves belonging to the *Portuguese* Brigantine Constantia, taken at the same time, with a crowded Cargo of Slaves, had, in his instructions to the Prize-master, given especial directions, framed with a view to the eventual restitution of the Gaviao, which the doubtful circumstances of the Case led him to apprehend; in which directions it was particularly desired that the Prize-master, in the event of such restitution, should address himself to "the Governor or Chief Justice of Sierra Leone," and present a Copy of so much of the said Order "as relates to the care and attention required of him to the stores and provisions of the Gaviao, in order that they may recommend a suitable compensation to the Master for the use of the Brig, as a Transport in conveying the captured Slaves from the Bight of Biafra to Sierra Leone." The adjustment of this compensation was brought under the consideration of the Court.

The Agent for the Captors returned to the Colony on the 13th of September, but still abstained from interfering in the Cause; and the Court was informed that he refused to attend to a special application made on behalf of the Claimants, touching the Freight proposed by his Principal.

The Court, understanding that no compensation of that kind had been otherwise made, ordered, upon special Petition previously filed,

that the Registrar, with the aid of two competent Persons, should ascertain and report to the Court the amount of compensation reasonably due for that transport service.

The Registrar took to his aid Mr. George Nicol and Mr. George Rendall, Merchants, two of the Aldermen of Freetown, and, upon their opinion, reported that 15s. a ton for each month, for the whole tonnage of the Vessel, being 143 tons, from the 10th of April to the 19th of June, both days inclusive, amounting to £249 13s. 3d. is a fair compensation. That sum is allowed for the transport service performed in the manner stated.

The Prize-master having stated that a partial supply of provisions for the Slaves above mentioned had been taken from the provisions of the Gaviao, during a certain number of days, after which those Slaves became wholly dependent on the Gaviao, and subsisted entirely on the supplies of that Vessel, it was ordered, that a remuneration should be made at the rate of 1s. a day for each Man, for the total subsistence, until it ceased, by the landing at Sierra Leone, or by casualty during the passage. The partial supply previously taken being of small amount, the value of which is not easily to be calculated, it is considered that it may be supposed to be comprised under the general heads of compensation already decreed for stock and provisions. The sum reported as due, and consequently decreed to the Claimant for subsistence of Slaves, is £74 2s.

A charge of £199 5s. 9d. is made for loss and deterioration of sails, canvas, and rope. Upon this head, the Prize-master states that the sails and rigging were in very bad condition when he took charge of the Vessel; that they were several times repaired by him on the passage, that about 6 yards of one piece of the spare canvas was used in one instance for the purpose of these repairs, and that the remainder, consisting of several bolts, was left on board. The sails and rigging altogether were, he says, left in better condition than he had found them. He admits that an anchor charged at £32, and a bass cable attached to it charged at £11, were lost in the Harbour of Freetown. A few buckets were also lost.

An allowance of £50 is given on this head, being about one-fourth of the amount claimed.

In weighing the evidence of Mr. Hannah with that of the Master, the Court always considers that one may under-rate and the other may over-rate.

The Court having taken into its consideration the length of time which has elapsed, since the general claim for compensation of losses and damages sustained by the detention of the *Gaviao* has been brought under investigation, laments that the deficiencies of the Parties should have raised such an accumulation of charges, which might have been avoided by furnishing the Court with the means of forming an earlier Judgment.

The Court is of opinion that the delay is to be attributed, primarily, to the tardy and imperfect manner in which the Master placed his Case before the Court.

Although disposed to make all due allowances for a Stranger, ignorant of the language of the Country, and of the course of its legal proceedings, and for his inability through pecuniary difficulties to provide himself in proper time with legal assistance, being moreover at times disabled by sickness; still the Court cannot take from these circumstances any reason to induce a determination to charge the opposite Party with the consequences of his deficiencies or of his misfortunes; the causes of the protracted investigation of the claim, and the burthen of the consequent charges, must rest on himself.

But as it has been clearly proved that, without taking the immediate and necessary effects of the Capture into account, certain wrongs have been committed, as the abstraction of trade-goods of the Owner's Cargo and of the Master's private adventure; and certain acts have been done by the Captors which, however warrantable under the circumstances, were yet attended with effects which must be considered in the nature of wrongs, at least so far as to give a fair title to compensation, for all consequent as well as all actual damages connected with them; and in this view are to be regarded the employment of this Vessel as a Transport for the conveyance of the Slaves of the Constantia, and the use of the provisions of this Vessel for those Slaves; the Court is of opinion that, except in so far as the deficiencies on his own part have debarred him, the Claimant should be held entitled, not only to a just indemnification on these heads, but further, to all costs, damages, and expenses incidental to the delay of the decision, and to the adjustment of the satisfaction due to him on these heads.

If he had, immediately after the restitution of the Vessel, brought forward those claims, in a clear, intelligible and satisfactory form, and, as soon as conveniently might be afterwards, established his allegations by proofs, so far as his means of proof would have enabled him, the Court would have held him entitled to the demurrage, according to the scale stipulated by the Eighth Article of the Regulations for the Mixed Commissions, from the day of the restitution to the day of final decision. Inasmuch as deficiency is attributable to him on this head, the Court considers that this demurrage should be withheld; but as the charges of the delays and difficulties to which the Court has been subjected in respect to the means of forming its decision, should not fall upon him further than those delays and difficulties were caused by him, it is necessary to inquire and determine, at what time the charge should be removed, and where it should then with greater propriety be placed.

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It has already been observed, that much difficulty and inconvenience were suffered by the Court, in consequence of the desertion of the Cause by the Agent for the Captors, and by the want of the information due to the Court on their part; the Commissioners being left without any means of checking the statements and demands of the Claimant by Counter statements, or by opposing Evidence, unless so far as the Commissioners have themselves been enabled to collect such evidence from the Prize Master upon some particular points. The Court is of opinion, that, for a certain portion of the time occupied in the investigation of the Case, the expenses usually chargeable under the general head of demurrage, are justly to be placed against the Captors, as occasioned by the desertion of their Agent, and the deficiency of the information due to the Court on their behalf. In fixing the time when this charge upon the Captors is to commence, the Court referred to the Cases of the Correo Maritimo, 1st vol. Robinson's Reports, p. 287, and of the Zeestar, 4th vol. Robinson's Reports, p. 71, in which Cases demurrage was granted by Sir William Scott to Claimants, for "want of due and necessary diligence on the part of the Captors."

The Court decrees, upon the full consideration of the circumstances, guiding itself by the principles and observations of that high Authority, so far as they are applicable to the present Case, that demurrage, according to the scale established in the 8th Article of the Regulations for the Mixed Commission, shall be charged to the account of the Captors, from the 18th August, being the Court day upon which they were cited by monition to appear and show cause against the Claim, such demurrage to be calculated from that day exclusive, to the 5th of October, the day of this Decision, inclusive.

The burthen of the Vessel being 143 tons, the daily rate of demurrage to be allowed is $\pounds 6$ for each day, which being computed for 48 days, gives an amount of $\pounds 288$.

The Court is more particularly induced to form the last-mentioned determination, by the consideration that, in the deficiency of proofs on both sides, touching the most material branches of the compensation claimed, while some compensation appeared to be justly due, and the Court was not put in possession of the means to ascertain how much, an amicable and equitable arrangement between the Parties, to which the Court would have given all due facility, must be considered as the most appropriate mode of doing justice in the Case.

It is now matter of necessity to decide upon the 1st head of claim: the compensation due for abstraction and deterioration of goods of the Owner's Cargo, and of the Master's private adventure.

On one of the branches into which this head of claim divides itself, that of deterioration, the Court, adverting to the Report of the Commissioners of inspection, conceives that the decay must have taken place before the capture, or if it took place since, considers the Master himself culpable, in not employing proper caution to guard against the effects of the weather penetrating to the goods. The evidence of Mr. Hannah confirms the opinion of the Court in this view; all demands for deterioration are therefore disallowed.

The other branch of this head of claim is the part of this Case upon which the Court has, from the commencement, felt itself under peculiar difficulties, through the want of information to assist the inquiry into the amount of compensation justly due. It has been proved on the part of the Claimant, that the goods, as charged in the accounts annexed to the claim, were embarked and were actually on board at the time of the capture; that the prices are those of the original invoices, which invoices have come under the view of the Court ; that the deficiencies have taken place since the Capture, and as the Claimant says, are to be attributed to the Captors. In support of this last allegation, the Claimant mentions special instances of detecting the people of the Prize Crew in acts of depredation, and his having made complaint to the Prize Master. The Prize Master contradicts the allegation of complaints, in a general sense, but admits one instance of complaint, and one instance of detection.

The Clerk of the Gaviao proves that the goods were all on board at the Capture, that the deficiencies took place since the Capture; that he heard the Master of the Gaviao complain, once, to the Prize-master that a piece of his goods was taken from the hold into a launch, but he does not know himself how to account for the deficiency.

The surveys made by order of the Court, showed that an actual deficiency of a considerable amount existed, but it was difficult in the extreme to ascertain the precise description of the piece-goods which constituted the principal part of the Cargo and of the claim.

A disposition was expressed to make some reduction in the total amount of the articles, as has been done on all the other heads of compensation; but, on referring to the decisions on those heads, it was found that there was particular evidence to direct and guide the adjudication in the deductions made, and the amounts severally decreed. No general principle of curtailment or allowance had been recognized, nor any settled proportion given or deducted. A specific sum of £500 was then proposed for the Master and Owner conjointly, but this was found subject to the same objections. It might have been thought sufficient to satisfy the Claimants, and might have been so accepted, if offered by the Captors; but the Court could not chaffer and make bargains with the Claimants, as the Captors, or an authorised Agent on their part, could have done. After much further deliberation and discussion. it seems at last most consistent with reason to allow the Claimant the whole demand for actual loss, as a commensurate actual deficiency has been proved by the surveys executed under the direction of the Court. and as no legal ground, no certain reason, appears for making a reduction.

The Owner is therefore allowed, for abstraction of his Cargo, according to the Account before the Court, £493 7s. 10¹/₂d.

And the Master is allowed, for abstraction of goods belonging to his private adventure, according to the Account before the Court on that behalf, £223 Os. $S_{\frac{1}{2}d}$.

A charge of £37. 10s. for 40 dozen of sausages, said to be included in the private adventure, is disallowed. The Court considers that the utmost extent of the known partiality of Portuguese Mariners for this article of luxury, could not well have exceeded the quantity already comprehended in the compensation for cabin stores.

A charge of £22 10s. for sword belts is also disallowed; these articles being found in the list of the goods sold at St. Thomas's.

The Court, or rather the British Commissioners, having caused the large and ordinary water casks, beyond the number necessary for the use of the crew, to be landed, and also the boilers, false decks, and other articles of outfit for the Slave-trade, in order to guard against a shipment of Slaves in the voyage down the Coast; the British Commissioners have undertaken to obtain compensation for those articles at the appraised value, at the charge of the British Government.

The value appraised is £65.

Sierra Leone, 13th October, 1821. EDWARD FITZGERALD.

P. S. The disallowance for sword belts was subsequently reversed, on the Claimant showing that he had already made the deduction for the belts sold at St. Thomas's. The charge allowed for these articles is £16 13s. 4d.

The Court further awarded to the Claimant, on account of his costs of suit, the sum of $\pounds 44$. 13s.

Sierra Leone, 27th October, 1821. EDWARD FITZGERALD.

(Inclosure C.)-The Prize Master of the Gaviao to Thomas Collier, Esq. SIR, Elgin, 15th April, 1822.

In answer to your Letters of the 9th and 10th, I have to state, that as near as I can recollect, the Cargo of the *Gaviao* consisted as follows: 6 or 8 bales of coarse striped baft, 2 bales red flannel caps, 1 box of coarse hats, and 5 or 6 pipes of aquadente, which latter were taken on board the *Tartar* at Fernando Po: she had also on board about 15 casks of powder, a large quantity of Cassada flour, jerk beef and cocoa nuts, a number of iron shackles, a large copper boiler, and about 20 tons of water casks.

When the Gaviao was taken possession of, a Pilot was sent on board by the King of Calabar to take her down that River, and when he had done so, he received 50 pieces of baft and 3 gallons of spirits from the Cargo of the Gaviao: this is the only part of the Cargo that was made use of to my knowledge, none having been touched while I had charge, from the 16th April till the 25th June, when she was taken possession of by the Marshal of the Court at Sierra Leone.

There was no private venture on board, belonging to the Master, that I know of; if there had been any, I think it must have been disposed of before he came to Calabar, as he had a quantity of gold in his possession, which he said belonged to himself; and he said 2 or 3 of the domestic Slaves on board were his also.

When the Gaviao was captured, she had on board some hogs, not exceeding 12, and 3 or 4 dozen of fowls; and as the Tartar's People in the Boats were only victualled for 3 days, it became necessary, as we were a week up the River, to use, I think, 3 of the hogs, some fowls, and a little rice, also some spirits, for the purpose of victualling the Men; and, on the passage to Sierra Leone, there was a quantity of the Cassada and jerk beef used, for feeding the Negroes, between the 10th of May and 17th June, the day of our arrival at Sierra Leone; a list of which (provisions used) I delivered to the Registrar of the Court, and also gave the *Portuguese* Master a Certificate at Sea, showing the necessity of using them, both agreeable to Sir George Collier's orders.

As the People belonging to the *Tartar*, who were with me in the *Gaviao*, were victualled for 8 weeks, it was not necessary to use any of her provisions for them; and whatever was used of the cabin stores, or live stock killed, it was by the direction of the *Portuguese* Captain. I do not recollect admitting in my evidence that any of the stock was used by myself, or the Men under my charge, excepting 1 pig, which I sent on board the *Constantia*, to Mr. Elliot, the day we sailed from Fernando Po, and which I stated to the Court; nor was I ever called upon to say what I thought the Cargo worth, or indeed asked any question about the Vessel, until 2 months after she had been delivered up to the *Portuguese*: it was then the *Portuguese* Captain presented his claim for damages, with an inventory of the goods he said were missing, the most part of which I considered to be false, and gave my evidence accordingly; many of the articles mentioned were not on board the Vessel at the time of Capture, I am positive.

It was during the trial of the Gaviao that I expressed a wish to be called upon to give my evidence, I think, to Mr. Woods, the Registrar, who told me that he thought it would be of little service, as all the Portuguese had sworn so positively; and as to the People (Portuguese) who came in the Thistle, and those in the Gaviao, they were permitted to mix together as they pleased; and, as an idea of the evidence the Portuguese Captain gave, Mr. Altavilla, the Commissioner, told me he believed he was a great rascal, and that he would represent him to his Government as such.

There was an anchor and about 30 fathoms of grass cable lost during a tornado at Sierra Leone; the anchor was much worn, might

be about 7 cwt. and with the cable, which was quite rotten, would, I think, be worth about $\pounds 10$ in Africa.

The above is, I think, all my memory can furnish at present, and which I hope will be of some service. I am, &c. Thomas Collier, Esq. JAMES HANNAH.

(Inclosure D.)-Correspondence of the Agent for the Captor of the Gaviao. SIR, (1.) Sierra Leone, 18th January, 1822.

In the month of December last, I succeeded in procuring from the Commission Court the inclosed Copy of the Arbitrator, Fitzgerald's Decision (B.) in the Case of the *Gaviao*, and this Document is the only official information received by me regarding that Vessel, subsequent to the departure of Sir George Collier from this Coast.

My Letter to Sir George, under cover to you, of October last, will have made you acquainted with the proceedings taken by me up to that period.

The extraordinary attempt of the Arbitrator, in his Decision, to attribute blame to me, my Correspondence will, I imagine, sufficiently answer; I arrived here from to windward on the 13th September, which certainly was quite time enough to have rendered, in any open Court, the Master of the *Gaviao's* villainous and false depositions futile: previous to that date nothing had been determined on, yet I could not obtain permission to act in opposition to the claims for damages; but Sir George himself can, without difficulty, judge of all the transactions in this Case: for myself, I feel so heartily sick and disgusted with the Commission Courts, that I am determined not to interfere further with them; this is the more painful, considering that, on the part of the Foreign Judge, no Person ever experiences difficulties.

The Decision inclosed points out in what manner a Person's character may be undermined: I do hope, however, Sir George and the friends of Africa may succeed, in yet establishing this Court on a proper and just basis.

The hurry of publick business prevents me from writing in the detailed manner I could wish, either to yourself or Sir George; he shall however hear from me fully after the *Iphigenia* arrives.

Hagan has brought in a prize with 60 Slaves, not yet condemned; the rest of the Squadron have been lying here since November.

Believe me to be, &c. Thomas Collier, Esq. Temple. J. O'N. WALSH.

SIR, (2.) Freetown, Sierra Leone, 10th Nov. 1821. As the Agent of Sir George Collier and the Officers and Crew of His Majesty's Ship Tartar, I petitioned on the 6th of last month for Copies of the proceedings taken in the Mixed Commission Court, in the Case of the Portuguese Brig Gaviao, or to be otherwise informed thereof; you were pleased next day to inform me that the Court had granted the prayer of my Petition. Previous to the sailing of the *Sussex* on the 13th ultimo, I expressed my anxiety to see the Records of the Court, or to be permitted to have Copies taken, in order that I might be enabled by that Vessel to give Sir George Collier some information on a subject which, as it has turned out, must necessarily interest him much, but I was not successful.

The verbal information I received from you of the restoration of the Gaviao, with damages, by the Court, and which, in fact, is the only knowledge I have yet been able to obtain, has of course made me doubly anxious to be informed of the proceedings taken: for that purpose I have frequently applied at the office of the Court, but am to this day kept in ignorance of what has been, or what is to be done, in regard to the Gaviao.

Under these circumstances, novel and unprecedented as they are, I trust you will feel the necessity under which I am now placed, of requesting from you, as the organ of the Court, a final answer, whether it is intended to grant me the Documents and information so long waited for. I have, &c.

James Woods, Esq.

J. O'N WALSH.

SIR, (3.) Freetown, Sierra Leone, 12th November, 1821. IN answer to your Letter of Saturday last, the 10th instant, I have to recal to your recollection what I mentioned in the previous verbal communication to which you allude, "that the opportunity of taking the Copies in the Case of the Gaviao, as allowed by the Commissioners, would be afforded to you as soon as the Copies necessary to enable the Claimant to depart hence, and those required for the information of the British and Portuguese Governments, should have been made out."

If, in the dispatch of the Papers yet remaining to be copied for these prior occasions, any facility can be afforded to the object of your Letter, I will not fail to give you the earliest intimation, as I have already assured you.

Should a Copy of the Certificate of restitution and award, granted to the Claimant be, in the mean time, useful to your purposes, you may be furnished with it on an early day. I have, &c. J. O'N. Walsh, Esq. JAMES WOODS.

SIR, (4.) Sierra Leone, 13th October, 1821. AT the period of your leaving the Colony, you desired me to attend to the proceedings instituted in the British and Portuguese Mixed Court against the Slave-brig Gaviao, which were then going on; and as I was aware of the description of evidence that might be expected from the Master and Sailors of that Vessel, unless Special Interrogatories would be put to them immediately after their primary examina-

tion, I applied for permission to that effect; this, however, could not be given until the Witnesses were all examined; and on the 23d June, the Registrar desired me to pray publication; my Note to him, inclosing the Petition for that purpose, is inclosed ; from it you will observe I was rather surprised at the pleasing change of the practice of the Court; it was not until the following 29th, that I obtained Copies of the Depositions taken, and a glance at the Vessel's Papers, in the Registry of the Court. I had hoped that even then my interference might have proved beneficial; but on examining the evidence, and reviewing the whole proceedings, I did not hesitate to address the Letter, a Copy of which is inclosed, declining (for the reasons therein specified) further to interfere with the matter; and I doubt not, from your own knowledge of this very close Court, that you will feel satisfied I could not pursue any other course; any exertions on my part, at that stage of the proceedings, would have been nugatory and useless, and would merely have served, in the event of the Vessel's restoration (which I did not then expect), to attach some degree of responsibility to the Seizors, unaccompanied by any adequate benefit.

Since that period I am totally unacquainted with the proceedings of the Court, in regard to the *Gaviao*, although I petitioned on the 6th instant "for Copies of the proceedings taken, or to be otherwise informed thereof;" the prayer of the Petition is granted; but, after repeated applications to the Registrar, I find I will not be able to procure them in time for this Vessel. I have heard, but not officially, the Vessel, is restored, with damages, the British Arbitrator being called in; but I imagine you can obtain full information from the Secretary of State, to whom the Commissioners will of course transmit their decision, by the next opportunity. I will forward such information as I can glean. In the mean time, I have, &c. Sir G. Collier. J. O'N. WALSH.

SIR, (5.) Sierra Leone, 25th June, 1821. AGREEABLY to your suggestion, in your Note of Saturday morning last, that I should pray publication of the examinations, &c. taken in the Case of the Gaviao, I now inclose a Petition to that effect, which I request you will lay before the Court.

Your communication, that publication may be arranged in the manner most convenient, is to me, as the Agent of the Seizors, especially satisfactory, though I cannot but regret that I was not previously aware of the intention of the Court to relax its former practice on this point; for, in that case, I should have solicited permission to inspect the examinations, one by one, as taken, and to have put Special Interrogatories, if possible, on the instant. In regard to the error which you correct, the circumstances of publication never having taken place in this Court before, and of my ignorance as to the gratifying change above referred to in its practice, will easily account for the impression on my mind.

I beg leave also to observe, that I cannot concur with you in opinion, that publication should not take place until the examinations are closed; unless, indeed, is meant, the form of praying publication in Admiralty Courts, when the Parties are previously in possession of such parts of the proceedings as they require. I have, &c. James Woods, Esq. J. O'N. WALSH.

SIR, (6.) Freetown, 29th June, 1821. HAVING this morning obtained a Copy of the Depositions taken in the Case of the Gaviao, and also a sight of the Papers of that Vessel filed in the Court; and bearing in mind the irreparable inconvenience resulting to the Case of that Vessel, as it regards the Captors, from the circumstance of the Witnesses being permitted to go at large, and to have free communication with each other; while at the same time I was debarred a perusal or Copy of their Depositions until the examinations were closed, thus in a great measure frustrating any advantage to be derived from Special Interrogatories:

Under these circumstances, I am of opinion, that interference on my part in this stage of the proceedings, could only tend to add to the mass of perjury and inconsistency already before the Court, and at the same time attach a degree of responsibility to the Captors. without (for the reasons above referred to) any adequate advantage resulting to them. I came to this conclusion with the more satisfaction, on observing that the very Papers of the Vessel furnish proof of the illegality of the Voyage, and, even leaving out altogether the shipment of Slaves at Calabar, those taken on board at St. Thomas's and Princes Island, I should imagine conclusive, particularly as those taken in at the latter Place were brought on board in irons; the Boy Felix can testify to this point, and if the Marshal of the Court has examined the Brig, he can state whether she was fitted for Slaves or otherwise. It therefore only remains for me to repeat, that I do not feel justified in interfering in the matter, leaving it, as I do with confidence, in the hands of the Judges. I have, &c. J. Woods, Esq. J. O'N. WALSH.

SIR, (7.) Freetown, Sierra Leone, 16th November, 1821. I BEG to acknowledge your Letter of the 12th instant, and in doing so, I conceive I should be wanting in my duty, as Agent to Sir George Collier, if I omitted remarking on certain observations contained therein, and, indeed, on the general tenor of that communication.

That you observed in the conversation alluded to in your Letter,

"that I should receive the Documents and information required in the Case of the *Gaviao*, as soon as the necessary Copies were completed for the *British* and *Portuguese* Governments," I readily admit; you will also recollect, that nothing occurred then, to remove the impression on my mind, that I should have full information previous to the departure of the Ship *Sussex* for England.

Had you stated to me, at that time, that I must also wait until the Claimant received the Copies necessary to enable him to depart hence, it would necessarily have satisfied me that the quantum of damages was already ascertained; whereas I could only adduce, from the limited information received from you, that the Vessel was restored, certainly with damages, but that the amount was not fixed; and I acted under that impression. You may, no doubt, have made the observation, but it certainly was not so understood by me.

It is only a few days since that I learned with surprise the final arrangement of the damages, and this through the medium of a Naval Officer, from His Most Faithful Majesty's Commissary Judge.

I should imagine it must be obvious to you that the mere transmission, on my part, of Copies of Papers, or of other information, respecting the *Gaviao* to the Captors, however desirable, could not be to me the principal object; it was my duty to interfere with the Court for mitigation of damages, and to take such measures as the interest of my Employers might dictate; but the darkness in which I have been kept, in respect to the proceedings, and particularly since the 6th of last month, when the prayer of my Petition was said to be granted, has of course rendered my wishes abortive.

My having declined interference when the *Gaviao* was tried, for the reasons stated in my Letter of the 29th June, could not by possibility deprive me of a right to interfere, on the very unexpected event of the Vessel's restoration.

I take the liberty of recalling to your mind the prayer of my Petition, viz. "Petitioner humbly prays permission to take Copies of the Sentence and of the proceedings taken, or otherwise to be informed thereof." The latter part of this prayer would seem to be entirely overlooked; for, as I have observed in a former Letter, I have more than once solicited permission even to read the Records, and I dare say you will recollect my Clerk calling on you a day or two before the Sussex sailed, to request that, in case Copies could not then be procured, I might be allowed a perusal of the proceedings: that the perusal was not granted I need not inform you.

In point of fact, the Case of the Gaviao, resolves itself into a very small compass; that Vessel arrived in this Harbour in June last, since which time proceedings have been going on from to time (as far as I know, up to this day) in the Mixed Court, and these proceedings deeply affecting the interest of the Captors, yet their Agent and Attorney, from whatever cause, is still in almost absolute ignorance respecting them.

I offer no apology for the length of this Letter, being convinced you will attribute it to the proper motive, a feeling of duty and regard from an Agent to his Employer's interest. I have, &c. J. Woods, Esq. J. O'N. WALSH.

SIR, (8.) Freetown, Sierra Leone, 16th November, 1821. I TAKE leave to acknowledge your Letter of this day, and in replying thereto, I trust you will not consider me abrupt in acquainting you, that detailed and argumentative Correspondence with Suitors or their Agents, is not, in my opinion, consistent with the course of my duty, as Acting Registrar of the Court of Mixed Commission.

The information which I understood you desire, could not have been given to you sufficiently early to enable you to communicate it to the Captor of the *Gaviao*, by the Ship *Sussex*.

On the obvious conception of your duty it is not for me to offer any remark, but as you have appealed to me on that point, I must say, as of a matter of fact, that the object of your interfering to mitigation of damages, did not enter into my mind as being on your view, when you conversed with me on the subject of your Petition; neither does that object accord with my present recollection of what passed on that occasion. I have, &c.

J. O'N. Walsh, Esq.

JAMES WOODS.

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(Inclosure E.)-Affidavit of Captain Marsh.

DIGBY MARSH, late Lieutenant of His Majesty's Ship Tartar, came before me, one of His Majesty's Justices of the Peace for the Queen's County, Ireland, and maketh Oath on the Holy Evangelists and saith, that on the night of the when His Majesty's Ship Tartar was off the mouth of the Old Calabar River, on the Coast of Africa, he, this Deponent, was ordered by Sir George Collier to proceed with a division of Boats up the said River Calabar, for the purpose of capturing any Vessel found in the act of an illicit Slavetrade; and that on entering said River, this Deponent received information from a Pilot of the River Calabar, that 2 Vessels were up said River, carrying on an illicit trade in Slaves. And that then the said Deponent proceeded with the Boats under his command up the said River Calabar, as far as Duke Ephraim's Town; when Deponent and the Crew under his command, boarded the Gaviao, a Portuguese Slaving Brig; that on searching said Brig Deponent found she had on board 3 male Negroes above the number stated in her Role d'Equipage, and of which no satisfactory account could be given.

And this Deponent further swears, that on searching the Gaviao's hold, one of the Marines belonging to the Tartar brought in his pre-

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sence a Negro, who said he found part of the Crew forcing a pair of trowsers on him, in order to make him have the appearance of a domestick Servant, which Deponent is convinced was done with the intention of deceiving him; as the said Negro, when questioned by the different Interpreters, could not speak any of the languages used on the Coast. And this Deponent further saith, that he received information, that Duke Ephraim had sold to the Captain of the said Gaviao, several male Negroes, the day previous to the night he boarded her. And said Deponent also saith, that being obliged to go in search of the other Slave-vessel, he left Lieutenant Graham in charge of the said Slave-brig Gaviao, and that on rejoining the said Vessel and Lieutenant Graham, he, the Lieutenant, informed said Deponent that he had been to see Duke Ephraim, and the said Duke Ephraim had told him, that his People had found in the bush 2 of the Negroes he had sold to the Captain of the said Gaviao the day before. And this Deponent further saith, that the Gaviao was found in every respect fitted for carrying on the Slave-trade : having her Slave-coppers on board, her Slave-decks laid, and a large supply of Slave-irons, such as Deponent has always seen used for the purpose of securing Slaves in the different Slave-ships that have come under his inspection.

D. MARSH.

Sworn before me at Mountruelick, in the Queen's County, in Ireland, this 28th day of March, 1822.

JOHN BELDWIN, Magistrate for Queen's County.

DEAR SIR,

Dublin, 28th March, 1822.

In consequence of my being away from Dublin, I did not receive yours for some days after it arrived ; I have, therefore, lost no time in forwarding to you the statement you require, as well as my memory will permit, so long a time having elapsed; as to the Cargo of the Gaviao, I can tell you merely of what it was composed; but as to its value I could not say; she had either 8 or 9 casks of aqua ardente or spirits, and some small bar iron, perhaps 300, if so much, of from 4 to 5 feet long; this was all the Cargo she had in her hold; I did not find out her having any tobacco on board; in her cabin she had the principal part, which was composed of the coarse cotton stuffs, in pieces of different descriptions, with a few cases of trade looking-glasses and knives. We used, I think, for payment of her Harbour duties, about 30 pieces of the stuffs, and 3 or 4 gallons of the spirits; this also includes the payment of the Pilot that we had to get the Vessel down the River. I have no idea of the day of the month on which this happened, as some of my things are not arrived from Plymouth, consequently have not a paper to assist my memory. I am, &c. Thomas Collier, Esq. Temple. D. MARSH.

(Inclosure F.)—Affidavits of Masters of Liverpool Vessels. Port of Liverpool.

(1.) PERSONALLY appeared before me, Rev. Jonathan Brooks, one of His Majesty's Justices of the Peace for the County of Lancaster. John Burrell, Master of the British Ship Jane, of the Port of Liverpool, trading between the said Port and the Western Coast of Africa; who, having been first duly sworn on the Holy Evangelists, voluntarily deposed, that during the months of March and April last past, he, the said John Burrell, being then with his said Ship the Jane, lying in the Calabar River, on the Eastern Coast of Africa, was informed by a Native Chief, called Duke Ephraim, and verily believes the same to be true, that he, Duke Ephraim, had sold 3 African Negro Slaves for Portuguese account, and that the said Slaves were actually shipped on board the Portuguese Brig Gaviao, then only lying in the Calabar River, as part of the Cargo of the said Brig. Deponent further states, that on or about the 9th of April, 1821, the Boats of His Majesty's Ships Tartar and Thistle having entered the Calabar River for the purpose of boarding all Vessels known to be engaged in the African Slave-trade, 2 of the aforesaid Slaves, above stated to have been shipped in the Portuguese Brig Gaviao, were re-landed in the bush or woods by the *Portuguese*, for the presumed purpose of eluding the vigilance of the said Boats of His Majesty's Ships of War above named. This Deponent further states, that the Portuguese Schooner Constantia, lay in the Calabar River for a term of about 6 months, taking in an entire Cargo of Slaves. Deponent declares, that in consequence of the prevalence of the trade in Negroes, carried on by the Portuguese and Spaniards, his Voyage was protracted for 2 months beyond the usual time of loading. Deponent further states, that at the time abovenamed 6 Portuguese and Spanish Vessels were loading in the Calabar River for Slaves. Deponent is further of opinion, that the lawful pursuits of the British traders (particularly of those resident at the Port of Liverpool) with the parts of the Coast contiguous to the Calabar River, are materially obstructed and injured by the continued prevalence of the Portuguese Slave-trade in that River and the neighbourhood; and that all legitimate commerce with that part of the Coast must be evidently abandoned, unless efficient means be taken to enforce the strict observance, by the Portuguese and Spaniards, of the Treaties subsisting between Portugal and Great Britain, relative to the Slave-trade.

JOHN BURRELL.

Sworn at Liverpool, in the County Palatine of Lancaster, this 23d day of August, in the Year 1821, before me, the Rev. Jona. Brooks, one of His Majesty's Justices of the Peace for the said County.

JONA, BROOKS.

Port of Liverpool.

(2.) I, RICHARD CUMMINS, Chief Mate of the British Ship Jane, of the Port of Liverpool, do voluntarily make oath and declare, that in the month of April last past, being then on board the said Ship lying in the Calabar River, on the Coast of Africa, and having frequent opportunities of intercourse with the shore, I did, on one of those occasions enter into conversation with a Native Chief called Duke Ephraim, who informed me, that, on the day preceding that on which we were conversing, he had shipped on board the Portuguese Brig Gaviao, then also lying in Calabar River, 3 African Negro Slaves, as part of her Cargo. The said Duke Ephraim further expressed to me great regret that the said Portuguese Brig Gaviao, had been boarded by the British Men of War's Boats subsequent to the shipment of the 3 Slaves, as he should thereby be prevented from receiving payment for the said Slaves by him delivered.

I further declare, that I have made 4 several Voyages from Great Britain to the Calabar River, and that on all those occasions numerous Foreign Ships have been lying on the said River, taking in Cargoes of Negro Slaves.

I further declare my opinion, that the legitimate trade carried on with the parts of the Coast of Africa, contiguous to the Calabar River, is materially obstructed and injured by the continued prevalence of the Foreign Negro Slave-trade.

RICHARD CUMMINS.

Sworn at Liverpool, in the County Palatine of Lancaster, the 11th October, 1821, before me, one of His Majesty's Justices of the Peace for the said County. JOHN ASHTON CASEE.

Port of Liverpool.

(3.) I, THOMAS HENRY ASHTON, of Liverpool, in the County of Lancaster, acting Chief Mate of the British Ship Ottawa, of the aforesaid Port, do voluntarily make oath and declare, that in the month of April last past, being then on board the said Ship lying in the Calabar River, on the Coast of Africa, I saw a Canoe returning from the bush to the Portuguese Brig Gaviao, also lying in the said River, which Canoe, I have reason to presume, had been landing Slaves from the said Portuguese Brig, for the purpose of eluding the vigilance of the Boats of His Majesty's Ships Tartar and Thistle.

I further declare, that during the time I remained in the River aforesaid, numerous *French*, *Portuguese*, and *Spanish* Vessels were lying in the said River, taking in Cargoes of Slaves. I am further of opinion, that the legitimate trade with the parts of the African Coast contiguous to the Calabar River, is materially obstructed and injured by the prevalence of the African Negro Slave-trade.

THOMAS HENRY ASHTON.

GREAT BRITAIN AND PORTUGAL.

Sworn at Liverpool, in the County Palatine of Lancaster, this 5th October, 1821, before me, one of His Majesty's Justices of the Peace for the said County. JOHN ASHTON CASEE.

No. 3.—Sir George R. Collier to J. W. Croker, Esq. SIR, Knowle Cottage, Exeter, 22d May, 1822.

SINCE I had the honour to transmit to their Lordships the statement contained in my Letter of the 4th instant, relating to the *Gaviao*, detained on the Northern Coast of Africa for Slaving, I have had an opportunity of perusing the "Papers relating to the Slave-trade," recently printed by order of the Honourable House of Commons.

Among these Papers I observe a Letter from Messrs. Gregory and Fitzgerald, the *British* Commissioner and Arbitrator of the Mixed Court at Sierra Leone, referring especially to the Case of the *Gaviao*; it is dated 25th August, 1821, and is to be found in the printed Correspondence alluded to.*

I shall not detain their Lordships upon the first assertion contained in the Official Statement in question; viz. "That it was clearly proved that no Negro was taken on board at Calabar."

Their Lordships are already aware of the evidence tendered by me in opposition to this assumption; viz. the spontaneous and impartial testimony of the Masters of *British* trading Vessels, and the Letter of the Chief of Old Calabar (Duke Ephraim) claiming restitution of 3 Slaves sold to, and shipped on board the *Gaviao*, the day previous to her capture.

The next 6 paragraphs of the Statement of Mr. Fitzgerald relate to the Negroes taken on board the *Gaviao* at St. Thomas's and Princes Island, North of the Line, " for the alleged purpose of assisting in the labours of the Ship," such assistance being pretended to be necessary. But, that they were Slaves at the time of the *Gaviao* being seized, cannot be questioned; for it is admitted, that " the Master being interrogated upon this point, said, he described these Negroes as free, because he *intended* to give them their freedom." Extraordinary as this intention appears, it seemed to have obtained full credit with Mr. Fitzgerald.

The Commissary Judge, Mr. Gregory, however, states that, " upon a general view of the Case, there were numerous proofs of an intent of illegal Slave-trading; and, considering the denomination of free Men as applied to the Negroes *bought as Slaves* at *Princes Island* to have been designed merely as a deception to cover a destination of those Negroes for the traffick, he was of opinion that those 4 Negroes were illegally embarked at Princes Island, consequently, in his opinion, the Vessel ought to be condemned as lawful Prize."

* See Page 117.

It is asserted that the Negroes embarked in the Gaviao at St. Thomas's and Princes Islands, "were taken on board with the consents of the Local Governments, which consents appeared written on the face of Petitions presented by the Master for the purpose of obtaining them."

It may be possible that such a Petition may have been presented to the Mixed Commission, and that the Local Governments at Princes Island and St. Thomas's may have appeared to give their consent to the embarkation of so many Slaves; for unhappily the heads of these Local Governments are the principal Slave Factors there; but unless the identical Document above referred to was one amongst those delivered into the Court from myself, I have little doubt of the whole being *forgery*, as it is known to be the universal custom of Slave Masters to keep false Logs, and have false Papers; and from the ample time the Master of the *Gaviao* had, if further Documents than those he delivered me were likely to assist him, he would find the means to supply them.

I have sufficient knowledge of the Portuguese language to read and understand it, and I can take upon myself to assert, to the best of my belief, that no such Paper was delivered to me from the Gaviao, as the one stated to have been delivered into Court, bearing a Certificate, "that the excess of Slaves on board the Gaviao was known to and sanctioned by the Authorities at Princes or St. Thomas's Islands." But on the contrary, I can solemnly testify that the original Musterroll of the Gaviao with which she cleared from Pernambuco, countersigned by Colonel Xavier at Princes Island, as being correct, the very day of her departure for Calabar, enumerates by name only 4 Negroes as Domestick Slaves, in addition to her Crew, which consisted of 14 or 15 Persons; and I most particularly called the attention of the Mixed Court to this circumstance, in order to show that the excess of Slaves found on board, beyond the 4 already mentioned, could only have been so for the purpose of trade; and that they must have been purchased or introduced clandestinely into the Vessel.

Indeed to satisfy myself more perfectly on this point, I desired the Master and the Supercargo to muster their Crew and Slaves, which muster was duly signed in presence of one of the Lieutenants of the Tartar; this I compared with the Muster-roll of the Gaviao, and pointed out to her Master the difference, observing to him that it appeared he had not only a larger number of Individuals than composed his original Crew, but also several Slaves more than those mentioned in his Clearance from Princes Island. I desired him to account for this, which he did by very audaciously charging me with having destroyed the Document relating to the excess of Slaves, if I had it not in my possession.

After stating Mr. Fitzgerald's impression that the *Gaviao* ought to be restored, the Statement continues, "Mr. Fitzgerald, however, agreed fully with Mr. Gregory, that there were proofs of an intent of illegal Slave-trading, and that the Vessel went into Calabar in pursuance of that intent, and for that purpose. This intent, and the situation in which the Vessel was found, should, he thought, debar the Claimant from damage, although no actual trading in Slaves had been proved."

Yet in the next paragraph but one, Mr. Fitzgerald adds, "Upon further deliberation, it appeared expedient to defer the consideration of demurrage and damages until the Claimant should apply to the Court on that head."

Thus, at one moment, Mr. Fitzgerald decides, the Master of the *Gaviao* was not entitled to any damages, and in the next he invites the demand; and, unsupported by one solitary precedent in the British Court of Admiralty since its Decrees have been recorded, he grants demurrage for a period of 7 weeks, commencing after the Vessel had been restored and in possession of the Slave Master.

The whole of the Proceeding appears, to my humble apprehension, so full of contradiction, that it might be difficult to believe the reasoning and the result could come from the same Person, unless it were authenticated so indisputably as not to admit of question.

I presume, therefore, to hope that so far from the Master of the *Gaviao* being considered as justly entitled to the great rewards adjudged to him, it will rather be thought from the several facts as admitted by the Arbitrator, Fitzgerald, that they of themselves afforded grounds of condemnation both of the *Gaviao* and her Cargo; and that, in the seizure of the Vessel, it will seem to their Lordships I was fully justified, which, whatever may be the personal consequences to myself, will be relief and satisfaction to me.

I am so very sensible of the trouble I have given to their Lordships, and to you, Sir, upon the occasion in question, that I will only add, that had the *Gaviao* been restored without the heavy damages awarded, reasonably as I might have expected her condemnation, I never should have presumed to have made observation or complaint. I have, &c. J. W. Croker, Esq. GEORGE R. COLLIER.

PAPERS RELATING TO THE SPANISH SCHOONER ANNA MARIA.

Commodore Sir George R. Collier to the Registrar of the Court of Mixed Commission.

SIR, H. M. S. Tartar, off Bonny, 26th March, 1821. HEREWITH I take leave to forward you a Declaration made by me, agreeably to the Orders of the Right Honourable the Lords of the Admiralty, and the Treaties for abolishing Slave-trading; also a List of Papers belonging to the Spanish Schooner Anna Maria, therein described.

In doing this particular act of duty, I feel I should ill fulfil the duties falling upon me, from my rank and station on this Coast, if I did not describe the horrible state which this Vessel was in when visited by British Officers.

The tonnage of the Anna Maria is under 200; yet had she on board nearly 500 living souls!

The intense heat and filthy state of the Slave rooms (only 2 feet 11 inches high) must have made the condition of the poor miserable Beings, there confined, approach nearer suffocation than any other.

Clinging to the gratings to inhale a mouthful of fresh or pure air, and fighting with each other for a taste of water, showing their parched tongues and pointing to their reduced stomachs, as if overcome by famine, for although the living Cargo had only been completed the day before, yet many who had been longer on board, were reduced to such a state as skeletons, that I was obliged to order 12 immediately to this Ship to be placed under the care of the Surgeon, and the day following, 100 more, to afford the rest the chance of surviving the Passage to Sierra Leone !

In short, the crowded state of the Vessel, the dirt and filth inseparable from such a state, the sickening and desponding appearance of most of the wretched victims, confined more loathsomely and more closely than hogs brought to a morning market for sale, was so appalling and distressing to our feelings, as to cause our wonder and astonishment to cease at the maddening act of self-destruction which had occurred to some by throwing themselves overboard, a prey to the sharks in attendance, rather than endure a continuance of that misery they had only tasted of, or perhaps rather than quit the land dear to them by many unknown ties. I have, &c.

GEORGE R. COLLIER.

The Registrar of the British and Spanish Mixed Commission, Sierra Leone.

(Inclosure 1.)-Declaration of Commodore Sir George R. Collier.

I, THE Undersigned, being Captain of His Majesty's Ship Tartar, and Commodore of His Majesty's Ships and Vessels on the Western Coast of Africa, do declare that the Spanish Schooner Anna Maria, Juan de la Roche, Master, and Antonio Vincente Armador, Owner, said to be bound from St. Jago de Cuba to Princes Island, was chased and boarded by signal from this Ship, by Boats sent from His Majesty's Brig Thistle, and also from His Majesty's Ship Tartar, by proper and authorized Officers, in the night of the 23d March, 1821, in the East Channel of the River Bonny, in about 4 deg. 26 min. North Latitude, and after a discharge of small arms she surrendered.

At the time of Capture the number of Slaves were said to be between 400 and 450, some of which number threw themselves overboard, and were destroyed by sharks!

I further declare, that from the extremely crowded state of the

Slave-rooms, it is utterly impossible to count the number living on board !

I further declare, that from the belief I have of this Schooner being the Pirate Schooner described in a Letter to me from the Lords of the Admiralty, as well as from a threat held out by one of the Sailing Masters, that the Vessel should not reach Sierra Leone without a struggle, and this confirmed by a wanton firing of musketry from the cabin, after the Vessel was boarded by Mr. Lyons of the *Thistle*, I have thought it necessary to remove from her all suspicious and dangerous characters, being a large proportion of her Crew; and I further declare it to be my intention to prosecute the Vessel for Piracy on my arrival at Sierra Leone, after the Slaves shall be condemned.

Given under my hand, on board His Majesty's Ship Tartar, off the River Bonny, the 26th day of March, 1821.

GEORGE R. COLLIER.

(Inclosure 2.)—List of Papers found on board the Anna Maria, Spanish Slaving Schooner.

No.

- 1. 2. Substitutes for Passports (given contrary to the Treaty.)
- 3. Bill of Lading.
- 4. List of Cargo.
- 5. List of Crew.
- 6. Sailors' articles.
- 7. Agreement between Captain La Roche and W. F. Gayman (Mate) to receive 2 dollars per head for each Slave.
- 8. Captain and Superior Officers engagement with the publick Authorities.
- 9. Log kept by Captain La Roche.
- 10. Bill of Lading.
- 11. Account (in Spanish) of the Cargo.
- 12. Paper proving that Matthew Smith is the same Person calling himself Matteo Sanches, and absolute Captain, as well as Supercargo of the Schooner.
- 13. Document, proving that the Artigas (or Independent) Flag had been made use of, or that the Vessel is acting as a Letter of Marque, without any authority.
- 14. Document, proving that Messrs. Wright and Skelton, of Cuba, are in truth the Owners of the Vessel Anna Maria, and that Juan de la Roche (the Master in the Muster-roll) is only Chief Mate.
- 15. Log (in English) kept by Matthew Smith, alias Matteo Sanches.
- (A.) to (N.) Papers not relating to the present Voyage, found in La Roche's chest, GEORGE R. COLLIER.

CORRESPONDENCE relative to the Commercial Intercourse between The United States and Portugal, and to Portuguese Claims of Indemnity for Piratical Captures.*

(1.)-Mr. Adams to General Dearborn.

SIR,

Department of State, Washington, 25th June, 1822.

THE political and commercial relations between The United States and Portugal, have always been of an interesting character. By the Revolution in the Government of that Country, recently consummated, and by the return of the King, and part of his Court and Family, to Europe, they have been, and may be further, affected in a manner to require the agency of a Person, not only generally conversant with the intercourse which has heretofore subsisted between the two Countries, but, by long experience in the publick affairs of this Union, and a familiar acquaintance with its interests, qualified to represent them at a time, and under circumstances, in many respects critical. Fully acquainted with your long and faithful services to this Union in some of its highest trusts, the President has been induced, by these considerations, to invite your co-operation again in the publick service, and has learnt, with great satisfaction, your acceptance of the Appointment of Envoy Extraordinary and Minister Plenipotentiary to Portugal.

Independently of the changes in the diplomatick relations of the two Countries, which have resulted from the removal of the King from Rio de Janeiro to Lisbon, other accidental circumstances have concurred to cause some irregularity and disorder in them. In the spring of the Year 1819, Mr. John Graham was appointed Minister Plenipotentiary of The United States to the Court of Brazil, to succeed Mr. Thomes Sumpter, Jun. who had resided there in that capacity almost from the time of the transfer of the Portuguese Government thither; Mr. Graham, within little more than a Year from the time of his departure on that Mission from The United States, was compelled to return home, and barely lived to reach this Country.

About the same time, the Chevalier Correa de Serra, who had for several Years resided as the Minister Plenipotentiary of Portugal in this Country, was re-called, and left The United States. A Resolution of the Senate of The United States, in March, 1821, recommended to the President the appointment of a Minister to the Court of Brazil, but the return of the King of Portugal to Europe, very shortly afterwards, rendered the compliance with this Resolution unavailing.

The departure of that Prince from Rio Janeiro, had been preceded by various movements of a revolutionary character, as well there, as in Portugal. He had, immediately before embarking, appointed as his Minister to The United States, the Person who, since his arrival in Europe, has acted as his Secretary of State for Foreign Affairs. And

[·] Laid before the Congress of The United States, 7th May, 1824.

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it appears that, since the Revolution there, which has invested the Cortes with a principal portion of the sovereign authority, the policy of maintaining Ministers of the Plenipotentiary rank from that Country, has been suspended. A Chargé d'Affaires has been appointed to repair to Washington, but has not yet arrived. In the mean time, that Office has been discharged by the Chevalier Amado Grehon, who had been Secretary of Legation to Mr. Correa, and recently a Mr. Dacosta has been here, and announced himself as attached to the Legation, and to exercise the powers of Consul-General.

The usual diplomatick intercourse between The United States and Portugal has thus been for the last 3 Years in a great measure suspended. Nor is it probable that the Mission of The United States now instituted, will be of long duration. There are objects, political and commercial, which require its most serious attention, and which it is hoped may be adjusted satisfactorily to both Countries, by your intervention.

After the invasion, by the Brazilian Portuguese Government of Monte Video, and the eastern shore of the River La Plata, a Revolutionary Government, under the name of the Oriental Republick of La Plata, and subject to the authority of a Military Chief, named Artigas, for several Years maintained a defensive War, at once against them, and against the rival Revolutionary Republick, styled the United Provinces of La Plata. The latter, the Seat of Government of which was at Buenos Ayres, never came to a state of declared war with Portugal, but the Republick of Artigas did, and that Commander issued Commissions for Privateers and Letters of Marque, against the Portuguese, under which the commerce of that Nation was, for 3 or 4 Years, much Of the Captures made by these Privateers, several were annoyed. brought into the Ports of The United States, and frequent complaints were received from Mr. Correa, that some of the Privateers were fitted out within The United States, and partly manned by their Citizens. To these complaints every attention, compatible with the rights of the Citizens of The United States, and with the Laws of Nations, was paid by this Government. The Laws for securing the faithful performance of the duties of Neutrality were revived and enforced. Decrees of restitution were pronounced by the Judicial Tribunals in all Cases of Portuguese captured Vessels, brought within the jurisdiction of The United And all the measures, within the competency of the Execu-States. tive, were taken by that Department of the Government, for repressing the fitting out of Privateers from our Ports, and the enlisting of our Citizens in them.

These measures, however, do not appear to have been altogether satisfactory to the Portuguese Government, doubtless, because they were not sufficiently understood by them. Shortly before the Chevalier Correa de Serra left The United States, he addressed to this Depart-

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ment several Notes, Copies of which, as well as of 2 subsequent Notes from Mr. Amado, are herewith inclosed, containing Lists of Portuguese Vessels captured by Privateers, alleged to have been fitted out in The United States, or partly officered and manned by Citizens of this Country. To these Lists were added claims of indemnity to a large amount upon The United States, for the value of these Vessels and Cargoes; and with them was connected a demand for the appointment of a Joint Commission, to be appointed by the two Governments, to determine and assess the amount of damages to be paid by The United States for these Captures. As there was no precedent for the appointment of such a Commission under such circumstances, and as not a single case of Capture had been alleged, for which The United States were justly responsible, this proposal was, of course denied; and nothing further was heard upon the subject, until the 1st of April last, when a Note was received from the present Chargé d'Affaires of Portugal, leading to a Correspondence, Copies of which are now furnished you.

Among the first and most important objects of your Mission, will be the charge of reviewing the whole course of this Correspondence, from the time when the proposition for the appointment of Commissioners was made by the Chevalier Correa de Serra. The President wishes that this service should be performed in the most conciliatory manner, and with all possible regard to the feelings of the Portuguese Government.

It will, however, not be necessary that you should commence the Correspondence with them. The menace of retaliation by commercial regulations favouring the trade of other Nations, it can scarcely be supposed was intended to be carried into effect; for it would not be less impolitick than unjust; and with the experience which they have of the pernicious consequences of granting favours to one Nation to the detriment of others, it is incredible, that, under a Government in which the publick interest is felt through the medium of a popular representation, resentments, in themselves so unfounded, should be indulged, by measures so injudicious and self-annoying.

You will, nevertheless, attentively watch, and forthwith report, any measure which may be adopted, or even specifically contemplated, of that character; and you will observe the disposition and temper of understanding between the Portuguese Government, as now constituted, and those of the other Powers of Europe. It is believed that they have no Ministers, at present, residing in any part of Europe, nor Ministers from any European Government residing with them. Some of the Allies have not yet recognized their revolutionary movement, and all have manifested, in some form, their dissatisfaction with it. These prejudices, it is probable, will gradually subside, and the usual intercourse between them and the rest of Europe will be restored. While its interruption continues, it is scarcely to be apprehended that they will adopt measures of rigour and injustice towards the Nation which is the first to sympathize with them.

With regard to the Proposal contained in the Letter from Mr. Amado, of the 1st of April, of a Treaty of Commerce, in which special advantages shall be granted to The United States; even if it were offered by itself, and separately from the inadmissible condition connected with it, we should not consider it as desirable, or compatible with the true policy of either Nation. We have never sought exclusive advantages in our Treaties with any Foreign Nation. The policy of The United States, on the contrary, has invariably been, to form its commercial institutions and engagements on the broadest and most liberal principles of reciprocity. We are neither solicitous, nor unwilling to treat with Portugal upon subjects of commerce; but if we do treat, it must be upon those principles, and in conformity with them. The Convention of 3d July, 1815, with Great Britain, so far as it goes, exhibits the system upon which we are desirous of settling our commercial arrangements with other Nations, and the only one upon which we should be inclined to treat with Portugal.

We have seen in the Public Journals, accounts purporting some dissatisfaction in the Island of Madeira, at the rates of duties levied in The United States upon its wines. They are, however, moderate when considered in reference to the comparative prices of the article; and still more so, when compared with the duties levied upon the same article in Great Britain. There is, indeed, no other Country, except Great Britain, which imports and consumes the wines of Madeira, in quantities comparable to those taken by The United States.

The connection between the Kingdom of Portugal and that of Brazil, has already been greatly affected by revolutionary movements in both Countries. It can scarcely fail, within no distant period, to be more so. It is not conceivable that Brazil should ever again be subjected to the Colonial state, nor is it likely long to submit to any direct controul from a Government so distant from it. Information of the proceedings of the Cortes on this subject, especially so far as they may affect our commercial intercourse with Brazil, will be desirable, whenever, and with as much accuracy as you can obtain it.

General H. Dearborn.

JOHN QUINCY ADAMS.

(2.)—Mr. Correa de Serra to the Secretary of State.—(Translation.) SIR, Philadelphia, 4th June, 1820.

I am, &c.

MR. JOACHIM BAROZZO PEREIRA, appointed by my Sovereign, Consul-General of Portugal, in these United States, is arrived in Philadelphia, and has shown to me his Commission, accompanied by

Official Communication from the Minister for Foreign Affairs. I

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have, consequently, the honour of presenting him to this Government, in that capacity, and request the Exequatur of the President to his Commission. I present, also, Mr. Henry Hutton, as Vice-Consul of Portugal, in the Port of New Orleans, and all the others of The United States in the Gulf of Mexico, and request the necessary Exequatur.

Permit me, Sir, to profit of this occasion, to offer my thanks to this Government for the Law that prohibits the entrance of Privateers in the most important Ports of the Union, and for the other that declares Piracy the landing and committing outrages ashore on Foreign Lands. I acknowledge the salutary influence of the Executive in obtaining these ameliorations. The Courts of Justice also seem to take a more adequate view of the practices about which I have been forced to importunate this Government by my reiterated complaints. At least, henceforward, those who engage in such pursuits will have in prospect a lesser chance of impunity.

Undoubtedly, the aforesaid provisions will diminish the evil, but something remains still to be done to suppress it entirely. In the full persuasion of the sincere wishes of this Government to put a final stop to practices so contrary to the friendly intercourse between our two Nations, I propose to have the honour of submitting to your consideration my views on this subject, in the occasion of personally paying my respects to you, and taking my leave previous to my visit to the Brazils. I beg the acceptance, &c.

The Hon. J. Q. Adams. JOSEPH CORREA DE SERRA.

(3.)—Mr. Correa de Serra to the Secretary of State.—(Translation.) SIR, Philadelphia, 8th June, 1820.

I THINK it my duty to represent to this Government, that the Portuguese Ship Montalegre was brought to Baltimore 22 months ago, a Prize to a so called Artigan Privateer, and has been all this time the subject of litigation with the Artigan Captors, American Citizens. Past things are not intended to be in any way the object of this Communication, but merely the prevention of future evil. In the 1st of this month this Ship was sold by judicial authority in Baltimore, under the hammer, to Captain Chase, a notorious Privateersman, standing under an indictment of Piracy. It is to be immediately fitted as a Privateer (and a formidable one it will prove by its size and strength, which are those of a good Frigate) to cruise against the Portuguese Indiamen, and the command of it to be given, as it is assured, to the notorious Captain Taylor.

I have not the least doubt that the Supreme Executive of this Nation has both the power and the will of putting a stop to this hostile armament, particularly when, as in this case, he has timely information, which will be successively put under his eyes, at every stage of this inimical attempt on the Portuguese Commerce.

I beg you to accept, &c.

The Hon. J. Q. Adams.

JOSEPH CORREA DE SERRA.

(4.)—Mr. Correa de Serra to the Secretary of State.—(Translation.) SIR, Wilmington, 16th July, 1820.

I AM ordered by my Sovereign to lay before this Government the names and value of 19 Portuguese Ships, and their Cargoes, taken by private armed Ships, fitted in the Ports of the Union by Citizens of these States. The values have been ascertained by the proper Courts of Justice, and revised with all care and attention by the Royal Board of Commerce. In proportion as the value of the other Ships stolen is in the same manner ascertained, their names, and the amount of losses, will be laid before this Government.

His Majesty, consistently with his friendly and equitable sentiments towards The United States, wishes that this affair be treated with all that candour, and conciliating dignified spirit, that becomes two Powers, who feel mutual esteem and have a proper sense of their moral integrity. In this spirit, I have the honour to propose to this Government to appoint Commissioners on their side, with Full Powers to confer and agree with His Majesty's Ministers in what reason and justice demand. It is not expected that a Government who, in every occasion, has so steadily and nobly protected the just pretensions of his own Citizens, like that of The United States, may have the least difficulty in concurring with such candid views of a Sovereign, who feels equally with them what he owes to himself in the protection of his Subjects.

The Ships are the following: 1. D. Pedro de Alcantara. 2. S. Joao Baptista. 3. D. Miguel Forjaz. 4. Sa. Maria Vencedora. 5. Thalia. 6. S. Joao Protector. 7. Montalegre. 8. Luiza. 9. Logo the Direy. 10. Lord Wellington. 11. Ninfa de Lisboa. 12. General Sampaio. 13. Perola. 14. Paquete de Porto. 15. Conde de Cavalleiros. 16. Globo. 17. Carlota. 18. Flora. 19. Sra. da Piedade.

The amount of their value which is reclaimed is 492,918 milreas, which, at the common and general rate of milreas in your market, is equal to 616,158 dollars.

I am proceeding to an excursion in the mountains, at the end of which I intend having the honour of seeing you in Washington. The reason of my mentioning this is, because a written answer, which you might possibly give to this communication, would naturally miss me.

I beg you, &c.

The Hon. J. Q. Adams.

JOSEPH CORREA DE SERRA.

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(5.)-The Secretary of State to Mr. Correa de Serra.

SIR, Department of State, Washington, 20th July, 1820. I HAVE had the honour of receiving your Notes of the 4th and 8th ultimo.

The Exequaturs for Mr. Pereira, as Consul-General of Portugal, and of Mr. Hutton, as Consul at New Orleans, and the other Ports of The United States in the Gulf of Mexico, have been made, and transmitted to you.

The Acts of Congress to which you refer, in the first of these Notes, may be justly considered as affording the most decisive proofs of the determination, both of the Legislature and the Executive, to discharge, with the utmost fidelity, all their duties towards friendly Nations, and particularly towards that whose Representative you are. In remarking that the section of the Statute for the further punishment of Piracy, which brings the landing and committing acts of robbery on a Foreign shore, within the definition and penalties of that crime, was obviously suggested by a case of that description, which had occurred in a Portuguese Island. I take satisfaction in the assurance that your Government will perceive in that provision, a proof of the earnestness with which The United States cherish the most friendly dispositions towards your Country.

It will give me pleasure to receive any further Communication, verbal or written, from you, which may contribute towards the same effect; and 1 am authorized to assure you, that, upon the information contained in your Note of the 8th instant, such measures have been, and will continue to be taken, under the direction of the President, as are within the competency of the Executive, and may serve to maintain inviolate the Laws of The United States, applicable to the case.

I avail myself, &c.

The Chev. Joseph Correa de Serra. JOHN QUINCY ADAMS.

(6.)—Mr. Correa de Serra to the Sccretary of State.—(Translation.) SIR, Washington, 26th August, 1820.

In consequence of the wish you expressed in our last interview, I have the honour of transmitting to you the Names of the Officers of the Navy of The United States, who, in October, 1818, embarked and served on board the armed Schooner General Artigas, Captain Ford, under the so called Artigan Flag, and cruized for many months on the Coast of Brazil, capturing several Portuguese Ships, amongst others, the Sociedade Feliz, which was brought to Baltimore.—Their names are, Lieutenants Peleg and Dunham, of Rhode Island; Midshipmen Augustus Swartout, of New York; Benjamin S. Grimke, of South Carolina.

The griefs against the particular Judges, who, 1 believe, have disgraced the Commission they have from The United States, shall be laid before you, as soon as I am returned to Philadelphia, and looked into my Papers.

I am perfectly sure that a candid and friendly examination of this unpleasant business cannot fail of bringing a mutual accord, such as both our Governments wish; and therefore, according to what I asked in my Notes from Philadelphia, and your offer in that of the 20th of last month, which I have received on my arrival here, I beg of you to fix the day and time most convenient to you, in which I may have the honour of meeting you, in order to put an end, as I hope, to all these causes of discontentment and discord, the work of unprincipled Men, and so utterly opposite to the harmony and good understanding, which is equally the intention and the interests of our two Governments to maintain and cultivate. Accept the renewed assurances, &c. The Hon. J, Q. Adams. JOSEPH CORREA DE SERRA.

(7.)—The Secretary of State to Mr. Correa de Serra. Department of State, Washington, 30th Sept. 1820.

SIR, Department of State, Washington, 30th Sept. 1820. THE proposal contained in your Note of the 16th of July last, has been considered by the President of The United States, with all the deliberation due to the friendly relations subsisting between The United States and Portugal, and with the disposition to manifest the undeviating principle of justice by which this Government is animated in its intercourse with all Foreign Governments, and particularly with yours. I am directed by him to inform you, that the appointment of Commissioners, to confer and agree with the Ministers of His Most Faithful Majesty upon the subject to which your Letter relates, would not be consistent either with the Constitution of The United States, nor with any practice usual among civilized Nations.

The Judicial Power of The United States is, by their Constitution, vested in their Supreme Court, and in Tribunals subordinate to the same. The Judges of these Tribunals are amenable to the Country by Impeachment; and if any Portuguese Subject has suffered wrong by the act of any Citizen of The United States, within their jurisdiction, it is before those Tribunals that the remedy is to be sought and obtained. For any acts of Citizens of The United States, committed out of their jurisdiction, and beyond their controul, the Government of The United States is not responsible.

To the War in South America, to which Portugal has, for several years, been a Party, the duty and the policy of The United States have been to observe a perfect and impartial Neutrality.

The Government of The United States has neither countenanced nor permitted any violation of that Neutrality by their Citizens. They have, by various and successive Acts of Legislation, manifested their constant earnestness to fulfil their duties towards all the Parties to that War; they have repressed every intended violation of them, which has been brought before their Courts, and substantiated by testimony conformable to principles recognized by all Tribunals of similar jurisdiction.

But I am instructed to request that you would furnish me with all the Documents upon which the complaints in your Notes of the 16th of July, and 26th of August, are founded, as well relating to the Vessels mentioned in the former, as to the Naval Officers in the Service of The United States, and to the Judges, whom, in the latter, you accuse of having, in your belief, disgraced the Commissions which they bear. And I am further commanded to assure you, that if those Documents shall be found to contain evidence, upon which any Officer, Civil or Military, of The United States, or any of their Citizens, can be called to answer for his conduct, as injurious to any Subject of Portugal, every measure shall be taken, to which the Executive is competent, to secure full justice and satisfaction to your Sovereign and his Nation.

I pray you to accept, &c.

The Chev. Joseph Correa de Serra. JOHN QUINCY ADAMS.

(8.)—Mr. Correa de Serra to the Secretary of State.—(Translation,) SIR, New York, 9th November, 1820.

I HAVE received, in due time, your Official Letter of the 30th September last, and though I found that there was much to reply on my side, I resolved, after mature consideration, to refer it to His Majesty's Ministers of State, who, no doubt, will give a convenient answer. Being now on the point of leaving this Country, I thought it proper to inform you of this step, both out of regard to this Government, taking in this manner a respectful notice of your Communication, and in order that, out of my silence, no belief may arise of any tacit acquiescence in the reasons that you exposed in it. Accept, &c. The Hon. J. Q. Adams. JOSEPH CORREA DE SERRA.

(9.)-The Chev. Amado Grehon to the Secretary of State.-(Translation.) SIR, Philadelphia, 4th December, 1820.

IT falls to my duty to present to the Government of The United States, the inclosed Abstract of a new Case of Piracy, which I have lately received from my Court; and to request of you to subjoin it (that it may appear) to the List of others which has been presented to this Government by the Chevalier Correa, Minister Plenipotentiary of His Most Faithful Majesty. I embrace this occasion, &c. The Hon. J. Q. Adams. JOSEPH AMADO GREHON.

(Inclosure.)—Abstract from the Proces Verbal, &c.—(Translation.) Philadelphia, 4th December, 1820.

On the 5th of March, 1820, to the North of Cape St. Augustine, Latitude 7 1-2 degrees South, the Brigantine Packet of His Most

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Faithful Majesty, named The Infant D. Sebastiano, was attacked and pillaged by a Brigantine Pirate of American construction, with an "S" instead of a figure head; armed with sixteen 24 pounders, and a Crew of about 100 Men; the Captain of which, who has lost a hand, the other Officers, and three-fourths of the Crew, are Americans, according to the formal evidence which has been given before the Intendant General of the Police of the Court and Kingdom of Brazil, by the Officers, Crew, and Passengers of the Packet Brig, who, after having been outraged and pillaged, have returned, in the same Brig, to Rio de Janeiro. JOSEPH AMADO GREHON.

(10.)-The Chev. Amado Grehon to the Secretary of State.-(Translation.) SIR, Philadelphia, 14th December, 1820.

I HAVE the honour of again transmitting to you an authentic Copy of 12 Claims, requesting you to add them to the List of others, which the Chevalier Correa de Serra, Minister Plenipotentiary of His Most Faithful Majesty, presented to your Government.

I expect the honour of your answer to this Note, and, also, to the former which I addressed to you, on the 4th instant, that I may be enabled to give an account to my Court. I am, &c. The Hon. J. Q. Adams. JOSEPH AMADO GREHON.

(Inclosure.)—TABLE of the general Values claimed on 12 joint Claims, fro No. 52 to 63, (which are all that, from the 14th of December, 1819, to the presentime, have been legalized by the respective Claimants,) with a Classification the Ships which have been taken and robbed by Pirates, and extracted from the particular Tables of each Ship.—(Translation.)

Names of Ships.	Names of Captains.	Port of Depar- ture & Desti- nation.		Value of Freights.	Value of Goods.	Agio of Paper.	Pre- mium of Sea Risk.	Total Claim.	Intere
SantaMariaVen- cedora Luzitania Filiz	de Lima	Pernambuco to Lisbon - In the Island		r	6,607r552	308r690	136r691	7,053r233	r
CONTRACTOR OF THE	Fonseca	Gratioso -	4,000r000	r	15,870r000	r	r	19,870r000	2,9591
D. Miguel For- jaz	tonio	Lisbon -	17,977r777	6,026r530	4,000r000	r	1,200r360	32,164r072	r
Nymph of Lis- bon	Santos	to the Para.	ndr an		1,755r891	r		1,755r891	
Lord Welling- ton	driguez	Ditto ditto	(Jeneral)	-	8,977r775			3,977r775	
A CONTRACTOR OF THE OWNER	salvez	From Bahia to Lisbon -			4,817r230	490r990		5,308r220	
Mares	Joaq. de Silva Lima	Ditto ditto			860r050	87r653		9471708	
TO PERM	Pamplona	Lisbon to Ma- ranham -	1		2,885r525			2,885r525	
Globo	Th.deVa.Nova Ribro	Bombay to Lisbon -			5,641r253		1-1-1	5,6411253	
Logo the direi	Antonio Jose da Silva	Lisbon to Ma- ranham -			1,168r727			1,168:447	
- month in		Construction of	21,9771777	6,026r530	47,583r723	887r333	1,337r351	80,772r119	2,9597

Office of the General Accountant of the Royal Junta of Commerce, Agriculture, Manufactur and Navigation, 27th July, 1820.

The Accountant-General, FRANCISCO MORATO ROM

(11.)-The Chev. Amado Grehon to the Secretary of State.-(Translation.) SIR, Washington, 1st April, 1822.

I AM about to repeat, in writing, all that I had the honour to communicate to you in the interview of Saturday last, as well in compliance with your request, as on account of its being in conformity with the Orders of my Government, of which Verissimo Antonio Ferreira da Costa, attached to the Legation, was the bearer; and by which I am empowered to notify and shew to the Government of The United States, and to the Nation, what follows:

That the Portuguese Government has resolved to recognize The United States as its first Ally, by a Treaty which it is desirous of concluding forthwith, for the purpose of giving every possible impulse to reciprocal commerce, and to the industry of the two Nations, and to guard the National Independence, which constitutes the most sacred of all rights, against the direct or indirect attacks of Powers unfriendly to the Constitution freely chosen by the People: but, as a fundamental principle of the said Treaty, there should be a preliminary condition that the Government of The United States accede to the proposition made by the Chevalier Correa de Serra, Ex-minister Plenipotentiary of Portugal, in his Note of the 16th July, 1820, of having recourse to Commissaries chosen by both Governments, for the purpose of arranging the Indemnities justly due to Portuguese Citizens, for the damages which they have sustained by reason of Piracies, supported by the capital and the means of Citizens of The United States : an essential condition, which, in this way, repairing the past, secures also the future.

That the Portuguese States, in the four Quarters of the World, can offer to The United States the most important advantages of Commerce; the more so, because the relations which the Portuguese Government is disposed to establish with that of The United States, are founded in a perfect union against the common Enemies of their industry and of their independence.

But, if all efforts on the part of the Portuguese Government should be fruitless, towards obtaining from that of The United States a just and reasonable Indemnity, which England does not hesitate to make in analogous cases of unjust Captures, the Portuguese Government is fully determined to resort to the right of reprisals, and to adopt proper measures to indemnify itself for the losses which have been occasioned to their commerce by the acts complained of, as it has been manifestly made to appear, in the face of the World, that unworthy Citizens of The United States have been Parties in this perfidious practice; and it is very certain that the Portuguese Government has it in its power to exercise reprisals against The United States, by granting to their rival Powers advantages in commerce, in cases in which it is disposed to give The United States the preference, if, acting in good faith, they make Indemnity for the past, and secure the future.

These are the earnest sentiments and views of the Portuguese Government, which have been communicated to me, with Orders to make them known to that of The United States and to the Nation. I have, therefore, the honour, Sir, to communicate them to you for that purpose; and I shall be happy if the result of this Communication, (which I expect from a just and liberal Government, such as is that of The United States,) may be conformable with the sentiments and the desire of the Portuguese Government. I have, &c. The Hon. J. Q. Adams. JOSEPH AMADO GREHON.

(12.)—The Secretary of State to the Chevalier'Amado Grehon. SIR, Department of State, Washington, 30th April, 1822.

YOUR Letter of the 1st instant has been submitted to the consideration of the President of The United States, by whom I am directed to assure you of the great satisfaction with which he has received the friendly declaration of the Portuguese Government towards The United States, and the disposition manifested by them to promote the mutual interests and the amicable intercourse between the two Countries, by a Treaty, founded upon principles favourable to the commercial relations and industry of both. The President desires that you would, in return, make known to your Government the sentiments of friendly reciprocity, which animate the Government of The United States towards Portugal, and the earnest wish of the President that the relations of The United States with that Nation may continue on terms of the most entire reciprocity. I am, at the same time, directed to state, that the proposition of the Chevalier Correa de Serra, in his Note of the 16th July, 1820, for the appointment of Commissaries, chosen by both Governments, to arrange Indemnities claimed by Portuguese Citizens, for damages stated by them to have been sustained by reason of Piracies supported by the capital and means of Citizens of The United States, cannot be acceded to. It is a principle well known and well understood, that no Nation is responsible to another for the acts of its Citizens, committed without its jurisdiction, and out of the reach of its controul. Of the numerous Piracies which have, within these few years, annoyed the commerce of every Maritime : Nation, a much greater number have been committed by the Subjects of other Powers, than by the Citizens of The United States. The lawful commerce of The United States themselves has suffered by these depredations, perhaps, more than that of Portugal. When brought within the jurisdiction of The United States, the Pirates have been punished by their Laws, and restitution has been made to its Owners, of property captured by them. Should any Citizens of The United States, guilty of Piracy, be captured by the Portuguese Government.

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The United States will, in no wise, interfere to screen them from punishment.

The Citizens of The United States, are amenable, also, to the Tribunals of their own Country, as the People of Portugal are to theirs, for any wrong done by them to the Subjects of other Nations. For acts of so aggravated a nature as Piracy, the authority of the Government of The United States itself is not competent to withdraw them from the jurisdiction of their natural Judges, or to subject them to a trial, consisting partly of Foreigners, and without the intervention of a Jury. These principles of protection and security to individual rights, are, doubtless, well understood, and will be duly appreciated in Portugal, under the liberal system of Government now established in her Dominions.

The Laws and the Tribunals of The United States are adequate to the punishment of their Citizens who may be concerned in committing unlawful depredations upon Foreigners on the High Seas, at least to the same extent as the Laws and Tribunals of other Nations. The Legislation of The United States upon this subject, was even rendered more severe and effectual for the suppression of such offences during the residence here of the Chevalier Correa de Serra; and justice, conformably to the established principles of the Laws of Nations, has always been rendered by the Courts of The United States to the Portuguese Subjects, whose property, after capture by Piracies of Privateers, has been brought within the jurisdiction of this Nation. It will continue to be so rendered in all Cases which may occur hereafter.

Of the advantages to the commerce of The United States, in the four Quarters of the World; which it may be in the power of the Portuguese Government to offer, it would be acceptable to receive a more particular specification, than is contained in your Letter. The Government of The United States would then be able to judge of their value, and of the consideration with which they may be returned. It is not perfectly understood who are meant in your Note, by the "common Enemies of their industry and their independence," and I am directed to ask of you a precise explanation of that expression. The Government of The United States, while willing, cheerfully to meet and reciprocate any commercial arrangements with Portugal, propitious to the interests of both Nations, will not solicit, and cannot grant, any exclusive favours, to the prejudice of any other Power whatsoever.

This principle, which has long been fundamental to the commercial policy of The United States, furnishes a reply to the latter part of your Letter, which, in the case of a non-compliance with proposals, as I have informed you, cannot be accepted, threatens *reprisals* upon The United States, by granting to their rival Powers, advantages in commerce, which, you allege, your Government is disposed to give The United States, on condition of what you call indemnity for the past, and security for the future.

The Government of The United States knows, that there is nothing, and has been nothing, in the relations between them and Portugal, which, by the Laws and Usages of civilized Nations, could justify reprisals of any kind, by the latter, against The United States. And, as I have assured you, that they desire no exclusive favours to the detriment of others, so they are fully persuaded, that upon further advisement, your Government will perceive,' that they cannot grant commercial favours to any other Nation to the detriment of The United States, without injuring their own Subjects, more than the People of this Union. Such, it is believed, would be the result of any experiment of reprisals, by granting exclusive favours to one Nation, with the view to damage another. The Party granting exclusive favours, is the Party most severely punished.

Far more agreeable will it be to the Government of The United States, to reciprocate, as heretofore, with that of Portugal, offices of kindness and good will, and to promote the friendly intercourse between the two Nations, by a multiplication of good Offices, and of all the sources by which the interests of both may be advanced.

I pray you to accept, &c.

The Chev. Joseph Amado Grehon. JOHN QUINCY ADAMS.

(13.)-The Chev. Amado Grehon to the Secretary of State.-(Translation.) SIR, Philadelphia, 3d May, 1822.

I HAVE the honour to inform you, that I have just received your Letter which you addressed to me on the 30th of last month.

The explanation which you demand of me, and which I am to give you, according to what I meant by saying, "the common Enemies of their industry and of their independence," and which appears to me to be clearly expressed, is this; all Nations in general, who act contrary to the two principles, of our industry and of our independence.

I have the honour, &c.

The Hon. John Q. Adams. JOSEPH AMADO GREHON.

(14.)-The Chev. Amado Grehom to the Secretary of State.-(Translation.) SIR, Philadelphia, 5th May, 1822.

I MAKE it my duty to acquaint you, that, by the Packet of the 10th of this month, I shall have the honour to remit to my Government, a Copy of your Note of the 30th of April last, that it may understand, without delay, the sentiments of reciprocal friendship which animates the Government of The United States towards the Government of Portugal, and the great desire of His Excellency, the President, that the relations between the two Nations, may continue on terms of the most

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perfect cordiality; and, that I may, at the same time, be able to inform my Government of the principle well known, and well understood, as you call it, as well as of other principles which you have developed in your said Note: on which I think that it would be well to say more, and that my Government will give the solution of it, if it judge proper to do so, and also, the more particular specification which you desire; as for my part, I have only pointed out the sentiments and the views which now exist in the Portuguese Government, according to the orders which I have received in that regard. I have, &c. The Hon. John Q. Adams. JOSE AMADO GREHON.

[Concluded in Vol. of State Papers, 1822, 1823. Page 1046.]

CORRESPONDENCE between The United States and Spain, relative to certain Proceedings in Florida, and the execution of the Treaty of 22nd February 1819. Transmitted to Congress in the Messages of the President of The United States, of the 28th January and 18th April, 1822.

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No. 1.- The Secretary of State to Mr. Forsyth.

SIR,

Department of State, Washington, 13th June, 1821.

THE hope had been entertained, after the Ratification by both Parties of the Treaty of 22d February, 1819, between The United States and Spain, that all our relations with that Country would thenceforth have been of the most amicable character, signalized only by the interchange of good offices. It is painful to be obliged, on your return to your Station at Madrid, to charge you with Representations to be made to the Government of Spain, relative to the unwarrantable delays of the Governor and Captain-General of the Island of Cuba, in taking the measures incumbent upon him for carrying the Treaty into execution.

By the 7th Article of the Treaty the Spanish Troops were to be withdrawn from the ceded Territories, and possession of them was to be given of the Places occupied by them, within 6 months after the exchange of the Ratifications, or sooner if possible. And The United States were to furnish the transports and escort necessary to convey the Spanish Officers and Troops, and their baggage, to The Havannah.

As soon as was practicable after the exchange of the Ratifications, arrangements were made on the part of this Government, with the view of carrying into effect these Stipulations. The Royal Order from the King of the Spains, to the Captain-General of the Island of Cuba, for the delivery of the ceded Territories, and of the Archives belonging to them, to the Commissioners of The United States authorized to receive them, had been transmitted with the Spanish Ratification of the Treaty, to the Minister of Spain, residing here, to be delivered by him after the exchange of the Ratifications. It was accordingly delivered by him. Colonel James Grant Forbes was appointed by the President to carry it to the Governor of Cuba; and commissioned to receive the orders to the Governors or Commanding Officers of the Places within the Territories, for their delivery; and also the Archives which were to be given up. The United States Ship Hornet was dispatched to The Havannah, with Colonel Forbes, who was instructed, on receiving them, to proceed with them forthwith to Pensacola, taking suitable measures for transmitting the Order to the Governor of East Florida, at St. Augustine. A Letter from the Spanish Minister here, to the Governor of Cuba, was also furnished to Colonel Forbes, announcing him as the Officer authorized to receive the Order for delivery, and the Archives. General Jackson was appointed, by the President, Governor of East and West Florida, and was instructed to proceed immediately to Montpelier, the Post within The United States nearest to Pensacola, there to await the arrival of Colonel Forbes, with the necessary orders; upon which, the General was directed to receive possession for The United States, and to provide for the transportation of the Spanish Officers and Troops, and their baggage, to The Havannah. And, by a liberal construction of that Article of the Treaty, the provisions necessary for the subsistence of these Officers and Troops on their passage were considered as included within its obligation.

General Jackson reached the Post of his destination on the **30th** of April. On the 22d of the same month, Colonel Forbes had arrived in the *Hornet* at Havannah; and, had he been dispatched without delay, might have arrived at Pensacola in season for the reception of General Jackson without any unnecessary detention. The Letters received at this Department from Colonel Forbes, Copies of which are herewith inclosed, exhibit a series of delays on the part of the Governor, for

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which no adequate reason is assigned, but which have already produced great publick inconvenience to The United States, and which, if longer continued, will give them the most serious grounds of complaint. The last Letter received from Colonel Forbes bears date of the 23d of May, when his detention had already been protracted more than a month, in the interval of which, the re-appearance of the disease incidental to the climate, excited strong apprehensions for the health of the Captain and Crew of the *Hornet*, as well as of Colonel Forbes himself. There is too much reason for the alarm, with regard to Captain Read, who is stated, by accounts of dates more recent than those officially received, to have been on the 28th of May still at The Havannah, and very dangerously ill.

General Jackson, desirous of ascertaining the number of Men for whom it would be necessary to procure transports and provisions, as well as to make arrangements for the supplies necessary to the Troops of The United States, who were to take their place, sent, on the 1st of May, Dr. Bronaugh and Judge Brackenridge to Pensacola, with a Communication to Don Jose Callava, Governor of West Florida, to communicate to him the Commission and Authority with which he was clothed, and to ask of him such information as would be necessary, for the arrangements adapted to the evacuation of the Territory by the Troops of Spain, and to the taking of possession on the part of The United States. Governor Callava declined making any such communication, declaring himself subordinate altogether to the Governor-General of Cuba, and that he did not feel authorized to act at all in regard to the execution of the Treaty, until duly instructed to that effect by his Superior Officer. The Letters, Copies of all which are inclosed, contain intimations from various sources, that all these dilatory proceedings have too much connection with private purposes, and dishonorable pecuniary speculations. It is yet wished that this awkward and unpleasant state of things may, before this, have terminated, but the unreasonable delays of the Governor-General of Cuba, inconsistent, no less with good faith than with the good harmony which we are so desirons of cultivating with Spain, cannot be suffered to pass without animadversion. You will take the earliest opportunity, after your anival at Madrid, to make suitable Representations on this subject to the Spanish Government; and to state that, whatever unpleasant or injurious consequences may result from this unwarrantable conduct of the Governor of Cuba, might be attributed altogether to him.

By the 4th Article of the Treaty, each of the Contracting Parties engaged to appoint a Commissioner and a Surveyor, to meet before the termination of one year from the Ratification of the Treaty, at Nachitochez, on the Red River, to run and mark the Boundary Line. Colonel M'Rae has been appointed the Commissioner on the part of The United States, and will be ready to proceed on the important

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duties of the Commission as soon as the appointment of the Spanish Commissioner and Surveyor shall be notified to us. It is further stipulated that the two Governments will amicably agree respecting the necessary Articles to be furnished to those Persons, and to their escorts, if necessary. At the time of the exchange of Ratifications, General Vives, at my request, promised to remind his Government of the necessity of an immediate appointment of the Commissioner and Surveyor, on their part. It is presumed this will have been done before you reach Madrid. Your attention to the subject is nevertheless requested, in case any thing should yet remain to be done, to put in train the execution of this Article. As the necessary supplies for the Commissioners will be naturally best known on the scene of their operations, it is presumed the Spanish Government will authorize its Minister here to agree for them to such arrangements in this particular as may be found necessary. I am, &c.

John Forsyth, Esq.

JOHN QUINCY ADAMS.

No. 2.—The Secretary of State to Mr. Forsyth.

SIR,

Department of State, Washington, 16th June, 1821. SINCE my Letter of the 13th instant, a Letter of the 28th ultimo with Inclosures, has been received by Colonel James G. Forbes, Copies of which will be forwarded to you next week. By a Letter of the 5th instant from Mr. Warner, our Commercial Agent at The Havannah, we are informed, that Colonel Forbes, in the Hornet, sailed for Pensacola, on the 30th ultimo, and the Nonsuch for St. Augustine, on the 1st instant.

It is hoped, that, on the arrival of these Vessels at the places of their destination, no further vexatious and unwarrantable delays will occur in the execution of the 7th Article of the Treaty. But Colonel Forbes has been obliged to depart without the Archives and publick Documents, which were stipulated by the Treaty, and directed by the Royal Order to the Governor and Captain-General of Cuba, to be delivered over to us.

As Colonel Forbes thus appears to have been at last dispatched, the uncertainty, as to the extent of time, during which this measure might be protracted, has ceased; and the Representation, which by my Letter of the 13th instant you were requested to make to the Spanish Government, will properly be accommodated to the circumstances as now known to us. With the complaint of delays, without assignment of any reasonable cause, which it will yet be proper that you should prefer, a firmer confidence in the expectation that no further unnecessary postponements will occur, may be expressed; but our disappointment at the detention of the Archives will also require to be more explicitly signified; and it will be very desirable, that you should obtain a new and peremptory Order to the Governor and Captain-General, for the delivery of all the Archives and Documents, to which we are entitled by the Treaty, which will leave him no apology or pretence, for either denial or procrastination. I am, &c. John Forsyth, Esq. JOHN QUINCY ADAMS.

No. 3.—Mr. Forsyth to Don Eusebio de Bardaxi y Azara. (Extract.) Madrid, 1st September, 1821.

As soon as the Treaty of the 22d February, 1819, was ratified by the Government of my Country, the necessary steps were immediately taken on its part for carrying it into execution. By the 7th Article of the Treaty, the Spanish Troops were to be withdrawn from the ceded Territories, and possession was to be given of the Places occupied by them, within 6 months after the exchange of Ratifications, or sooner if possible; and The United States were to furnish the transports and escort necessary to convey the Spanish Officers and Soldiers to The Havannah. The Royal Order from His Catholick Majesty to the Captain-General of Cuba, for the delivery of the ceded Territories, and of the Archives belonging to them, to the Commissioner of The United States authorized to receive them, was delivered by His Majesty's Minister to the American Government with the ratified Treaty. Colonel J. G. Forbes was appointed by the President to convey this Order to the Governor of Cuba, and commissioned to receive the Orders to the Governors or Commanding Officers of the Places within the Territories, for their delivery; and, also, the Archives that were to be given up. The Ship of War Hornet was sent to The Havannah with Colonel Forbes, who was directed, on receiving them, to proceed forthwith to Pensacola, taking suitable measures for transmitting the Order to the Government of East Florida, at St. Augustine. A Letter from the Spanish Minister, near The United States, to the Governor of Cuba, was also furnished, announcing Colonel Forbes as the Officer appointed to receive the Order for delivery, and the Archives.

General Jackson was appointed Governor of East and West Florida by the President, and was instructed to proceed to Montpelier, the Post within The United States nearest to Pensacola, there to await the arrival of Colonel Forbes with the necessary Orders—upon which the General was directed to receive possession for The United States, and provide for the transportation of the Spanish Officers and Troops, and their baggage, to The Havannah, and, by a liberal construction, the provisions for the subsistence of the Officers and Troops were considered as included within the obligation of the 7th Article of the Treaty.

General Jackson reached the Post of Montpelier on the 30th of April. On the 22d of the same month the *Hornet* arrived at Havannah with Colonel Forbes; and, had he been dispatched without delay, might have arrived at Pensacola in season for the reception of General Jackson, without unnecessary detention. It is with regret that I have to state that, so far from immediately dispatching Colonel Forbes, by issuing the necessary orders, and delivering the Archives, there was, on the part of the Governor-General of Cuba, a series of delays, for which no adequate reason has been assigned, until the end of the month of May, and then Colonel Forbes was under the necessity of departing without having received the Archives. Great publick inconvenience has been, and will be, sustained, by this conduct of the Captain-General, not less inconsistent with the obligations of the Treaty, than, as The United States believe, with the orders of his own Government. The health of the Commissioner and of the Officers and of the Crew of the Hornet were endangered by a continuance, at an unhealthy season, in the Port of Havannah; in fact, her Commander, Captain Read, a gallant and meritorious Officer, was nearly lost to his Country by the ravages of the prevalent disease of the West Indies. General Jackson, desirous of ascertaining the number of men for whom it would be necessary to procure transports and provisions, as well as to make arrangements for the supplies necessary to the Troops of The United States who were to take their place, sent, on the 1st of May, a Communication to the Governor of West Florida, of the Commission and Authority vested in him by the President, and to ask such information as was necessary to provide for the evacuation of the Territory by the Spanish Troops, and the occupation of it by those of The United States. This information was not furnished; Colonel Callava replying that he could not act until duly authorized by his Superior Officer.

In the mean time, intimations were received by the American Government, from various sources, that these delays had too much connection with private purposes, and dishonorable pecuniary speculations. Without giving credit to these intimations, the Government of my Country is nevertheless under the necessity of stating, that all the injury which has been sustained, and may arise from the delay to deliver the ceded Territory, is to be imputable to the Governor of Cuba, and while the proper confidence is entertained that no further unnecessary postponements will occur in the evacuation of the Territory, the failure to deliver the Archives is a subject of surprise and disappointment. Although by the Royal Order, the delivery of the Archives is expressly directed, I would submit to your Excellency the propriety of furnishing me with a new and peremptory Order to the Governor and Captain-General of Cuba, for the delivery of all the Archives and Documents to which we are entitled by Treaty, that will leave him neither apology nor pretence for denial or procrastination.

Don E. de Bardaxi y Azara.

JOHN FORSYTH:

No. 4.—Mr. Salmon to the Secretary of State.—(Translation.) SIR, Philadelphia, 6th October, 1821.

IT falls to my lot, and to me it is very grievous, to see myself under the necessity of commencing my functions as Chargé d'Affaires of His Catholick Majesty, with complaints. This is the more sensibly felt by

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me, inasmuch as I have to direct them against an Officer of The United States, a conspicuous Citizen of the Union, and a highly distinguished General, the Hero of New Orleans.

Colonel Don Joseph Callava, as Commissary on the part of Spain. confirmed the delivery of West Florida to General Andrew Jackson, who was authorized to receive it, on the 17th of July last; and he could not leave the Province on the same day, because it was impossible for him to have concluded the press of business which the delivery produced; and, also, because he was sick; and, lastly, because he had, with the same General, to await the decision of their respective Governments, whether the Artillery should be included in the Treaty, or removed, (which was kept in the mean time under his care.) Upon this decision, principally, his remaining in Florida depended, in order to consummate the delivery. Colonel Callava, therefore, remained there, not as an Individual, for his pleasure and personal purposes, but for fulfilling his duty as a Commissary, charged to give a due effect to the Treaty of 22d February. As a Commissary, he acted with Governor Jackson many days after the delivery of the Province, (on the 3d of August,) and as a Commissary, he was in the Territory of a friendly Nation, under the protection of the most sacred Law of Nations. But all Laws, divine and human, were, in the present case, trampled under foot by General Jackson.

By the accompanying Copy of Protest, you will be informed, Sir, minutely, of the transactions at Pensacola, on the 22d of August last. A Copy of other faithful Documents likewise accompany this, which prove the truth and correctness of the whole, as far as the Commissary, Don Joseph Callava, has explained; and I am also ready to show you the originals whenever you may demand them.

The Treaty of the 22d February speaks of certain Documents and Papers, which the Spanish Commissaries were to deliver to those of The United States, along with the Floridas; being allowed to carry away others only. The classification of the whole being made, Col. Callava made the delivery in due form, of the former, and then of the second, to the Secretary of War and Finance, the Officer Don Domingo Sousa; leaving the official Correspondence of the Government in the charge of the Secretary. The whole were ordered to be put in boxes, in order that, as soon as the Commission should be concluded, they might be removed from the Province; and Sousa was executing the orders of the Commissary, Callava, when 3 men (to him unknown) presented themselves to him, and, saying that they were commissioned by Governor Jackson, demanded of him those Papers. Sousa replied that they were not his, and consequently that he could not give them; but if there were any which they wanted, they could have recourse to his Principal, the Commissary; but the sight and examination of them were not refused. The same men afterwards returned, repeating that

they came for the said Papers, and they gave him a Note of those which they demanded. Sousa replied as before, but, alarmed at the second visit, and fearing lest they should be taken away, he carried them, (now in boxes) to the house of the Commissary; but finding him absent, he gave them to his Steward. Such is the origin, without disguise, of the atrocious injustice which was afterwards committed upon the Spanish Commissary, Callava.

Although his subjoined Document shows that none of the Papers were of the class of those which ought to have been delivered, since they had no direct relation to the Sovereignty and publick property of the Province, (as the whole belonged to the Military, Financial, Admiralty, or Government, Archives,) yet there is no opportunity, at present, for discussion on this point. Wherefore, he wishes it to be well understood, that General Jackson did not demand them *officially* of him, Callava; and that a question of that sort ought not to be decided, in the first instance, by the bayonet. Notwithstanding this, the aforesaid General acted in the manner which you will see explained.

Only upon slight suspicions that the Spanish Commissary unduly retained some Documents, and without their having been demanded in the regular and accustomed way, was his house assaulted and entered by force, in the silence of the night, by a company of Soldiers. The servants and friends who were with him were driven from it; and he being alone, sick, and almost confined to bed, was torn from it with sad array, and conducted, like the most abandoned Criminal, about the middle of the night, before Governor Jackson. In vain did he represent the privilege of his Character. In vain did he protest against a conduct so atrocious. In vain did he beg to be kept in arrest at his own house, or at least, that time should be given him to recover a little from the illness under which he laboured. All was in vain. In so abandoned a situation, even there also he underwent a species of trial which he could not understand, from his ignorance of the language. A Person acted as Interpreter, who did not choose to interpret all that he said. A Person who acted as Interpreter and Secretary at the same time gave, as such testimony, what that very Person had said, and not what the Spanish Commissary had wished he should say. From thence they carried him to the Prison, and he was set at liberty the day following. But his house, in the mean time, his property, and the Papers of his Government, remained at the mercy of the Soldiery. He found the Seals of his Government broken, and some Papers thrown about, and of that he took testimony. This is, in few words, the history of the noisy occurrence of the 22d August, in Pensacola.

Colonel Callava, considered as a Private Individual, was in Florida under the protection of the Civil Laws, which secure property and persons. As the Federal Constitution, so, also, the present Spanish Constitution, guaranty these Laws of protection. Both Constitutions separate the Judicial Power from the Executive, which the Governor or Captain-General of a Province exercises (without which the power would not be independent.) Both Constitutions, then, condemn the acts of the General. Arbitrariness in the Decrees, informality in the Process, inhumanity in the execution of the Decrees, are here the characteristics of his procedure with Callava. General Jackson, as Commissary, as Governor, and even, if you please, as Supreme Judge, trod all the Laws under foot.

If Callava be considered, as in fact he was, as *Commissary of His Catholick Majesty*, for bringing to a due conclusion the Treaty of the 22d of February, he remained in Florida under the privilege and protection which the Laws of the Countries (the most sacred) and the Law of Nations, grant. In every way, the procedure of General Jackson is irregular, illegal, unconstitutional, and violent. If the security of his person be not guarantied to the Commissary, if impediments are put in the way of the exercise of his duty, how can he execute the charge with which the King has entrusted him according to the last Treaty of 22d of February?

The scandalous proceeding of General Jackson against the Spanish Commissary is wholly without example, and my Government cannot but view it as a grievous offence committed against Spain. It will be viewed, even by the sensible Citizens of this Union, whose sentiments on the point of honour and philanthropy are well known to the whole World, as an insult offered to their Country and to the free Constitution which governs it. All Nations, who esteem themselves civilized and christain, will look upon it as an outrage of humanity itself.

Wherefore, I believe it my duty to protest, and I do protest, in the name of His Catholick Majesty, before the Government of The United States, against the injustice which General Andrew Jackson, Governor of the Floridas, has committed upon the Spanish Commissary, Colonel Don Jose Callava. And I doubt not but that the Federal Government, upon a view of the authentic facts which I have related, will highly disapprove of the irregular and precipitate conduct of the above-mentioned General, and thus give to Spain a proof of friendship which will redound to the honour of both Nations. And I expect this with the more confidence, since His Catholick Majesty has recently determined to give a new evidence, among many others, of his particular esteem and regard for the interests of The United States, in the permission which he has granted them, of keeping in Mahon a deposit of provisions and naval stores, which they may introduce free of duties.

I embrace this occasion, &c.

HILARIO DE RIVAS Y SALMON.

The Hon. J. Q. Adams.

UNITED STATES AND SPAIN.

(Inclosure.)—Protest of Colonel Callava.—(Translation.)

1, DON JOSE CALLAVA, Colonel of the Spanish Armies, late Governor of West Florida, and at present Commissary, representing my Government, in order to carry into complete effect the Stipulations between His Catholick Majesty and the President of the United States of America, in relation to said Florida, in the Treaty of Amity, Settlement, and Limits, which they made and ratified on the 22d of February of the present year 1821: do make oath as far as the Law requires, upon my honour, as to the truth of what was committed against my privilege, person, house, and papers, in the evening and night of the 22d day of August, of the said present year, by Don Andrew Jackson, Commissary in said Florida, representing The United States under the same Treaty.

On the 17th day of July last, at 10 o'clock in the morning, I delivered West Florida, which was that day under my charge as Governor, in which character he met me, to the Commissary Don Andrew Jackson, in a publick act held in the Government-house. There he received from me all the Archives and Documents registered, and directly relative to the Property and Sovereignty of that Province of Florida; and he received them by faithful and exact Inventories, which had been compared with the Documents by 4 Persons, and had been certified to be correct. From the Constitutional Spanish Alcalde, and by my order, an Alcalde named by Don Andrew Jackson, received by like Inventories all the criminal and civil causes of the Suits of the neighbourhood, which are pending before the Tribunal of the First Instance, over which he presided, and also the Notices and Papers of its Archives.

The Papers of the official Correspondence belonging to the Secretary's Office remained in the charge of the Secretary of my Government; and the Military Papers, Judicial Proceedings of the National Finance, and Arrivals, [arribadas finecidas,] belonging to their respective branches at The Havannah, to which they have been restored by the evacuation, remained with the Secretary of War and Finance, which Office, Don Domingo Sousa had exercised for the space of 15 or 20 years. There also remained the smaller Vessels, their Crews, carpenters and blacksmiths of the Garrison, the effects of the Magazines which were to be withdrawn, the Commander of Artillery, with the Accounting Officer of that Department, some sick troops, and myself with the aforesaid; and the effects and all that remained under my authority and prerogative, during the execution of what was entrusted to me, and ordered to be completely fulfilled; and the Artillery, with what belonged to that Department, kept under my protection, during the delivery or removing of it, (which in either case had to be executed by me,) according to the determination which might be made by the President of The United States, and the Minister Plenipotentiary of His Catholick Majesty, near that Government, according to an Agreement entered into by us, the Commissaries, (as the official Correspondence between us shews,) and to which I have given performance; and in this state, and as far as I have related, I have waited for that resolution, (which is yet pending;) and the Commissary Don Andrew Jackson, so understood me, (for my Government has substituted no other Person in my place;) and I also was recovering from an acute disease, which had at that time brought me to the gates of death.

The day previous to these transactions (the 21st of August) three Persons, Dependants of Don Andrew Jackson, came to the house of the Secretary, Sousa, to be informed if he had in his possession some military testamentary dispositions, which they mentioned to him. Sousa told them, yes, and without reserve they were shewn to them, and he informed them that if they wished for any thing, they should ask me. All the Papers which he had in his charge were closely examined: they declared that they would carry off those which they had pointed out to him, because they could not be in his possession as a Private Individual. Sousa told them that he was not a Private Individual; that he was an Officer depending on my Commission and Authority, and that he could not give them without my order; and, finally, they went away, leaving the Papers. They demanded of him an answer in writing; which they obtained from Sousa, on a second visit.

The following day, (22d) in the morning, this Officer met me in the street: he informed me of the occurrence, and also told me that he had resolved to carry the boxes to my house, with all the Papers which he had in his possession, and had delivered them to my Steward, not having found me within; because he was afraid, from what he had observed in those People, that they might take them away from his house, and he wished to save himself from the responsibility; and I answered that it was well.

At four in the afternoon of the same day, and not much before, I was dining at the table of Colonel George M. Brooke, of the fourth Regiment of The United States Line, and of the Garrison at Pensacola, by whom I had been invited, with all the Spanish Officers residing there. The company consisted of Brooke, his Wife, Judge Fromentin, the Commander of The United States Vessel of War Enterprise, Mr. Michael Kearney, the Citizens, Vicar Don Santiago Colman, D. Juan Innerarity, D. Juan de la Rua, D. Pedro de Alba, and D. Jose Noriega; and the Officers, Lieut.-Cols. D. Marcos de Villiers, and D. Franco. Palmos; Captains D. Luis Payarre, and D. Bernardo Prieto; Lieutenants D. Arnaldo Guillemard, and D. Carlos de Villiers; and Sub-Lieutenants D. Mariano Latady, D. Jose Ignacio Cruzat, Secretary of my Government.

Don Domingo Sousa presented himself to me there, with an Officer of The United States, telling me that he was a prisoner; and that the reason was, that the three Persons of the former day had returned to his house the day before, telling him that they came with orders from Governor Andrew Jackson to seize the Papers: that having informed them, that he had that morning sent them to my house, they searched his house, and at last, carried him to prison; and he related, before the company, what had occurred about the Papers with the same Persons, the preceding day.

I immediately ordered my Aide-de-Camp, Don Bernardo Prieto, accompanied by Alba, who was the publick Interpreter, to present my compliments to Don Andrew Jackson, and to inform him, that Sousa was in fact, as he had intimated, an individual of my Commission, and was under my power and authority; and that he could not deliver the Papers in question of himself. That he would have the goodness to ask me in writing for such as he might find it proper to claim, and if they were to be given by the regulation of the Treaty, or other particular circumstances, I would deliver them to him by the same procedure which indispensable regularity dictated, as had been done with the other Papers: or, that he should have, in the same way, a distinct explanation of the reasons which prevented their delivery, and that every direct mode of conciliation should be sought, if there was any thing that could be of use to him in any way.

The Aide-de-Camp and Interpreter brought back for answer, that Sousa should go to prison, and that they should tell me, that I should be put into another dungeon with him.

It appearing to me, that Don Andrew Jackson had not been well informed of my message, by the interpretation, (although the incident offended me, and surprised those at table,) I made the same Persons return and inform him a second time: and that Gentleman repeated to them in a loud voice, in presence of several Persons, and upon the street balcony, the same thing, saying, *Colonel Callava to the dungeon*.

An occurrence so strange and abusive in the presence of those who surrounded me at table, a great part of whom were there as a greater compliment to me, and others, my Subordinates, could not but raise a blush in my face, and disorder my stomach in the very act of eating, and in the convalescent state in which I was; and I felt myself attacked by a deadly pain, (which I almost habitually suffered, and which had frequently attacked me on the preceding days:) notwithstanding, I concealed the circumstance so as to render it impossible to be discovered; that upon quitting the table I might go and reflect, for it was not known upon what such answers, or occurrences, rested.

We all left the table. Brooke's Lady was very much grieved; and I was going to the street, when 3 Persons presented themselves to me in Brooke's house, telling me, from Don Andrew Jackson, that they came for the Papers which Sousa had carried to my house, or to carry me with them to Jackson's house; because the Governor with his authority could not respect me in any other light than as a Private Individual.

Astonished to find myself involved in such events, with expressive actions, I intreated them to do me the honour of returning to the Commissary Governor with my compliments, asking him, how he could forget that I was the Spanish Commissary who had delivered to him that Province, and whom he had found as Governor in it, and who at the same time had not been removed by his Government, nor concluded the delivery, nor withdrawn the Artillery, (the destination of which was expected,) nor of other things under my power? That I was surprized at what passed between us; that he would have the goodness to reflect that every Paper in my possession on that day, belonged to the Government which I had exercised in that Province, was sacred under my authority and character, by the privilege of the Law of Nations, which has always been mutually observed and respected among Nations, as to those Individuals of either, to whom the execution of Treaties has been entrusted, or other Commissioners, and it is a thing unknown that any Authority has forcibly violated a trust so sacred, without cause or reason; that whatever Paper he might wish to ask, he might demand of me in writing; that, on that very day I had offered him this, if it was to be given, or the reasons for its not being my duty, or not being in my power to give them; that this was the only mode agreeable to the exact usual procedure in the important charge with which we were entrusted, in the political subject between Nations, in the performance of which he could not, by his authority, call my proceedings in question, nor constrain them by judicial force as Governor, by which the security of the Papers in my possession could be violated, nor any other thing directly depending, not on my person, but on my official situation; that I should preserve, as to myself and to my Nation, the peace and harmony in which I found our Countries, and that I have preserved it with the utmost care as to the Commissary, and as to the Governor, as far as I have been concerned with him, and also preserved it, indiscriminately, to all the Citizens of The United States, who had remained permanently in Florida, or had passed through during my government.

The Officers went away to carry this answer, which was given them in the presence of all at Brooke's house; and I feeling now a recurrence of my pain, requested them to permit me to go home, whither several of those Persons accompanied me. As soon as I arrived, I caused my Secretary to extend in my office all that I had said to the Person sent, and with him I sent Lieutenant-Colonel de Villiers, accompanied by another Officer, to the Governor, thinking that thus my answer might be more correctly understood by him; but when it was presented, he would not receive it, and they brought it back to me unopen.

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After these Officers returned to me, now at my own house, the same 3 Persons came with a determined and brief message that I must not make any pretensions to Official Situation or other considerations— "the Papers, or go with them." I was surrounded by my Officers, and other Persons of character, whose countenances I saw filled with pain and surprise, to see me in the sad state of suffering, and unable to remain tranquil. Till then I knew not of what Papers they spoke, as I had not entered upon an enquiry, nor had they given me an opportunity of doing so; and I answered them that I was unable to go out of my house. I entreated that they would, at least, give me an Abstract of what Papers, and of what Class, those were which they demanded, and I would inform Don Andrew Jackson that I was sick.

Without giving me any answer they went away, and I laid myself on the bed; an hour afterwards, one of the 3 presented himself in my house, and gave me an Abstract, written on a half sheet of paper, in the English language, and signed *Alcalde Brackenridge*. I took it; I told him that I should have it translated, and should reply to it; he went away; I gave it to the Interpreter at that hour, which was nine at night, and sought repose on the bed; but, a while after, and without further preliminaries, a party of Troops, with the Commissioners, assaulted the house, breaking the fence, (notwithstanding the door was open,) and the Commissioners entered my apartment; they surrounded my bed with Soldiers with drawn bayonets in their hands, they removed the musquito net, they made me sit up, and demanded the Papers, or they would use the arms against my person.

It ought to be remarked, that, of the 3, only one spoke and understood a little of the Spanish language; he was the only Interpreter, and I neither speak nor understood one word of English, and thus I neither knew what he said to his Companions respecting what I answered, nor did they know what was asked me. I had to do with him alone, and he was one who had gone and returned with them in all their visits. Some Officers and other Persons who had accompanied me from the house of Brooke, and who had not yet retired, and were seated in the gallery of the house, leaving me to repose, entered the room, and I answered, in their presence, that the Note had not yet been returned translated, but that this was of no consequence, that there were all the boxes containing Papers, my trunks, and all my house ; that, since force had once openly been used in their demand, they there had every thing at their disposal, without any resistance on my part; but that, before they should proceed to take what they thought fit, I represented to them, that now, since my person was not secure as a free Man, and in a free Country, in the asylum of my house and in the dead of the night, and that what ought to be preserved to my Nation was not respected in my Official Situation and Character, I laid these

things before the Government of The United States, and took refuge under their Laws, and hoped that they would respect both.

They did not proceed to search for Papers, nor did they move any further question about them, when they now saw them at their disposal; but they ordered the Troops to carry arms, leave me alone, and send from my house those who assisted and accompanied me. This they did, and to one who appeared desirous to interpret in English what I had said, for their better understanding, they intimated, with threats, that he should be silent as soon as he had begun, and I continued alone sitting on the bed, and they in the apartment looking at each other.

In fine, a short while after, one of the 3 went out, and returned accompanied with an Officer, who, placing himself before me, told me I was a Prisoner, and ordered me to dress myself. I answered that I was so, but that he would have the goodness to observe that I was so sick, as that I ought not to be taken out of my house at that hour. He made no answer to the Interpreter, and remained silent; but one of the 3 deliberately ordered me to dress. I dressed in my uniform, was going to put on my sword, but, upon reflection, thought it better to deliver it to the Officer. I did so, and one of the 3 took it from his hand and threw it upon the chimney, and in this manner I was conducted through the streets among the troops.

They took me to a private house, in which they presented me to Don Andrew Jackson, who with 2 other Persons, was seated near a table; the house was filled with People of all ages and classes, and there he made me a sign to sit down, which I did.

By the only Interpreter who had hitherto delivered and carried back the verbal messages, which I have already mentioned, he put one question to me, according to my recollection, confined solely to whether certain Papers had been carried to my house by Don Domingo Sousa, and delivered to my Steward.

I requested him to permit me to answer in writing, and to do so with my own hand. He granted it readily. I set myself to write a regular Protest, that I might go on to answer afterwards; but I had hardly began, when Don Andrew Jackson took the paper from before me, and with much violence and furious gestures, spoke for some time, looking at the by-standers, and, when he had concluded, the Interpreter told me that he ordered me to give no other answer to all that he had asked me but yes or no. I replied, that I offered to be very brief, but that he should question me by writing the question and permitting me to write the answer with my own hand, and give in my turn the most precise reason for it. He absolutely refused me, and the Interpreter wrote upon that same paper which had been snatched from me, I know not what.

Don Andrew Jackson proceeded to speak for a considerable time, looking at the People, but speaking furiously; and in the countenances of the by-standers I perceived fear, or surprise, caused by what he said. He concluded, and the Interpreter told me that the Governor would not treat me in any other way than as a Private Individual; this idea (which I knew not how to account for) made me catch at the word and demand some explanations. Don Andrew Jackson did not permit me to speak. I insisted that the Interpreter should translate what I said; he was sometimes about to do this, and he interrupted him at the very beginning; so that of all that he said in 2 hours, and Don Andrew Jackson directed himself to me, only the aforesaid intimation was translated to me, that I had not a word to answer but yes, or no, to what I should be asked, and that the Governor would not treat me in any other way than as a Private Individual. Nothing was read to me, nor was I informed of any thing which the Interpreter wrote in that act, nor was any signature required of me; and, seeing myself in such circumstances, I put a question, by my Secretary, to that of the Government of Don Andrew Jackson, if he could furnish me with an authentick Copy of all that had been written in the execution of these transactions, and he answered him, in the affirmative.

I remained silent; they called my Steward; they asked him if certain Papers had been delivered to him by Sousa, at my House. He answered yes.

Don Andrew Jackson drew from among other Papers one which was already written; he read it to me, and it contained the Order for committing me and my Steward to prison.

I got upon my feet. I begged the Interpreter to ask him if he did not shudder and was not struck with horror at insulting me, and I pronounced a solemn Protest against his proceedings. The Interpreter informed him, and he replied, that for what he had done he had no account to give but to his Government, and he told me that I might protest before God himself.

I was carried off to prison at 12 at night, and my Steward also. I left my house open, with 3 or 4 Soldiers of The United States' Troops in it. I left all my private Papers, all the Official Correspondence of my Government, and what was under my charge officially, without any account, at the discretion of Don Andrew Jackson. The keys of my trunks and money chests were not removed. I left in my house no Person to represent me, and who was in my confidence; and, lastly, by a respectable Citizen of The United States, and my Officers, at 2 in the morning, a couch was spread for me and my other Assistants to throw ourselves down upon; (for, by Don Andrew Jackson, I was permitted to throw myself, sick as I was, upon the bricks of the prison) when, afterwards, I was informed by various Persons who understood the Spanish and English languages, that the matters above related, which had been conceived against me, and were not translated by the Interpreter, consisted in having endeavoured to persuade the People that the Papers were taken from the Office of the Alcalde, and that I was an Accomplice in that criminal action.

At 11 in the morning of the following day, the 23d, Judge Eligius Fromentin issued a writ of *Habeas Corpus* for the release of my Person, and Don Andrew Jackson answered, that it was not proper to carry it into execution: but on the same day, at 1 in the afternoon, he gave order that an Officer should inform me, that I was released from prison, and might be accompanied by him to my house, to examine if the boxes were sealed.

I replied to the Person who communicated this to me, that I could not enter it unless accompanied by a Judge, who might be present, and certify to the situation in which all things in it were found, since I had been dragged from it leaving every thing to their discretion.

The Officer accompanied me into the presence of Judge Fromentin, whom we found sick. I related to him what had happened, and intreated him to afford the protection of the Law to my prerogative, Person, and house. He informed me, that he could not assist me, because his situation rendered it impossible; but he would cause Witnesses to accompany me, who should make the examination and sign it.

I went thither with the Officer, and many other Persons; it was found open, with 3 or 4 Soldiers within; the Papers of Official Correspondence scattered upon the table, and the covers open; one box which was left shut, and sealed with the Seal of my Government, had been burst open, the Seals broken, and again shut, with different Seals, and nothing was found wrong in the contents of the money chest. I had not time to examine the Papers, nor could I do it, because I was too much indisposed.

On the 26th day of the same month, about half-past 3 in the afternoon, the Secretary of the Government of Don Andrew Jackson delivered to mine the testimony which I asked, on the night of the 22d; and early in the morning of the following day, the 27th, (sick as I was,) I set out with my Secretary for Washington, to give an account to the Minister Plenipotentiary of His Catholick Majesty, near the Government of The United States: leaving, without my power and authority in Pensacola, what was under my charge belonging to the Nation of which I am a Dependant, because in me all confidence and 'every Law of Nations had been violated by the Authority now existing there.

To this faithful narrative, to which I have sworn upon my honour, I add separately, in order to avoid confusion, notes and observations which express and produce the necessary proofs for this condensation.

1st, That the Papers in question were most legally and regularly given to the care of Don Domingo Sousa, into his possession, and under my power and authority.

2dly, That they never were abstracted, fraudulently or otherwise, from the Archives of the Alcaldes.

3dly, That he did not think of concealing them.

4thly, That it was impossible to conceal them. And,

5thly, The nullity and bad aspect of the judicial proceedings against me, against my Subaltern, and against my Steward, by Don Andrew Jackson, on the day of those events and actions which I have related; and I have produced the proofs of them, as well by authentic as by original Documents, all which might be considered as an integral part of this relation to which I have sworn. And, therefore,

Seeing that Don Andrew Jackson, at present Governor of West Florida, has violated, in that Territory, under his authority, the immunity and confidence with which I held in it my situation of Commissary for Spain, carrying into effect, under that Treaty, what was stipulated by her and The United States in a solemn Treaty: that he has also violated the pale of my charge, by breaking open and plundering their sanctuary, at his own discretion alone; by insulting my person in the most illegal manner, and by deeply wounding my character and honour, with the supposition, before the Publick, of events which I leave to their merits, (ameritadas,) and by obliging me by all this to leave Spain without a Representative in said Florida, to the dereliction of its interests: I solemnly protest, against the aforesaid Don Andrew Jackson, as the actor in the before-mentioned deeds, before the Minister Plenipotentiary of His Catholick Majesty, near the Government of The United States of America.

Philadelphia, 3d of October, 1821. JOSE CALLAVA. A true Copy, H. DE RIVAS Y SALMON.

No. 5.— The Secretary of State to Don Joaquin de Anduaga. SIR, Department of State, Washington, 2d November, 1821.

PREVIOUS to your arrival in this Country, I had the honour of receiving from Don Hilario de Rivas y Salmon, then Chargé d'Affaires from your Government, a Letter dated the 6th of the last month, with sundry Papers inclosed, exhibiting complaints against the Governor of the Territories of Florida, for certain proceedings in his judicial character against Col. Don Jose Callava. That Letter was immediately submitted to the consideration of the President of The United States, by whose directions I have now the honour of addressing you an Answer thereto.

The complaints in substance are-

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1. That Colonel Callava, being a Commissioner of His Catholick Majesty, for delivering the Province over to The United States, and entitled to the special protection of the Laws of Nations, his house was forcibly entered in the night time, and he, himself, being then sick in bed, was, under special circumstances of rigour and inhumanity, summoned and compelled to go before Governor Jackson, to answer interrogatories.

2. That the questions put to him, and his answers to them, were both falsely interpreted, he being ignorant of the language in which the interrogatories were put.

3. That he was finally committed to prison, and there detained for the space of a day before he was released.

4. That during the period of his detention, his house, his property, and the Papers of his Government, were left at the mercy of the Soldiery. That he found on his return to his house, the Seals of his Government upon certain boxes of Papers broken, and some of the Papers scattered about.

I am instructed by the President of The United States to assure you of his deep regret, that, in the completion of a transaction of such high importance to both Nations, any circumstance to excite pain, on either side, should have occurred.

On the merits of the proceeding complained of, all the light, necessary to the formation of a correct judgment, has not been received. It would be improper, therefore, in the present case, to pronounce definitively on the subject. In its intercourse with Foreign Powers, the Government of The United States is scrupulously observant of the rights of the representative character of Persons, charged by their Governments with the performance of any duty incident to their relations with this Union. Although Colonel Callava was not clothed with the character or credentials of a publick Minister, it is readily admitted. that, in the execution of his trust, as a Commissary for the delivery of the Province, he was entitled to all the protection and all the immunities necessary for the discharge of that duty. But it is not less true, that, in the Treaty itself, it had been stipulated, that the whole transaction of the surrender of the Provinces, and the evacuation of all the Officers of His Catholick Majesty within it, should be completed within 6 months from the exchange of the Ratifications of the Treaty, which 6 months had elapsed at the time when these incidents occurred. It is also true, that the surrender had been completed: that the authority of Spain within the Province had more than a month before ceased, and that of The United States had taken its place. The Troops of His Catholick Majesty had been removed, and if Colonel Callava and other Officers of Spain, remained there after the consummation of that event, they could no longer claim the immunities of publick agency, or any other privileges than those of Strangers per-

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mitted to reside in the Place; Strangers, not only amenable to the common judicial Tribunal, but who, conformably to the Spanish Laws, existing before the cession of the Province, would have been liable to removal from it, or to imprisonment, at the discretion of the Governor, for the mere act of being there.

It is asserted, by Colonel Callava, that the postponement of his departure from Pensacola had been necessary, because it was impossible for him to terminate the business incident to the surrender, on that day ;-because he was sick ;-and because the question, whether the Artillery belonging to the Fortifications was or was not included in the cession, had been referred to the decision of the two Govern-To this the reply is obvious: that, without now referring to ments. the delays which protracted, till the 17th of July, the surrender which might have been effected more than 2 months before, there was yet ample time, between that day and the 22d of August, for the discharge of any business incidental to it. That the personal indisposition of Colonel Callava neither disqualified him, on the 17th of July, from the transaction of business, nor, on the 22d of August, from being present at a festive entertainment, nor immediately afterwards from undertaking and performing a long and fatiguing journey from Pensacola to New York, and thence to embark on a Voyage by sea. And that, with regard to the question concerning the cannon, which was reserved for the decision of the two Governments, it furnished no sufficient motive for the continuance of Colonel Callava there; a particular receipt for them having been given by Governor Jackson, and the right of Spain to remove them, whatever its merits might be, being in no manner affected by the departure of the Spanish Commissioner.

It appears, therefore, that, both by the limitation of time stipulated in the Treaty for the surrender of the Province, and by the nature of the functions assigned to Colonel Callava, his immunities of exemption from the ordinary process of the Law had ceased, before the 22d of August. The allegation that Governor Jackson had, 19 days before that time, recognized his commissarial character as yet existing, will not affect the principles here advanced: 1st, because the limited 6 months had not then expired; and, 2dly, because the only transaction of General Jackson on that day, recognizing Colonel Callava as a Commissioner, was, by writing him a Letter complaining of a signal breach of faith by that Officer, in evading, on the plea of indisposition, the performance of a stipulated promise, on the morning of the 17th of July, before the surrender, and afterwards refusing to perform it at all : which Letter, after an expostulation against that proceeding, suited to the aggravation of its character, finished by a declaration of General Jackson, that it closed the Correspondence between him and Colonel Callava, on the subject, for ever.

Far would it be from the intention of the American Government to draw within its rigorous limits, the exemption from ordinary legal process, of a Foreign Publick Officer. It would extend to them a liberal measure of time, and a full portion of indulgence, for the execution of the trust, and for departure after its completion. But it cannot perceive the justice of extending these privileges beyond their limits, as sanctioned by custom, for purposes of injustice and wrong. And here we are led to the inquiry, what was the immediate occasion of the summons to Colonel Callava, his resistance against which prompted the subsequent rigorous measures, in reference to his Person, house, and Papers, complained of in the Note of Mr. Salmon? He had withheld, and caused to be packed in boxes for transportation, publick Records, relating to the property of the Province: judicial Documents, indispensable for vindicating the titles to succession of infant and orphan chil-Application was made to General Jackson, in behalf of those dren. orphans, for the legal judicial process to obtain those Papers. He had proof that they had been removed, after a summons from him to the Person in whose possession they had been, to produce them, to the house and possession of Colonel Callava, for the avowed purpose of substracting them from the process issued by his authority. Had that Officer's personal immunity been complete and unquestionable, what greater abuse of it could have been made, than thus to wrest from the course of justice the Vouchers on which depended the rights and the subsistence of orphans? General Jackson, considering that Colonel Callava was not entitled to such exemption from legal process, issued the ordinary Summons which would have been applicable to any other Individual, and, on his refusal to answer the interrogatories put to him, committed him, as others in like cases would have been committed, to prison. By the same Order he issued a Commission for securing the Papers, which ought to have been delivered up before, with all suitable caution to prevent the taking of any others; and, immediately after the satisfactory return of that Commission, ordered the release of Colonel Callava. Such appears to have been the character of the transaction, upon the report of it made by General Jackson; and, although the President cannot but contemplate with unfeigned regret this occurrence, he thinks that blame should be imputed to the Party deserving it, and whose misconduct produced it, and that it is a justice due to General Jackson to make him acquainted with the objections, in the Note of Mr. Salmon, to his conduct, and to receive his full explanation of the motives and considerations which governed him.

In concluding this Letter, I cannot forbear reminding you, Sir, that not only this, but all the other transactions of a painful nature, which have arisen in the execution of that Treaty, which, it was hoped, would have terminated all the differences, and have led to the most

harmonious intercourse between The United States and Spain, have. proceeded from the unjustifiable delays and evasions of His Catholick 'Majesty's Officers, in direct contravention, as is understood, to His orders and intentions, in withholding the Documents, Archives, and Vouchers, of which the delivery had been expressly stipulated; Vouchers, indispensable to The United States, both for the dispensation of private justice, and for the establishment of publick right, but utterly useless to Spain, and the detention of which, by the Captain-General and Governor of Cuba, and by the Spanish Governors of both East and West Florida, however intended, and by whatever motive induced, can subserve no purposes but those of fraud, injustice, and oppression. After a succession of delays, for a period of 6 weeks at The Havannah, in a climate noted for its unhealthiness to Strangers, of the Commissioner of The United States, authorized to receive those Documents, and of the Vessel which had conveyed him, he was compelled to depart without them, nor have they yet been delivered. The attempts to carry away, both from Pensacola and from St. Augustine, many of those Papers, can be viewed in no other light than as flagrant violations of the Treaty. The President relies that they will be so considered by His Catholick Majesty, and that he has, ere this, given the most positive and effectual orders for the faithful execution, in this respect, of that Instrument. I pray you, Sir, to accept, &c. Don Joaquin de Anduaga. JOHN QUINCY ADAMS.

No. 6.—Don Joaquin de Anduaga to the Secretary of State. (Translation.)

-SIR,

Philadelphia, 14th November, 1821.

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I HAVE received your Note of the 2d of this month, (which I have transmitted to my Government) in answer to a Letter of the 6th ultimo, which Don Hilario de Rivas y Salmon had the honour to address to you, relative to the proceedings of General Jackson with Colonel Callava.

I can do no less than applaud the President's resolution, so worthy of his prudence, of not pronouncing definitively upon this business, untill he had the whole Documents concerning it before him, and I fatter myself that when that takes place, he will do ample justice to the representation of the above-named Chargé d'Affaires. In this persuasion I will not at present enter upon an answer to the paragraphs of your said Note, which seem to defend the conduct of General Jackson: and I shall defer doing this, unless the President, which is not to be expected, should think it his duty to approve it.

I avail myself, &c.

The Hon. J. Q. Adams.

JOAQUIN DE ANDUAGA.

No.7.—Don Joaquin de Anduaga to the Secretary of State.-(Translation.) SIR, Philadelphia, 18th November, 1821.

GENERAL JACKSON, not satisfied with the outrages which he practised against Colonel Callava on the 22d of September last, has published, in Pensacola, a Proclamation, in which, on the most frivolous pretexts, he has ordered that D. Marcus de Villiers, D. Bernardo Pieto, D. Louis Gayarre, D. Civito Lasassier, D. Arnaldo Guillamar, D. Carlos de Villiers, D. Pedro de Vegas, and D. Mariano Latady, all in the service of His Catholick Majesty, should quit the abovenamed City, on or before the 3d day of October following.

The reasons which he alleges for a proceeding so shocking, are the following: 1st. That by the 7th Article of the Treaty between Spain and The United States, of the 22d February, 1819, it was stipulated that the Officers and Troops of His Catholick Majesty should evacuate the Territories ceded to The United States, 6 months after the exchange of the Ratifications, or sooner, if possible, and that they should give possession of them to the Officers, or Commissaries, of The United States, duly authorized to receive them. 2d. That the said Officers, acting as a separate Body, endeavoured to sew discontent among the Inhabitants. And, 3d. That they were the authors of a Paper in which they criticised the proceedings which took place in the interrogatory made by General Jackson, of Colonel Callava, previous to his sending him to prison.

If General Jackson, as Commissary for receiving the Floridas, believed it his duty to fulfil, to the letter, the 7th Article of the Treaty, how deficient was he in that duty, in permitting those Officers to remain in the Province more than a month after the expiration of the 6 stipulated? His consent and silence, during this time, afford evident proof that his opinion was, that the Treaty was in no way infringed by the remaining of 8 Individuals, after that time had elapsed; and, in truth, it being the spirit of the said 7th Article to secure to The United States the peaceable possession of those Territories, it is very difficult to imagine how so small a number of Subjects could endanger it. Besides, if the Proclamation had for its object the fulfilment of the Article, why was it confined to the 8 Officers by name, and not extended to all those who were likewise in both Floridas?

I confess that I am embarrassed how to answer the second paragraph, because I do not know what General Jackson means by the Officers acting as a distinct body. Can it be, that being Subjects, and belonging to the Service of a Power friendly to The United States, they were seen as Companions, and were not deemed Citizens of this Republick, but Foreigners, who for a short time remained in its Territory, under the protection of the Law of Nations and of Treaties? In this case, the same criminality might be attached to such Americans as travel through Europe, and especially to the Officers of the American Squadron in the Mediterranean, who, instead of outrages, meet with a reception in the Ports of Spain, to which their circumstances, and the friendship which unites both Nations, entitle them.

The second extreme of the second paragraph, and of the third, are really serious accusations, and, if it be certain that the Officers, either by their actions or by their writings, would have attempted to excite discontent in the Inhabitants, there is no doubt of their being criminal. With regard to their actions, it is very strange that General Jackson has not thought fit, in taking a step so precipitate, to give, what still was not proof, at least the relation of what had obliged him to declare them culpable of such a crime; and as, in the mean time, neither appears evident to me, I think myself authorized to declare the accusation to be false. With regard to the Writing which he cites, the Officers were free to believe themselves at liberty to publish it, since they could not but have been persuaded that they were in a Country where, till lately, the Spanish Laws, and now those of The United States, prevailed, and where the liberty of the press was their justification in doing And what did they say in the paragraph copied by General it. Jackson? That the interrogations were not faithfully translated to Callava; a fact which the same Person, who acted as Interpreter in that act, has since confessed, in a piece published in the newspapers; yet for this publication they have been expelled from the Floridas. I as little comprehend from whence arises the criminality of the passage which General Jackson copies in his Proclamation, that " if, on the one hand, they shuddered at the violent proceedings exercised against their Superior, they knew also what was due to a Government which is on the most friendly footing with their own." What does he wish them to say, but that, notwithstanding the sentiments inspired by the precipitate acts against Colonel Callava, they knew that it was their duty to submit to the decisions of a Government friendly to their own? In vain will it be pretended, that the object of this Writing is to rouse the minds of the Inhabitants. It only relates what took place before them all, and what has since been publickly confessed by one of the Agents of General Jackson himself. There is no doubt, in fact, that the hearts of the Floridians were overwhelmed with sorrow and pain, to see those outrages committed against one who had so long been their Superior. and had known how to gain their affection; no doubt but that, seeing the violences committed against him, and against those who, a few days before, were their Fellow-countrymen, they were so much the more alarmed, because they believed they were passing under the pleasant yoke of a Power, the asylum of liberty and of justice, yet had been witnesses of proceedings seldom practised in the most despotic Countries. But who ought to bear the reproach of effects so natural? He who caused them, or they who deplored them?

I believe I have answered the accusations contained in the Pro-

clamation; but, in order to make the irregularity of General Jackson's proceedings more evident, I will grant, for a moment, that they are certain and proved; I will admit that the Officers have been deserving of the chastisement and dishonour which they have suffered; but yet nobody will deny me, that, before it was inflicted upon them, they ought to have been cited before the proper Tribunal, have heard the charges, and have had liberty and time for their defence. These are fundamental principles of the Laws of Spain, and of The United States, and of every civilized Country. Yet, what has been the conduct of General Jackson? Without giving them the least intimation, he publishes, in a language *foreign to them*, a Proclamation expelling them from the Province, giving them scarcely time to arrange their affairs, and authorizing all Officers, Civil and Military, to apprehend them, and bring them before him !!!

I forbear making reflections upon a fact of such a nature, and it would be doing an injury, Sir, to your sense of justice, if I should dwell upon its odiousness.

In fine, either General Jackson has expelled the above-mentioned Officers, because he believed them criminal, and, in this case, he ought to have had them judged according to the Laws, or he thought proper to do it as a political measure, in which case he ought to have executed it as the relations between the Countries demand, either by giving them notice in writing, or verbally, with that urbanity which a person of his grade ought never to forget. In place of this, he was wanting either to the Laws, or to the respect which was due to the Officers and Subjects of a Power friendly to his Government; and consequently, I feel it my duty to request that you will have the goodness to lay this Note before the President; not doubting, from his well-known justice, that he will give to His Catholick Majesty the satisfaction which the above-mentioned conduct of General Jackson towards the before-named Spanish Officers demands.

	whereupon I renew to you, &c.	
The Hon. J. Q. Adams.	JOAQUIN DE ANDUAGA	

No.8.—Don Joaquin de Anduaga to the Secretary of State.-(Translation.) SIR, Philadelphia, 22d November, 1821.

By your Note of the 13th of August last to my Predecessor, Don Francisco Dionisio Vives, you were pleased to acquaint him that Copies of the Correspondence which had taken place between Don Jose Coppinger, Governor and Commissary nominated by His Catholick Majesty for the delivery of East Florida, and Colonel Butler, Commissary appointed by The United States to take possession of it, had been received. Upon reading it, you cannot but applaud the zeal with which Colonel Coppinger laboured to obviate and remove all the

difficulties which could delay this important transaction, and the activity with which he made the aforesaid delivery, without concluding a multitude of subjects which yet remain pending, and without waiting for the term fixed by the Treaty. The harmony and good understanding which prevailed between both Commissaries is very praiseworthy, inasmuch as they evidently shewed that, guided solely by the desire of executing their respective duties, far from throwing obstacles in the way of its accomplishment, with discussions liable to inflame the mind, they thought that urbanity and decorum were the most proper means of serving their respective Governments, in the important Commission with which they had been entrusted. By the aforementioned Correspondence, it appears that doubts had arisen whether the Artillery and certain Archives ought, or ought not, to be delivered over to The United States, and in that you will have seen that it was clearly and definitively stipulated between Messrs. Coppinger and Butler, that both should remain in St. Augustine, the former in deposite in possession of the Anglo-American Commissary, and the latter in the state in which they were, and without the possibility of their being carried away to The Havannah, until the determination of both Governments, in a certain time, should arrive. At the departure of Colonel Butler from the said City, after the delivery had been effected, he wrote officially to Colonel Coppinger that he should have to transact his business with Captain Bell, who succeeded him; and, without doubt, from the Copies of his Correspondence with Colonel Coppinger, you will have observed that, on various subjects which occurred, he considered him. and interchanged letters with him recognizing him, still in the quality of Spanish Commissary. On the arrival of Mr. Worthington, who came to St. Augustine to supply the place of Captain Bell, the aspect of affairs was changed, and in the Correspondence which took place between him and Colonel Coppinger upon an incident relative to a Spanish Agent, he not only affected not to understand that Coppinger continued in the quality of Spanish Commissary, with the consent of his Predecessors, but he was pleased to make use of expressions highly injurious to Spain, and foreign to the language which a person whom the American Government had thought worthy of its confidence ought to have used. Colonel Coppinger waited for the Answer to the Protest which he had made to Mr. Worthington, upon the incident above-mentioned; when, without any previous notice, or any other cause, the offence was committed which is related in the subjoined Protests of Colonel Coppinger and of the Secretary.

That the American Government had no right to demand any Paper from Colonel Coppinger, is evident from the receipt of the delivery given to him by Colonel Butler, on the 10th of July last, which is given for the delivery of what the Treaty stipulated, and which declares expressly that the doubt relative to the Artillery, and certain Documents, was left to the determination of both Governments.

That the Commissaries, Coppinger and Butler, had agreed, in virtue of their respective Powers, that the Archives in question should remain in the state in which they were, appears from the Correspondence of both. What reason, then, what pretext, what excuse, can General Jackson and his Officers give, for a crime so unheard of?

From all that I have explained, and from the accompanying Documents, it results:

1st. That His Catholick Majesty has been insulted, in the person of his Commissary, in the most scandalous manner.

2d. That General Jackson has broken, without giving any reason for it, an Agreement signed by his own Officers.

3d. That in the spoliation, or rather plunder, committed in the house of Colonel Coppinger, the Law of Nations, and all the known Laws of Civilized Countries, have been trampled upon, inasmuch as he was the Commissary of a Foreign Power, and inasmuch as, without summons or notice, without accusation, trial, or sentence, the doors of his house have been broken, and he has not only been robbed of his family and private Papers, always sacred, but of those which, being the Correspondence of Office, and reserved with his Government, belong to His Catholick Majesty.

The sentiments which animate a Free People, and the principles which direct those who have the high honour of governing them, are well known to you. Capable of making every sacrifice, where their interest alone is concerned, they never yield when their insulted honour demands just satisfaction. That His Catholick Majesty is under the necessity of demanding it for the repeated insults offered by General Jackson, his Commissaries, Officers, and Servants, is fully proved, by my Remonstrances, and those of Don Hilario de Rivas; and, to be brief, I at present demand, in His Royal Name:

1st. That the Government of The United States shew, in an authentic manner, its disapprobation of the insults offered to the Spanish Commissary, Don Jose Coppinger.

2dly. That the Authors of them be punished as they deserve.

3dly. That all the Papers without any distinction, which were taken from the house of Colonel Coppinger and of the Secretary, on the 2d of October, be restored to Colonel Don Jose Coppinger, who will return to St. Augustine, for that purpose, that he may keep those which belong to the Spanish Government, and preserve in his possession those which have been the object of doubts; until, according to the solemn Stipulation between him and Colonel Butler, both Governments come to a determination respecting them.

4thly. That the Government of The United States satisfy Spain

and Don Jose Coppinger, for the damages and injuries which they have sustained, by the injustice of the American Authorities in the Floridas.

No doubt but the President will acknowledge the justice of this Remonstrance, and I flatter myself, that he will be pleased to give, without delay, to a Monarch, who has given such proofs of his friendship for The United States, a satisfaction which his honour, and that of the Spanish Nation, demands. I repeat the sentiments, &c.

The Hon. J. Q. Adams. JOAQUIN DE ANDUAGA.

No.9.—Don Joaquin de Anduaga to the Secretary of State.-(Translation.) SIR, Philadelphia, 27th December, 1821.

THE immense sacrifices made by Spain to satisfy the claims of The United States, have given her a just right to flatter herself that the American Government would, in its turn, pay attention to those which His Catholick Majesty might see necessary to make, with that readiness which is due to a friendship that he had, at such great cost, endeavoured to maintain between the two Cabinets. Under this impression, I believed that the President, guided by his characteristic principles of justice, and with a full conviction of the solid reasons with which, in my Notes of the 18th and 22d of last month, I demanded satisfaction for the injuries of General Jackson towards the Spanish Commissaries and Officers in the Floridas, would have been pleased to order it to be given to me without delay. But, I see with pain, that, so far from my hopes being realized, the receipt of my Notes, after so long a time, has not even been acknowledged. What may have been the cause of this silence, I am not able to divine, unless it be the difficulty of deciding to what satisfaction His Catholick Majesty is entitled.

If my claims were founded on matters of interest, I could have waited for the answer to them without being troublesome to you, Sir; but, as they originate in atrocious injuries, committed against the honour of my King and my Nation, I should be wanting to my most sacred duties if I did not persist in demanding the satisfaction which they require.

The more General Jackson's conduct is considered, the more evident it is that his sole aim by it has been to insult Spain. In fact, no advantage could result from it to The United States, no glory to the General himself, in trampling upon the defenceless Commissaries and Officers of Spain. And if none of these purposes, the only ones that could excuse him in the eyes of a Cabinet less just than this, impelled him, what doubt can remain but that his sole motive was his inveterate hatred against the Spaniards? It is therefore certain, that General Jackson ought not to meet protection from his Government, whose interest he did not consult, when he had the audacity to trample upon the Law of Nations, and the Laws of every Civilized People. But, admitting that his intention had been to promote the prosperity of his Country, it would be doing a serious injustice to the President to suppose, for a moment, that he could approve of its being attained by measures so criminal. Satisfied of this truth, I have not the least doubt but that the satisfaction demanded will be given to me; and the sole purpose of this Note is, to request, Sir, that you will be pleased to transmit it to me as soon as possible, as your own delicacy will convince you of the impatience with which His Catholick Majesty expects it, who, by how much more zealous he is to preserve the greatest harmony with The United States, by so much the more anxious will he be to see every cause, tending to disturb it, removed.

I embrace this opportunity, &c.

The Hon. J. Q. Adams.

JOAQUIN DE ANDUAGA.

No. 10.—The Secretary of State to Don Joaquin de Anduaga. SIR, Department of State, Washington, 31st December, 1821.

I HAVE had the honour of receiving your Letters of the 14th, 18th, and 22d, November, and 13th and 27th of the present month.

In my Letter to you of (2d) November last, in answer to that of the 6th of October, which had been received from Mr. Salmon, I informed you that a definitive answer upon the complaints of Mr. Salmon and Colonel Callava would be given, after General Jackson should have been made acquainted with them, and his explanations of the motives and considerations by which he had been governed, should be received.

In your Letter of 14th November, you manifest your entire satisfaction with this course of proceeding; and when, afterwards, your Letters of the 18th and 22d of November were received, containing new complaints against other proceedings of General Jackson, subsequent to those to which the Letter of Mr. Salmon had applied, it was presumed that you would expect that the same course should be adopted, with regard to these additional charges, as had already met your approbation in relation to the preceding subjects of complaint. This was the reason why an immediate acknowledgment of the receipt of those Letters was not transmitted to you, and is the motive for postponing, at present, any further reply to your Letter of the 27th inst.

I had the honour of informing your Predecessor, General Vives, that the Statement, stipulated in the 14th Article of the late Treaty to be given by The United States, of the Prizes made, and of injuries suffered, by the Privateers, Consuls, and Tribunals of France, in the Ports of Spain, and its amount, could be ascertained only by the result of the Commission instituted by virtue of the 11th Article of the Treaty. That Commission has already made some progress in the investigation of the Cases brought before them; and when they shall have decided upon those, concerning which the Statement, mentioned in the 14th UNITED STATES AND SPAIN.

Article of the Treaty, is to be made, it shall be transmitted to you with
out delay.I pray you, Sir, to accept, &c.Don Joaquin de Anduaga.JOHN QUINCY ADAMS.

No. 11.-Don Joaquin de Anduaga to the Secretary of State.-(Translation.) SIR, Philadelphia, 6th January, 1822.

I HAVE had the honour to receive your Note of the 31st last, in answer to mine of the 27th of the same month. When, in it, I deemed it my duty to repeat my demand of satisfaction for the conduct of General Jackson, I did so because I had no doubt that he, before leaving the Floridas, had informed his Government of his motives for maltreating the Spanish Commissaries and Officers. This persuasion was the stronger, inasmuch as I had before received Letters from the Floridas, considerably later than the events which gave rise to my complaints, and the departure of General Jackson; but supposing his having given no account, even of the reasons which impelled him to such extraordinary proceedings, a very just impediment, for which the President may give time, in order to determine on my demands, some notice it appears reasonable ought to have arrived long since.

Yet, let the excuses of General Jackson be what they will, it is evident that he can give none for possessing himself of the Papers belonging to His Catholick Majesty. I could have flattered myself, therefore, that the President would have been pleased to order the restoration of them, as he could not possibly have retained the least doubt in his mind about a provision so just.

In my Note of the 22d of November, I had the honour to communicate to you, Sir, that I had ordered Colonel Coppinger to stay and return to St. Augustine, to take charge of all the Papers which had been taken from him. His remaining, increases the damages which have been sustained by His Catholick Majesty, and adds to the vexations of which Colonel Coppinger himself has been the victim; and I shall also take upon me to add, that the delay in the restoration of Documents belonging to a Monarch friendly to The United States, is not conformable to what His Catholick Majesty had a right to expect from a Government, to which so many proofs of his delicacy and esteem have been given.

Wherefore, Sir, I request of you, anew, that the most peremptory Orders may be given for the immediate delivery to Colonel Coppinger, of all the Papers of which he was dipossessed, and I am persuaded that the President will not refuse so reasonable a demand; in the mean time that, in giving complete satisfaction to Spain, for the injuries committed against her, he may have that of wiping off the stain which General Jackson, with his unjust and violent proceedings, has thrown upon the reputation of the American Authorities. I renew, &c. The Hon. J. Q. Adams. JOAQUIN DE ANDUAGA.

No. 12.—The Secretary of State to Don Joaquin de Anduaga. SIR, Department of State, Washington, 5th April, 1822.

In the Letters which I had the honour of writing you, on the 2d of November, and 31st of December last, you were informed that a definitive answer to the complaints against certain proceedings of General Andrew Jackson, while Governor of Florida, which were contained in a Letter to this Department from Don Hilario de Rivas y Salmon, before your arrival in this Country, and in your Letters of the 18th and 22d of November, would be given, after the substance of those complaints should have been made known to General Jackson, and his explanations of the motives and considerations by which he had been governed in adopting the measures complained of, should have been received.

In performing this promise I am commanded by the President of The United States to repeat the assurance of his deep regret, that the transactions, which formed the subject of these complaints, should ever have occurred, and his full conviction, upon a review of all the circumstances which have attended them, that they are attributable entirely to the conduct of the Governor and Captain-General of Cuba, and of the Subordinate Officers of Spain, in evading and refusing the fulfilment of the most express and positive Stipulations of the Treaty, both of evacuating the Province within 6 months from the exchange of the Ratifications of the Treaty, and of delivering the Archives and Documents relating directly to the Property and Sovereignty of the Provinces.

At the time of the exchange of the Ratifications of the Treaty, your Predecessor, General Vives, delivered an Order from His Catholick Majesty, to the Captain-General and Governor of the Island of Cuba, and of the Floridas, informing him of the cession to The United States of that part of the Provinces of which he was the Governor, that was situated on this Continent, and instructing him as follows:

"I command you, and ordain, that, after the information which shall be seasonably given you by my Minister Plenipotentiary and Envoy Extraordinary at Washington, of the Ratifications having been exchanged, you proceed on your part, to make the proper dispositions, in order that, at the end of 6 months, counting from the date of the exchange of the Ratification, or sooner if possible, the Spanish Officers and Troops may evacuate the Territories of both Floridas, and that possession of them be given to the Officers or Commissioners of The United States, duly authorized to receive them. You shall arrange, in proper time, the delivery of the Islands adjacent and dependent upon the two Floridas, and the publick lots, and squares, vacant lands, publick edifices, fortifications, barracks, and other buildings, which are not private property; as also the Archives and Documents which relate directly to the Property and Sovereignty of the same two Provinces, by placing them at the disposal of the Commissaries or Officers of The United States, duly authorized to receive them."

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This Order, thus clear and explicit, was dispatched, together with Letters from General Vives, to the Governor of Cuba and the Floridas, notifying him of the exchange of the Ratifications of the Treaty, by Colonel James G. Forbes, who was commissioned, " as Agent and Commissary of The United States, to deliver to him the Royal Order, to arrange and concert with him, conformably to Instructions committed therewith, the execution of the above Stipulations, and to receive from the said Governor, and from any and every Person possessed of the said Archives and Documents, all and every one of the same, and to dispose thereof in the manner prescribed by his Instructions." Colonel Forbes' authority, thus, was to receive the Documents and Archives, and to concert and arrange with the Governor of the Floridas, the delivery of those Provinces, which General Jackson was commissioned to receive, take possession of, and occupy, and of which he was further commissioned to be the Governor, when surrendered to The United States.

The Royal Order was delivered by Colonel Forbes to the Governor of the Floridas, at The Havannah, on the 23d of April, 1821. There has been shewn by that Governor, no cause or reason which could justly have required him to delay the delivery of the Documents and Archives, and the arrangements for the delivery of the Provinces beyond the term of a single week. There were *tucnty* boxes of those Archives and Documents; the whole, or with very few exceptions, the whole, of which ought, by the positive Stipulation of the Treaty, and by the express Order of the King of Spain, to have been immediately delivered to Colonel Forbes Not one of them was delivered to him; nor has one of them been delivered to this day.

The Orders for the surrender of the Provinces were delayed from day to day, notwithstanding the urgent and continual solicitations of Colonel Forbes, for the term of 6 weeks, at the end of which, to avoid further indefinite procrastination, he was compelled to depart without receiving the Archives and Documents, but with repeated promises of the Governor, that they should be transmitted to this Government promises which have remained to this day unperformed.

The Orders for the delivery of the Provinces themselves were not only thus unreasonably withheld, but when made out, though not furnished to Colonel Forbes till the last week in May, were made to bear date on the 5th of that month: nor were they prepared conformably to the Stipulation of the Treaty, or to the Royal Order of His Catholick Majesty; for, instead of directing the surrender to be made to the Commissioners or Officers of The United States, duly authorized to receive them, the Instruction to the Commanders in East and West Florida was to deliver those respective Provinces to Colonel Forbes, himself, who had from The United States no authority to receive them. And, although expressly advised of this fact by Colonel Forbes, with the request that the Orders of Delivery might be amended, and made conformable to the Treaty, and to the Royal Command, Governor Mahy did not so amend it, but reduced Colonel Forbes to the alternative of submitting to further delays, or of departing with an imperfect and ambiguous Order of Delivery of West Florida, authorizing its surrender to the legally constituted Authorities of The United States, (that is, as Governor Mahy, well knew, to General Andrew Jackson) only, in case of any accident happening to Colonel Forbes, whom he still affected to consider, notwithstanding his own express declaration to the contrary, as the Commissioned Agent of The United States to that effect.

The 20 boxes of Documents and Archives which were at The Havannah, as has been mentioned, had been transmitted thither from Pensacola; and contained all the most important records of property in West Florida. The possession of them was in the highest degree important to The United States, not only as the Vouchers of individual property, but as protecting guards against the imposture of fraudulent Grants.

The same persevering system of withholding Documents which it was their duty to deliver, has marked, I am deeply concerned to say, the conduct of both the Commanders of East and West Florida, who were charged respectively, to deliver those Provinces to The United States. It is to this cause, and to this alone, as appears from a review of all the transactions of which you have complained, that must be traced the origin of all those severe measures which General Jackson himself was the first, while deeming them indispensable to the discharge of his own official duties, to lament. Charged as he was with the trust of receiving the Provinces in behalf of The United States, of maintaining their rights of property within them, of guarding them to the utmost of his power from those frauds to which there was too much reason to apprehend they would be liable, and to which the retention of the Documents gave so great and dangerous scope; entrusted, from the necessity of the case, during the interval of time, while the general Laws of The United States remained unextended to the Provinces, with the various powers which had, until that time, been exercised by the Spanish Governors, and which included the administration of justice between Individuals; it was impossible that he should not feel the necessity of exercising, under circumstances thus exasperating and untoward, every authority committed to him by the Supreme Authority of his Country, to preserve inviolate, so far as on him depended, the interest of that Country, and the sacred obligations of individual right.

In the proceedings connected with the delivery of the Province, he had as little reason to be satisfied with the conduct of Colonel Callava, as with that of the Captain-General. On a plea of indisposition, that Officer had, on the day of the surrender, evaded the performance of a solemn promise, which General Jackson had considered an indispensable preliminary to the act; and afterwards the Colonel positively declined its fulfilment. He had, however, completed the Surrender of the Province with which he had been charged. He had declined producing to General Jackson any Credential as a Commissioner for performing that act; but had informed him that he should make the Surrender as the Commanding Officer of the Province, by virtue of Orders from his Superior. This service had been consummated; and Colonel Callava, whom General Jackson had formerly notified that he had closed with him his Official Correspondence for ever, was bound, by the special Stipulation of the Treaty, to have evacuated, as one of the Spanish Officers, the Province, before the 22d of August. If General Jackson had, in courtesy to Colonel Callava, considered him, notwithstanding his own disclaimer of the character, as a Commissioner, for the delivery of the Province, there can be no pretence that he was entitled to special privileges under it, after he had avowedly performed all its duties; after he had been informed by General Jackson that their Official Correspondence was finally closed; and after the date when, by the positive engagements of the Treaty which he was to execute, he was bound to have departed from the Province. From the time when his functions for the Surrender of the Province were discharged, he could remain in Pensacola no otherwise than as a private unprivileged Individual, amenable to the duly constituted American Authorities of the Place, and subject to the same controul of General Jackson, as a private Citizen of The United States would have been to that of the Governor of the Floridas, before the Surrender had taken place.

That this was the opinion of Colonel Callava himself, and of his friends who applied to Judge Fromentin for the Writ of Habeas Corpus, to rescue him from the arrest under which he was placed by the order of General Jackson, is apparent from their conduct on that occasion. It is stated by Judge Fromentin, that, before granting the supposed Writ of Habeas Corpus, he required that Colonel Callava should enter into a recognizance for 20,000 dollars, with 2 Securities, each for the amount of 10,000 dollars; the condition of which recognizance was, that Colonel Callava should personally be and appear before the Judge of The United States for West Florida, &c. whenever required so to do; that he should not depart from the City of Pensacola, without the leave of the said Court, nor send away, remove, or otherwise dispose of, unknown to the said Court, any of the Papers in question. It was only upon the promise of his friends that this recognizance should be executed, that Judge Fromentin consented to issue the Writ of Habeas Corpus; and this recognizance renounces in fact every pretension of exemption from the judicial authority of the Country; and consequently of the diplomatick privileges of a Commissioner:

It has been seen that the most important Documents relating to the property of West Florida had been transmitted to The Havannah; there remained, however, a portion of them, particularly of Judicial Records, relating to the titles of individual property. Some of these Colonel Callava did deliver up with the Province; others, of the same description and character, indispensable for the administration of Justice in the Province, and useless at The Havannah, whither it was his intention to have transported them, were retained; not in his possession, but in that of Don Domingo Sousa, a Spanish Officer, who, by the Stipulation of the Treaty, ought also to have departed from the Province before the 22d of August.

The day immediately preceding that date, the Alcalde of Pensacola, at the Suit of a Woman, in a humble walk, indeed, of life, but whose rights were, in the eye of General Jackson, equally entitled to his protection with those of the highest rank, or the most commanding opulence, had represented to him that a number of Documents, belonging to the Alcalde's Office, and relating to Estates at that Place, and to Suits there instituted, were in the possession of Domingo Sousa; that the necessity for obtaining possession of those Documents was urgent, and therefore he requested the Governor to authorize some one to make a regular demand of them, and to ascertain what they were. Governor Jackson, accordingly, forthwith commissioned the Secretary of the Territory, the Alcalde of Pensacola himself, and the Clerk of the County Court of Escambia, to proceed to the dwelling of Sousa, to make demand of all such Papers or Documents, belonging to the Alcalde's Office, as might be in his possession; and in case of Sousa's refusal to exhibit or deliver the same, immediately to report the fact to him, the Governor, in writing. These Commissioners the next day reported to the Governor that they had examined the Papers in the possession of Sousa; that they had found among them 4 sets of Papers of the kind which belonged to the Office of the Alcalde, and among them those in which the Woman from whom the first application had proceeded was interested; that they had, both verbally and in writing, demanded of him the delivery of those Documents, which no private Individual had a right to keep, as they related to the rights of Persons holding or claiming property in the Province, but that Sousa had refused to deliver them, alleging that he was but the Servant of Colonel Callava, and could not deliver them without his order. In the transactions of Sousa, on this occasion, is manifested the same consciousness that the claim of diplomatick privilege, set up by Colonel Callava, to screen him from the operation of the authority of Governor Jackson, was without foundation. For, although he refused to deliver up the Papers, conformably to the Governor's command, he submitted to the examination of them by the Commissioners, in obedience to the same authority; and, though he declined receiving from them the Letter demanding the delivery of the Papers, he told them that, to relieve himself from the responsibility of keeping them, he should deliver them to Governor Callava himself. They were accordingly sent to the house of Colonel Callava, and put into the possession of his Steward, Fullerat. It is clear, however, that, if the Papers, while in Sousa's possession, were privileged from delivering up at the command of Governor Jackson, they were equally privileged from examination by the same Authority; and, if they were not lawfully screened from his process in the custody of Sousa, they could not be made so by removing them to the house of Colonel Callava. The truth is, that the removal of the Documents, at that time, and in such a manner, was a high and aggravated contempt of the lawful authority of the Governor. It not only claimed for Colonel Callava diplomatick immunities, but assumed that he was still the Governor of the Province, and that Sousa was amenable for his conduct only to him. Colonel Callava might, on the same pretence, have retained the whole body of the Spanish Officers and Troops under his command at Pensacola, and insisted upon exercising over them all his extinguished authority, as Governor and Commander-in-Chief, after the 21st of August, as he could to exercise any official authority within the Province, over Domingo Sousa, or to extricate him from the lawful jurisdiction of Governor Jackson.

It is under these circumstances that the subsequent measures of Governor Jackson are to be considered. He immediately issued an Authority to Colonel Robert Butler, and Colonel John Miller, to seize the body of Sousa, together with the Papers, and to bring them before him, that Sousa might answer such interrogatories as might be put to him, and comply with such Order and Decree, touching the said Documents and Records, as the rights of the Individuals, secured to them by the Treaty, might require, and the justice of the case might demand. By virtue of this Order, Sousa was brought before Governor Jackson, and again recognized the authority under which he was taken, by answering the interrogatories put to him. But he had already put the Papers and Documents out of his possession; and thus, as far as was in his power, baffled the ends of justice, and set at defiance the lawful authority of the Governor.

In this transaction, Colonel Callava was avowedly the principal Agent; and altogether unjustifiable as it was, whatever consequences of inconvenience to himself resulted from it, must be imputed to him. It was an undisguised effort to prostrate the authority of The United States in the Province; nor had Governor Jackson any other alternative to choose, than tamely to see the sovereign power of his Country, entrusted to him, trampled under foot, and exposed to derision by a Foreigner, remaining there only upon his sufferance, or by the vigorous exercise of his authority, to vindicate at once the rights of The United States, and the just claims of Individuals to their protection.

Governor Jackson could consider Colonel Callava in no other light than that of a private Individual, entitled indeed, as the Officer of a Foreign Power, to courtesy, but not to exemption from the process of the Law. Notwithstanding his improper conduct, Governor Jackson, in the first instance, authorized Colonel Butler and Dr. Bronaugh, accompanied by Mr. Brackenridge, the Alcalde, to wait upon him and his Steward, and demand from them the specified Papers, which Sousa had declared, in his answer to the interrogatories, to have been delivered to the Steward at Governor Callava's house. It was only in case of the refusal to give up the Papers, that the Order extended to the seizure of the Person of Colonel Callava, that he might be made to appear before Governor Jackson, to answer interrogatories, and to abide by, and perform, such Order and Decree as the justice of the case might demand. This demand was accordingly made, and although at the first moment peremptorily refused, yet, upon Colonel Callava's being informed that his refusal would be considered as setting at defance the authority of the Governor of the Floridas, and of the consequences to himself which must ensue upon his persisting therein, he desired to be furnished with a Memorandum, setting forth the Documents required, which was accordingly done. But when the delivery of the Papers was again demanded of him, he repeated the refusal to deliver them, and attempted both to avoid the personal approach of Colonel Butler and Dr. Bronhugh, and to exhibit a resistance by force of arms to the execution of the Governor's Order. And it is not a little remarkable, that among the Persons who appeared thus arrayed against the Authority of The United States, to accomplish the denial and removal of the Papers, was a Man against whom the most important of those Papers were judicial decisions of Governor Callava himself, in behalf of the orphan Children; for the establishment of whose rights they were indispensably necessary, and at whose application they had been required.

Standing thus, in open defiance to the operation of the Law, Colonel Callava was taken before the Governor; and there, refusing to answer the interrogatories put to him, and asserting the groundless pretension of answering only as a Commissioner, and by a Protest against the acts of the Governor, he was, by his order, committed to prison, until the Documents should be delivered to the Alcalde. On the next day a search Warrant for the Papers was issued by the Governor, upon which they were actually obtained, and directed to be delivered to the Alcalde; whereupon, Colonel Callava was immediately released.

In all these proceedings, you will perceive, Sir, that not one act of rigour, or even of discourtesy towards Colonel Callava, was authorized by Governor Jackson, which was not indispensably necessitated for the maintenance of his authority, and the discharge of his official duty, by the unjustifiable and obstinate resistance of Colonel Callava himself.

On a review of the whole transactions, I am instructed by the President of The United States to say, that he considers the Documents in question, as among those which, by the stipulation of the Treaty, ought to have been delivered up, with the Province, to the Authorities of The United States; that they were, on the 22d of August, when in the possession of Domingo Sousa, within the jurisdiction of The United States, and subject to the controul of their Governor, acting in his judicial capacity, and liable to be compulsively produced by his Order; that the removal of them from the possession of Sousa, after the Governor's Order to him to deliver them had been served upon him, could not withdraw them from the jurisdiction of Governor Jackson, and was a high and aggravated outrage upon his lawful authority; that the imprisonment of Colonel Callava was a necessary, though by the President deeply regretted, consequence, of his obstinate perseverance in refusing to deliver the Papers, and of his unfounded claim of diplomatick immunities, and irregular exercise even of the authorities of a Governor of Florida, after the authority of Spain in the Province had been publickly and solemnly surrendered to The United States.

That the Documents were of the description of those which the Treaty had stipulated should be delivered up with the Province, is obvious, from the consideration of their character. They related to the property of Lands in the Province. They were Judicial Records, directly affecting the rights of Persons remaining in the Province ; rights which could not be secured without them ; rights over which the Appellate Tribunal of the Governor of Cuba, to which Colonel Callava proposed to remove the Papers, thenceforth could have no authority or controul, they having become definitively subject to the jurisdiction of The United States. The only reason assigned by Colonel Callava for the pretension to retain them, is, that they related to the estate of a deceased Spanish Officer, and had thereby been of the resort of the Military Tribunal. But it was for the rights of the living, and not for the privileges of the dead, that the Documents were to operate. The Tribunal of the Captain-General of Cuba could neither need the production of the Papers, nor exercise any authority over the subjectmatter to which they related. To have transferred to the Island of

Cuba a question of litigated property, concerning land in Florida, between Persons, all of whom were living, and to remain in Florida, would have been worse than a mockery of justice. Indeed, Mr. Salmon, in his Note, appearing to have been aware of the weakness of this allegation, declines the discussion of the question; and in justification of the refusal of Colonel Callava to deliver up the Documents, merely rests its defence upon the plea, that the Papers had not been demanded of him officially. It has been seen, that Colonel Callava had no official character which could then exempt him from the compulsive process of the Governor.

But Mr. Salmon alleges that the Spanish Constitution, as well as that of The United States, separates the Judicial from the Executive Power exercised by the Governor or Captain-General of a Province. Neither the Constitution, nor the Laws of The United States, excepting those relating to the Revenue and its Collection, and to the Slave-trade, had at that time been extended to Florida. And as little had the Spanish Constitution been introduced there, in point of fact, however it might have been proclaimed. But, be this as it may, the Cause, in relation to which the Documents required in the case of Vidal had been drawn up, and were needed, was one of those which, under the Spanish Constitution itself, remained within the jurisdiction of the Governor. This is declared by Colonel Callava himself, in the third observation of the Appendix to his Protest, transmitted with the Letter of Mr. Salmon. It is the reason assigned by him for having withheld those Documents from the Alcalde. And one of them was a Judgment rendered by Colonel Callava himself, after the time when the Proclation of the Spanish Constitution in the Province is alleged to have been made. The Cause, therefore, was, on every hypothesis, within the jurisdiction of the Governor; the Papers were indispensable for the administration of justice in the Cause ; and when once applied for, by a Person entitled to the benefit of them, it was the duty, the inexorable duty, of Governor Jackson, to put forth all the authority vested in him, necessary to obtain them.

Nor less imperative was his obligation to punish, without respect of Persons, that contempt of his jurisdiction, which was manifested in the double attempt of Colonel Callava to defy his power, and to evade the operation of its process.

With regard to the Proclamation of General Jackson, of the 29th of September, commanding several Spanish Officers, who, in violation of the Stipulation in the Treaty, had remained at Pensacola, after the expiration of the 6 months from the day of the Ratification of the Treaty, to withdraw, within 4 days, from the Floridas, which forms the subject of complaint in your Letter of the 18th of November, it might be sufficient to say, that it did no more than enjoin upon those Officers to do that which they ought before, and without any injunction, to have done. The engagement of the Treaty was, that they should all have evacuated the Province before the 22d of August.

If they remained there after that time, it could only be as private Individuals, amenable in every particular to the Laws. Even this was merely an indulgence, which it was within the competency of General Jackson at any time to have withdrawn. From the Extract of a Letter from him, of which I have the honour of inclosing a Copy,* it will be seen, that he was far from being disposed to withdraw it, had they not, by their abuse of it, and by open outrages upon his authority, forfeited all claims to its continuance.

This Extract furnishes a satisfactory answer to your question, why, if the fulfilment of the Article was the object of the Proclamation, it was confined to the 8 Officers, by name, and not extended to all other Spanish Officers in the Floridas. It was because the deportment of the others was as became them, decent, respectful, and friendly towards the Government, under the protection of which they were permitted to In the newspaper publication, which gave rise to the Proclaabide. mation of General Jackson, the Spanish Officers avowedly acted, not as private Individuals, but as a distinct body of Men, speaking of Colonel Callava as their Chief, their Superior; and arrogating to themselves, as a sort of merit, the condescension of knowing what was due to a Government (meaning the American Government) which was on the most friendly footing with their own. This is language which would scarcely be proper for the Ambassador of one Nation, upon the Territory of another, to which he would owe not even a temporary allegiance. From Persons situated as those Spanish Officers were, it was language of insubordination and contempt.

In alluding to the fact; that Officers of the American Squadron, in the Mediterranean, are sometimes received with friendly treatment on the Territories of Spain, to make a Case parallel with the present, it would be necessary to show, that some Superior Officer of the said Squadron should, while enjoying the hospitality of the Spanish Nation upon their shores, first attempt to evade and to resist, the operation of process from the constituted Judicial Tribunals of the Country, and then pretend, as an American Officer, to be wholly independent of them; and that some of his Subalterns should not only countenance and support him in these attempts, but should affect to consider him, while on Spanish ground, as their only Superior and Chief, and by unfounded and inflammatory Publications in the Daily Journals, to rouse the People of Spain to revolt and insurrection against the Judicial Tribunal of their own Country.

If the bare statement of such a Case would be sufficient to raise the indignation of every honourable Spaniard, let it be observed, that even this would be without some of the aggravations of the conduct of

* Not published.

these Spanish Officers at Pensacola. For such outrage would be far less dangerous, committed against old established Authorities, which might rely upon the support of the whole People surrounding them, than in the presence of a People, whose allegiance had been just transferred to a new Government, and when the revolt to which they were stimulated, would seem little more than obedience to the Authorities to which they had always been accustomed to submit.

The very power which the Spanish Governor and Officers had exercised before the surrender of the Province, ought to have been a most urgent warning to them to avoid every semblance of Authority in themselves, or of resistance to that of The United States, after the transfer of the Province had been completed.

In forbearing particularly to reply to that part of your Note, in which you think yourself authorized to pronounce the charge of General Jackson against these Spanish Officers, of having attempted to excite discontent in the Inhabitants, false, I shall barely express the hope, that the term was admitted into your communication inadver-The conduct of the Officers, at the time of Colonel Callava's tently. conflict with the Authority of the Governor, as well as in their insulting Newspaper publication, was of a character and tendency too strongly marked, to leave a doubt of the truth with which it is described in General Jackson's Proclamation, and in passing unnoticed this and other mere invectives against an Officer, whose services to this Nation have entitled him to their highest regard, and whose whole career has been signalized by the purest intentions and the most elevated purposes, I wish to be understood as abstaining from observations, which, however justified by the occasion, could but add to the unpleasantness of a discussion already sufficiently painful.

That this conduct on the part of the Spanish Officers was highly reprehensible, cannot reasonably be denied, and had General Jackson been disposed to animadvert upon it with severity, his course would undoubtedly have been that which you have pointed out as appropriate to the offence. They would have been cited before the proper Tribunal, heard upon specific charges, allowed time and liberty to make their defence, and punished by commitment to prison. General Jackson preferred a milder and more indulgent measure; and without prosecuting them as Criminals, only withdrew from them the privilege of a protracted infraction of the Treaty, by requiring them forthwith to depart from the Province. To justify him in this requisition, neither arrest nor judicial trial was necessary or proper. The facts were of publick notoriety, and could not be denied. The Proclamation only required of them the execution of the Treaty, by the removal of their Persons. Had their conduct even been unexceptionable, this measure would have been within the undoubted Authority of General Jackson.

As their deportment had been, it was the most lenient exercise of his power practicable, to vindicate the insulted honour and justice of his Country.

I pass to the consideration of the complaints contained in your Letter of the 22d of November. In order to take a correct view of this subject, it is again necessary to advert to the Royal Order of His Catholick Majesty, to the Captain-General and Governor of the Island of Cuba, and of the Floridas, commanding him to cause to be placed at the disposal of the Commissaries or Officers of The United States, duly authorized to receive them, the Archives and Documents relating directly to the property and sovereignty of the two Provinces.

On the 16th of May, the Captain-General and Governor wrote to Colonel Forbes, that, "respecting East Florida, where there ought to be found all her Archives, he, Governor Mahy, would direct Governor Coppinger to make a formal delivery of that Province, as well as of the Documents belonging to it."

On the 24th of May, Colonel Forbes wrote to the Captain-General, reminding him of the repeated promises made by his Excellency, to dispatch him with the Archives, which were to be delivered, and then were at The Havannah, and with the Orders for the delivery of the Provinces and of the Archives deliverable there; of the continual disappointments to which he had been subjected by the failure of performance to those promises, and of the necessities which urged his immediate departure. He therefore proposed, "that if any further researches should be necessary for the discovery of the said Archives, they might be delivered when more convenient to the Spanish Government; that he, (Colonel Forbes) should be allowed to proceed immediately to West Florida, with the Commissary appointed to carry the final Order to the Sub-Governor there; and, lastly, that a Duplicate Order be given at once, as agreed upm, to the Governor of East Florida, for the delivery of that Province to the constituted Authorities of The United States, together with the Archives, which were declared to be on the spot.

On the 29th of May, the Captain-General answered this Letter, and inclosed to him the Orders to the several Governors of East and West Florida, for the delivery of the Provinces, antedated as I have already mentioned, with a declaration, that the Archives then at The Havannah and which ought to have been delivered to Colonel Forbes, *should* be transmitted to the Government of The United States, as soon as they were selected; a promise, as I have before observed, yet unfulfilled.

These Orders of the Captain-General to the Commanders of East and West Florida, are further remarkable by the omission of any direction in them for the delivery of the Archives and Documents. It had been expressly agreed by him, with Colonel Forbes, that the Order for

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the delivery of East Florida should include that of the Archives. But it was not sufficient for Governor Mahy to avoid the performance of this promise.

By the Letter from Colonel Butler to General Jackson, of the 21st January last, a Copy of which I have the honour to inclose, it appears that, with regard to the greatest and most important part of those Documents, he had expressly instructed Colonel Coppinger not to deliver them. And hence, when on the 18th of June, Colonel Butler, the Officer of The United States authorized to receive the Province, notified Colonel Coppinger that he had designated Major Cross to receive the Archives relating to the Sovereignty and Individual Property of the Province, he was answered by Colonel Coppinger, "As respects the delivery of the Publick Archives, containing the Records of Individual Property of this Province, that will be delayed, until various doubts that occur are cleared up; but they will not be removed until then, nor will I leave this Place until all matters are regulated and concluded between us, that demand my personal assistance."

Thus, upon the pretence of doubts, the nature of which was not explained, Colonel Coppinger declined, positively, to deliver up Documents, conformably to the express stipulation of the Treaty. Colonel Butler immediately proposed to him a Conference on the subject, which was held on the 21st of June. At that Conference Colonel Coppinger told Colonel Butler, that "as an Individual, he believed these Archives should be given over to The United States, but, that his Orders prevented him from turning them over." Colonel Butler therefore assented as, indeed, no other alternative seemed to be left him, that Colonel Coppinger should have time to write to the Captain-General of Cuba, for the decision of his doubts; and mentioned to him the opportunity of a Vessel then about to sail for The Havannah, when she was to return to St. Augustine, and might bring the answer of the Captain-General. Colonel Coppinger, on the 23d of June, informed Colonel Butler that he had that day written to the Captain-General for the solution of his doubts; and, until he received his answer, the Archives should not be removed from St. Augustine, and should remain precisely as they were. Colonel Butler, by his Letter of 26th June, agreed to remain silent on the head of the Archives, until the answer should be received from the Captain-General; but, within one week from that time. Colonel Butler received information, that a large portion of these Documents were packed for transportation. He wrote, therefore, on the 3d of July, to Colonel Coppinger, enumerating specifically several kinds of Records, relating directly to the property of the Province, and declaring that he considered them among those which were not to be removed; the reply to which, by Colonel Coppinger, is especially to be remarked, as expressing his opinion, that several of those Docu832

ments were excluded from delivery. There can be no reasonable doubt, that all the Papers, specified by Colonel Butler's Letter, were of those which the Treaty had stipulated should be delivered up. When, therefore, General Jackson considered, and compared together, the express and positive Order of the King of Spain, to the Captain-General, and Governor of Cuba, that he should faithfully see to the delivery of the Documents; the pretences on which he evaded the delivery to Colonel Forbes, of those which were at The Havannah, within his own controul; the promise that he would direct the delivery, by Colonel Coppinger, of those that were at St. Augustine; the peremptory postponement of Colonel Coppinger to deliver up any Documents or Records relating to individual property; his engagement that none of them should be removed, until he should receive further Instructions from the Captain-General, and, within one week after, his attempt to pack up, for transportation to Cuba, a large portion of them; and, finally, his pretensions that many Papers, manifestly having direct relation to the Property of the Province, were excluded from delivery ; and his recurrence to the literal sense of his Orders from the Captain-General; with the verbal avowal to Colonel Butler, of his own opinion that the Documents ought to be delivered, though he was forbidden by his Instructions to deliver them: it was impossible for General Jackson to close his eyes against Proceedings so unjustifiable and improper. He, therefore, gave Instructions to the Officer commanding at St. Augustine to take possession of the Papers which the Treaty had stipulated should be delivered.

The necessity for taking possession of them had indeed arisen before the Instructions of General Jackson were received. Most of the Records relating to Individual Property had been left in possession of Don Juan de Entralgo; who, on the pretence that he had purchased at publick sales, under the Spanish Government, not only those Documents, but the Office of Register of them, openly advanced the claim of retaining the Records as his private property, and of continuing the exercise of the Office, and receiving fees for granting Copies of the same.

These pretensions were raised on the 5th of September, nearly 3 months after the doubts of Colonel Coppinger had, with the consent of Colonel Butler, been referred to the Captain-General and Governor of Cuba. Long before that time the answer of that Officer ought to have been received, peremptorily commanding the delivery of the Papers.

It was impossible that The United States should acquiesce in the Claims of Mr. Entralgo. They were unquestionably entitled to the Documents; and whatever injury he might sustain, by the delivery of them, it might give him a fair demand of indemnity from his own Government, but certainly not from The United States.

Yet the Secretary and Acting Governor, Mr. Worthington, allowed a further delay of nearly a month, before taking the decisive measures necessary to obtain the Documents. He then, on the 3d of October, authorized 3 Persons of respectable character to obtain them, with the use of force if necessary; but with all suitable delicacy and respect towards the Persons who had been the Officers of Spain in the Province. I have the honour of inclosing, herewith, Copies of the Orders from the Secretary Worthington to the Commissioners appointed by him to receive, and afterwards to examine and assort, the Papers, and of their Reports to him, exhibiting the manner in which both those Services were performed. They will prove, that every regard was shewn towards Colonel Coppinger, and Mr. Entralgo, compatible with the execution of the duty; and after the assortment of the Papers, all those which were not of the description stipulated to be delivered over by the Treaty, have ever been, and yet are, ready to be returned to Colonel Coppinger, or to any Person duly authorized to receive them.

Such is the view which I am instructed to say has definitively been taken by the President of The United States, in relation to the transactions which formed the subjects of your Letters of the 18th and 22d of November last, and of that of Mr. Salmon of the 6th of October. He is satisfied that, by the proceedings of the Governor of Florida towards Colonel Callava, on the 23d of August last, and towards certain Individuals, presuming to act as a body of Spanish Officers in Florida, in contempt of the Authority of The United States, on the 29th of September, and by those of the Secretary of East Florida, acting as Governor, on the 2d and 3d of October, towards Colonel Coppinger, and Don Juan de Entralgo, no intention of injury or insult to His Catholick Majesty, or his Government, was entertained, and that no just cause of complaint by them was given. That those measures were all rendered necessary, by the total disregard of the Captain-General and Governor of Cuba and the Floridas, and of his Subordinate Officers, in the Floridas, not only of the solemn Stipulation in the Treaty, for the delivery of the Archives and Documents directly relating to the Property of those Provinces, but of the Royal Order of their Sovereign, commanding the said Captain-General to see to the faithful execution of that engagement; an engagement, in the fulfilment of which the rights, not only of The United States, but of every individual Inhabitant of the Provinces, and Proprietor in them, were deeply and vitally interested.

The mere enumeration of the Documents, as specified in the demands of them made by the Officers of The United States, before resort was had to any measure of rigour for extorting them, proves, that they were indispensable for the establishment of public right, or for the security of private property. To Spain, not one of those Documents could, after the transfer of the Provinces, be of the slightest interest or utility. To the United States they were all important. If the Governor and Secretary had so little understood their duty to the

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public rights of their Country, committed to their charge, as to have suffered the removal of Records, essential to guard the interests of the Nation against the insatiate greediness and fraudulent devices of land Speculators, they had yet a sacred duty to perform to the People of the Country, by retaining the common Vouchers of their Estates. What Individual would have been secure in the tenure of his land, in the evidences of his debts, or in the very shelter over his head, if Colonel Callava could have carried to Cuba his own Judgments in favour of the Vidals, because their Father, when alive, had been an Auditor of War; and if Don Juan de Entralgo could have transported to the same Island, all the Title Deeds of East Florida, because he had bought his Office of Recorder at public auction?

The delays of the Captain-General of Cuba, with regard to the fulfilment of the Royal Order, transmitted to him by Colonel Forbes, were so extraordinary, and upon any just principle so unaccountable, that the Minister of The United States in Spain, was, by Letters from this Department of 13th and 16th June last, instructed, upon his return to Madrid, to represent the same to your Government, and to request new and peremptory Orders to that Officer, for the delivery of the Archives in his possession, conformably to the Stipulation of the Treaty. The renewal of the Order was declined, upon the ground of entire confidence on the part of your Government, that the Captain-General would, before it could be received, have completed the delivery of the Archives and Documents, as he had been commanded by the King.

l regret to be obliged to state, that this just expectation of His Catholick Majesty has not yet been fulfilled.

Captain James Biddle, Commander of The United States' Frigate Macedonian, has therefore been commissioned to repair to The Havannah, there to receive the Documents and Archives, which Colonel Forbes was obliged to leave; and which, it is hoped, the Captain-General and Governor of Cuba will cause to be delivered without further delay. I pray you, &c.

Don Joaquin de Anduaga. JOHN QUINCY ADAMS.

MESSAGE of the President, on the Opening of the Congress of The United States, 3d December, 1821.

Fellow-Citizens of the Senate, and of the House of Representatives :

THE progress of our affairs since the last Session has been such as may justly be claimed and expected, under a Government deriving all its powers from an enlightened People, and under Laws formed by their Representatives, on great consideration, for the sole purpose of

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promoting the welfare and happiness of their Constituents. In the execution of those Laws, and of the Powers vested by the Constitution in the Executive, unremitted attention has been paid to the great objects to which they extend. In the concerns which are exclusively internal, there is good cause to be satisfied with the result. The Laws have had their due operation and effect. In those relating to Foreign Powers, I am happy to state that peace and amity are preserved with all, by a strict observance, on both sides, of the rights of each. In matters touching our commercial intercourse, where a difference of opinion has existed, in any case, as to the conditions on which it should be placed, each Party has pursued its own policy, without giving just cause of offence to the other. In this Annual Communication, especially when it is addressed to a new Congress, the whole scope of our political concerns naturally comes into view; that errors, if such have been committed, may be corrected; that defects, which have become manifest, may be remedied; and, on the other hand, that measures which were adopted on due deliberation, and which experience has shown are just in themselves, and essential to the public welfare, should be persevered in and supported. In performing this necessary and very important duty, I shall endeavour to place before you, on its merits, every subject that is thought to be entitled to your particular attention, in as distinct and clear a light as I may be able.

By an Act of the 3d of March, 1815, so much of the several Acts as imposed higher duties on the tonnage of Foreign Vessels, and on the manufactures and productions of Foreign Nations, when imported into The United States in Foreign Vessels, than when imported in Vessels of The United States, were repealed, so far as respected the manufactures and productions of the Nation to which such Vessel belonged, on the condition, that the repeal should take effect only in favour of any Foreign Nation, when the Executive should be satisfied that such discriminating duties, to the disadvantage of The United States, had likewise been repealed by such Nation. By this Act, a proposition was made to all Nations to place our commerce, with each, on a basis, which, it was presumed, would be acceptable to all. Every Nation was allowed to bring its manufactures and productions into our Ports, and to take the manufactures and productions of The United States back to their Ports, in their own Vessels, on the same conditions that they might be transported in Vessels of The United States; and, in return, it was required that a like accommodation should be granted to the Vessels of The United States, in the Ports of other Powers. The articles to be admitted or prohibited, on either side, formed no part of the proposed arrangement. Each Party would retain the right to admit or prohibit such articles from the other as it thought proper, and on its own conditions.

When the nature of the commerce between The United States and

every other Country was taken into view, it was thought that this proposition would be considered fair, and even liberal, by every Power. The exports of The United States consist generally of articles of the first necessity, and of rude materials, in demand for foreign manufactures, of great bulk, requiring for their transportation many Vessels, the return for which, in the manufactures and productions of any Foreign Country, even when disposed of there to advantage, may be brought in a single Vessel. This observation is more especially applicable to those Countries from which manufactures alone are imported, but it applies, in a great extent, to the European Dominions of every European Power, and, in a certain extent, to all the Colonies of those By placing, then, the Navigation precisely on the same Powers. ground, in the transportation of exports and imports, between The United States and other Countries, it was presumed that all was offered which could be desired. It seemed to be the only proposition which could be devised which would retain even the semblance of equality in our favour.

Many considerations of great weight gave us a right to expect that this commerce should be extended to the Colonies, as well as to the European Dominions, of other Powers. With the latter, especially with Countries exclusively manufacturing, the advantage was manifestly on their side. An indemnity for that loss was expected from a trade with the Colonies, and, with the greater reason, as it was known that the supplies which the Colonies derived from us were of the highest importance to them, their labour being bestowed with so much greater profit in the culture of other articles, and because, likewise, the articles of which those supplies consisted, forming so large a proportion of the exports of The United States, were never admitted into any of the Ports of Europe, except in cases of great emergency, to avert a serious calamity. When no article is admitted which is not required to supply the wants of the Party admitting it, and admitted then, not in favour of any particular Country, to the disadvantage of others, but on conditions equally applicable to all, it seems just that the articles thus admitted and invited should be carried thither in the Vessels of the Country affording such supply, and that the reciprocity should be found in a corresponding accommodation on the other side. By allowing each Party to participate in the transportation of such supplies. on the payment of equal tonnage, a strong proof was afforded of an To abandon to it the transportation of the accommodating spirit. whole would be a sacrifice which ought not to be expected. The demand, in the present instance, would be the more unreasonable, in consideration of the inequality existing in the trade with the Parent Country.

Such was the basis of our system, as established by the Act of 1815, and such its true character. In the Year in which this Act was

passed, a Treaty was concluded with Great Britain, in strict conformity with its principles, in regard to her European Dominions. To her Colonies, however, in the West Indies and on this Continent, it was not extended, the British Government claiming the exclusive supply of those Colonics, and from our own Ports, and of the productions of the Colonies in return, in her own Vessels. To this claim The United States could not assent, and, in consequence, each Party suspended the intercourse, in the Vessels of the other, by a prohibition, which still exists.

The same conditions were offered to France, but not accepted. Her Government has demanded other conditions, more favourable to her navigation, and which should also give extraordinary encouragement to her manufactures and productions, in the Ports of The United States. To these it was thought improper to accede, and, in consequence, the restrictive regulations, which had been adopted on her part, being countervailed on the part of The United States, the direct commerce between the two Countries, in the Vessels of each Party, has been in a great measure suspended. It is much to be regretted, that although a Negotiation has been long pending, such is the diversity of views entertained, on the various points which have been brought into discussion, that there does not appear to be any reasonable prospect of its early conclusion.

It is my duty to state, as a cause of very great regret, that very serious differences have occurred, in this Negotiation, respecting the construction of the 8th Article of the Treaty of 1803, whereby Louisiana was ceded to The United States, and likewise respecting the seizure of the Apollo, in 1820, for a violation of our Revenue Laws. The claim of the Government of France has excited not less surprise than concern, because there does not appear to be a just foundation for it, in either instance. By the 8th Article of the Treaty referred to, it is stipulated that, after the expiration of 12 Years, during which it was provided, by the preceding or 7th Article, that the Vessels of France and Spain should be admitted into the Ports of the ceded Territory, without paying higher duties on merchandize, or tonnage on the Vessels, than such as were paid by the Citizens of The United States, the Ships of France should for ever afterwards be placed on the footing of the most favoured Nation. By the obvious construction of this Article, it is presumed, that it was intended, that no favour should be granted to any Power in those Ports, to which France should not be forthwith entitled; nor should any accommodation be allowed to another Power, on conditions, to which she should not, also, be entitled upon the same conditions. Under this construction, no favour or accommodation, could be granted, to any Power, to the prejudice of France. By allowing the equivalent, allowed by those Powers, she would always stand, in those Ports, on the footing of the most favoured Nation.

But, if this Article should be so construed, as that France should enjoy, of right, and without paying the equivalent, all the advantages of such conditions, as might be allowed to other Powers, in return for important concessions made by them, then, the whole character of the Stipulation would be changed. She would not be placed on the footing of the most favoured Nation, but on a footing held by no other Nation. She would enjoy all the advantages allowed to them, in consideration of the like advantages allowed to us, free from every, and any, condition, whatever.

As little cause has the Government of France to complain of the seizure of the Apollo, and the removal of other Vessels, from the waters of the St. Mary's. It will not be denied, that every Nation has a right to regulate its commercial system, as it thinks fit, and to enforce the collection of its Revenue, provided it be done, without an invasion of the rights of other Powers. The violation of its Revenue Laws, is an offence, which all Nations punish :- the punishment of which, gives no just cause of complaint, to the Power to which the offenders belong, provided it be extended to all equally. In this case, every circumstance which occurred, indicated a fixed purpose to violate our Revenue Laws. Had the party intended to have pursued a fair trade, he would have entered our Ports, and paid the duties; or had he intended to have carried on a legitimate circuitous Commerce, with The United States, he would have entered the Port of some other Power, landed his goods at the Custom House according to Law, and reshipped and sent them in the Vessel of such Power, or of some other Power which might lawfully bring them, free from such duties, to a Port of The United States. But the conduct of the party in this case, was altogether different. He entered the River St. Mary's, the boundary between The United States, and Florida, and took his position on the Spanish side, on which, in the whole extent of the River, there was no Town, no Port, or Custom House, and scarcely any Settlement. His purpose therefore, was not to sell his goods to the Inhabitants of Florida, but to Citizens of The United States, in exchange for their productions, which could not be done, without a direct and palpable breach of our Laws. It is known that a regular systematic plan had been formed by certain other persons, for the violation of our Revenue System, which made it the more necessary to check the proceeding in its commencement.

That the unsettled bank of a River, so remote from the Spanish Garrisons and Population, could give no protection to any party, in such a practice, is believed to be in strict accord with the Law of Nations. It would not have comported with a friendly policy in Spain herself, to have established a Custom House there, since it could have subserved no other purpose, than to elude our Revenue Laws. But the Government of Spain did not adopt that measure. On the contrary, it is understood, that the Captain-General of Cuba, to whom an applica-

tion to that effect was made, by these adventurers, had not acceded to it. The condition of those Provinces for many years, before they were ceded to The United States, need not now be dwelt on. Inhabited by different Tribes of Indians, and an inroad for every kind of adventurer, the jurisdiction of Spain may be said to have been, almost exclusively, confined to her Garrisons. It certainly could not extend to places where she had no Authority. The rules therefore, applicable to settled Countries governed by Laws, could not be deemed so, to the deserts of Florida, and to the occurrences there. It merits attention, also, that the Territory had been ceded to The United States, by a Treaty, the Ratification of which had not been refused, and which has since been performed. Under such circumstances therefore, Spain became less responsible for such acts, committed there, and The United States, more at liberty to exercise authority, to prevent so great a mischief. The conduct of this Government, has, in every instance, been conciliatory and friendly to France. The construction of our Revenue Law, in its application to the cases, which have formed the ground of such serious complaint on her part, and the order to the Collector of St. Mary's, in accord with it, were given 2 years before these cases occurred. and in reference to a breach, which was attempted by the Subjects of another Power. Its application, therefore, to the cases in question, was inevitable. As soon as the Treaty, by which these Provinces were ceded to The United States, was ratified, and all danger of further breach of our Revenue Laws ceased, an Order was given for the release of the Vessel which had been seized, and for the dismission of the libel which had been instituted against her.

The principles of the system of reciprocity, founded on the Law of the 3d of March, 1815, have since been carried into effect with the Kingdom of The Netherlands, Sweden, Prussia, and with Hamburg, Bremen, Lubeck, and Oldenburg, with a provision made by subsequent Laws, in regard to The Netherlands, Prussia, Hamburg, and Bremen, that such produce and manufactures, as could only be, or most usually were, first shipped from the Ports of those Countries, the same being imported in Vessels, wholly belonging to their Subjects, should be considered and admitted as their own manufactures and productions.

The Government of Norway has, by an Ordinance, opened the Ports of that part of the Dominions of the King of Sweden, to the Vessels of The United States, upon the payment of no other or higher duties, than are paid by the Norwegian Vessels, from whatever place arriving, and with whatever articles laden. They have requested the reciprocal allowance for the Vessels of Norway in the Ports of The United States. As this privilege is not within the scope of the Act of the 3d of March, 1815, and can only be granted by Congress; and as it may involve the commercial relations of the Union with other Nations, the subject is submitted to the wisdom of Congress.

I have presented thus fully to your view our commercial relations with other Powers, that, seeing them in detail with each Power, and knowing the basis on which they rest, Congress may in its wisdom decide, whether any change ought to be made, and, if any, in what respect. If this basis is unjust or unreasonable, surely it ought to be abandoned; but if it be just and reasonable, and any change in it will make concessions subversive of the principles of equality, and tending in its consequences to sap the foundations of our prosperity, then the reasons are equally strong for adhering to the ground already taken, and supporting it by such further regulations as may appear to be proper, should any additional support be found necessary.

The question concerning the construction of the first Article of the Treaty of Ghent, has been, by a joint Act of the Representatives of The United States and of Great Britain, at the Court of St. Petersburg, submitted to the decision of His Imperial Majesty the Emperor of Russia. The result of that submission has not yet been received. The Commissioners, under the 5th Article of that Treaty not having been able to agree upon their decision, their Reports to the two Governments, conformably to the provisions of the Treaty, may be expected at an early day.

With Spain, the Treaty of February 22d, 1819, has been partly carried into execution. Possession of East and West Florida has been. given to The United States, but the Officers charged with that service by an order from His Catholick Majesty, delivered by his Minister to the Secretary of State, and transmitted by a special Agent to the Captain-General of Cuba, to whom it was directed, and in whom the Government of those Provinces was vested, have not only omitted, in contravention of the Orders of their Sovereign, the performance of the express Stipulation, to deliver over the Archives and Documents relating to the Property and Sovereignty of those Provinces, all of which it was expected would have been delivered, either before or when the troops were withdrawn, but defeated, since, every effort of The United States to obtain them, especially those of the greatest importance. This omission has given rise to several incidents of a painful nature, the character of which will be fully disclosed by the Documents, which will hereafter be communicated.

In every other circumstance the Law of the 3d of March last, for carrying into effect that Treaty, has been duly attended to. For the execution of that part which preserved in force, for the Government of the Inhabitants, for the term specified, all the Civil, Military, and Judicial Powers, exercised by the existing Government of those Provinces, an adequate number of Officers, as was presumed, were appointed, and ordered to their respective Stations. Both Provinces were formed into one Territory, and a Governor appointed for it, but, in consideration of the pre-existing division, and of the distance and difficulty of com-

munication between Pensacola, the residence of the Governor of West Florida, and St. Augustine, that of the Governor of East Florida, at which Places the inconsiderable population of each Province was principally collected, 2 Secretaries were appointed, 1 to reside at Pensacola and the other at St. Augustine. Due attention was likewise paid to the execution of the Laws of The United States relating to the Revenue and the Slave-trade, which were extended to these Provinces. The whole Territory was divided into 3 collection Districts, that part lying between the River St. Mary's and Cape Florida, forming one, that from the Cape to the Apalachicola, another, and that from the Apalachicola, to the Perdido, the third. To these Districts the usual number of Revenue Officers were appointed: and, to secure the due operation of these Laws, one Judge and a District Attorney were appointed to reside at Pensacola; and, likewise, one Judge and a District Attorney to reside at St. Augustine, with a specified boundary between them; and one Marshal for the whole, with authority to appoint a Deputy. In carrying this Law into effect, and especially that part of it relating to the Powers of the existing Government of those Provinces, it was thought important, in consideration of the short term for which it was to operate, and the radical change which would be made at the approaching Session of Congress, to avoid expense, to make no appointment which should not be absolutely necessary to give effect to those Powers, to withdraw none of our Citizens from other pursuits, whereby to subject the Government to Claims which could not be gratified, and the Parties to losses, which it would be painful to witness.

It has been seen, with much concern, that, in the performance of these duties, a collision arose between the Governor of the Territory. and the Judge appointed for the Western District. It was presumed, that the Law under which this transitory Government was organized, and the Commissions which were granted to the Officers, who were appointed to execute each a branch of the system, and to which the Commissions were adapted, would have been understood in the same sense, by them, in which they were understood by the Executive. Much allowance is due to Officers, employed in each branch of this system, and the more so, as there is good cause to believe that each acted under a conviction, that he possessed the power which he undertook to exercise. Of the Officer holding the principal Station, I think it proper to observe, that he accepted it with reluctance, in compliance with the invitation given him, and from a high sense of duty to his Country, being willing to contribute to the consummation of an event, which would ensure complete protection to an important part of our Union, which had suffered much, from incursion and invasion, and to the defence of which, his very gallant and patriotic services had been so signally, and usefully devoted.

From the intrinsic difficulty of executing Laws deriving their origin from different sources, and so essentially different in many important circumstances, the advantage, and indeed the necessity, of establishing as soon as may be practicable, a well organized Government over that Territory, on the principles of our system, is apparent. This subject, therefore, is recommended to the early consideration of Congress.

In compliance with an injunction of the Law of the 3d of March last, 3 Commissioners have also been appointed, and a Board organized for carrying into effect the 11th Article of the Treaty above recited, making provision for the payment of such of our Citizens, as have well founded Claims on Spain, of the character specified by that Treaty. This Board has entered on its duties, and made some progress therein. The Commissioner and Surveyor of His Catholick Majesty, provided for by the 4th Article of the Treaty, have not yet arrived in The United States, but are soon expected. As soon as they do arrive, corresponding Appointments will be made, and every facility be afforded, for the due execution of this service.

The Government of His Most Faithful Majesty, since the termination of the last Session of Congress, has been removed from Rio de Janeiro to Lisbon, where a Revolution, similar to that which had occurred in the neighbouring Kingdom of Spain, had, in like manner, been sanctioned, by the accepted and pledged faith of the reigning Monarch. The Diplomatick Intercourse between The United States and the Portuguese Dominions, interrupted by that important event, has not yet been resumed, but the change of internal Administration, having already materially affected the Commercial Intercourse of The United States with the Portuguese Dominions, the renewal of the publick Missions between the twoCountries, appears to be advisable at an earlyday.

It is understood that the Colonies in South America have had great success during the present year, in the struggle for their Independence. The new Government of Colombia has extended its Territories, and considerably augmented its strength; and at Buenos Ayres, where civil dissension had, for some time before, prevailed, greater harmony and better order appear to have been established. Equal success has attended their efforts in the Provinces on the Pacific. It has long been manifest, that it would be impossible for Spain to reduce these Colonies by force, and equally so, that no conditions, short of their Independence, would be satisfactory to them. It may therefore be presumed, and it is earnestly hoped, that the Government of Spain, guided by enlightened and liberal Counsels, will find it to comport with its interests, and due to its magnanimity, to terminate this exhausting controversy, on that basis. To promote this result, by friendly counsel, with the Government of Spain, will be the object of the Government of The United States.

In conducting the fiscal operations of the year, it has been found necessary to carry into full effect the Act of the last Session of Congress, authorizing a Loan of 5,000,000 of dollars. This sum has been raised at an average premium of 5 dollars 59 hundredths per cent. upon Stock bearing an interest at the rate of 5 per cent. per annum, redeemable at the option of the Government after the 1st day of January, 1835.

There has been issued, under the provisions of this Act, 4,735,296 dollars, 30 cents, of 5 per cent. Stock; and there has been, or will be, redeemed during the year, 3,197,030 dollars, 71 cents, of Louisiana, 6 per cent. deferred Stock, and Mississippi Stock. There has, therefore, been an actual increase of the Publick Debt, contracted during the Year, of 1,538,266 dollars, 69 cents.

The Receipts into the Treasury from the 1st of January to the 30th of September last, have amounted to 16,219,197 dollars, 70 cents, which, with the balance of 1,198,461 dollars, 21 cents, in the Treasury on the former day, make the aggregate sum of 17,417,658 dollars 91 cents.

The Payments from the Treasury during the same period have amounted to 15,645,288 dollars, 47 cents, leaving in the Treasury, on the last mentioned day, the sum of 1,762,370 dollars, 44 cents. It is estimated that the Receipts of the 4th Quarter of the Year, will exceed the demands which will be made on the Treasury, during the same period, and that the amount in the Treasury, on the 30th of September last, will be increased on the 1st day of January next.

At the close of the last Session, it was anticipated that the progressive diminution of the Publick Revenue in 1819 and 1820, which had been the result of the languid state of our Foreign Commerce in those years, had, in the latter year, reached its extreme point of depression. It has, however, been ascertained that that point was reached only at the termination of the first Quarter of the present Year. From that time until the 30th of September last, the duties secured have exceeded those of the corresponding Quarters of the last Year, 1,172,000 dollars; whilst the amount of Debentures, issued during the 3 first Quarters of this Year, is 952,000 dollars less than that of the same Quarters of the last Year.

There are just grounds to believe that the improvement which has occurred in the Revenue, during the last mentioned period, will not only be maintained, but that it will progressively increase through the next and several succeeding Years, so as to realize the results which were presented upon that subject, by the official Reports of the Treasury, at the commencement of the last Session of Congress.

Under the influence of the most unfavorable circumstances, the Revenue, for the next and subsequent Years, to the Year 1825, will exceed the demands at present authorized by Law.

It may fairly be presumed, that, under the protection given to domestic manufactures, by the existing Laws, we shall become, at no distant period, a Manufacturing Country, on an extensive scale. Possessing, as we do, the raw materials, in such vast amount, with a capacity to augment them, to an indefinite extent: raising within the Country aliment of every kind, to an amount far exceeding the demand for home consumption, even in the most unfavorable Years, and to be obtained always at a very moderate price; skilled also, as our People are in the mechanic arts, and in every improvement calculated to lessen the demand for, and the price of labor, it is manifest that their success, in every branch of domestic industry, may and will be carried under the encouragement given by the present duties, to an extent to meet any demand which, under a fair competition, may be made on it.

A considerable increase of domestic manufactures, by diminishing the importation of Foreign, will probably tend to lessen the amount of the publick Revenue. As, however, a large proportion of the Revenue which is derived from duties, is raised from other articles than manufactures, the demand for which will increase with our Population, it is believed, that a Fund will still be raised from that source, adequate to the greater part of the national Expenditures, especially as those Expenditures, should we continue to be blessed with peace, will be diminished by the completion of the Fortifications, Dock-yards, and other publick works; by the augmentation of the Navy to the point to which it is proposed to carry it, and by the payment of the Publick Debt, including Pensions for Military Services.

It cannot be doubted, that the more complete our internal resources. and the less dependent we are on Foreign Powers, for every national, as well as domestic purpose, the greater and more stable will be the publick felicity. By the increase of domestic manufactures, will the demand for the rude materials at home be increased, and thus will the dependence of the several parts of our Union on each other, and the strength of the Union itself, be proportionably augmented. In this process, which is very desirable, and inevitable under the existing duties, the resources which obviously present themselves to supply a deficiency in the Revenue, should it occur, are the interests which may derive the principal benefit from the change. If domestic manufactures are raised by duties on Foreign, the deficiency in the fund, necessary for publick purposes should be supplied by duties on the former. At the last Session it seemed doubtful, whether the Revenue derived from the present sources would be adequate to all the great purposes of our Union, including the construction of our Fortifications, the angmentation of our Navy, and the protection of our Commerce, against the dangers to which it is exposed. Had the deficiency been such, as to subject us to the necessity, either to abandon those measures of de-

fence, or to resort to other means for adequate funds, the course presented to the adoption of a virtuous and enlightened People, appeared to be a plain one. It must be gratifying to all to know, that this necessity does not exist. Nothing, however, in contemplation of such important objects, which can be easily provided for, should be left to hazard. It is thought that the Revenue may receive an augmentation from the existing sources, and in a manner to aid our manufactures, without hastening prematurely the result, which has been suggested. It is believed that a moderate additional duty on certain articles would have that effect, without being liable to any serious objection.

The examination of the whole Coast, for the construction of permanent Fortifications, from St. Croix to the Sabine, with the exception of a part of the Territory lately acquired, will be completed in the present Year, as will be the survey of the Mississippi, under the Resolution of the House of Representatives, from the mouth of the Ohio to the Ocean-and, likewise, of the Ohio, from Louisville to the Mississippi. A progress, corresponding with the sums appropriated, has also been made in the construction of these Fortifications at the points designated. As they will form a system of defence, for the whole maritime Frontier, and, in consequence, for the Interior, and are to last for Ages, the utmost care has been taken to fix the position of each work, and to form it on such a scale as will be adequate to the purpose intended by it. All the inlets and assailable parts of our Union have been minutely examined, and positions taken, with a view to the best effect, observing, in every instance, a just regard to economy. Doubts however, being entertained, as to the propriety of the position, and extent of the work at Dauphine Island, further progress in it was suspended, soon after the last Session of Congress, and an order given to the Board of Engineers and Naval Commissioners, to make a further and more minute examination of it, in both respects, and to report the result, without delay.

Due progress has been made in the construction of Vessels of War, according to the Law providing for the gradual augmentation of the Navy, and to the extent of existing appropriations. The Vessels authorized by the Act of 1820 have all been completed, and are now in actual service. None of the larger Ships have been, or will be, launched, for the present, the object being to protect all which may not be required for immediate service from decay, by suitable buildings erected over them. A Squadron has been maintained, as heretofore, in the Mediterranean, by means whereof peace has been preserved with the Barbary Powers. This Squadron has been reduced the present Year to as small a Force as is compatible with the fulfilment of the object intended by it. From past experience, and the best information respecting the views of those Powers, it is distinctly understood that, should our Squadron be withdrawn, they would soon recommence their

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hostilities and depredations upon our Commerce. Their Fortifications have lately been rebuilt, and their Maritime Force increased. It has also been found necessary to maintain a Naval Force in the Pacific, for the protection of the very important interests of our Citizens engaged in commerce and the fisheries in that sea. Vessels have likewise been employed in cruizing along the Atlantic Coast, in the Gulph of Mexico, on the Coast of Africa, and in the neighbouring Seas. In the latter many piracies have been committed on our Commerce, and so extensive was becoming the range of those unprincipled Adventurers, that there was cause to apprehend, without a timely and decisive effort to suppress them, the worst consequences would ensue. Fortunately, a considerable check has been given to that spirit by our Cruizers, who have succeeded in capturing and destroying several of their Vessels. Nevertheless, it is considered an object of high importance to continue those Cruizers until the practice is entirely suppressed. Like success has attended our efforts to suppress the Slave-trade. Under the Flag of The United States, and the sanction of their Papers, the Trade may be considered as entirely suppressed; and, if any of our Citizens are engaged in it, under the Flags and Papers of other Powers, it is only from a respect to the rights of those Powers, that these Offenders are not seized and brought home, to receive the punishment which the Laws inflict. If every other Power should adopt the same policy, and pursue the same vigorous means for carrying it into effect, the Trade could no longer exist.

Deeply impressed with the blessings which we enjoy, and of which we have such manifold proofs, my mind is irresistibly drawn to that Almighty Being, the great source from whence they proceed, and to Whom our most grateful acknowledgments are due.

Washington, 3rd December, 1821. JAMES MONROE.

LOI de France, relative au Réglement Définitif du Budget de l'Exercice 1820.

A Paris, le 31 Mars, 1822.

LOUIS, par la Grâce de Dieu, Roi de France et de Navarre, à tous présens et à venir, salut.

Nous avons proposé, les Chambres ont adopté, nous avons ordonné et ordonnons ce qui suit:

TITRE I.—DES ANNULLATIONS DE CREDITS.

ART. 1. Les Crédits ouverts par les Lois des 27 Juin et 14 Juillet, 1819, et 28 Mai, 1820, aux Ministères ci-après, pour leur service des

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CREDITS SANS EMPLOI ANNULLES SUR LES EXERCICES. Total 1817. 1818. 1819. par Ministère. Francs. 5,516 Francs. 6,367 Francs. 37,895 Francs Justice 26,012 Affaires Etrangères 30 30 Services généraux -Ancien Ministère de la Police générale 28,000 = Intérieur 28,019 19 1,618 5,075 (Service Ordinanc) Armée d'Occupation Service Ordinaire 48,506 2,240 Guerre -342,572 285,133 . 365 Marine -Colonies ---150,000 150,365 Dette Publique 185,000 2,112,000 . 600,000 Service Ordinaire 21,497 Remboursement des Obligations Royales Intérêts des Obligations Royales 450 Ξ 2,110 Constructions Rue de Rivoli Frais (De l'Enregistrement et des Do-de anines régie (Des Forêts Finances 6,661,644 44,127 Ξ 60 101,200 3,595,200 Remboursemens de cautionnemens Somme égale -574,036 5,742,465 904,024 7,220,525

Exercices 1819 et antérieurs, sont réduits d'une somme totale de 7,220,525 francs, restée sans emploi sur ces Crédits, savoir :

Cette somme est affectée et transportée au Budget des Recettes de l'Exercice 1820.

2. Les Crédits ouverts par les Lois des 19 et 23 Juillet, 1820, aux Ministères ci-après, pour leur service de l'Exercice 1820, sont réduits d'une somme totale de 8,600,626 francs, restée sans emploi sur ces Crédits; savoir:

Justice. (Service ordinaire)		Francs. 70,650
Guerre. Service actif		,
Dépenses temporaires		
		1,812,565
Marine et Colonies		578,854
FINANCES.		
Dépenses génerales.		
Dette inscrite (5 p. 0/0 Consolidées)	300,000	
Dette viagère et Pensions	610,000	
Frais de service et Négociations	2,294,247	::1
Crédit spécial pour les intérêts sur les 100,000,000 payés		
aux Etrangers	123,419	
Administration des Monnaies	34,036	
Commission de liquidation Française	9,700	
Service administratif du Ministère	40,780	
		3,412,182
Administrations Financières.		
Enregistrement et Domaines	302,220	
Forêts	78,400	
A reporter	380,620	

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		Francs.	
	Report.	380,620	
Douanes.	Personnel et matériel 349,802		
	Amendes et Confiscations attribueés 522,779		
	d The Politic 1 Mile Act FOR	872,581	
Contribu	tions Indirectes. Exploitation des Tabacs. 105,587		
	Avances à charge de remboursement 76,134	181,721	
Postes.	Personnel et matériel 50,238	101,721	
	Remboursemens et Restitutions 39,986		
		90,224	
Loterie.	Personnel et matériel	193,862	
Contribu	tions directes. (Frais de perception et non-valeurs.)	1,007,367	
			2,726,375
			0 000 000

Somme égale .. Francs 8,600,626

TITRE II .- FIXATION DU BUDGET DE L'EXERCICE 1820.

3. Au moyens des dispositions précédentes applicables à l'Exercice 1820, et des supplémens de Crédit accordés sur les Fonds de cet Exercice par les Lois de ce jour, les Crédits du Budget de 1820 sont fixés à la somme de 875,342,252 francs, et répartis entre les divers Ministères et Services, conformément à l'Etat A. ci-annexé.

4. Les Recettes de toute nature de ce même Exercice sont arrêtées, au 1 Octobre, 1821, à la somme totale de 913,313,872 francs, conformément à l'Etat B. annexé à la présente Loi.

5. La somme de 37,971,620 francs, formant la différence entre les Recettes de 1820, arrêtées par l'Article précédent à

913,313,872f.

Et les Crédits du même Exercice définitivement réglés	
par l'Article 3 à	875,342,252

Différence ... Francs 37,971,620

est affecté et transportée au Budget de l'Exercice 1822.

TITRE III.—DISPOSITIONS GENERALES.

6. L'état des paiemens qui seront faits par le Trésor, jusqu'à la concurrence de la somme de 29,663,035 francs, restant à payer au 1 Octobre, 1821, sur les Crédits des Exercices 1820 et antérieurs, savoir:

Sur 1819 et antérieurs (Etat No. 4, ci-annexé)..... 14,607,409f. Sur 1820 (Etat No. 5, ci-annexé)..... 15,055,626

Somme égale ... Francs 29,663,035

sera produit au compte annuel des Finances jusqu'à ce que les paiemens soient entièrement consommés.

7. Les sommes qui pourraient provenir encore des ressources affectées à l'Exercice 1820, seront portées en recette au compte de l'Exercice courant, au moment où les recouvremens seront effectués. 8. Il sera établi un Compte général des Capitaux de Cautionnemens: ce Compte présentera les Soldes inscrits au 1^{er} Avril, 1814, tant au crédit des Agens des Départemens formant la France actuelle, qu'au crédit soit des Agens Français, soit des Agens Etrangers des Départemens séparés; il présentera en outre, classés par Année, tous les mouvemens du service des cautionnemens jusqu'au 31 Décembre, 1821.

Il sera également établi un Compte général des Intérêts de Cautionnemens, embrassant la même période.

Ces deux Comptes seront distribués aux Chambres dans la prochaine Session.

La présente Loi, discutée, délibérée et adoptée par la Chambre des Pairs et par celle des Députés, et sanctionnée par nous cejourd'hui, sera exécutée comme Loi de l'Etat; voulons, en conséquence, qu'elle soit gardée et observée dans tout notre Royaume, Terres et Pays de notre obéissance.

Si donnons en mandement à nos Cours et Tribunaux, Préfets, Corps Administratifs et tous autres, que les présentes ils gardent et maintiennent, fassent garder, observer et maintenir, et, pour les rendre plus notoires à tous nos Sujets, ils les fassent publier et enregistrer par-tout où besoin sera: car tel est notre plaisir; et, afin que ce soit chose ferme et stable à toujours, nous y avons fait mettre notre Scel.

Donné à Paris, le 31 jour du mois de Mars, de l'An de Grâce 1822, et de Notre Règne le 27ème.

LOUIS.

Par le Roi ; Le Ministre Secrétaire d'Etat au Département des Finances.

JH. DE VILLELE.

Vu et Scellé du Grand Sceau:

Le Garde des Sceaux de France, Ministre Secrétaire d'Etat au Département de la Justice.

DE PEYRONNET.

Etat A.—Budget Définitif

DEPENSES.

MINISTERES ET SERVICES.				Crédits accordés par les Lois, des 19 et 23 Juillet 1820.	solder les Dépenses de	emploi à	Montant définitif des Dépenses et des Crédits accordés.
1ºDETTE CONSOLIDEE ET DEPENSES GE	NERAL	69.		Francs.	Francs.	Francs.	Francs.
Intérêts des Reconnaissances de Liquidation -			-	15,000,000	-		15,000,000
Intérêts des 5 pour Cent Consolidés – -	-	-	-	173,341,200	-	300,000	178,041,200
Dotation de la Caisse d'Amortissement – –	-	-	-	40,000,000	_	_	40,000,000
Liste Civile et Famille Royale		-	-	34,000,000	_	_	34,000,000
Présidence du Conseil des Ministres		-	_	155,000			155,000
Justice - { Service Ordinaire		-	-	15,375,500	-	70,650	15,304,850
(Frais de Justice		7	-	2,520,000	527,625	-	3,047,625
Affaires { Service Ordinaire Etrangères. { Acquisition des Hôtels de Wagram	-	-	Ξ	7,570,000	400,000 896,182	2	7,970,000 895,182
(Service Ordinaire	-	-	-	10,929,600	-	-	10,929,600 23,250,000
Intérieur - Travaux Publics	-	-	Ξ	23,250,000 34,010,000	=	Ξ	34,010,000
Construction de la nouvelle salle de Dépenses Départementales et Secou	e POpe	ra Cent	¥.)	36,140,000	1,800,000 6,454	Ξ	1,800,000 36,146,454
Guerre - {Service Actif	1	2	-	168,198,150 11,826,200	Ξ	1,674,365 138,200	166,523,785 11,688,000
Marine - {Service Général		-	-	50,000,000	-	578,854	49,421,146
Dette viagère		-	-	11,400,000	_	100,000	11,300,000
Pensions - Civiles Militaires Ecclésiastiques - Fonds supplétif des r	etenue	Ξ		2,289,534 51,587,776 10,712,690 1,762,650	=	160,000 100,000 250,000	2,129,534 51,487,776 10,462,690 1,762,650
Intérêts de Cautionnemens -		-	-	8,000,000	146,942	_	8,146,942
Frais de Service et de Négocia tions. Frais de Serv. de T Frais de Négociation comte, intérêts et Flottante Remises extraordina veurs généraux et les anticipations de Contributions direct	, es- Dette ires au particu versen	liers	000 ce-	4,500,000	-	1,383,951 910,296	10,012,049 3,589,7 0 4
Crédit spécial pour les intérêts sur	r les 10	0.000.	000			,	
payés aux Etrangers – – – Chambre des Pairs – – –	1	2	1	3,004,300 2,000,000	-	_23,415	2,850,881 2,000,000
Chambre des Deputés	-	-	-	730,000	62,680	-	792,680
Légion d'Honneur. Rente payable sur l l'Enregistrement – Supplement à sa dota		duits _	de 	240,000 1,700,000	Ξ	::	240,000 1,700,000
Cour des Comptes	-	-	-	1,242,600	24,000	_	1,266,600
Administration des Monnaies – Commission de liquidation Françai	se -	-	2	520,000 91,000	=	34,036 9,700	485,964 81,300
Cadastre Scrvice Administratif du Ministère	-	-	Ξ	2,000,000 6,420,000	=	40,780	2,000,000 6,379,220
Fonds spécial additionnel à celui de cordé par la Loi du 23 Avril, 1821, p ment de dépenses des Exercices 181	e 800,00 oour l'a 9 et an	cquit	ac- te-	741,912,200	3,963,883	5,874,251	739,901,852
		comp	tee		the second se		1. Contraction
non connues aux époques auxquelle en ont été arrêtés	es les	-	-	_	100,000	_	100,000

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FRANCE.

de l'Exercice 1820.

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DEPENSES.

	MI	NISTERES E	ſ SERVICI	E S .			Crédits accordés par la Loi du 23 Juillet 1820.	Supplé- mens nécessaires pour solder les dépenses de l'Exercice 1820.	Crédits sans emploi à annuller.	Montant définitif des dépenses et des Crédit accordés.
2º. FR.	AIS DE REGI	IE, DE PERCE	PTION, D'EN	PLOITATI	on, &c		Francs.	Francs.	Francs	Francs.
	Enregistre	ment, Timbre	et Domain	les		•	11,986,500	-	302,220	11,684,28
	Forêts	•	• •		•		8,047,400		78,400	2,969,00
		[Personnel e	t matériel	•	•	-	22,816,300		349,802	22,466,49
	Douanes	Remises de	2 p. 0/0 sur	l'impôt d	lu Sel		860,000	116,912	-	976,91
	et Sels.	Produit des buées	amendes et	t confiscat	ions a	ttri-	2,000,000	-	522,779	1,477,22
		(Frais d'Ada	inistration	et de per	rceptio	n -	20,261,300	622,641	-	20,883,94
-/	Contribu-	Frais de la d'argent	garantie d	les matiè	res d'a	or et	400,000	74,130	-	474,18
	tions	Avances à c	harge de re	mbourser	nent		270,000	-	76,134	193,86
Finances	indirectes	Exploitatio et fabrica	n, achat {	des Taba des Pou	dres à	feu	25,290,000 2,095,000	148,741	105,587	25,184,41 2,243,74
		Portion des	amendes a	ttribuées	•		1,350,000	736,250	-	2,086,25
		(Personnel e	t matériel	-	•		11,365,670		50,238	11,315,48
	Postes.	Rembourser	mens, res	titutions -	et r	non-	328,040	-	39,986	288,05
1.19	5	Personnel e	t matériel	-	•		1,711,500	-	193,862	1,517,63
	Loterie.	Remise de ralistes	6 p. 0.0	aux Rec	eveurs-	Bu-	3,288,500	168,814	-	3,457,31
	Contributi valeurs)	ons directes	(frais de j	perceptio	a et r	non-	25,626,220	-	1,007,367	24,618,85
	Remises et ticuliers verses	t Taxations a sur l'impôt	ax Recever indirect et	irs Généra sur les R	ux et ecettes	par- di-	1,192,000	421,370	-	1,613,37
Vol de Ca	usse. (Defi	cit Mathéo)			•	-	-	1,889,507	-	1,889,50
	Totaux	de la deuxièr	ne partie				133,588,430	4,178,365	2,726,375	135,340,42
	RE Consolidée	de la deuxièr CAPITUL et Dépenses (Perception,	ATION I Générales	-	-	SES		1		740,001,4 135,340,4
	-	'otaux généra		1.1	Fra	ncs	875,800,630	Diminution	458,378	875,342,2

Frection gen. des Poudres et Salpêtres (y compris 1,080,948) ajoutés au capital de la direction 4,892,593

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118 (1) -1		GNATI			ODUI	TS.	-		Evaluation des Recettes. (Loi du 23 Juillet, 1820.)	Excédant des Recettes.	Dimi- nutions et non- valeurs.	Fixation définitive des produits de l'Année 1820,
2									Francs.	Francs.	Francs.	Francs.
Enregistrer		bre et De	omain	es	-	-	-		158,986,500	and the second	993,401	157,993,098
Coupes de	1.1.1		-		-	-	-		17,047,400	-	1,257,613	15,789,78
Douanes	Droits dentel		s ct ac	= navig	ation,	et ree	-ettes	acci-	61,580,000	14,291,202	-	75,871,20
et Sels.	Droits s	ur les Sel	Is	-	-	-	-	-	47,433,000	4,347,394	1-	51,780,39
	Produit	des amer	ades et	t confi	scation	is attr	ibuées	-	2,000,000		522,779	1,477,22
	Droits ge	énéraux		-	-	-	-	-	120,100,000	3,588,845	-	123,688,84
Contribu-		emens d'	avanc	es	-	-	-	-	285,000	_	9,264	275,73
tions -	Vente d	es Tabac	5	-	-	-	-	-	64,500,000	-	161,166	64,338,83
indirectes	Vente d	es Poudr	es à fe	a	-	-	-	-	3,431,300	96,525	100_000	3,527,82
		s et confi			rtion a	ttribu	tée)	-	1,350,000	736,250		2,086,25
Postes	-	-	-	-	-	-	-	-	23,790,710	-	629,657	23,161,05
Loteries	120		-	-	1	-	_	-	14,000,000	8,153,010	-	22,153,010
Retenues s	ur les trai	temens		-	-	-	-	-	5,600,000	59,279	10000	5,659,275
1	(Salines d			-	-	-	-	-	2,500,000		93,536	2,406,46
		de l'Ind	le	-	-	-			1,000,000	134,209	00,000	1,134,20
		sur débe		inhore	h ab at	iverces	origi	nes -	2,900,633	101,200	951,118	1,949,51
Produits divers.		sur les e							5,174,037	218,048	201,110	5,392,08
divers.		s du ler							0,1/4,00/	A CONTRACTOR OF A		0,092,00
	6,615,9	44 franc	s de re	entes,	5 p. 0,0), rétre	océdée	s par		11,71520	COLUMN TONICS	1000
	L les Eti	rangers		-	-	-	-	-	3,859,300	1.000	-	3,859,30
Contribu-	(Principa	l et cent	imes a	additio	nnels		-	-	325,035,159	384,059	-	325,419,21
tions -	Centime	es de perc	ception	n	-	-	-	-	16,864,841	- the second	603,263	16,261,57
Recettes fa ler Septe 28 Mai, 1	ites sur le mbre, 1819 1820, et 23	9. (Exéc	cution						-	1,868,443	-	1,868,44
									877,437,880	33,877,264	5,221,797	906,093,34
Fonds disp Exercice	onibles su s 1819 et a	r les Cré	dits of	averts	aux M	finisti	es pou	ar les		1000	singler.	A
Sui	r les Exercio r l'Exercio r l'Exercio	cices 1817 ce 1818			rs - -	-	5,742,	$\left\{\begin{array}{c} 036f\\ 465,\\ 024. \end{array}\right\}$		7,220,525	offeder Gestern	7,220,52
										41,097,789	5,221,797	
		Total d	es Rec	ettes	disponi	ibles p	our 18	- 20	877,437,880	Augment.	35,875,992	913,313,87
		3								- try	1 wantife	-
											npeg	
Prélèvemen	nt affecté	et transp	orté a	u Bud	get des	Rece	ttes de	e l'Exe	ercice 1822		Mr.	37,971,69
					R	este.	omme	e égale	aux dépense	5	- brings	875,342,25
									and appende	TOTAL DATE	C SHIPHATS	Crever 20
	117	-			REC	ETTE	S POL	UR OF	DRE.		and with	
Meyenile de	e l'Instruc	-	-		-	-	-	•		-	1,973,299f.	6,365,88
Direction (A COMPANY AND A REAL PROPERTY AND A REAL PROPE	4,392,593	

Etat B.—Suite du Budget définitif de l'Exercice 1820. RECETTES.

LOI de France, contenant le Budget de l'Exercice 1822.

A Paris, le 1 Mai, 1822.

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 1.—FIXATION DES CHARGES ET DEPENSES DE L'EXERCICE 1822.

1. Budget de la Dette Consolidée.

ART. 1. IL est ouvert au Ministre des Finances un crédit en rentes, 5 pour cent Consolidés, de la somme de 3,418,958 francs, avec jouissance du 22 Mars 1822.

Ladite inscription de rentes, représentant, à 87 francs, 74 centimes, 3 cinquièmes, cours moyen des 6 pour cent Consolidés pendant les 6 derniers mois de l'Année 1821, un capital numéraire de 60,000,000, est spécialement affecteé au remboursement en numéraire du deuxième cinquième des reconnaissances de liquidation, évalué à pareille somme de 60,000,000.

2. Au moyen du crédit d'inscription ouvert par l'Article précédent, les dépenses de la Dette Consolidée et de l'Amortissement sont fixées, pour l'Exercice 1822, à la somme de 228,874,039 francs, conformément à l'Etat A ci-annexé.

II. Fixution des Dépenses Générales du Service.

3. Des Crédits sont ouverts jusqu'à concurrence de 670,471,606 francs, pour les Dépenses Générales du Service de l'Exercice 1822, conformément à l'Etat B. applicables, savoir:

TOTAL EGAL Francs... 670,471,606

III. Disposition nouvelle sur les Dépenses des Ministères.

4. Lorsque, par des réformes d'employés inutiles, des économies auront été obtenues sur les frais d'administration centrale des Ministères, il pourra être accordé, sur le fonds provenant de la moitié de ces économies, aux employés réformés, des indemnités temporaires, proportionnée à leurs Services, et qui ne devront jamais excéder le maximum de la pension de retraite affectée à chaque emploi.

Le tableau de ces indemnités temporaires sera distribué chaque année aux Chambres.

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TITRE II.—PRODUITS AFFECTES A L'EXERCICE 1822.

I. Divers Droits et Perceptions.

5. Continuera d'être faite jusqu'au 1 Avril, 1823, conformément aux Lois existantes, 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 :

Des taxes des brevets d'invention;

Des droits établis sur les journaux ;

Des droits de vérification des poids et mesures ;

Du dixième des billets d'entrée dans les spectacles;

Du prix des poudres, tel qu'il est fixé par la Loi du 16 Mars 1819; 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;

Des contributions spéciales destinées à subvenir aux dépenses des Bourses et Chambres de Commerce, ainsi que des revenus spéciaux accordés auxdits établissemens et aux établissemens sanitaires;

Des droits établis pour le frais de visite chez les pharmaciens, droguistes et épiciers;

Des redevances sur les mines;

Des diverses rétributions imposées en faveur de l'université sur les établissemens particuliers d'instruction, et sur les éléves qui fréquentent les écoles publiques;

Des 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 ou d'habitans, et des taxes pour les travaux de desséchement autorisés par la Loi du 16 Septembre 1807;

Des sommes réparties sur les Israélites de chaque circonscription, pour le traitement des rabbins et autres frais de leur culte.

6. Les lettres de change tirées par seconde, troisième ou quatrième, pourront, quoiqu'étant écrites sur papiers non timbrés, être enregistrées, dans le cas de protêt, sans qu'il y ait lieu au droit de timbre et à l'amende, pourvu que la première, écrite sur papier au timbre proportionnel, soit représentée conjointement au receveur de l'enregistrement.

7. Les droits de pêche perçus sur les étangs salés qui communiquent avec la mer et qui appartiennent au Gouvernement, sont et demeurent supprimés. Néanmoins ceux de ces droits qui sont aujourd'hui perçus sous forme de licence, continueront à l'être jusqu'au l Janvier 1823; et ceux qui sont encore affermés, ne cesseront qu'à l'expiration des baux. Les fermiers seront admis à résilier, dès qu'ils en formeront la demande.

8. Il continuera d'être perçu à la fabrication des bières un droit de 3 francs par hectolitre de bière forte, et il n'y aura plus pour la petite bière qu'un droit unique qui est fixé à 75 centimes.

Il ne pourra être fait application de la taxe sur la petite bière que lorsqu'il aura été préalablement fabriqué un brassin de bière forte avec la même drèche, et pourvu d'ailleurs, que cette drèche ait subi, pour le premier brassin, au moins deux trempes, qu'il ne soit entré dans le second brassin aucune portion des métiers résultant des trempes données pour le premier, qu'il n'ait été fait aucune addition ni aucun remplacement de drèche, et que le second brassin n'excède point en contenance le brassin de bière forte.

S'il était fabriqué plus de deux brassins avec la même drèche, le dernier seulement sera considéré comme petite bière.

Indépendamment des obligations imposées par l'Article 120 de la Loi du 28 Avril, 1816, les brasseurs indiqueront dans leurs déclarations l'heure à laquelle les trempes de chaque brassin devront être données.

A défaut d'accomplissement des conditions ci-dessus, tout brassin sera réputé de bière forte et imposé comme tel.

D'après les dispositions qui précèdent, les Articles 107 et 108 de la Loi du 28 Avril, 1816, et 86 de la Loi du 25 Mars, 1817, sont abrogés.

9. Le Gouvernement continuera pendant une Année d'être autorisé, conformément à la Loi du 4 Mai, 1802 [14 Floréal An X,] à établir des droits de péage, dans le cas où ils seront reconnus nécessaires, pour concourir à la construction ou à la réparation des ponts, écluses ou ouvrages d'art à la charge de l'Etat, des Départemens ou 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.

10. La fabrication et la distillation des eaux-de-vie et esprits sont prohibées dans la Ville de Paris.

Toute contravention à cette disposition sera punie d'une amende de 1,000 à 3,000 francs, indépendamment des autres peines portées par l'Article 129 de la Loi du 28 Avril, 1816.

Une Ordonnance Royale fixera l'époque à laquelle les établissemens de cette nature actuellement existans cesseront toute opération, et déterminera les bases de l'indemnité qui devra être préalablement accordée aux propriétaires de ces établissemens.

II.-Contributions directes.

11. Le montant de la contribution foncière mise par des rôles particuliers sur les bois et autres propriétés devenus, à quelque titre que ce

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soit, imposables, sera ajouté au contingent de chaque Département, de chaque Arrondissement et de chaque Commune.

12. Les bois et autres propriétés qui n'auraient pas été compris dans les rôles, et qui cesseraient ultérieurement de faire partie du Domaine de l'Etat, ou deviendraient imposables pour toute autre cause, seront, d'après une matrice particulière, rédigée dans la forme accoutumée, cotisés comme les autres bois et propriétés de même nature, et accroîtront le contingent de chaque Département, de chaque Arrondissement et de chaque Commune.

13. 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 dégrevés de la contribution foncière jusqu'à concurrence de la part qu'elles prenaient dans leur matière imposable.

14. La contribution foncière, la contribution personnelle et mobilière, la contribution des portes et fenêtres, et les patentes, seront perçues, pour 1822, en principal et centimes additionnels, conformément à l'Etat C. ci-annexé.

15. Le contingent de chaque Département dans les contributions foncière, personnelle et mobilière, et des portes et fenêtres, est fixé aux sommes portées dans les Etats D, Nos. 1, 2, et 3, annexés à la présente Loi.

16. La perception des quatre contributions directes se fera sur les rôles de 1821, jusqu'à la mise en recouvrement des rôles de 1822.

III. Fonds destinés aux Dépenses Départementales.

17. Sur les Centimes Additionnels aux contributions foncière, personnelle et mobilière, il sera prélevé 19 centimes pour les dépenses départementales fixes, communes et variables, suivant qu'elles sont spécifiées et déterminées par le troisième Paragraphe, Article 28 de la Loi du 31 Juillet, 1821.

Ces Centimes seront divisés de la manière suivante :

1. Six Centimes 141/160^{es} 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;

2. Sept Centimes 194160^{es} 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; lesquelles dépenses variables 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 7 Centimes ci-dessus.

18. Un Centime prélevé sur le fonds de non-valeurs des contributions foncière, personnelle et mobilière, continuera, pour 1822, d'être affecté aux secours généraux, et réparti entre les Départemens, dans les cas de grêle, d'incendie, d'inondation ou autres cas fortuits.

Sera également affecté, pour le même Exercice, aux secours généraux, en augmentation du fonds d'un centime, l'excédant du fonds de non-valeurs de la contribution des portes et fenêtres.

Les Préfets rendront compte aux Conseils Généraux de l'emploi du fonds de non-valeurs.

19. Les Conseils Généraux de Département, indépendamment des 3 Centimes sur le principal de la contribution foncière qu'ils sont autorisés à voter, par l'Article 20 de la Loi du 31 Juillet, 1821, pour les operations cadastrales, pourrront 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 1822, et dont l'allocation sera toujours conforme au vote du Conseil Général.

Ces impositions pourront être élevées jusqu'à 20 centimes dans le Département de la Corse.

20. A l'avenir, les Crédits accordés pour les frais de bureau dans les Préfectures et Sous-préfectures ne seront que limitatifs, et le compte annuel de la dépense dans chaque Administration sera rendu, savoir : pour les Préfectures, au Conseil Général du Département ; et pour les Sous-préfectures, au Conseil d'Arrondissement. Les délibérations de ces Conseils qui régleront ces comptes, ne seront définitives qu'après avoir été approuvées par le Ministre de l'Intérieur.

IV.-Fixation des Recettes de l'Exercice 1822.

21. Le Budget des Recettes est fixé, pour l'Exercice 1822, à la somme totale de 913,327,651 francs, conformément à l'Etat E. ci-annexé.

V.—Disposition Générale.

22. 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 à Paris, au Château des Tuileries, le 1 jour du mois de Mai, de l'An de Grâce, 1822, et de notre Régne le 27ème.

LOUIS.

Par le Roi:

Le Ministre Secrétaire d'Etat au Département des Finances,

JH. DE VILLELE.

Vu et scellé du Grand Sceau:

Le Garde des sceaux de France, Ministre Secrétaire d'Etat au Département de la Justice. DE PEYRONNET.

BUDGET Général des Dépenses et Services pour l'Exercice, 1822.

	· · ·										
Etat A.	Budget	de la Dette Reconna						tisseme	ent.		
60,000,000 for	délivrer au 1 mant le premie ital, dont les in	er cinquièn	e rem	boursé	le 2	22 Ma	rs.	France 240,000			
	DONT	A DEDUIRE	,								
Pour le deuxièn	ne cinquième à	rembourse	le 22 1	Mars, 1	822		-	60,000	,000		
Reste en Capita	l, dont les intér	ts sont à s	ervir le	22 Sep	tem	bre,18	822.	180,000	,000	Franc	40.0
	ntérêts sur 240,0 itésêts sur 180,0									6,000,0 4,500,0	00 Francs.
		Intérêts	des 5 po	our 0.0	Con	solid	ćs.				- 10,500,000
deuxième cin tion, évalué à		connaissan 60,000,000	ces de	liquid	1- IC	301,3 3,418,9	345	3,720			
Jourssance ut									,		
		Incodes			5			100 00			
	es inscrites et à	inscrire	-	-	-	-	-	180,38	3,518		
Total des Rent Ci. Pour le se	es inscrites et à mestre échéant mestre échéant	le 22 Mars		822		-		180,38	- 1	8,382,28 9,991,75	9
Total des Rent Ci. Pour le se Pour le se	mestre échéant	le 22 Mars le 22 Septe		1822				180,388	- 1	8,382,28	

						1.85		15 1			
Etat B.	1000	19	. Budge	et des 1	Dépense	s Gén	trales e	t Servi	ices.	100 Ca.	
										Francs	Monta des Dépens présum
Liste Civil			4			-	-	-	-	25,000,000	Franc
Famille R			-	-	-	-	-	-	-	9,000,000	-
				1	INIST	ERES.					34,000,
Justice, y	compris	un Créd	it provise	oire de	2,520,00	0 franc	s pour	frais de	Ju	tice -	17,904,
Affaires E	trangères		-	-	-	-	•	-	-		7,850,
					INTERI	BUR.					
Service or		•		•	-	-	-	- 000	-	10,578,800	
Cultes. (lergé - lultes non	Catho	-	-	1	1.2	- 2	23,900	,000		
			iques	-						24,475,000	
The Ponts et (ravaux Pu			nrie los	Fonds	andria	aux.	30,500	.000		
Travaux d					-	-	-	2,400	Sec. 22		
			Dans 1	es Dépa	rtemen	- 8	-	2,201	,526	35,101,526	
Dépenses	Départer	nentale	s-Fixes	(6. c.	141/160	Centr	alisés		-	00,101,020	
			an	résor)	-	-	-	12,513			
Secours p	Vari	ables (1	2c. 19/16	res cas	fortuit	s (1 c.	ur le	22,001	1000		
Fonds of	le non-va	leurs)	-	-	-	1,8	18,423				
Plus, l'ex	cédant du n des Por	Fonds	de non-v	aleurs	de la co	n- Mén	noire.				
tributio	n des roi	ries et r	enerica					1,818	,423	36,368,474	
Dépenses	secrètes	t autres	sut le pr	oduit o	le la fer	me de	jeux			5,500,000	
	Service a			1			-			178,282,526	112,023
	Dépenses		aires	-	- E	12	-		-	9,070,000	
	Service g			12	120		-	-		54,132,000	187,302
	Colonies	-	-	-	-	-	-	-	-	5,858,000	
					FINA	NCES.					59,990
Dette Via	-		1.2	1				-		10,400,000	
Pensions.	-	-	-	-	-	-	-	2,055	,000		
	Militai	res -	÷	-	-	-	-	49,50			
		astique		-	-	-			0,000 0,000		
	Donata	mens a	ux Fond	s de I	tetenue	s des	divers				
	Min	istères	-	-	-	-	•	1,56	6,800	64,421,800	
Intérêts o	le Caution	nnemen	s =		-	-	-	-	-	10,000,000	
			ce et de l	Végocia	tions.	÷.					
Frais de	Negocia	de Trés	oferie	intéré	ts et d		3,400,000				
flottan	te -	-	-	-	-	- 4	1,700,000	810	0,000		
Remises	extraordi	naires a	ux Recev	curs Gé	néraux	et part	iculiers		0,000		
	anticipat							-	.,	- 11,500,000	
	écial pou		erets sur	les 100	,000,000	payes	aux Etr	angers		1,500,000 2,000,000	
	des Pair des Dépu			1	-	-	-	-		800,000	
	'honneur		lément à	sa dot	ation)	-		-	-	3,400,000	
Cour des	Comptes		-	-	-		•	-	-	1,256,300	
Adminis	tration de	es Mont	naies	Nantes	121	-	-	-		599,800	
	sion de lie				1	-	1	1		- 66,000	
Cadastre	. (Fonds	comm	-Exécuti	ion de l	Art. 21	de la L	oi du 31	Juillet	1821) 1,000,000)
Service :	dministr	atif du	Ministère		-	-	-	-	-	6,130,000	
Fonds sy	affectés à	tiné aux	frais de	l'inven	taire de	Loi	du 8 No	ers et i vembre	, 181	4,	
Titre l	, Article	3.) -	-	-	-	-		-	-	50,000	113,17
											532,24

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FRANCE.

Etat B. (Suite.) - 2°. Frais de Régie, de Perception, d'Exploitation, Non-valeurs. Ge. Remboursemens et Restitutions aux Contribuables. (A Ordonnancer par le Ministre des Finances.)

FRAIS DE REG				-	LOITAT	S. 197	NON-V	ALI	EURS, &c.	Montant des Dépenses présumées
										Presumeet
Enregistrement (Forêts -	t Domaines	2	-	1	1	1	2	2	11,615,000 8,372,950	
Douanes et Sels.	Frais d'Adn	ninistr	ation et	de pe	rception		23,096	5,300		2 ° - 1
	Remise de 2							0,000		
	Produit des	amend	des et Co	nfisca	tions at	ribué	es 2,000	0,000		
Co	ntributions i	ndirec	tes.						25,996,300	
rais d'Administ	ration et de	percept	ion			- 2 -	20,926	5.500		
xploitation des			-	-		-	24,546			
aploitation et v				-		-	2,144	,000		
Prelèvement sur				-	-	•	1,350			
vances à charge	de rembour	sement		-	-	-	670),000	49,636,500	
Postes -	-	-	-			4.1	-	-	11,982,930	
oterie. Frais d	administrati	on	•	-	-	-	1,589	,500		
Remise	s de 6 p. 0/0	aux Re	eceveurs	Bura	listes	•	8,060	,000		
							-		4,649,500	
Co	ntributions d	irectes								
fon-valeurs des			7	-	100	2	5,223	570		
rais d'assiette e			us direct		1	2	18,236			
			2	5.0		ē.:		-	23,459,700	
Remises et Taxa			s Génér	aux e	t particu	liers	sur l'In	npôt		
indirect et les	Hecettes dive	rses	-	-		-	-	-	1,200,000	131,912,89
finistère des Fir	ances	- '	Export	-	_	_	4	-	400,000	
		Iminia	Inations	Find	ncières.					
	210	A11661568		T. tute		•				
Enregistrement,				-	•	-	-		1,350,000	
Douanes et Sels (500,000	fr. pour	prim	es à l'ex	porta	tion)	-	4,050,000	
Contributions in	directes	-	-	-	-	•		-	174,000	
Postes -		•	•	•	-	-	-	-	340,000	6,314,00
							т	otal	Francs -	
		Ré	capitula	ation	des Dé	pense	5.			
Etat A. Dette Co		Amorti	ssement	1		-	-	-		228,874,03
Etat B. 1º. Serv		-		-		•	-		582,244,726	
2º. Frai	de Régie, d	e Perc	eption,	d'Exp	loitation	, &c.	-	-	138,226,890	670,471,600
		M	fontant	des D	épenses	DLODL	es à l'Es	rerci	ce 1822 -	
			enses po		-					
A. S. S. S. S.			port por							
Instruction Publ		÷		-	-	-	•	-	2,424,200	
Direction général	e des poudre	s et sal	pêtres	•	-	•	-	-	8,148,096	
										5,572,290
									Francs -	

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DESIGNATION DISTINCTE	1		MONTAN	T DE CHA	2UE CON	MONTANT DE CHAQUE CONTRIBUTION.	ч.			
DES PRODUITS.	Fond	Foncière.	Person Mobi	Personnelle et Mobilière.	Portes et	Portes et Fenêtres.	Pat	Patentes.	Totaux.	OBSERVATIONS.
Produits Généraux.	Nombre de centimes addition.	Francs.	Nombre de centimes addition.	Francs.	Nombre de centimes addition.	Francs.	Nombre de centimes addition.	Francs.	Francs.	
Principal des Quatre Contributions Sans affectation spéciale - Pour Dépenses Départe- montales fixes. com-	16	154,681,351 29,389,457	18	27,161,020 7,876,696	18	12,812,466 6,406,233	11	(A) 17,507,600	212,162,437 43,672,396	
Centimes à plusieurs Dé- partemens 7 Pour Dépenses variables des Départemens 7 Deur Fonds commundes	19	29,389,457	61	5,160,594	1	1	i.	1	34,550,061	Non-valeurs et Attri- butions aux Com- munes (8p. 0/0) - 1,522,400 Reste - 17,507,500
mémes Départemens - 5 Pour Secours, Grêle, et In- cendies	-	1,546,813	ı	271,610	1	1	1	1	1,818,423	}
par les Conseils Généraux (maximum, b centimes)	-1	Mémoire.	1	Mémoire.	1	1	4	1	Mémoire.	
Produits affectés aux Non-valeurs, Dé- penses des Communes, Réimpositions et Frais de perception.		all said and a				ana di	Services.		1	
Pour Non-valeurs et Dé- grèvemens	1	1,546,814	-	271,610	10	(B)1,281,247	ì	1	3,099,671	(B) Y compris environ 350,000fr.
Pour Non-valeurs et Attri- butions aux Communes	1	1	1	1	1	1	5	(C) { 951,500	2,473,900	
B. 4	1	Mémoire.	1	1	1	1	1	1	Mémoire.	tentes, et en a ete deduite pi haut.
Pour Dépenses Extraordi- naires des Communes - Pour Réimpositions	11	11	11	11	11	11	11	11	Mémoire. Mémoire.	
ono	40	216,553,892	50	40,741,530	60	20,499,946	5	19,981,500	297,776,868	
defitionnels Receveursdeféraux et par- additionnels Receveursdeféraux et par- seur principal ticuliers (par évaluation)- etcent, réunis., Remises des percepteurs	de 2 à 5	1,732,000 9,636,000	de 2 à 5	235,000	de 2 à 5	149,000	de 2 à 5	82,000 656,132	2,258,000 12,582,132	
1.10	-	001 001 800	1	42 556 530	1	21.418.946	1	20.719.632	20.719.632 312.617.000	

FRANCE.

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DESIGNATION DES	REVE	ENUS E	T IM	IPOTS.		Produits bruts présumés.
1º. Produits spécialement	affectés	à la Det	te Con	nsolidée.		Francs.
Enregistrement, timbre et Domaine, et pi Coupes de bois de l'ordinaire de 1822. (Prin Douanes et sels. Droits de douanes et de	ncipal de	es adjudic	ations		n traites)	166,165,000 19,902,000
accidentelles		-	-	76,000,000		
Droits sur les sels -		•		52,000,000	128.000.000	
Produits présumés des amer				ath a far		
Froduits presumes des amer	ides et c	connecatio	ons au	tribuees	2,000,000	130,000,000
roduits presumes des amer	ides et c	connacati	ons at		Francs -	130,000,000 316,067,000
2°. Produits affectés aux				Total	<u> </u>	
2°. Produits affectés aux	Dépense	es généra	les de	Total l'Etat.	Francs -	
2°. Produits affectés aux j Excédant éventuel des produits ci-dessus s	Dépense sur le se	es généra	les de	Total l'Etat. e Consolid	Francs -	316,067,000
2°. Produits affectés aux j Excédant éventuel des produits ci-dessus s	Dépense sur le se	es généra	les de	Total l'Etat. e Consolid	Francs -	316,067,000
2°. Produits affectés aux j Excédant éventuel des produits ci-dessus s Contributions indirectes. Droits générau	Dépense sur le se	es généra	les de	Total l'Etat. e Consolid	Francs -	316,067,000

Etat E. Budget Général des Revenus de l'Etat pour l'Exercice 1822.

Postes -												23,900,000
Loteries			-		-				· · ·			14,000,000
Versement	au Tr	ésor par	la Vil	lede P	aris	, en vert	u de l	a Loi du	19 Jui	llet, 18	05	5,500,000
Produits d					•		-	•			2,400,000	
		Produi	ts de l	Inde			n en l		-	-	1,000,000	
		Recett	es de	diverse	s O	rigines					1,455,710	
		au T	résor		• •		•	mbours	•	••	867,290	
								ssances				10,022,031
Contributi	ons di	rectes.				ntimes a		onnels	-	-	297,776,868	
			Cent	imes d	e pe	rception	n		•		14,840,132	312,617,000
Transport	au Buc	iget de l	Exer	cice la	322,	de l'exc	édant	de Rece	ette su	r l'Exe	rcice, 1820.	559,289,031 37,971,620
										Tota	I France -	597,260,651

Produit des amendes et confiscations. (Portion attribuée.) 1,350,000

Diamiter		1	Deset	
Récapitul	arion	aes .	песен	es.

1º. Produits affectés à la Dette Consolidée	-				316,067,000			
2º. Produits affectés aux Dépenses Générales	-	•		-	597,260,651			
Montant présumé des produits propres au Budget de l'Exercice, 1822					913,327,651			
Récettes pour Ordre.								

			1				-
Instruction Publique			-			2,424,200	1
Direction générale des po	oudres et s	alpêtre	8	•		3,148,096	5,572,296
				Tota	l général	Francs -	918,899,947

Résultat.

Les Dépenses (Etats A. et B.) de 90	3.982.006
	4,917,941
Les Recettes présumées sont de 91	8,899,947

Certifie conforme : Le Ministre Secrétaire d'Etat au Département des Finances,

JH. DE VILLELE.

193,250,000

BRITISH ORDER in COUNCIL, prohibiting the exportation of Gunpowder, Arms, &c. to Spain, to certain Parts of Africa, to the West Indies, or to certain Parts of America. 18th May, 1822.

At the Court at Carlton House, the 18th of May, 1822.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS the time limited by His Majesty's Order in Council of the 14th of November last, for prohibiting the exportation of gunpowder, arms, or ammunition, to the Places therein specified, will expire on the 30th day of this instant May; and whereas it is expedient that the said prohibition should be continued for some time longer; His Majesty, by and with the advice of His Privy Council, doth hereby order, require, prohibit, and command, that no Person or Persons whatsoever (except the Master-General of the Ordnance of 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 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.

C. C. GREVILLE.

DECLARATION of the Bey of Tunis, relative to the Duty on Rice imported in British Ships, 28th May, 1822.

FROM the created of God Almighty, and who expects his mercy, Mahmoud Bashaw, Bey of Tunis, to the Commander Captain Warren, and to the Aid-de-camp, Ponsonby.

I have received your Letter, dated the 6th of Ramadan, in which you say that the English Consul resident here has informed your Government, that a duty of 3 per cent. has been laid on rice imported into Tunis by British Subjects, which is an infraction of the Treaty between me and the British Government, and that you have been directed by your Government to speak on this affair, and to say that your King feels persuaded that I should give up this duty on rice, not to interrupt the peace and long friendship which exists between the two Governments; and all that you continue on to say, I have well understood.

The answer to what has been said, is, that this custom duty on rice, was formerly on all Merchants who brought rice into Tunis from all Nations, and we do not find it otherwise specified in the Treaties with England.

As it appears to you that this affair brings interruption of the peace and ancient friendship between the two Governments, it is hereby, from this moment, given up for English Merchants who may bring rice into Tunis, and they will not pay on the said article any custom duty, as I am not desirous of disturbing that friendship for such a trifling thing.

After this, however, I shall send some one on my part to speak with your Government on this affair, if God Almighty pleases.

Written the 7th of Ramadan, 1237 of the Hegira; 28th of May, 1822, of the Christian era. [Seal of the Bey.]

BRITISH ORDER in COUNCIL, prohibiting the exportation of Gunpowder, Arms, &c. to Spain, to certain Parts of Africa, to the West Indies, or to certain Parts of America. 15th November, 1822.

At the Court at Brighton, the 15th of November, 1822. PRESENT, THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS the time limited by His Majesty's Order in Council of the 18th of May last, for prohibiting the exportation of gun-powder,

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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 Port or Place 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 Comissioners 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.

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MESSAGE of the President of The United States to Congress, relative to the Governments of Spanish America. 8th March, 1822.

Message from the President of The United States, transmitting, in pursuance of a Resolution of the House of Representatives, of the 30th Jan. last, Communications from the Agents of The United States, with the Governments South of The United States which have declared their Independence; and the Communications from the Agents of such Governments in The United States with the Secretary of State, as tend to shew the Political Condition of their Governments, and the state of the War between them and Spain.

To the House of Representatives of The United States.

In transmitting to the House of Representatives the Documents called for by the Resolution of that House, of the 30th January, I consider it my duty to invite the attention of Congress to a very important subject, and to communicate the sentiments of the Executive on it, that, should Congress entertain similar sentiments, there may be such co-operation between the two Departments of the Government as their respective rights and duties may require.

The revolutionary movement in the Spanish Provinces in this Hemisphere attracted the attention and excited the sympathy of our Fellow-Citizens from its commencement. This feeling was natural and honourable to them, from causes which need not be communicated to It has been gratifying to all to see the general acquiescence you. which has been manifested in the policy which the constituted Authorities have deemed it proper to pursue in regard to this Contest. As soon as the movement assumed such a steady and consistent form as to make the success of the Provinces probable, the Rights to which they were entitled by the Law of Nations, as equal Parties to a Civil War, were extended to them. Each Party was permitted to enter our Ports with its publick and private Ships, and to take from them every Article which was the subject of Commerce with other Nations. Our Citizens, also, have carried on Commerce with both Parties, and the Government has protected it, with each, in articles not contraband of War. Through the whole of this Contest The United States have remained neutral, and have fulfilled with the utmost impartiality all the obligations incident to that character.

This Contest has now reached such a stage, and been attended with such decisive success on the part of the Provinces, that it merits the most profound consideration whether their right to the rank of Independent Nations, with all the advantages incident to it, in their Intercourse with The United States, is not complete. Buenos Ayres assumed that rank by a formal Declaration in 1816, and has enjoyed it since 1810, free from invasion by the Parent Country. The Provinces composing the Republick of Colombia, after having separately declared their Independence, were united by a Fundamental Law of the 17th of December, 1819. A strong Spanish Force occupied, at that time, certain parts of the Territory within their limits, and waged a destructive War. That Force has since been repeatedly defeated, and the whole of it either made prisoners or destroyed, or expelled from the Country, with the exception of an inconsiderable portion only, which The Provinces on the Pacific have likeis blockaded in two fortresses. Chili declared Independence in 1818, and wise been very successful. has since enjoyed it undisturbed; and of late, by the assistance of Chili and Buenos Ayres, the Revolution has extended to Peru. Of the movement in Mexico our information is less authentic, but it is, nevertheless, distinctly understood, that the new Government has declared its Independence, and that there is now no opposition to it there, nor a force to make any. For the last 3 Years the Government of Spain has not sent a single corps of troops to any part of that Country ; nor is there any reason to believe it will send any in future. Thus, it is manifest, that all those Provinces are not only in the full enjoyment of their Independence, but, considering the state of the War and other circumstances, that there is not the most remote prospect of their being deprived of it.

When the result of such a Contest is manifestly settled, the new Governments have a claim to recognition by other Powers, which ought not to be resisted. Civil Wars too often excite feelings which the Parties cannot controul. The opinion entertained by other Powers as to the result, may assuage those feelings and promote an accommodation between them, useful and honourable to both. The delay which has been observed in making a decision on this important subject, will, it is presumed, have afforded an unequivocal proof to Spain, as it must have done to other Powers, of the high respect entertained by The United States for her rights, and of their determination not to interfere with them. The Provinces belonging to this Hemisphere are our neighbours, and have, successively, as each portion of the Country acquired its Independence, pressed their recognition by an appeal to facts not to be contested, and which they thought gave them a just title to it. To motives of interest this Government has invariably disclaimed all pretension, being resolved to take no part in the controversy, or other measure in regard to it, which should not merit the sanction of the Civilized World. To other claims a just sensibility has been always felt, and frankly acknowledged, but they in themselves could never become an adequate cause of action. It was incumbent on this Government to look to every important fact and circumstance, on which a sound opinion could be formed, which has been done. When we regard, then, the great length of time which this War has been prosecuted, the complete success which has attended it in favour of

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the Provinces, the present condition of the Parties, and the utter inability of Spain to produce any change in it, we are compelled to conclude that its fate is settled, and that the Provinces which have declared their Independence, and are in the enjoyment of it, ought to be recognized.

Of the views of the Spanish Government on this subject, no particular information has been recently received. It may be presumed that the successful progress of the Revolution, through such a long series of Years, gaining strength, and extending annually in every direction, and embracing, by the late important events, with little exception, all the Dominions of Spain South of The United States, on this Continent, placing thereby the complete Sovereignty over the whole in the hands of the People, will reconcile the Parent Country to an accommodation with them, on the basis of their unqualified Independence. Nor has any authentic information been recently received of the disposition of other Powers respecting it. A sincere desire has been cherished to act in concert with them in the proposed Recognition, of which several were sometime past duly apprized, but it was understood that they were not prepared for it. The immense space between those Powers, even those which border on the Atlantic, and these Provinces, makes the movement an affair of less interest and excitement to them, than to us. It is probable, therefore, that they have been less attentive to its progress than we have been. It may be presumed, however, that the late events will dispel all doubt of the result.

In proposing this measure, it is not contemplated to change thereby, in the slightest manner, our friendly relations with either of the Parties, but to observe, in all respects, as heretofore, should the War be continued, the most perfect neutrality between them. Of this friendly disposition, an assurance will be given to the Government of Spain, to whom it is presumed it will be, as it ought to be, satisfactory. The measure is proposed, under a thorough conviction that it is in strict accord with the Law of Nations; that it is just and right as to the Parties; and that The United States owe it to their station and character in the World, as well as to their essential interests, to adopt it. Should Congress concur in the view herein presented, they will doubtless see the propriety of making the necessary Appropriations for carrying it into effect.

Washington, March 8, 1822.

JAMES MONROE.

The Secretary of State to the President.

Department of State, Washington, 7th March, 1822.

THE Secretary of State, to whom has been referred the Resolution of the House of Representatives of the 30th of January last, requesting the President of The United States to lay before that House such Communications as might be in the possession of the Executive, from the Agents of The United States with the Governments South of The United States, which have declared their Independence; and the Communications from the Agents of such Governments in The United States, with the Secretary of State, as tend to shew the political condition of their Governments, and the state of the War between them and Spain, as it might be consistent with the publick interest to communicate; has the honour of submitting to the President the Papers required by that Resolution.

The Communications from the Agents of The United States are only those most recently received, and exhibiting their views of the actual condition of the several South American Revolutionary Governments. No communication has yet been received from Mr. Prevost since his arrival at Lima.

There has been hitherto no Agent of The United States in Mexico; but among the Papers herewith submitted, is a Letter recently received from a Citizen of The United States, who has been some Years residing there, containing the best information in possession of the Government, concerning the late Revolution in that Country; and specially of the character embraced by the Resolution of the House.

The President of The United States. JOHN QUINCY ADAMS.

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SIR.

Department of State, 5th July, 1820.

THE Certificate from this Department, which has been made out and transmitted to you, constitutes you Agent for Commerce and Seamen, for either of the Provinces of Buenos Ayres or of Chili, in whichsoever of them Mr. J. B. Prevost shall not be. He is at this time at Buenos Ayres; but, having at one period intimated to the President a preference to return to Chili, where he some time resided, it is thought due to him to leave the selection of his residence, after your arrival at Buenos Ayres, to himself. Should he determine to continue there, you will proceed, either by land over the Andes, or, in the Frigate Constellation, round Cape Horn to Valparaiso, and take up your residence there, or at St. Jago de Chili, which is understood to be the seat of the Revolutionary Government of that Province. If he should prefer to return thither, you will remain at Buenos Ayres.

The Commercial Intercourse between the United States and those Countries, though not very considerable, is deserving of particular attention. Whatever accurate information you can obtain, relating to it, as well as to the Commerce of those Countries with other Nations, and to their internal trade, will be particularly acceptable; the condition of our Seamen there will also deserve your notice. The performance of these duties will involve also the Political Relations between those Countries and The United States. In the progress of their Revolution, Buenos Ayres and Chili have, to the extent of their powers, and indeed far beyond their natural means, combined maritime operations with those of their War by land. Having no Ships or Seamen of their own, they have countenanced and encouraged Foreigners to enter their Service, without always considering how far it might affect

either the rights or the duties of the Nations to which those Foreigners belonged. The Privateers, which, with the Commissions, and under the Flag, of Buenos Ayres, have committed so many and such atrocious acts of Piracy, were all either fitted out, manned, and officered by Foreigners at Buenos Ayres, or even in Foreign Countries, not excepting our own, to which blank Commissions both for the Ships and Officers have been sent. In the Instructions to the late Commodore Perry, which his lamented decease prevented from being executed by him, and a Copy of which is now furnished to you, certain Articles in the Buenos Ayrean Privateering Ordinance were pointed out, particularly liable to the production of these abuses, and which, being contrary to the established usages among civilized Nations, it was hoped would have been revoked, or made to disappear from their otherwise unexceptionable Code. These Instructions were renewed to Commodore Morris, but the time of his stay at Buenos Ayres was so short, and he was there at a moment of so great a change in the ruling Power of the State, that, although he communicated to the then existing Director, the substance of the representations which Commodore Perry had been instructed to make, we know not that it was attended with any favourable result. You will consider the parts of Commodore Perry's Instructions, which may be still applicable on your arrival in South America, as directed to yourself; and should you proceed to Chili, will execute them there, no communication upon the subject having yet been made there. Among the inconveniences consequent upon this system of carrying on maritime Warfare, by means of Foreigners, has been occasionally, and to a considerable extent, the enticement of Seamen belonging to Merchant Vessels, in the Ports of Buenos Ayres and Chili, from their engagements; to enlist them in Privateers or publick armed Vessels of those Countries. In attending to the numerous trials and convictions for Piracy, which have recently afflicted our Country, and cast an unusual gloom over our annals, you will remark that a great proportion of the guilty Persons have been Seamen thus engaged, Foreigners at Buenos Ayres, or enlisted in our own Ports, in violation of our Laws. Whether at Buenos Ayres or in Chili, you will use every exertion in your power, consistent with the respect and conciliatory deportment to be constantly observed towards the existing publick Authorities, to protect the Seamen of The United States from all such enlistments; and the Owners and Masters of the Merchant Vessels from time to time arriving there, from the loss of their men by such means.

The Commercial Digest of the Laws of Foreign Countries with which The United States are in relation, a Copy of which has been furnished you, may suggest to you the nature of part of the information which is desirable from South America.

Political information will be equally acceptable; the more particular and correct the information of this nature which you can obtain,

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the more acceptable it will prove. Besides the struggle in South America for Independence, against which Spain is the only opposite Party, internal feuds and civil wars have peculiarly marked every step of the Revolutions in progress upon that theatre. As an Agent and Citizen of The United States, the first advice I shall give you, is, to observe and report, with all the vigilance and discernment and penetration and fidelity to your own Country, that you possess, the movements of all Parties, but to make yourself a Partizan to none. From the Documents lately received here, it is apparent, that a Negotiation has been some time on foot between the late Government of Buenos Avres and France. It is well known that a Negotiation of much longer standing has existed between the same Government and Portugal; nor has Mr. Rivadavia been residing two or three years to no purpose in England. To ascertain the real movements of all these parties, a neutral position, a neutral heart, and an observing mind, are indispensable; in recommending it to your attention, I would add the caution, neither to take upon trust what any Man shall tell you, without asking yourself what it is his interest or wish that you should believe, nor to give more weight to conjectures, than the circumstances under which they are formed will warrant.

By the latest accounts that we have received, the Government, the Congress, and the Constitution, of the Provinces of La Plata were overthrown; the Province of Buenos Ayres stood alone, with Don Manuel de Sarratea, as Governor, at its head; they were in negotiation with General Artigas, of the Oriental Banda, and with General Ramirez, Commander of the Monteneros; in what those Negotiations will result, we are to learn hereafter, and what their effect will be upon the relations of all, with the Portuguese at Montevideo, is yet to be seen. Should you remain at Buenos Ayres, we shall expect full Communications from you, as frequently as opportunities for transmitting them may occur. I am, &c.

John M. Forbes, Esq.

JOHN QUINCY ADAMS.

(2.)-Mr. Forbes to the Secretary of State.

(Extract.)

Buenos Ayres, 2d September, 1821.

I SHALL confine myself to a general summary of leading Events since my last. The first in order of date, is the total defeat of the Party of Ramirez, by a wing of the united Armies of Santa Fé and Cordova, under Don Francisco de Bedoya, Substitute Governor of Cordova. The Action was fought at Francisco, on the Rio Seco, on the 10th of July, and the news was most joyfully received here on the 21st of the same month.

I have great pleasure in announcing to you a new organization of this Government, which promises great solidity and character, and from whose exertions the most important reforms are daily taking place. The Departments of State and Treasury were, until the 18th of July last, united in one Person, Don Juan Manuel de Luca; the Junta then decreed that these Departments should be separated, and the Governor called to the first, Don Bernadino Rivadavia, with the title of Minister of the Government and of Foreign Relations. Mr. Luca remained charged with the Department of Treasury until the 1st August, when he offered his resignation, which was accepted, and a complimentary Decree of the 8th August published with acceptance of the Governor. Don Manuel Jose Garcia, many years diplomatic Agent of the Director, at Rio Janeiro, since has been appointed to that office. These two Gentlemen, Rivadavia and Garcia, both possess a great share of publick confidence; have both acquired experience in publick affairs by long residences near Foreign Courts, and they both seem animated by a zealous desire to establish order in the various branches of the Administration, and economy in the publick Expenditure. This spirit of reform, which was the great cause of the overthrow of Sarratea, by exciting the discontent and violent opposition of Military Men, now furnishes also a hope to the partizans of Purreydon, who are raising great clamour against the new Ministers, and working diligently to regain their influence. In short, the present moment seems to be the crisis of a struggle between publick virtue and corruption, between a new-born impulse of publick opinion, growing in the liberty of the press, with that of parliamentary debate, and the rotten legacy of the Viceroyalty, the deletereous influence of military patronage. It is a struggle on the event of which hangs the future liberty and welfare of this May Heaven smile on the future efforts of virtue and Province. patriotism!

Another very important event has occurred since my last Report. The annexation of the Banda Oriental to the Kingdom of Brazils, and the recognition of the Independence of these Provinces by His Most Faithful Majesty, King John. These measures were simultaneous and correlative. On the 28th July, Don Juan Manuel de Figuieredo presented himself to this Government, with the character of Consul of Portugal and Brazils, and with a Letter of Credence from the Brazilian Secretary of State, acknowledging the Independence of these Provinces, and expressing a hope that these Provinces would acknowledge any and all Governments, of fact, which should be admitted and obeyed by the People of any neighbouring Provinces. This Government received Mr. de Figuieredo with great courtesy, and passed over in silence the Recognition with its implied condition. The whole business, on both sides, appears to me to be quite theatrical. Mr. Figuieredo, a conspicuous actor in the first scene, has retired suddenly from all political Agencies, and from this life! On the morning of the 21st August, being apparently in perfect health, and whilst walking in his saloon, waiting for his breakfast, he fell down instantly dead! By order of

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Government his body was opened by a Surgeon, in presence of some distinguished Law Officers, and his stomach and bowels found to be in a healthful state, whence it results that he died of apoplexy. Soon after Mr. Rivadavia's coming into the Ministry, to wit, on the 5th August, I was promised a long Conference with him on all the objects of my Agency, but as he came to me in company of Mr. Luca, I could only hold some desultory conversation, touching cursorily on some topics. Mr. R. then promised me for the next Thursday a particular audience, but I am sorry to say that the fulfilment of this promise has been delayed from week to week to this hour.

I yesterday saw Mr. Rivadavia for a few minutes, and again received an apology for his delay of the long promised Conference. I took occasion to say, that I was aware of his unceasing occupation in the arduous Place he held, and must conform to his convenience; but that there was one subject on which I had been instructed to communicate the views of my Government, and which, by the information daily received, became most imperiously pressing, as interesting to the character of this Government, which I knew he had so much at heart. I then stated that, by late advices from the West Indies, the horrors of Piracy, which had so justly excited universal indignation, were daily increasing, as well by the numbers of the Vessels, as by their strength of armament, and the boldness of their nefarious enterprizes; that, recently, a Vessel fitted out here under the name of the Confederation, had changed her name and her Commander, and was captured under the Commission of Artigas by a French Frigate, and carried into Martinique, from whence the Captain and a number of the Crew, being Seamen of The United States, had been sent to Philadelphia in a French armed Brig for Trial; that all these Vessels were notoriously furnished with several different Commissions, and according to the privateering regulations of this Province they were to be deemed Pirates; that one of them had recently fired on a Government Brig of France, and killed the Commander; that I was instructed by my Govenment to make the strongest remonstrances on this subject. To all these observations, Mr. Rivadavia replied, that this evil would no longer exist; that there would soon be given an Order recalling all Privateers; that he was fully convinced that the most important object with this Government is to acquire the good will and friendship of all other Governments, and that he was determined to make every sacrifice to attain this great end. He said that Governments seated in perfect peace and security reasoned calmly on these subjects, but that this Country had experienced so many difficulties in its struggle for Independence, that the Government had been compelled to adopt the strongest measures against the Spanish Commerce, but, said he, "this is now all finished."

At the moment I am writing, a salvo of Artillery and the most extravagant demonstrations of joy through the streets, announce the capture of Lima by San Martin's besieging Army. If this news be true, it puts the Seal to the Independence of South America. The Spanish Royalty, driven from its last hope in these Provinces, and enlightened by a Representative Government, will, I think, within six months, acknowledge their Independence.

(3.)-Mr. Forbes to the Secretary of State.

The Hon. J. Q. Adams.

JOHN M. FORBES,

(Extract.)

Buenos Ayres, 11th September, 1821.

INCLOSED I transmit an important State Paper published here, a Manifest of the Governor and his Secretary, on the project presented to the honourable Junta in relation to the Congress now assembled at Cordova, together with the project submitted, which, as will be seen, is intended to lay the foundation for future Federation. Messrs. Rivadavia and Garcia are pressing with great vigour their system of reform, and, by a strong blow at the root, have violently shaken the branches of the tree of corruption. Consternation has been spread through the ranks of smugglers, by the arrest and close imprisonment, the day before yesterday, of Don Fernando Calderon, first Inspector of the Custom House. This man, although enjoying a very liberal salary, has notoriously patronized the unblushing atrocities of the giant smugglers, who have totally dilapidated the Revenues of the Country for years past. The leading man, accustomed to ask and obtain every thing of the Government, yesterday solicited of the Governor a mitigation of the imprisonment of Mr. Calderon, and perhaps his discharge on bail. The Governor consulted Mr. Rivadavia on the expediency of listening to the call of mercy. The latter replied, very respectfully, to the Governor, that he certainly had the power and the responsibility of any measures he might adopt, but if his Excellency yielded to the solicitations in question, he (Mr. R.) must decline any further service as Secretary. This firmness prevailed. The truth is, Mr. Rivadavia, being the father of the incipient system of order and virtue, from his growing influence, has become indispensable to the accomplishment of the views now cherished by the publick opinion. If this system should prevail, the immediate effect of it will be, the prevalence of civil over military influence.

The Hon. J. Q. Adams.

JOHN M. FORBES.

(4.)-Mr. Forbes to the Secretary of State.

(Extract.)

Buenos Ayres, 28th September, 1821.

I HAVE a Dispatch from Judge Prevost, containing the Gazettes from Lima, published since the Revolution there, which I shall forward by the first direct opportunity. The night before the last, (26th instant) the Governor (Rodrigues) received an official Despatch from General San Martin, confirming the previous news of the surrender of Lima to the Liberating Army, and accompanied by Gazettes giving the details of that important event. Yesterday morning this great event was announced to this City, by salvos of Artillery from the Fort and national Vessels, which were repeated at noon, and at sunset. At 5 o'clock in the afternoon, the Governor, attended by his Ministers, and all the publick Functionaries, went to the Cathedral to attend a Te Deum, and in the evening the City was brilliantly illuminated; other publick festivities are said to be contemplated, among which a ball by the Chilian Minister at the Theatre, and another by the Government, are spoken of. In fact this event is generally considered as a finishing blow in the Contest for Independence. Enclosed, is a Paper just published here, containing a familiar Letter from San Martin, (addressed I presume to his father-in-law, Mr. Escalada,) signed Pepe, which is the familiar abbreviation of Joseph; also, various publick Documents relating to the taking possession of Lima, a Correspondence between San Martin and the Arch Bishop of Lima, the Declaration of the Cabildo, &c. By these Publick Papers, it appears that San Martin has added to his fame by the moderation and respect for publick opinion which he has manifested on this great occasion. Every thing here breathes joy, and the brightest hope of the perfection of their political happiness. The Congress at Cordova is now entirely lost in the contemplation of a Grand Congress, which it is said will be agreed on by the three great Republicks of Peru, Chili, and La Plata. Perhaps the Sister Colombia may be invited to this family party.

Inclosed, I send you Copies of my Letter to Mr. Rivadavia, on the subject of Privateering, or rather of Piracy, dated 14th September, Copy of that Minister's reply, under 15th September, and of a Minute of a Conference I had with him on the 17th of same month. Inclosed is also Minute of a previous Conference with said Minister, on the 5th August last.

Among the important events which have occurred on this side of the mountains, I must not omit to notice the total destruction of the Party of Jose Miguel Carrera, and the publick execution of that active, intelligent, and extraordinary Man. Inclosed I herewith transmit two Bulletins published here concerning this event. By the first it will appear, that a Colonel Don Manuel Arias had organized a Revolution in Carrera's Band, which he communicated to the Governor of Mendoza, on the condition of saving his own life and those of some of his adherents. By the second, entitled "Detail of the destruction of Carrera," it will be seen that Carrera's Party was totally defeated by the Mendozinos on the 31st August, and that, on the 4th of this month, Carrera was shot on the publick square at Mendoza; he died with the most heroic courage, asking for only favour of his Conquerors, that he might be buried in the same grave with his 2 brothers, who were shot in the same City on a former occasion; it would be well for humanity if the story of this event stopped here; but I again have to state another act of savage ferocity: the murdered body of this brave and distinguished man was shockingly mutilated, his head was cut off and exposed in the Square of Mendoza; his right arm was sent to the Governor of Cordova, and his left to the Punta San Luis. When these particulars were known here, they excited a sentiment of horror; and it has even been said, that if this victim of the ferocity of their half-savage brethren at Mendoza had been sent to this Place, even his life would have been probably spared.

Carrera, by his great personal resources, had proved the most dangerous enemy of the present state of things in these Provinces, and had San Martin failed in Peru, and Carrera had survived that failure, he would have menaced the tranquillity of Chili; thus his death is a great event for the present Rulers here, although the manner of it may be very revolting to their more civilized breasts.

October 1, 1821.

Since writing the foregoing, there has been a further publication of Papers connected with the occupation of Lima, containing certain Proclamations of Generals San Martin and Arenales: this publication I herewith inclose. The new Ministers have very judiciously availed themselves of the present moment, to propose to the Junta a general Amnesty, and that all those who have been exiled for differences of political opinion, should be recalled to the bosom of their Country; this proposition, so worthy the high-minded Cause of the present Ministry, and so well calculated to conciliate all Parties, is to be discussed this evening at the Junta. I shall attend the debate, seats being assigned to the Foreign Agents. Among the events tending to consolidate the moral and physical force of these Provinces, it is said, that a Revolution has taken place in the Entre Rios against the brother of the slain Ramirez. At the head of this Revolution is a Mr. Mansilla, of whose rank and history I am ignorant. The Flotilla of this Province is cooperating, and further assistance has been asked of Lopez, the Governor of Santa Fé. The trade of the Baxada has been opened in consequence of this Revolution. I just now met Mr. Rivadavia in the street, and took the occasion to remind him of the Decree which he had promised to send me on the subject of Privateering: he said, it depended only on him to reduce it to writing, which he had not yet had time to do; he has given me reason to hope that he will call on me tomorrow; but the herculeau labour of cleansing the Augean stables so entirely occupies him, day and night, I sometimes fear he will be quite exhausted before he can accomplish it.

The Hon. J. Q. Adams.

JOHN M. FORBES.

(5.)-Mr. Forbes to Mr. Rivadavia.

Buenos Ayres, 14th September, 1821.

ALTHOUGH I have been more than 10 months in this City, I have never until now found a moment, when, under all circumstances, 1 deemed it expedient to lay before this Government the sentiments and views of that of The United States, in relation to many interesting subjects, as contained in the Instructions I received on my departure from Washington. On the recent organization of the Government, I intimated to you the desire to hold a full and frank Conference; which you had the goodness to promise me at the commencement of the past month, but which has been unavoidably delayed by your more pressing occupations.

Appreciating as I do the great and efficient efforts now making by you in the cause of your Country, I should most willingly continue to wait your convenience for the proposed Conference, were I not impelled by recent information, to press on the early attention of this Government one of the Subjects on which I am instructed by that of the United States; I mean those indiscriminate violences which are daily committed on the Ocean against the peaceful Commerce of unoffending Nations, under the various Flags of the South American Provinces.

It is now a long time since those violences have called forth the most pointed reprobation of many Governments in Europe and of that of The United States. Several Governments have made active efforts to repress them by force. These efforts have been unavailing—these privileged plunderers

" Can add colours to the chamelion,

" Change shapes with Proteus for advantage."

There is nothing fixed, but the blackness of their purpose and the boldness of their atrocities. They are furnished with various Commissions, and navigated by Crews of Men, without Country, without morality, and without other ties than those of crime and plunder. By the Privateering Regulations of Buenos Ayres, a Privateer owned here. or commissioned by this Government, who shall be furnished with a Commission from any other Prince or Republick, even if allied with this "shall be adjudged a good prize, and her Captain or Commander punished as Pirates." It is therefore under the sanction of its own Laws, that I presume to call the early and efficacious intervention of this Government, to vindicate those violated Laws. But, Sir, it is above all, from a full faith in those sentiments of honour, that love of order and justice, which so eminently distinguish every step of the present Administration, that I derive the strongest hope that this call will not be disregarded. The publick Gazettes recently received from The United States contain several well authenticated statements of new outrages committed by these freebooters, whose numbers are multiplied, and the boldness of their wicked enterprizes increased, by their

SIR.

impunity. I will not swell this written Communication by any Extracts from the information received; but hope that at an early day, it will be convenient for you to admit me to a personal Conference, when I shall be happy to communicate with you, in that spirit of frankness, which is the best pledge of friendship, as well the facts in my possession, as the feelings of the Government of The United States, on this highly interesting and important subject.

I avail myself with pleasure of this occasion, &c. The Hon. Mr. Rivadavia, JOHN M. FORBES. Minister of Foreign Relations, Buenos Ayres.

(6.)-Mr. Rivadavia to Mr. Forbes.

Buenos Ayres, 15th September, 1821. THE Minister of Government and Foreign Relations has had the honour of receiving the Official Note from the Agent of The United States, under yesterday's date, and he considers it as his particular duty to make an acknowledgment of the honorable distinction the said Agent shews towards him. With respect to the principal affair therein contained, he can only repeat what he had the satisfaction to make him acquainted with in his last interview; which was, that the Government had adopted every measure in its power to suppress the evils committed by Privateers of this Country towards the Commerce of neutral Nations, from the abuse of their Commissions. Nevertheless, the Minister of Government and Foreign Relations, feeling desirous of contributing towards the completion of these measures, as far as they are capable of being made perfect, he will be happy to receive any further explanation on this subject that the Agent of The United States may think proper to give him. For which purpose it will be taken as an honour, if the Agent would take the trouble to call on the Minister at his house on Monday morning, of the 17th instant, at 11 o'Clock.

The Minister of Government and Foreign Relations expresses his thanks to the Agent for the distinction he confers upon him, and begs to return it by the assurances of his consideration and respect. John M. Forbes, Esq. BERNARDO RIVADAVIA.

Agent of The United States of North America.

(7.)-Minute of a Conference with Mr. Rivadavia.

(Extract.) Buenos Ayres, Monday, 17th September, 1821.

I RECEIVED this morning at ten o'Clock, by the hands of one of the Clerks of the Department, an answer from the Minister of State to my Letter of the 14th instant, containing an invitation to a Conference at 11 o'Clock at his house. Although the notice was too short to admit of any preparation, I gladly accepted the invitation, taking with me my Instructions, including those intended for the late Commodore Perry. I found the Minister, Mr. Rivadavia, quite alone,

and was, as always, well received. I commenced my conversation by very sincere assurances of the enthusiasm I felt in the present march of Events, and compliments to the Minister on his zealous efforts for the establishment of order in the Administration, and the formation of a sound publick opinion in the Country. I then observed that, not having had time to prepare Extracts, I had brought my Instructions in extenso, and would ask permission, in frankness and friendship, to read certain parts of them in the original language in which they were written, which I was aware was well understood by him. I then read the assurances of the good will of The United States towards these Provinces, and the interest they had constantly felt in the success of their efforts for Independence; I continued through the history of our Diplomatic Correspondence and measures in relation to the South American Affairs, to all which the Minister listened with much attention and apparent approbation. When I communicated to him the fact. that The United States Government had proposed to those of France and England, to acknowledge, in concert with them, the Independence of Buenos Ayres; in reply to my question, he confessed his previous ignorance of that fact. I then continued the forcible expositions in the Instructions to Commodore Perry, of the evils and horrors of the system of Piracy as practised by Vessels carrying various Colours of the South American Provinces, and stated to him that The United States would not acknowledge as legal any Commission granted in blank; which, he said, was perfectly just, and continued by saying that he was fully sensible of all the injury which had been done to the cause and character of these Provinces, and deprecated as much as any one the atrocities which had been committed on neutral Commerce; that the Government had determined on an entire change of system, and that, probably, this day a Decree would be drawn up, revoking all Privateer Commissions, and ordering them all to return within a given period. But this Decree would be communicated to me, when it would be seen if any thing more efficacious remained to be done, within the scope of the Government's authority. I observed that the decision of the Government was in perfect unison with the whole system now going into operation, eminently wise and politic, and would have a most important influence on the opinion of other Nations in regard to this Country ; that, as nothing had so much operated to damp the enthusiasm of my Countrymen in favour of South American liberty, as the enormities committed under the Patriot Flags, so nothing would so effectually tend to reanimate their good wishes as the suppression of those crying abuses. I stated to the Minister the measures adopted by Congress to repress the predatory system, and particularly the Act of 20th of April, 1818, of which he requested and I promised a Copy. I next read from the Instruction of 12th July, 1820, the remarks on the subject of commercial preferences, and the magnanimous feeling

with which the Government of The United States disclaimed any wish to barter an acknowledgment of the Independence of these Provinces for any exclusive advantages in their Commerce; at the same time their firm reliance that no such exclusive privileges would be granted to other Nations, to the prejudice of The United States. On this Mr. Rivadavia assured me, that it was the firm determination of this Government to grant no exclusive privileges of Commerce to any Nation whatever, and that I might communicate this decision to my Government, with an assurance that the most complete reliance might be placed on it. The Minister proceeded, that his most decided opinion was, that no measure whatever ought to be taken to solicit an acknowledgment of the Independence of these Provinces by any Government; he expressed himself in flattering terms of his good will towards me personally; and added, that it would be an abuse of the confidence I had evinced towards him, if he were to engage me to make any Representations to my Government tending to that end; and that he was much less disposed to take any such measure towards any Government of Europe. That such proceeding must operate, if unsuccessful, to the humiliation of the Provinces; and, if successful, to mislead the People, by persuading them that such Recognition was all-sufficient to their political existence and happiness; that, in his opinion, the most efficacious system would be to establish order and wise Institutions of Government throughout the Provinces, and to shew themselves worthy of the fraternity of other Nations, when it would be voluntarily offered; that such voluntary Recognition, in every point of view, would be much more beneficial than that protection which should result from a compromise of honour or interest; that he had told his Countrymen, de haute voix, his sentiments on the important topic of self-government; that much was to be done, but that he hoped to see the successful progress of a sound system of Domestic and Foreign policy. Our Conference lasted, with a short interruption, nearly 2 hours; and we separated with assurances of mutual satisfaction.

An exact Minute, taken immediately after the Conference.

J. M. FORBES.

(8.)-Mr. Forbes to Mr. Rivadavia.

Buenos Ayres, 22d September 1821.

INCLOSED I have the honour to transmit a correct Copy of the Act of Congress, passed on the 20th April, 1818, for the punishment of certain Crimes against The United States, to which Act reference was had in the Conference to which you did me the honour to admit me, on Monday, the 17th instant.

I pray you to accept, &c.

The Hon. B. Rivadavia.

J. M. FORBES.

SIR,

UNITED STATE.

(Inclosure.)—Act of Congress, in addition to the "Act for the Punishment of certain Crimes against The United States," and to repeal the Acts therein mentioned. [Approved 20th April, 1818.]

SECT. 1. BE it enacted by the Senate and House of Representatives of The United States of America in Congress assembled, that if any Citizen of The United States shall, within the Territory or jurisdiction thereof, accept and exercise a Commission to serve a Foreign Prince, State, Colony, District, or People, in War, by Land or by Sea, against any Prince, State, Colony, District, or People, with whom The United States are at Peace, the Person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not more than 2,000 dollars, and shall be imprisoned not exceeding 3 Years.

II. And be it further enacted, that if any Person shall, within the Territory of jurisdiction of The United States, enlist or enter himself, or hire or retain another Person to enlist or enter himself, or to go beyond the limits or jurisdiction of The United States, with intent to be enlisted or entered in the Service of any Foreign Prince, State, Colony, District, or People, as a Soldier, or as a Marine or Seaman, on board of any Vessel of War, Letter of Marque, or Privateer, every Person so offending, shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding 1,000 dollars, and be imprisoned not exceeding 3 Years: Provided, that this Act shall not be construed to extend to any Subject or Citizen of any Foreign Prince, State, Colony, District, or People, who shall transiently be within The United States, and shall, on board of any Vessel of War, Letter of Marque, or Privateer, which, at the time of its arrival within The United States, was fitted and equipped as such, enlist or enter himself, or hire or retain another Subject or Citizen of the same Foreign Prince, State, Colony, District, or People, who is transiently within The United States, to enlist or enter himself to serve such Foreign Prince, State, Colony, District, or People, on board such Vessel of War, Letter of Marque, or Privateer, if The United States shall then be at Peace with such Foreign Prince, State, Colony, District, or People.

III. And be it further enacted, that if any Person shall, within the limits of The United States, fit out and arm, or attempt to fit out and arm, or procure to be fitted out and armed, or shall knowingly be concerned in the furnishing, fitting out, or arming, of any Ship or Vessel, with intent that such Ship or Vessel shall be employed in the Service of any Foreign Prince or State, or of any Colony, District, or People, to cruise or commit hostilities against the Subjects, Citizens, or Property, of any Foreign Prince or State, or of any Colony. District, or People, with whom The United States are at Peace, or shall issue or deliver a Commission within the Territory or Jurisdiction of The United States, for any Ship or Vessel, to the intent that she may be em-

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ployed as aforesaid, every Person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not more than 10,000 dollars, and imprisoned not more than 3 Years; and every such Ship or Vessel, with her tackle, apparel, and furniture, together with all materials, arms, ammunition, and stores, which may have been procured for the building and equipment thereof, shall be forfeited; one half to the use of the Informer, and the other half to the use of The United States.

IV. And be it further enacted, that if any Citizen or Citizens of The United States shall, without the limits thereof, fit out and arm, or attempt to fit out and arm, or procure to be fitted out and armed, or shall knowingly aid or be concerned in the furnishing, fitting out, or arming, any private Ship or Vessel of War, or Privateer, with intent that such Ship or Vessel shall be employed to cruize, or commit hostilities, upon the Citizens of The United States, or their property, or shall take the command of, or enter on board of, any such Ship or Vessel, for the intent aforesaid, or shall purchase any interest in any such Ship or Vessel, with a view to share in the profits thereof, such Person so offending, shall be deemed guilty of a high misdemeanor, and fined not more than 10,000 dollars, and imprisoned not more than 10 Years; and the trial for such offence, if committed without the limits of The United States, shall be in the District in which the Offender shall be apprehended or first brought.

V. And be it further enacted, that if any Person shall, within the Territory or Jurisdiction of The United States, increase or augment, or procure to be increased or augmented, or shall knowingly be concerned in increasing or augmenting, the Force of any Ship of War, Cruiser, or other armed Vessel, which, at the time of her arrival within The United States, was a Ship of War, or Cruizer, or armed Vessel, in the Service of any Foreign Prince or State, or of any Colony, District, or People, or belonging to the Subjects or Citizens of any such Prince or State, Colony, District, or People, the same being at War with any Foreign Prince or State, or of any Colony, District, or People, with whom The United States are at Peace, by adding to the number of the guns of such Vessel, or by changing those on board of her for guns of a larger calibre, or by the addition thereto of any equipment solely applicable to War, every Person so offending, shall be deemed guilty of a high misdemeanor, shall be fined not more than 1,000 dollars, and be imprisoned not more than 1 Year.

VI. And be it further enacted, that if any Person shall, within the Territory or Jurisdiction of The United States, begin or set on foot, or provide or prepare the means for, any military expedition or enterprise, to be carried on from thence against the Territory or Dominions of any Foreign Prince or State, or of any Colony, District, or People, with whom The United States are at Peace, every Person so offending, shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding 3,000 dollars, and imprisoned not more than 3 Years.

VII. And be it further enacted, that the District Courts shall take cognizance of complaints, by whomsoever instituted, in cases of captures made within the waters of The United States, or within a marine league of the Coasts or Shores thereof.

VIII. And be it further enacted, that in every case in which a Vessel shall be fitted out and armed, or attempted to be fitted out and armed, or in which the Force of any Vessel of War, Cruiser, or other armed Vessel, shall be increased or augmented, or in which any military expedition or enterprise shall be begun or set on foot, contrary to the provisions and prohibitions of this Act; and in every Case of the Capture of a Ship or Vessel within the Jurisdiction or protection of The United States as before defined, and in every case in which any process issuing out of any Court of The United States shall be disobeyed or resisted by any Person or Persons having the custody of any Vessel of War, Cruiser, or other armed Vessel, of any Foreign Prince or State, or of any Colony, District, or People, or of any Subjects or Citizens of any Foreign Prince or State, or of any Colony, District, or People, in every such case 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 or Naval Forces of the United States, or of the Militia thereof, for the purpose of taking possession of and detaining any such Ship or Vessel, with her prize or prizes, if any, in order to the execution of the prohibitions and penalties of this Act, and to the restoring the prize or prizes in the Cases in which restoration shall have been adjudged, and also for the purpose of preventing the carrying on of any such expedition or enterprise from the Territories or Jurisdiction of The United States against the Territories or Dominions of any Foreign Prince or State, or of any Colony, District, or People, with whom The United States are at Peace.

IX. And be it further enacted, that it shall be lawful for the President of The United States, or such Person as he shall empower for that purpose, to employ such part of the Land or Naval Forces of The United States, or of the Militia thereof, as shall be necessary to compel any Foreign Ship or Vessel to depart The United States, in all cases in which, by the Laws of Nations or the Treaties of The United States, they ought not to remain within The United States.

X. And be it further enacted, that the Owners or Consignees of every armed Ship or Vessel sailing out of the Ports of The United States, belonging wholly or in part to Citizens thereof, shall enter into bond to The United States, with sufficient sureties, prior to clearing out the same, in double the amount of the value of the Vessel and Cargo on board, including her armament, that the said Ship or Vessel shall not be employed by such Owners to cruise or commit hostilities against the Subjects, Citizens, or Property, of any Foreign Prince or State, or of any Colony, District, or People, with whom The United States are at Peace.

XI. And be it further enacted, that the Collectors of the Customs be, and they are hereby, respectively, authorized and required to detain any Vessel manifestly built for warlike purposes, and about to depart The United States, of which the Cargo shall principally consist of arms and munitions of War, when the number of Men shipped on board, or other circumstances, shall render it probable that such Vessel is intended to be employed by the Owner or Owners to cruise or commit hostilities upon the Subjects, Citizens, or Property, of any Foreign Prince or State, or of any Colony, District, or People, with whom The United States are at Peace, until the decision of the President be had thereon, or until the Owner or Owners shall give such bond and security as is required of the Owners of armed Ships by the preceding Section of this Act.

XII. And be it further enacted, that the Act passed on the 5th day of June, 1794, entitled "An Act in addition to the Act for the punishment of certain Crimes against The United States," continued in force, for a limited time, by the Act of the 2d of March, 1797, and perpetuated by the Act passed on the 24th of April, 1800, and the Act, passed on the 14th day of June, 1797, entitled "An Act to prevent Citizens of The United States from Privateering against Nations in amity with, or against the Citizens of, The United States," and the Act, passed the 3d day of March, 1817, entitled, "An Act more effectually to preserve the Neutral Relations of The United States," be, and the same are hereby, severally, repealed: Provided, nevertheless, that Persons having heretofore offended against any of the Acts aforesaid, may be prosecuted, convicted, and punished, as if the same were not repealed; and no forfeiture heretofore incurred by a violation of any of the Acts aforesaid shall be affected by such repeal.

XIII. And be it further enacted, That nothing in the foregoing Act shall be construed to prevent the prosecution or punishment of Treason, or any Piracy defined by the Laws of The United States.

(9.)-Mr. Rivadavia to Mr. Forbes.

Buenos Ayres, 6th October, 1821.

THE Minister of Government and Foreign relations, in consequence of the offer made, has the honour to transmit to the Agent of The United States, a Copy of the Decree which has just been issued by the Department of War and Marine, concerning Privateering.

The Minister salutes the Agent, &c.

John M. Forbes, Esq. BERNARDO RIVADAVIA.

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(Inclosure.)—Decree of the Government of Buenos Ayres concerning Privateers.—(Translation.)

Department of War, Buenos Ayres, 6th October, 1821.

Among the resources which the unfortunate Rights of War have rendered lawful, and its object necessary, is Privateering. The Wars of the Independence of the Provinces of Holland, and of the United States of North America, have proved that this kind of Warfare is the most advantageous for a Country which prepares to defend its Independence against a more ancient and remote Country that has governed it. It is impossible to prevent or repress all the abuses which may result from Privateering. The Government which finds itself under the painful necessity of authorizing, and even of encouraging it, has only two ways of lessening its illegal consequences, and in so far has only two obligations in this respect. The first is, to dictate such rules, and take such precautions and guarantees, as may correct abuses; not suffering them to pass unpunished. In this respect, the Government of these Provinces has fulfilled its duty, and the regulation of Privateers proves it. The other obligation is, to put an end to this kind of Warfare, either when it shall be no longer necessary to the object which induced it, or when the effect which it produces no longer equals the risks and inconvenience which result from it. The Government considers these two cases as having taken place, and in virtue thereof, it has agreed to, and now decrees, the following Articles:

I. In future, no Commission of Privateering whatever shall be granted without a previous solemn publication, expressing the cause which obliges the Government to have recourse to this measure.

II. Every Individual who possesses any Commission, and shall be now in the Territory of this Province, shall be obliged to present it to the Minister of Marine, within 15 days from the date of this Decree.

111. Those Individuals who hold Privateer Commissions, and are in Countries situated on the other side of the Equinoctial Line, or on the Coast of the Pacifick, shall be held to present the said Commissions, at the Ministry of Marine, within the term of 8 months.

IV. The Sureties given shall answer for the fulfilment of the two foregoing Articles.

V. Every Commander of a Vessel, armed as a Privateer in virtue of a Commission of any one of the Governments, which have commanded in this Capital, on sight of this Decree, shall cease to cruize, and shall put into Port to disarm and return his Commission.

VI. Every one who shall contravene the preceding Article will incur the pains of Piracy.

VII. Every Vessel which, after the term of 8 months from the date of this Decree, shall continue to cruize under the Authority of a Commission of the Government of this Country, shall be treated as a Pirate.

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VIII. The Minister of War and Marine is charged with the execution of this Decree.

> MARTIN RODRIGUEZ, Minister of War and Marine.

FRANCISCO DE LA CRUZ.

(10.)-Mr. Forbes to the Secretary of State.

SIR.

Buenos Ayres, 8th October, 1821.

THE detention of the Vessel, by which I had prepared to send the foregoing Dispatch, furnishes an opportunity to communicate a trans. lation of the promised Decree, for suppressing Privateering. It has not yet been published here, but will undoubtedly appear in the first Official Register, which will perhaps be printed to-morrow or the next day. I hope that the terms of it will prove satisfactory to the Government of The United States. Although the right is reserved of resorting again to this kind of Warfare, yet I hope that the restrictions under which it will be renewed will be more efficient, to guard against those abuses which have heretofore been so justly and extensively complained of.

By the Schooner Essex, to sail to-morrow for Providence, I shall have the honour to transmit Duplicates, together with Judge Prevost's Dispatch, mentioned in the foregoing. I am, &c. The Hon. J. Q. Adams. JOHN M. FORBES.

11th October, 1821.

P. S. By this Vessel, the Essex, via Providence, I send Judge Prevost's Dispatch, and a large file of newspapers. The Decree against Privateering was published yesterday in the Registro Official. The Hon. J. Q. Adams.

J. M. F.

(11.)-Mr. Forbes to the Secretary of State.

(Extract.)

Buenos Ayres, 26th October, 1821. I HAVE previously reported the total destruction of the Parties of Ramirez and Carrera, together with the death of those Chiefs, the barbarous mutilation of their bodies, &c. By these events the influence of this Province over the others is much increased, and by the wise course of the present Administration, the moral force of a sound and exemplary political deportment will be added to the success of their arms, and I hope that the day is not far distant, when all the jarring jealousies which have hitherto so perniciously counteracted the progress of Civil Liberty will be put to silence, and the wise Men of every Section of this Country, will be brought to a cordial co-operation to attain the high objects of their political destiny. But much, very much, remains to be done before the general union of the great Sections of this almost boundless Country, in any one system of Government, can be effected.

In the mean time Rivadavia and Garcia, firm, as they are enlightened and patriotic, are pursuing "the even tenor of their way." They have added publick credit to the other sinews of War which this Province before possessed, by repaying with great punctuality, in gold, several Loans, (a thing without example in the history of this Revolution ;) they enjoy now to so great a degree the confidence of the Community, that I believe they could borrow, to any reasonable amount, for an immediate exigency. It is said, also, that an entirely new system of Finance is agreed on, and will appear in a few days. By this Tariff, as it has been represented to me, the duties, with a very few exceptions, will be ad valorem, and will vary from 5 to 15 per cent. Every possible measure is taken to prevent Smuggling, and publick opinion and morality are cherished by the Government. If, therefore, Buenos Ayres, in all the darkness of her most gloomy period, publick sentiment paralyzed by deadly dissensions, and publick resources completely dilapidated, has been able to struggle successfully against the machinations of the other Provinces, it is not too rash to expect that, when she fights with a two fold armament of reason and force, seconded by a vigorous publick credit, the victory must eventually be her's. The most deplorable result, however, of these continued agitations, is the necessity of continuing an onerous Military Establishment.

The most alarming state of agitation prevails in the neighbouring Kingdom of Brazil. It was some days since confidently reported, on the authority of Captain McLean, of the British Government Brig *Beaver*, in 6 days from Rio to Monte Video, that Prince Don Pedro, was to have been crowned King of Brazil, on the 13th of the present month. Subsequent accounts contradict this fact, and it is now no longer believed. It is, however, well known that the publick mind there, is in a most feverish state, and should Civil War burst forth, it would be the signal of the emancipation of a numberless horde of Slaves, and the most horrid scenes of blood and devastation would overwhelm that Kingdom, and eventually threaten these Provinces where it would find easy victims in the scanty white population here. The progress of this all-destroying flame could only be arrested by the Indians, and in such a conflict, this delightful Country would be totally lost to Civilization.

The Hon. J. Q. Adams.

JOHN M. FORBES.

(12.)-Mr. Forbes to the Secretary of State.

(Extract.)

Buenos Ayres, 8th November, 1821.

SINCE my last respects, we have received news from Lima and Chili, by which it appears that the Royalist Army, which had evacuated Lima on 6th July, under La Serna, had returned on the 22d August under command of Canterac;—La Serna remaining sick at Jauja: the strength of the returning Army was between 3 and 4,000 Men; the official ac-

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counts say, that they avoided an engagement with San Martin, but I have seen several private Letters, and one from a Citizen of The United States, who was 2 days in San Martin's Camp, in view of the Royalist Troops, and who states that San Martin's Force was much superior, and extremely anxious to give battle; but that San Martin retired, and permitted the unmolested march of the Royalists into The motive of such a proceeding is generally deemed strange Callao. and incomprehensible; but it occurs to me, that San Martin, being sure of eventually forcing the Garrison of Callao, augmented as it is, to a Capitulation, prefers to continue his influence by protracting the military conflict, until the civil organization of this new-born Republick shall be completed, rather than to put down the remnant of Royal Troops, and leave the Country to the agonies of conflicting Factions; or, in a few words, to make himself at his own choice, King, Dictator, or Director; he has at present taken the Head of the Civil and Military Power with the title of Protector. All accounts agree in the enthusiasm for Independence prevailing in Lima. On the late return of the Royalist Troops, it became necessary to imprison 1,200 old Spaniards, as 'tis said, to preserve them from the popular fury. I have conversed on these events, with several Gentlemen well acquainted with Peru and Lima, and particularly with a sensible Friar, a native, and until recently resident at Lima, who agrees in the general opinion, that the return of Troops to Callao is a most fortunate event, inasmuch as it places the termination of the War in the hands of San Martin; whereas, had La Serna kept the Country, and increased his Forces, he might have continued the War for a very long time. I send inclosed a Bulletin issued on the subject, by which you will be able to see and appreciate events in their detail.

Of this Province I have only to say, that there are still active, but occult efforts making to overturn the present Administration, and bring the Puyrredon Party into power.

The Hon. J. Q. Adams.

JOHN M. FORBES.

(13.)-Mr. Forbes to the Secretary of State.

(Extract.)

Buenos Ayres, 13th November, 1821.

SINCE my last, we have the important news of the surrender of Callao. I send inclosed the Bulletin published here, by which you will see the particulars of the Capitulation. Private Letters state that *Canterac's* Army was much harassed on its retreat, and were still pursued. It is said that 800 of his Army had joined that of San Martin. It was thought that there would not remain 500 Men to join *La Serna*. I have seen a Private Letter which states that when the Report reached Lima of Canterac's approach, funds to the amount of 5 or 600,000 dollars were embarked on board the Ships at L'Ancon. Lord Coch-

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rane had been for some time making every exertion to procure money to pay off the Crews of his Ships, but without effect.

On hearing that this amount was on board the different Transports, he repaired to Ancon with the O'Higgins and Esmeralda, and forcibly took possession of the whole sum, in defiance of the strong representations of the General, and immediately paid the arrearage due to his Men. Report says, that he has not dared to put his foot on shore since he took this violent measure.

16th November, 1821.

The "Registro Official" No. 13, published yesterday, contains the Resolution of the Honourable Junta on the subject of general Amnesty, and oblivion of political acts and opinions, together with a Decree of the Governor, by which all those who have been exiled under the Special Powers vested in the Executive by the Decree of 6th October, 1820, and all who have voluntarily absented themselves to avoid the evils of political agitation, may forthwith return without Passports: only 9 Persons are excepted from this Amnesty, and they are not named.

It is said that an Officer has arrived here, sent by the Governor of Tucuman, charged to solicit military aid to deliver that Province and its vicinity of the presence of the Royalist Troops, and at the same time to declare a perfect coincidence of opinion with that put forth by this Government on the subject of the Confederation. Every thing continues to go on well here. Inclosed I send a printed Paper, entitled "Dictamen de un Arribeno," (which means Citizen of the Interior Provinces.) It goes to maintain the inexpediency of a Confederation at present, which is the ground taken by this Province.

The Hon. J. Q. Adams. JOHN M. FORBES.

(14.)-Mr. Prevost to the Secretary of State.

(Extract.)

St. Jago de Chili, 30th June, 1821.

IN my last, I mentioned the departure of Lord Cochrane from Huacho, with 600 Troops, for the purpose of landing them somewhere to the southward of the Capital, so as to intercept the supplies from that Quarter. It is now ascertained, that his Lordship has directed this Force to a different point, with objects distinct from those contemplated by the General. After proceeding to Pisco and pillaging that Place, he went to Arica, where there was a considerable quantity of merchandise in deposite for the market of Lima, took possession of the Town at the point of the bayonet, and as much of the moveable property as he could grasp. It is the third or fourth time, different Sections of the Coast have been thus distressed, by a mode of warfare injurious to the Cause, always at variance with that strictly enjoined and as rigidly adhered to by the General. In addition to which, he has lately committed outrages upon the British Flag, by impressing Sea-

men, and by detaining the Vessels from which they were taken, in order to use them as Transports. These acts, of course, are disavowed by the Government, but it has given rise to a Correspondence which threatened a serious result. Among other subjects, that of the Blockade was introduced; the one insisting upon its nullity in toto, if contemplated to embrace any portion of the Coast not covered by an actual Force, the other denying the consequence, and maintaining the sufficiency of the Force. Although this Government might have sustained the position assumed, by recurring to British practice, yet, in their situation, it was neither prudent or justifiable to assume any equivocal grounds, particularly on such a subject; and I thought it proper, therefore, to present a Note to the Secretary of State, asking the truth of the case, and stating specifically the principle to be recognized. No. 1 is a Copy of mine, and No. 2, of that of the Director, written in our language and in his own hand writing. I had hoped to have forwarded the Orders referred to in the Correspondence, but the delays are such here in all the Publick Offices, that I cannot avail myself of this opportunity; it is not now, however, important, except for the greater satisfaction of the President, inasmuch as an Order has been issued in conformity with his Note, and conveyed to Sir Thomas Hardy, who acquiesced in its propriety. There have been upwards of a dozen English Merchantmen under Capture, some of which have already been condemned.

Nothing has reached us from the Army later than the 4th of May, when San Martin had resumed his former Station at Ancon, within a few leagues of the Capital. It is feared here, that the absence of Lord Cochrane on the expedition I have already referred to, may retard the views of the General, if not wholly defeat the object of his approach. Bolivar has sent a considerable Force to Guayaquil, 700 of which have already landed at the place, from whence they are to march for the Congress of Quito.

The Hon. J. Q. Adams.

J. B. PREVOST.

(Inclosure 1.)—Mr. Prevost to Mr. Joaquin de Echeverria. SIR, St. Jago de Chili, 18th June, 1821.

I UNDERSTAND that there is a Letter in Town from Sir Thomas Hardy, addressed to the British Merchants of this Place, in which it is stated, that this Government considers the whole Coast of Peru, south of the Capital, as under Blockade, although there is no Force stationed before any one Port, except that of Callao. This information is so much at variance with the impressions I have uniformly received, during my residence here, that I must believe some mistake has arisen either with my Informant, or with the British Admiral.

Will you therefore allow me, Sir, to ask from you the fact on this subject? It is a question of great moment; one of peculiar interest in The United States, since our last Contest with Great Britain, and one upon which I am anxious that there should exist no difference of opinion. The principle, upon which the right of exclusion from any specific Port is founded, is the temporary sovereignty acquired by the presence of the Force of one Belligerent, competent, as to the other, to controul the mouth of such Port, or Harbour. Hence, it is obvious that, to the legal exercise of the rights growing out of the Blockade, the Force must be permanent in its Station.

There will offer a conveyance to The United States, in a few days, of which I could wish to avail myself, as well to satisfy the President of the strict adherence to principles maintained by his Excellency the Supreme Director, as to defeat the effect of rumours that must have a pernicious tendency at home.

The Hon. Joaquin de Echeverria, J. B. PREVOST. Secretary of State of the Republick of Chili.

(Inclosure 2.)—General O'Higgins to Mr. Prevost. My DEAR SIR, St. Jago de Chili, 23d June, 1821.

I AM very much obliged to you for the indication which favours me with your Note of this day. You might be sure of my Resolution about the necessity of an actual Force to be stationed at the sight of the Ports that are to constitute the Blockade. This very moment I am answering Sir Thomas Hardy about this point, declaring that must be considered as such, the Ports from Pisco to Ancon, and orders will be dispatched to the Vice-Admiral, Lord Cochrane, and General San Martin, by the first safe conduct.

By next Tuesday's Post to Valparaiso, will be sent to you, by the Minister of State, all what has occurred about the matter; meanwhile

I remain, &c.

J. B. Prevost, Esq.

B. O'HIGGINS.

(15.)-Mr. Hogan to the Secretary of State.

(Extract.)

Valparaiso, 18th August, 1821.

I HAVE now the honour to inform you that, on the 13th instant, a Dispatch Vessel arrived here from Callao, which Place she left on the 23d ultimo, with advices to this Government, of the surrender of Lima to General San Martin, and of the Inhabitants having sworn to the Independence of the Place. On the 12th July, the Spanish Troops proceeded to the mountains with their General, who first placed a garrison of 2,000 Men in Callao, which Place had not surrendered when the Dispatch came away, but could not be expected to hold out, as there was not more than a week's provision in the Fortress, which was to be attacked by land and by sea from the Squadron. The sufferings of the People in Lima for want of bread-stuffs and other food had been great; but there is no publick Gazette issued explanatory of the proceedings, and the private Letters are so short and unsatisfactory, it is impossible to say, to what extent they had carried their attachment to Royalty, or, rather, their opposition to being conquered by the Forces of Chili, which they had even treated and considered as an inferior People, not entitled to the enjoyment of equal rights with themselves. To expect them to submit tamely to the dictation of this slip of Country is, I believe, more than will be realized, although there can never be any doubt of the Country of South America facing the Pacifick Ocean being for ever free from the Government of Old Spain.

An additional export duty of 15 per cent. is laid by this Government upon all articles shipped from this Port for Lima; many Vessels are in Port ready to depart as soon as permitted. The *Constellation* was at Callao, and may (by report only) be expected here soon.

Mr. Prevost is expected from Santiago, to embark by the firstVessel from Lima. I send this Letter in duplicate by 2 Ships bound this day to London, in the hope that either may be put on board of some Vessel bound to The United States. I have also written to Mr. Rush by them, requesting he may communicate the information by the earliest opportunity.

Soon after my arrival here I wrote to Captain Ridgely, requesting he would use his endeavours to inform you, by way of Panama, of the fall of that important Section of South America, which I doubt not will be the first Communication you will receive. The Hon. J. Q. Adams.

(16.)—Act of the Independence of Peru.—Lima, 15th July, 1821. (Translation.)

In the Royal City of Peru, 15th July, 1821.

THE Señors who compose the same, having yesterday assembled in the Most Excellent Senate, with the Most Excellent and Most Illustrious Señor the Archbishop of this Holy Metropolitan Church, the Prelates of the religious Convents, Titulars of Castile, and various neighbours of this Capital, for the purpose of fulfilling what had been provided in the Official Letter of the Most Excellent Señor the General in Chief of the Liberator Army of Peru, D. José de San Martin, dated Yesterday, the contents of which were read; and the same being reduced to what Persons of known probity, learning, and patriotism, who inhabit this Capital, would express, if the general opinion for Independence had been resolved on, which vote would serve as a guide to the said General for proceeding to take the Oath : All the Señors, agreeing for themselves, and satisfied of the opinion of the Inhabitants of the Capital, declared, that the general will was decided for the Independence of Peru of the Spanish Dominion, and of any other Foreign Dominion whatever, and that they would proceed to its sanction by means of the corresponding

oath. It was compared with a certified Copy of this Act to the same most Excellent Señor, and the Señors signed it.

> THE COUNT OF SAN ISIDRO. BARTOLOME, Archbishop of Lima. FRANCISCO DE ZARATE. SIMON RAVAGO. FRANCISCO XAVIER DE ECHAGUE. MANUEL DE ARIAS. The Count DE LA VEGA DEL REN. FR. GERONIMO CAVERO. JOSE IGNACIO PALACIOS. ANTONIO PADILLA, Syndic, Proc. Gen.

> > Madrid, 10th July, 1821.

(17.)—Mr. Brent to the Secretary of State.

SIR,

THE late Session of the Cortes had far advanced when most of the Deputies from Mexico arrived. They had been detained 2 months at Vera Cruz by the Commander of the Frigate *Pronta*, and were at last obliged to make the best of their way to Spain in Foreign Vessels, running every risk, and incurring great expense. They had not been long in Madrid when they began to press their Claims, and on the 3d of May, Count Toreno, one of the most distinguished Members of the Cortes of Old Spain, a friend, as is supposed, to their Cause, made a motion in the Cortes, that a Special Committee be appointed, composed of Deputies of Ultramar and Europe, to consider of, and propose, conjointly with the Executive, such Measures as they should deem most proper "to terminate the dissentions prevailing in the various Parts of America." This Motion was agreed to, and the Committee appointed.

While this Committee were engaged in their important duties, the news was received, about the beginning of June, of the Insurrection of Iturbide, and the form of Government proposed by him to be adopted, Copy of which I transmit, (marked A,) and, in consequence of a Resolution offered by an American Deputy, the Ministers appeared, on the 4th June, before the Cortes, to give an account of the occurrences that had taken place in New Spain. The American Deputies availed themselves of this occasion to shew to the Cortes, and Executive, the impracticability of the Provinces of America being governed as those of the Peninsula, according to the provisions of the Constitution, on account of their great distance from the Metropolis; proved the necessity of adopting prompt and efficacious measures, and pressed the Government and Committee to come to an early decision. They then moved that the Government should be requested to direct, without delay, the Vice-Roy of Mexico to inform Iturbide that the Cortes were occupied in projecting a Plan of Government for America, and propose a suspension of hostilities, until the Resolution should be finally made

by the Cortes and Executive. It was stated that, should this step be taken, they were perfectly convinced that Iturbide, and those under his standard, would suspend hostilities, the moment they knew that the Deputies of New Spain had arrived at the Capital in time to be able to make the "just reclamations of those Spaniards." This was not agreed to. A Resolution was then offered and adopted, directing that the Minister of Ultramar, "in consideration of the state of New Spain, should propose the measures he might think proper, whilst the Cortes were occupied in taking radical ones for its complete pacification."

The Committee laboured with great assiduity, and had various Conferences with the Ministers, who, at first, coincided in the opinions advanced, and in the arrangement proposed by it to be adopted, in regard to Spanish America, and which would have been satisfactory to the American Deputies. When, however, it was laid before the King, he was strenuously opposed to it; on the ground, as he informed them, that the arrangement contemplated would be a violation of the Constitution; that the publick opinion was not prepared for it; that it was against the interest, both of the Peninsula and America; and finally, he spoke of the opposition that might be made to it by Foreign Powers, since they had not been consulted. In consequence of this, the accord between the Ministers and Committee ceased ; and, as according to the Resolutions of Count Toreno, which gave rise to the appointment of the Committee, it being unauthorized without the concurrence of the Executive to offer any Plan, none was proposed to the Cortes. The Committee made their Report to the Cortes on the 24th June, (Copy marked B.) and state that the Government, not believing that the moment had arrived of convenience and necessity for the adoption of certain measures, they can do nothing more than excite the zeal of the Ministers, to the end that the wished-for moment may be accelerated, and recommend that the Executive should be pressed "to present to their deliberations, with the greatest dispatch, the Fundamental Measures they may think proper, as well for the just and complete pacification of the revolted Provinces of America, as to secure to all of them the enjoyment of a firm and solid happiness."

The disappointment and vexation of the American Deputies at this result, was proportionate to the flattering hopes that had been excited by the unanimity of sentiment that prevailed at the first Conferences of the Ministers and Committee. They then determined to present, themselves, a Plan to the Cortes, having the object in view, and the Propositions (Copy marked C.) were made on the 25th June; which, in substance, are the same as those that had at first met the approbation of the Ministers.

These Propositions are, that there shall be three Divisions made of America. In each a Cortes, having the powers delegated by the Constitution to the General Cortes, with the exception of the 2d, 3d, 4th, 5th, and 6th powers, that part of the seventh relative to the sanction of Treaties, and the second part of the 22d power: In each Division, a Delegate, appointed by the King, from among the Persons most distinguished for their high qualifications, not excluding Members of the Royal Family, removeable at his will, who shall exercise, in the name of the King, the Executive Power, to be inviolable with respect to the American Cortes, and only responsible to the King and General Cortes: In each, 4 Ministers; of the Interior, of Finance, of Grace and Justice, and of War and Marine : In each, a Supreme Tribunal of Justice, and a Council of State. The Commerce between the Peninsula and America, to be considered as from one Province to another. And the Inhabitants of the latter to have equal eligibility with those of the former to all publick Employments.

New Spain binds herself to pay 200,000,000 of reals in 6 years, and contribute annually 40,000,000 of reals to the support of the Navy. The other Parts of America to contribute in the manner that shall be subsequently arranged. New Spain will also pay all the Debt contracted within its Territory, and all publick property to belong to On the Sitting of the 25th June, two of the Deputies offered an it. Amendment to the 5th Article, having for object to prevent the Appointment of Delegates being conferred on any of the Royal Family.

These Propositions were preceded by an Exposé read in the Cortes, a Copy of which I transmit herewith. In it they state that "they desire the Constitution, which ought to make them happy, but which in the actual state of things, they consider to be a beautiful theory, that can only be reduced to practice in the Peninsula. The Americans are freemen,-are Spaniards; have the same Rights as the Peninsulars: they are acquainted with, and have sufficient virtue to support them.

The measure recommended by the Committee, to request the Government to present a Plan at an early period, has been acted upon, as you will perceive by the King's Speech, in which he says that his Government, "urged by the Cortes to propose the measures they may think proper for their welfare, on a consideration of the state of those Countries, will do so immediately, and with all possible generosity." These will, without doubt, be proposed on the meeting of the Cortes Extraordinary, which the Speech of the President of the Cortes to the King will have shewn you is to take place. It is supposed that its convocation will not be delayed longer than the 1st of October, if so long.

You will perceive that the Deputies do not demand an acknowledgment of Independence, and pretend not even to aspire to it; and they have declared in the Cortes, on the 4th June, that if the Revolutionists desire Independence, it is because means have not been devised that should make the welfare of those Provinces compatible with their Union with the Peninsula.

The Commissioners of Bolivar, who are still here, on the contrary, insist upon the acknowledgment of their Independence as the basis of

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any Arrangement with Spain. Nothing has been concluded between them and this Government, and all Negotiation is suspended.

It is difficult to conjecture what will be the determination of the Cortes and the Executive on this great and interesting Question; when we consider, on the one hand, that they cannot be wholly blind to the just claims, the strength, and resources of America—and view, on the other, the prejudices and illiberality that still exist in a high degree, in the Executive, and a great portion of the Members of the Cortes, and the observation in the King's Speech, "that the Spaniards of both Hemispheres ought to be persuaded there is nothing he desires so much as their felicity, founded in the integrity of the Monarchy, and in the observance of the Constitution."

As far as I have been able to form an opinion, it is, that the Foreign Powers, during the agitation of the American Question, have endeavoured to prevent any Arrangement between the Parties.

On the 9th instant I received a Note from Mr. Ravenga, one of the Commissioners of Bolivar, requesting an interview with me, (Copy marked D.) to which I immediately replied, (Copy marked E.) stating that I would receive him that very Evening.

In this interview he spoke of his Mission to Spain; he said, that when he left Colombia, he had no idea of meeting with the least obstacle; he had calculated to a certainty that his object would immediately be accomplished. He spoke of the ignorance of this Country of the real state of Spanish America, of their illiberality and their prejudices with warmth, and particularly so of the expression of the King, in his Speech respecting Spanish America. He calculated, he said, upon the friendship of The United States to promote the Independence of the Republick of Colombia; he had a full conviction that he could rely upon it. Mr. Monroe, when Secretary of State, had informed him that all the Ministers of The United States in Europe, had Instructions to advance the acknowledgment of their Independence by Foreign Powers.

I sympathized with him in the unpleasant situation in which he was placed, and feared that the sentiment in Spain was not as favourable as could be desired. He was perfectly justified, I said, in relying upon the good dispositions of The United States. It was their interest and their sincere wish, that the acknowledgment of the Independence of Spanish America should be accelerated. The United States had not only been more forward than any other Power, in publishing to the World their wishes with respect to her, but had accompanied them with actions, which certainly afforded the best proof of their sincerity, and among them, I adverted to the Message of the President to the Congress of The United States, at the commencement of its last Session, in which, alluding to the proposed Negotiation between the late Colonies and Spain, the basis of which, if entered upon, would be the acknowledgment of their Independence, he says, "to promote

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that result by friendly Counsels, including Spain herself, has been the uniform policy of the Government of The United States."

The friendship of The United States, he said, was very grateful to the Republick of Colombia, and he hoped and expected, that, at the commencement of the next Meeting of Congress, the acknowledgment of its Independence would be decided upon; the moment had arrived when all the Powers of the World would see the propriety of it. He calculated that The United States would be the first to take this step; hoped to see a Confederacy of Republicks throughout North and South America, united by the strongest ties of friendship and interest; and he trusted that I would use my exertions to promote the object he so much desired.

I heartily concurred with him in the hope, that all Governments would resolve to adopt a measure so conformable to justice; joined with him in the agreeable anticipations of the progress of free principles of Government, of the intimate union and brilliant prospects of the States of our New World. I presumed, I said, it was not necessary to bring to his mind, the high interest felt by The United States in their welfare—an interest in which I deeply participated, and desired, as much as he possibly could, the happiness of our Spanish American Brethren. What would be the determination of The United States, at the period of the commencement of Congress, it was impossible for me to foresee; whether they would consider it a seasonable moment for doing that which was so much desired, was a point I could not resolve.

In this interview, Mr. Ravenga confirmed to me what I had previously learned, that his Instructions do not authorise any terms short of the acknowledgment of Independence. I observed to him that I presumed no Arrangement would be made under them, that might have an injurious bearing on the commercial interests of The United States. To this his reply was, that none would be entered into by the Rupublick of Colombia, with Spain, that would not be perfectly reciprocal.

I have, &c.

The Hon. J. Q. Adams.

THOMAS L. L. BRENT.

(Inclosure A.)—Plan of Government for Mexico, proposed by Don Augustin de Iturbide to His Excellency the Count de Venadito, Viceroy of New Spain. (Translation.) Iguala, 24th February, 1821.

ART. I. The Religion of New Spain is, and shall be, the Roman Catholick Apostolical, without tolerating any other.

II. New Spain is independent of Old Spain, and of every other Power, even on our own Continent.

III. Its Government shall be a moderate Monarchy, according to a Constitution to be peculiarly adapted for the Empire.

IV. Ferdinand the VII. shall be Emperor; but if he do not come in person to Mexico, to make Oath before the Cortes, within the time MEXICO.

prescribed by them, the Most Serene Infants, Don Carlos, Don Francisco de Paula, the Arch-Duke Charles, or some other branch of the reigning Family, shall be appointed in his place by the Congress.

V. Until the Meeting of the Cortes, there shall be a Junta which shall have their union for its object, and the compliance with this Plan in its whole extent.

VI. The said Junta, which shall be styled Governmental, must be composed of the Deputies mentioned in the Official Letter of His Excellency the Viceroy, by which it shall be convened.

VII. Until Ferdinand the VII's arrival at Mexico, and his taking the Oath, the Junta will govern in the name of His Majesty, in virtue of the Oath of fidelity taken by the Nation; but, until His Majesty hath sworn, any Orders he may give shall be suspended.

VIII. If Ferdinand the VII. should not deign to come to Mexico, the Junta or Regency shall govern in the name of the Nation, until it be resolved who shall be crowned Emperor.

IX. This Government shall be sustained by the Army of the 3 Guarantees, of which mention shall be made hereafter.

X. The Cortes shall resolve whether the Junta shall continue, or a Regency be substituted in its place, until the arrival of the Person who is to be crowned.

XI. The Cortes shall immediately afterwards establish the Constitution of the Mexican Empire.

XII. All the Inhabitants of New Spain, without distinction of Africans, Europeans, or Indians, are Citizens of this Monarchy, with eligibility to all Employments, according to their virtues or merits.

XIII. The Person of every Citizen and his Property shall be respected and protected by the Government.

XIV. The Clergy, secular, and regular, shall preserve all its privileges and pre-eminences.

XV. The Junta shall take care that every branch of the State remain without any alteration, and that all the Officers, Political, Ecclesiastical, Civil, and Military, continue on the same footing as at present. They alone shall be removed who decline entering into this Plan; substituting in their place those Persons who are most distinguished for their virtue and merit.

XVI. A protecting Army shall be formed, under the title of the Three Guarantees, because it takes under its protection: 1st. The preservation of the Catholick Religion, co-operating, with all its efforts, that there may be no mixture of any other Sect, and attacking all the Enemies who may injure it. 2d. The Independence, under the system already manifested. 3d. The intimate union of Americans and Europeans;—and guarantees these fundamental bases of the felicity of New Spain; for the preservation of which, each Individual, from first to last, will prefer sacrificing his life to permitting the infraction of any of them. XVII. The Troops of the Army shall observe the most strict discipline, according to their Régulations, and the Chiefs and Officers shall remain on the same standing as at present; that is, in their respective Classes: with eligibility to such publick Employments as are vacant, or may be vacated in consequence of those who may not wish to follow their career, or any other cause, and those which may be considered as necessary or convenient.

XVIII. The Troops of the said Army shall be considered as of the Line.

XIX: In the same light shall be considered those who may afterwards adopt this Plan. Those who do not delay so to do, those of the former system of Independence, who shall immediately join the said Army, and the Countrymen who may desire to enlist, shall be considered as Troops of the National Militia, and the employment of each, for the interior and exterior security of the Empire, shall be dictated by the Cortes.

XX. The Employments shall be conceded to true merit, in virtue of references to the Chiefs, and in the name of the Nation.

XXI. Until the Cortes be assembled, the proceedings against Criminals shall be agreeably to the Spanish Constitution.

XXII. For conspiring against the Independence, Criminals shall be imprisoned until the Cortes decide upon the punishment for that greatest of all Crimes, next to "lesa Majestad Divina."

XXIII. A strict watch shall be kept over those who may attempt to create disunion, and they shall be reputed Conspirators against the Independence.

XXIV. As the Cortes which are about to be installed are to frame a Constitution, it is necessary that the Deputies should receive sufficient powers to that effect; and consequently the Electors ought to be informed that their Representatives are to be for the Congress of Mexico, and not of Madrid. The Junta will prescribe just rules for the Elections, and will fix the necessary time for them and the Opening of the Congress; and as the Elections cannot take place in March, the term shall be shortened as much as possible.

Iguala, 24th February, 1821.

ITURBIDE.

(Inclosure B.)—Report of a Committee of the Cortes of Spain, to whom was referred the Disturbances in the American Provinces, with Instructions to propose Measures for their general Pacification. Madrid, 24th June, 1821. (Translation.)

THE Special Committee, appointed to propose to the Cortes what it judges most conducive to put a stop, in the most effectual manner, to the disputes and dissensions which unfortunately prevail in the Provinces of America, is duly penetrated with the importance of the charge, and is desirous of corresponding to the confidence with which the Cortes has honoured it. Few questions of such magnitude can be presented to the deliberation of a Legislative Assembly, and to the decision of a Government, as that which, at present, occupies the attention of the Spanish Cortes. On that decision, and the wisdom of their measures, depend the greatest events; perhaps the tranquillity of America, and the rapid civilization of the whole World.

Spain seems destined to give the World, from time to time, striking examples of grandeur, by turns heroical, or singularly original. The remote Seas and Regions discovered by her Sons, since the time of Columbus, in the 15th and 16th centuries; the renowned valour and martial deeds, which border on the fabulous, of Cortez, Balbao, and Pizarro, did not suffice for her glory; nor that Sebastian del Cano, in his Ship Victoria, styled the Competitor of the Sun, should be the first to sail round the Globe: to complete the measure of it, she added the arts, civilization, and Religion of their Fathers; those vast Regions participated of the benefits enjoyed in Europe, and the Discoverers did not delay in extending to them the advantages derived from their own Country. With what enthusiasm and pleasure (as we are assured by Inca Garcilaso) they assembled, to enjoy in reciprocal union, and to spread, by their care and attention, over the whole of that Country, the first productions of Europe !

The Laws relative to India are an eternal monument of the desire which always animated the Spanish Government, that America should be treated with the same care and equality as the Provinces of Europe ; they provide that its Natives shall be treated, favoured, and defended, like the other Subjects of the Peninsula. From such just and prudent policy resulted the advantages which afterwards were derived. Cities were erected which, for their population, beauty, and extension, rivalled the principal Cities in Europe; their products served to augment the traffick and commerce of the whole World: the Sons of America, by their talents and wisdom, enlightened the Country of Mango Capac, and Montezuma; and, not satisfied with spreading their knowledge over their native Land, they have come to Europe to co-operate in the amelioration and prosperity of the Spains, it being evident that many estimable Deputies from thence, in the preceding and present Cortes, have taken a very active and principal part in the most important discussions. Such are the fruits which have been collected from the civilization and culture which Spain has succeeded in diffusing beyond the Atlantic, and from them is most evident the injustice and levity with which Foreign Writers have spoken of the Spanish domination in those Regions ! The disorders and injustice that have existed there have not arisen from the Laws, nor from the interest, or ambition of the Mother Country, but from Individuals, the prejudices of the Age, the evils under which Spain herself groaned, and from the great distance which always rendered null the responsibility of the Go. vernors. But, in spite of this, America continued faithful, and closely united with the Mother Country. Neither the dissensions in Europe, nor the War of the Succession, produced a desire to disturb the publick tranquillity, or to effect a separation; neither was the glorious War of Independence a sufficient motive for it: on the contrary, they succoured us with their treasures, and be it said, to the honour and glory of America, that the principle of her Revolt had a noble origin, similar to that which impelled Spain to defend herself against a hostile irruption. When Andalusia was invaded in 1810, the greater part of our Provinces was occupied by the Enemy; our Government dispersed, and our Armies nearly annihilated; the destiny of Spain was considered as decided, and her ruin inevitable. It would, indeed, have been difficult to imagine that, from an insulated extremity of the Peninsula, the Nation would rise again, not only Independent, but regenerated and free. The Americans, mistrustful of their Chiefs, feared, that, being Europeans they would desire to follow the destiny of Spain, whatever it might be; they, therefore, resolved not to submit to a Foreign yoke, and preferred separating from the Peninsula, to the indignity of obeying an unjust Invader. This was the noble principle of the commotions in America, and if any one of her Chiefs had motives less pure, he was obliged to dissemble, and cover them with the pretext of so just and dignified a Cause.

The Spanish arms, in conjunction with their Allies, having beaten and harassed the Enemy in every direction, obliged him to evacuate the Peninsula. Such a happy state of affairs induced the expectation of a speedy reconciliation with the revolted Provinces of America; but all the hopes of those who loved their Country were dispelled, by the fatal Decree of the 4th of May, and the atrocious system which fol-The War continued to rage in various Parts, and the passions, lowed. irritated to the highest degree, left but little prospect of a conclusion. to such a destructive Quarrel. Nevertheless, New Spain, or, more correctly, all Spanish North America, being almost entirely quelled at that epoch, a stop was put to the devastating warfare in that Quarter ; and a great part of Peru remained united to Spain; as did also Cuba. and the other Islands. Thus, while Terra Firma, Buenos Ayres, and Chili, presented the spectacle of Spanish and American blood spilled by the very hands whose interest it was to preserve them, the most important Part of Spanish America was free from so many calamities. But such a tranquillity will not suffice; though it should extend throughout America, and be durable, it is not enough to satisfy the lovers of humanity. America must fix her happiness on a more stable basis, which, instead of prejudicing it, may contribute to that of Europe. The Spanish Cortes, soaring above the prejudices of some, and the passions of others, must take such wise Measures as shall entitle them to be considered worthy Rivals of the former Cortes who. upon a rock, and under the Enemy's cannon, dictated Laws, at this day respected and obeyed by so many and such distant Provinces.

The Committee, persuaded of this truth, discussed, in various Conferences, the questions which appeared to it most proper to produce the great end to which we all aspire; it examined them conjointly with His Majesty's Ministers, who at first entirely concurred with the opinions that generally prevailed. Peculiar circumstances have since induced them, in some measure, to suspend their judgment, under the impression that publick opinion is not yet prepared for a definitive resolution. In this dilemma, the Committee can propose nothing to the Cortes; because, as it appertains to the Government to decide the question of fact, that is, the convenience and necessity of adopting certain Measures, and the Government not thinking that the moment has yet arrived, the Committee must confine itself to the recommending to the Ministers, that they accelerate the wished-for moment. Justice calls aloud for this; the precarious and uncertain destiny of so many European-Spaniards established in those Regions, the Americans likewise, and the different Tribes who have sustained, by force of arms, the Cause of the Mother Country; in short, the true felicity of America and the Peninsula; call aloud for it. The happiness of America consists in a solid peace, the guarantee of its future prosperity; that of Spain, in not meeting with impediments at every moment, and in not having its attention drawn off from its deliberations, in framing the Measures which the sad condition of such distant Provinces requires. The knowledge of the Age, and an enlightened policy, should guide the Government in so new and glorious a resolution.

The Committee, impressed with the importance of the subject, and convinced that its decision may have some influence in the destiny of the Universe, is desirous of communicating to all Spaniards this, its firm conviction, in order that they, on their part, may contribute to the happy termination of such an undertaking. Spain would derive advantages that, she cannot otherwise expect; and the ties of relationship and religion, of commercial relations, and those which are derived from free Institutions, would be the most certain pledge of our harmony and close union. The Committee, being unable therefore, to come to any determination, must confine itself to proposing, that the zeal of the Government be excited, so that it may present to the deliberation of the Cortes, without delay, the Fundamental Measures which it may think proper, as well for the just and complete Pacification of the revolted Provinces of America, as for securing to them a firm and solid felicity.

(Inclosure C.)—Propositions of the Cortes of Spain to the Spanish American Deputies.—Madrid, 24th June, 1821.

ART. I. There shall be 3 Sections of Cortes in America; one in the North and two in the South. The first shall be composed of the Deputies of all New Spain, including the interior Provinces and Guatemala: the 2 Sections of South America shall comprehend;—one of them, the New Kingdom of Granada and the Provinces of Terra Firma; and the other, Peru, Buenos Ayres, and Chili.

II. These Sections shall assemble at the time appointed by the Constitution for the meeting of the Ordinary Cortes, governing themselves, in every respect, according to the rules prescribed for the latter; and they shall have within their Territory the same legal representation and the same powers, excepting the 2d, 3d, 4th, 5th, and 6th, which are reserved for the General Cortes, that part of the 7th, relative to the approval of Treaties of Offensive Alliance, and the second part of the 22d power.

III. The Capitals where these Sections shall, for the present, assemble, shall be the following: the Section of New Spain in Mexico; that of the New Kingdom of Granada and Terra Firma in Santa Fé; and that of Peru, Buenos Ayres, and Chili, in Lima. If, however, the Sections, with consent of the Executive Power of those Countries, should think proper to change the Seat of Government, they may select whatever Place may appear best suited to their purpose.

IV. There shall be in each of these Divisions a Delegate, who shall exercise, in the name of the King, the Executive Power.

V. These Delegates shall respectively consist of a Person, freely named by His Majesty, and selected from amongst Men of the most distinguished talents, without exclusion of the Members of the Royal Family. These Delegates shall be removable at the pleasure of His Majesty: they shall be inviolable with regard to the Sections of Cortes of the respective Countries, and shall only be responsible for their conduct to His Majesty and the General Cortes. The Ministers of these Delegates shall be responsible to the respective Sections of the Cortes, according to the Constitution.

VI. There shall be 4 Departments of Government: viz. of the Interior, of Finance, of Grace and Justice, and of War and Marine; some of which may be united, according as it may be judged convenient, in virtue of a Law.

VII. There shall be 3 Sections of the Supreme Tribunal of Justice, composed of a President, 8 Members, and a Fiscal:

VIII. There shall be 3 Sections of the Council of State, each composed of 7 Individuals, but the Legislative Sections may at pleasure reduce their number to 5.

IX. The Commerce between the Peninsula and the Americas shall be considered as internal from one Province of the Monarchy to another; and, consequently, the Spaniards of both Hemispheres shall reciprocally enjoy in them the same advantages as their respective Natives.

X. They shall likewise reciprocally enjoy in them the same civil rights and be equally eligible to Publick Offices and Employments as their respective Natives.

XI. New Spain and the other Countries, comprehended in the Territory of their Legislative Section, oblige themselves to deliver to the

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Peninsula, the sum of 200,000,000 of reals, within the space of 6 Years, which shall commence on the 1st of January, 1823, in order to contribute to the payment of the Foreign Debt; the Revenue of the State, and the Lands now appertaining, or which may hereafter appertain thereto, in the above mentioned New Spain and indicated Territory, being hypothecated for that purpose.

The said 200,000,000 of reals shall be paid by instalments. The first on the 1st of January, 1823, and thence, successively, in the 6 following Years, until its final liquidation, which shall take place on the 1st January, 1828; so that 30,000,000 shall be paid during each of the first 4 years, and 40,000,000 during each of the 2 last. The term of these instalments may be curtailed, with the approbation of the Legislative Section that shall be established in New Spain.

XII. New Spain and the other Territories comprehended in the Legislative Section thereof, likewise bind themselves to contribute to the Naval Expenses of the Peninsula, the sum of 40,000,000 of reals, Annually. The payment of this sum shall commence from the time when the Legislative Section shall first assemble, and shall be delivered at farthest at the expiration of a Year from that period: this sum shall be augmented as soon as the circumstances of New Spain shall permit, and, together with the sums mentioned in the preceding Article, shall be placed at the disposal of the Peninsula, in one of the Ports of New Spain in the Gulf of Mexico.

XIII. The other Countries of America, comprised in the other 2 Legislative Sections, shall contribute towards the Peninsula, in the manner that shall be hereafter fixed upon, and according to their circumstances.

XIV. New Spain takes upon itself the payment of all the Publick Debt contracted within its Territory, by its Government, or Agents duly authorized in its name; the Lands, Revenues, and other Property of the State, of whatever nature, without prejudice to the XIth Article, shall serve as an hypothecation of what has been stipulated in the said Article.

XV. The Deputies of the respective Sections, at the time of taking the Oath to observe, and cause to be observed, the Constitution of the Spanish Monarchy, shall also engage to comply with this Law, and to cause it to be executed.

(Inclosure D.) Mr. Ravenga to Mr. Brent.-(Translation.)

House of the Marquis of Mos, Street of the Infantas, July 9th, 1821.

JOSE R. RAVENGA, one of the Plenipotentiaries of Colombia, near His Catholick Majesty, has the honour to present his respects to Thomas Brent, Esq. Chargé d'Affaires of the United States of North America, and requests that he will be pleased to name an hour at which he can have a personal interview with him.

Thomas Brent, Esq.

(Inclosure E.)-Mr. Brent to Mr. Ravenga.

Madrid, 9th July, 1821.

THOMAS L. L. BRENT, Chargé d'Affaires of The United States, kisses the hand of Senor Don Jose R. Ravenga, Pleuipotentiary of Colombia, and will be happy to receive him at his house at 6 o'clock this evening. Don Jose R. Ravenga.

(18.)—Don Manuel Torres to the Secretary of State.—(Translation) S1R, Washington, 20th February 1821.

THE Republicks of Venezuela and New Grenada, which, after a devastating War of more than 10 Years, have victoriously achieved the Independence which they had declared since the year 1811, were united by virtue of a Fundamental Law of the Sovereign Congress of Venezuela, of the 17th December, 1819, with the glorious 'Title of the Republick of Colombia, under which it has taken its rank among other Independent Nations.

In consequence, I have received the order of my Government to communicate to you, Sir, this resolution worthy of Colombia, and to accompany it with the subjoined authenticated Copy of the said Fundamental Law, in order that you may be pleased to lay it before the President of The United States.

I have also the honour to present to you, Sir, the Credentials of my Publick Character, and a Drawing of the National Standard, which will henceforth distinguish Colombia among other Sovereign and Independent States.

Although the foundation of the Republick of these United States would completely justify the right of Colombia, yet, with respect to the custom which has been introduced among Nations, the causes which have rendered this measure indispensable, have been explained in the Declaration of Independence of Venezuela, of the 5th July, 1811, a Copy of which Don Telesforo de Orea, then Agent Extraordinary of that Republick, transmitted to your Predecessor, on the 6th of November, of the same Year; the other Declaration of Venezuela, of the 2d November, 1818, and the Manifesto of the President of the Sovereign Congress of Colombia, of the 26th of August last, Copies of which I sent you with my Official Letter of the 15th of last December, likewise mention them.

The conduct of Colombia being thus in all respects justified, no doubt my Government will be recognized by that of The United States, as a Free and Independent Nation, a Sister Republick, situated likewise in the same Hemisphere. It is also hoped, that to the Recognition of the Independence of Colombia on the part of The United States, Treaties of Commerce and Navigation will be added, founded upon the bases of reciprocal utility and perfect equality, as the most efficacious means of strengthening and increasing the relations of amity between the two Republicks. COLOMBIA.

As you are already acquainted with the solicitude of Colombia, permit me, Sir, to add, that it is of the greatest importance to my Government to know the determination of The United States in regard to it. I repeat, &c.

The Hon. J. Q. Adams.

MANUEL TORRES.

(19.)—Fundamental Law of the Sovereign Congress of Venezuela, for the Union of the Republicks of New Granada and Venezuela, under the title of the Republick of Colombia. Angostura, 17th December, 1819. (Translation.)

FUNDAMENTAL LAW OF THE REPUBLICK OF COLOMBIA.

THE Sovereign Congress of Venezuela, to whose authority the People of New Granada, lately emancipated by the arms of the Republick, have voluntarily submitted : considering-

1. That by uniting the Provinces of Venezuela and New Granada in one Republick, they will have the means of attaining the highest degree of power and prosperity;

2. That if they should remain in separate Republicks, however great the bonds that might unite them, yet, far from benefiting by so many advantages, with difficulty would they consolidate their Sovereignty, and cause it to be respected;

3. That these truths, clearly perceived by every Man of sound understanding and genuine patriotism, had excited the Governments of both Republicks to agree to their Confederation, which the vicissitudes of War have hitherto prevented :

From these considerations of necessity and reciprocal interest, and in conformity with the Report of the Select Committee of the Deputies from New Granada and Venezuela, in the name and under the auspices of the Supreme Being, has decreed, and does decree, the following Fundamental Law of the Republick of Colombia.

ART. I. The Republicks of Venezuela and New Granada shall be, from the present day, united, under the glorious Title of the *Republick* of Colombia.

II. Its Territory shall be those comprehended in the former Captaingeneralship of Venezuela, and the Vice-royalty of the New Kingdom of Granada, embracing an extent of 115,000 square leagues, whereof the exact Boundaries shall be fixed at a more seasonable opportunity.

III. The Debts contracted by the two Republicks, separately, are acknowledged *in solidum*, by this Law, as a National Debt of Colombia, for the discharge of which, the goods and property of the State are pledged, and the most productive branches of the Revenue shall be destined.

IV. The Executive Power of the Republick shall be exercised by a President, and in his absence by a Vice-President, both to be appointed pro tempore by the present Congress.

COLOMBIA.

V. The Republick of Colombia shall be divided into 3 great Departments; viz. Venezuela, Quito, and Cundinamarca, which latter shall comprehend the Provinces of New Granada, whereof the name shall be henceforward suppressed. The Capitals of these Departments shall be the Cities of Caracas, Quito, and Bogota, the addition of Santa Fé being discontinued.

VI. Each Department shall have a Superior Administration, and a Chief Magistrate, to be appointed for the present by this Congress, with the title of Vice-President.

VII. A new City, bearing the name of the Liberator, *Bolivar*, shall be the Capital of the Republick of Colombia. The plan and site thereof shall be determined by the first General Congress, upon the principle of making it suitable to the wants and conveniences of the 3 Departments, and proportioned to the grandeur for which this rich Country is destined by Nature.

VIII. The General Congress of Colombia shall assemble on the Ist day of January, 1821, in the Town of Rosario de Cucuta, which in every respect is considered the most suitable Place. The convocation shall be made by the President of the Republick, on the 1st January, 1820, who shall also communicate the plan for the Elections, to be devised by a Select Committee, and approved by the present Congress.

IX. The Constitution of the Republick of Colombia shall be formed by the General Congress, to whom shall be presented a Project of one already decreed; which, together with the Laws enacted by this Congress, shall be immediately carried into execution, by way of experiment.

X. The Arms and Flag for Colombia shall be decreed by the General Congress. In the mean time, those of Venezuela shall be employed, as being best known.

XI. The present Congress shall be dissolved on the 15th January, 1820, in order that the new Elections may take place for the General Congress of Colombia.

XII. A Commission of 6 Members, with a President, invested with special powers, to be decreed, shall exercise the functions of Congress during the recess.

XIII. The Republick of Colombia shall be solemnly proclaimed in the Towns and to the Armies, with publick feasts and rejoicings, to take place in this Capital, on the 25th December, instant, to commemorate the nativity of the *Saviour of Mankind*, under Whose protection the State has been regenerated by this re-union.

XIV. The Anniversary of this political regeneration shall be perpetually celebrated by a National Feast, where virtue and talents, as formerly at Olympia, shall be distinguished and rewarded.

The present Fundamental Law of the Republick of Colombia shall be promulgated in the Towns and to the Armies, inserted in the Publick Journals, and deposited in the Archives of the Cabildos, Municipalities, and Corporations, whether Ecclesiastical or Secular.

Given at the Palace of the Sovereign Congress of Venezuela, in the City of St. Thomas of Angostura, on the 17th day of December, A.D. 1819, and in the 9th Year of our Independence.

FRANCISCO ANT	FONIO ZEA , President of Congress.
JUAN GERMAN ROSCIO,	DIEGO BAUTISTA URBANEJA,
MANUEL SEDENO,	JUAN VINCENTE CARDOSO,
JUAN MARTINEZ,	Ignacio Munoz,
JOSE ESPANA,	ONOFRE BASALO,
LUIS THOMAS PERAZA,	DOMINGO ALZURU,
ANTONIO M. BRICENO,	JOSE THOMAS MACHADO,
EUSEBIO AFANADOS,	RAMON GARCIA CADIZ.
FRANCISCO CONDE,	

DIEGO DE VALLENILLA, Deputy Secretary.

Palace of the Sovereign Congress of Venezuela, at Angostura, the 17th December, 1819-9th.

THE Sovereign Congress decrees, that the present Fundamental Law of the Republick of Colombia, shall be communicated to the Supreme Executive Power, by a Deputation, for its publication and execution.

FRANCISCO ANTONIO ZEA, President of Congress. DIEGO DE VALLENILLA, Deputy Secretary.

Palace of the Government, at Angostura, the 17th Dec. 1819-9th.

ORDERED to be printed, proclaimed, executed, and sealed with the Seal of the State. SIMON BOLIVAR.

By his Excellency, the President of the Republick,

DIEGO B. URBANEJA, Minister of the Interior and of Justice.

(20.)—Credentials of M. Torres as Colombian Agent and Chargé d'Affaires.—(Translation.)

Angostura, 15th May, 1820.

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JUAN GERMAN ROSCIO, Vice-President of the Department of Venezuela, and charged with the Government of the Republick, on account of the absence of the President on the Campaign, and of the Vice-President on Commission.

Whereas, it is important to the prosperity of Colombia, and to the dignity of that station to which it has been elevated, to establish diplomatick intercourse with other Nations, and to make Treaties which may confirm its friendship with them, regulate its commerce, and protect mutual interests: and this Government being desirous of drawing more close the relations and bonds of union and good correspondence which already happily exist with that of The United States; therefore, I have nominated, and, by these presents, do appoint and authorize Manuel Torres, Esq. that, in the rank and with the character of Agent and Chargé d'Affaires of the Republick of Colombia, he present himself and treat with the said United States, and, conformably to the Instructions which have been given him, to promote the interests and advantage of Colombia, by reconciling them with those of the said States, upon the principle of the most intimate, frank, and sincere friendship.

Given at the Palace of Government at Angostura; signed by my hand, sealed with the Provisional Seal of the Republick, and countersigned by the Secretary of State and Foreign Relations, the 15th of May, 1820. JUAN G. ROSCIO.

By his Excellency the Vice-President of Venezuela, charged with the government of Colombia. JOSEPH R. RAVENGA, The Minister of State and Foreign Relations.

(21.)—Don Manuel Torres to the Secretary of State.—(Translation.) SIR, Philadelphia, 30th November, 1821.

SINCE I had the honour of addressing to you my Official Note of the 20th of February last, requesting of the President of The United States the formal acknowledgment of the Independence of the Republick of Colombia, as a free, sovereign, and Independent State, new successes have taken place, which, at the same time that they remove any well-founded obstacle which might at that time have been in the way of the Government of The United States to prevent their acceding to the wish of that Republick, render now the said measure more urgent, and I might say indispensable, in consequence of the recent events in Peru and New Spain, and the conduct of the Spanish Government towards America, always unjust and always capricious.

In compliance with the Orders which I have received from the Minister of Foreign Relations, of date the 3d of August, in Cucuta, I hasten to communicate to you, Sir, what has occurred in Colombia since the recommencement of hostilities with Spain, and to inform you of the real actual state of the Republick, that you may be pleased to lay it before the President of The United States.

In conformity with the Fundamental Law of the 17th of December, 1819, the solemn Act of the Installation of the General Congress of the Republick of Colombia, composed of Representatives named by the People of the 19 Free Provinces of New Granada and Venezuela, took place on the 6th of May last, in the City of Rosario of Cucuta, as is shewn by the Official Document, No. 1, which I have the honour to inclose to you.

The General Congress being installed, one of the first measures which engaged the attention of the Legislative Body, was the great question of the Fundamental Law, and, after long and elaborate debates, in which each Member expressed his opinion with the greatest freedom, the Union of New Granada and Venezuela into one body as a Nation, under the express agreement of a popular Representative Government, divided into Legislative, Executive, and Judicial Authorities, was adopted and sanctioned by a plurality of Votes; and, also, the division of the Territory of the Republick into Departments or Circles, according to the evidence in No. 2.

The Document, numbered 3, is the Manifesto which, on the 6th of June, the President of Congress addressed to the People and Armies of the Republick, notifying them of so important a measure; and No. 4 contains the Fundamental Law.

Whilst the Congress was engaged with patriotick spirit in discussing and making Laws, conducive to the correct administration of Justice, to the regulation and management of the Revenues, and to the promotion of publick instruction, in all the Provinces and Places of the State, the attention of the Liberator, President, was engaged in conducting an active War against the Enemy, to expel them entirely from the Territory of the Republick. The Arms of Colombia experienced once more the aid of a beneficent Providence, and they accomplished, at one blow, the entire destruction of the Spanish power in Venezuela, in the memorable battle of Carabobo, on the 24th of June.

The Enemy lost their park of artillery, their baggage, their all, in their very entrenchments; and of more than 6,000 Men who were assembled at that military point, scarcely could a small number escape, who were able to retire within the Walls of Porto Cabello.

The formidable Fortress of Carthagena, and that of Cumana, also fell successively, so that Porto Cabello, in Venezuela, and the Isthmus of Panama, in New Granada, are the only two points which the Spaniards, for the moment, occupy in all the vast territory of Colombia; and, probably, before the termination of the present year, both will be incorporated with the Republick.

Although the Isthmus of Panama, from its scanty population, its absolute want of agriculture, and its situation, can contribute little or nothing to the increase or facility of the interior or exterior commerce of the new Republick, still its occupation is of great importance to Colombia, with a view to its own future security, and that of the rest of America, and to the great facility which the River Chagres affords to the commerce with Peru, and with the Provinces of New Spain which lie along the Pacific, since the distances, the dangers, and expenses of a navigation by Cape Horn, are thereby considerably diminished.

But it was not enough for the Liberator, President, to annihilate the formidable Legions with which the Spaniards oppressed the Country; it was also necessary to preserve a good understanding and harmony among the Inhabitants of Colombia, and to maintain among Foreign Nations the respect and reputation of the Authorities of the Republick, which the Agents of Ferdinand the Seventh have constantly defamed, by circulating, through the medium of the Press, the most infamous falsehoods against them. He had no other means of realizing his object but by exposing to the impartial World the perfidious conduct which the Peninsular Government had incessantly observed towards the Americans; and, to the incontrovertible manner in which he did so, by the Proclamation which he addressed to the Spaniards on the 25th of April, from the City of Barinas, is partly due the success of the Republican Arms in Colombia and in Peru.

The Inhabitants of Colombia, after 11 Years of a War, as unjust as cruel and destructive, guided by the genius of their Liberator President, have achieved the liberty and independence of their Country without the least Foreign aid; have given themselves a popular and representative Government, and a Constitution well calculated to preserve the principles of liberty and equality, and to promote the general prosperity.

With respect to the ability and capacity of Colombia to maintain its Independence, no well-founded doubt can arise upon that point, if we consider, on the one hand, the great Population of the Republick, which exceeds 3,600,000 Souls, the extent of its Territory, its natural and artificial resources, and its situation; and, on the other, the great military talent displayed by its Generals and Officers, and the discipline and valour manifested by its Troops on all occasions, but particularly in the celebrated Battles of Boyaca and Carabobo, in the Capture of St. Martha, defended by 17 exterior batteries, all taken by assault, and the reduction of the Fortresses of Carthagena and Cumana.

Some idea may be also formed of the degree of splendour, power, and future prosperity, of the New Republick, by considering it placed in the centre of the Universe, with an extent of coast of 1,200 miles on the Atlantic, from the Orinoco to the Isthmus of Darien, and of 700 miles on the Pacific Ocean, from Panama to Bahia de Tumbez; and exempt, at all seasons, from any of those dreadful hurricanes which cause such disasters in the Antilles, in the Gulf of Mexico, and in other Places.

The great Canals which are formed by the River Orinoco and its tributary Streams, the Sulia, with the Lake of Maracaybo, the Magdalena, the Cauca, and the Atrato, which all empty into the Atlantic, render Colombia the most favoured part of the Universe for interior navigation; and, by a union of all climates, unites, also, in great abundance, the productions of the three kingdoms of Nature.

Agriculture is farther advanced in Colombia than in any other part of Continental America, formerly Spanish, and its products of exportation, which consist chiefly of cocoa, coffee, indigo, tobacco of Barinas, and some cotton, are of a quality superior to those of other Countries, except the cotton. With respect to the precious metals, Colombia is inferior neither to Mexico nor Peru, with the advantage that their discovery is more easy and less expensive. She also unites, by prolonged Canals, two Oceans which Nature had separated ; and, by her proximity to The United States and to Europe, appears to have been destined, by the Author of Nature, as the centre of the empire of the human family.

Under these auspices it was, that the New Republick took her rank among other free, sovereign, and independent Nations, and that I had the honour, in my Note to you, Sir, of the 20th of February last, to solicit the Recognition of her Independence, on the part of the President of The United States; which request I repeat anew in this.

The glory and the satisfaction of being the first to recognize the Independence of a New Republick in the South of this Continent belongs, in all respects and considerations, to the Government of The United States; and this Recognition would be, after all, but a measure, which the humanity, the justice, and the convenience and interest, of this Nation, demand.

Reduced. as Spain is, to an absolute inability to continue the War, her pride wishes an opening, perhaps, to meet with a pretext for making her peace with the Americans, and nothing would better answer her purpose, than the Recognition of the Independence of Colombia by the Federal Government.

On the other hand, if the War between Spain and Colombia must continue, the Law of Neutrality of The United States would operate with equality with respect to both Belligerents, which was not and cannot be the case, whilst this Government does not recognize the Independence of the New Republick. Lastly, between The United States and Colombia, there never can exist a competition or rivalship in agriculture, commerce, and navigation, because Colombia has no mercantile Navy, nor can she form one for many years, and the products of exportation of her agriculture are entirely different from those which are cultivated in The United States. She wants annually 20,000 barrels of flour, and other provisions, from these States, for which she pays in coffee, indigo, hides in the hair, and in money, according as the intercourse between the two Countries is favourable to the agriculture of both.

The political events of Peru and Mexico render the Recognition of the Independence of Colombia urgent, on account of the great confidence with which this Act would inspire those Nations to establish popular Representative Governments. All South America formerly Spanish, is emancipated, that is, upwards of 11,000,000 of Souls: this has given a new importance to the New World, and now they are no

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longer afraid of the machinations of the Holy Alliance to keep America dependent upon Europe, and to prevent the establishment of Free Governments.

The present political state of New Spain requires the most earnest attention of the Government of The United States: there has occurred a project, long since formed, to establish a Monarchy in Mexico, on purpose to favour the views of the Holy Alliance in the New World: this is a new reason which ought to determine the President of The United States no longer to delay a measure, which will naturally establish an American Alliance, capable of counteracting the projects of the European Powers, and of protecting our Republican Institutions. My Government has entire confidence in the prudence of the President, in his disposition to favour the cause of the Liberty and of the Independence of South America, and in his great experience in the management of publick business.

Confined, for about 3 months past, to my bed or my chamber, by a grievous indisposition, which still gives me very few moments of repose, it has not been in my power to address this Communication to you sooner. I have the honour to remain, &c. The Hom I O Adams MANUEL TOPPES

The Hon. J. Q. Adams.

MANUEL TORRES.

(22.)—Don Manuel Torres to the Secretary of State.—(Translation.) SIR, Philadelphia, 30th December, 1821.

THE General Congress of the Republick of Colombia, in the Session of the 6th of September, appointed the Liberator and Captain General, Simon Bolivar, President of the State, and General Francisco de Paula Santander, Vice President, for the constitutional term of 4 years; and on the 3d of October they took possession of their respective Magistracies, after having taken the Oath prescribed by the Constitution.

The Functions of the Executive Power devolved, from the 10th of said October, on the Vice President of the State, agreeably to the 158th Article of the Constitution, in consequence of the Liberator President having taken the command of the Armies of the Republick.

The Supreme Government has fixed its residence in the City of Bogota, in virtue of a Decree of the General Congress, of the 8th of the same October; and, by another Decree of the Liberator President, of the 7th, the Señor Pedro Gual has been appointed Secretary of State and Foreign Relations of the Government of Colombia.

I communicate this to you, Sir, that you may be pleased to communicate it to the President of The United States.

I renew to you, &c.

The Hon. J. Q. Adams.

MANUEL TORRES.

(23.)—Don Manuel Torres to the Secretary of State.—(Translation.) SIR, Philadelphia, 2d January, 1822.

In the Official Note which I addressed to you, on the 20th of February of the last year, soliciting the Recognition of the Republick of Colombia, on the part of the President of The United States, I represented how important it was to my Government to know the determination of The United States respecting the said demand.

In that which I had the honour to transmit to you, dated the 30th of November last, I repeated the substance of that of the 20th of February, and I suggested some additional powerful reasons which urgently required the positive knowledge of the decision of the President of The United States, in regard to a question of so much importance to my Government in the present circumstances, for the regulation of its political and commercial relations with other Nations.

I ought not to conceal, Sir, my pain, in being compelled to distract your attention by requesting, once more, an Answer to my former Notes. This course, under all circumstances an indispensable duty of my station, has been rendered the more urgent by the Negotiations for Peace between Colombia and Spain, having lost all their importance, in consequence of the Peninsular Government tenaciously persisting in its extravagant and unjust pretensions, at the very time of its most absolute incapacity and impotence, to invade the Territory of the Republick, or to prevent the prosperity which its Inhabitants now begin to enjoy; a blessing of the Independence which they have gained by their arms, and of the Liberty which their Constitution secures to them.

The present state of my health does not yet permit me to visit the Capital; but I shall do as soon as 1 can undertake the journey without inconvenience. Be pleased, Sir, to accept, &c. The Hon. J. Q. Adams. MANUEL TORRES.

(24.)-The Secretary of State to Don Manuel Torres.

Sin, Department of State, Washington, 18th January, 1822. In reference to your Letters of the 30th of November last, and the 2d of this Month, I have the honour of informing you, that the subject to which they relate, is under the consideration of the President of The United States, whose definitive decision concerning it shall, when taken, be forthwith communicated to you. In the mean time, should you receive Advices of the Surrender of Porto Cavello, and the Isthmus of Panama, I have to request you would favour me with the information of those events as early as may suit your convenience.

Don Manuel Torres.

I pray you, &c. JOHN QUINCY ADAMS.

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(25.)—James Smith Wilcocks, Esq. to the Secretary of State. SIR, Mexico, 25th October, 1821.

THE love of my Country, the spring of every noble and generous action, induces me to communicate to you, for the information of the President, and for the benefit that may result to the Government and Citizens of The United States, the following circumstantial and exact Account of the happy Revolution that has lately occurred in this Kingdom of New Spain, which, by the blessing of God, the intrepidity, talents, and exertions, of its Patriotic Chief, General Don Augustin Iturbide, the enlightened policy of its Mother Country, and the liberal and philanthropic ideas of its late Captain General Don Juan O'Donoju, has ended in its complete and entire Emancipation.

That you may have a clear and distinct view of the subject, be fully impressed with the justice of the Cause of this hitherto afflicted and oppressed People, and have also a general idea of the face of the Country, its Inhabitants, productions, &c., it may not be improper to state, that, since its Conquest, which, if my memory serves me, was in the Year 1521, it has been governed by 62 Viceroys, and innumerable Commandant Generals, Governors, and Superintendents of Provinces, who, according to general tradition, have been, with very few exceptions, as many merciless and mercenary Tyrants, the rapacity and unfeeling barbarity of which nothing could have withstood for such a length of time, but a Land enriched by the beautiful hand of Nature to a most extraordinary degree, and a People born and brought up, until of late, in all the intolerance of superstition and ignorance, and accustomed from its earliest infancy to the innumerable, and I may say, almost incredible impositions, of both Church and State.

Few Foreigners have, perhaps, had an opportunity of seeing as much of the Kingdom as myself, having travelled on horseback from the Port of Guaymas, on the Gulf of California, to almost every part of Sonora, and afterwards through the Provinces and Superintendencies of New Biscay, New Galicia, San Luis Potosi, Queretaro, and Mexico, to this City; a distance at least of 700 Leagues, passing through all the principal Cities, visiting the most celebrated Mines, and conversing familiarly with all Classes of People.

The Provinces of Puebla, Mexico, Mechoacan, San Luis Potosi, and Guanajuato, may be termed the central ones, and of those I have seen, the best watered, most fertile, most productive, and most inhabited: those that border on the Gulf of Mexico are Merida de Yucatan, Oaxaca, Vera Cruz, New Santandero, and Texas; the second. from all accounts, beautiful in the extreme, and the third and last very fertile, but almost entirely uncultivated: those on the Pacific Ocean and Gulf of California, New Galicia, Sinaloa, and Sonora, fertile in parts, but very scant of water; and the extensive internal ones of New Leon, New Biscay, and New Mexico, that reaches to the Latitude of 42° N. which have for the most part the same defect, and which may be called a general one throughout the Kingdom, there being in most parts but little rain, and in no part excepting Texas, what we would call Rivers. Where there is an abundance of water, however, the Country is wonderfully fertile, producing in many parts 2 and 3 crops a Year, and yielding each time 4 and 500 for 1, with the singular advantage of a diversity of temperature within very short distances, produced by the greater or less elevation of the lands, the centre of the Kingdom being from 8,000 to 12,000 feet above the level of the Sea, so that it is not uncommon to see in the same market all the fruits, grains, and other productions, of temperate, hot, and cold climates, as is the case in this, and most of the principal Cities.

Before the Insurrection of the Year 1810, the Kingdom contained 6,000,000 of Inhabitants; and it is worthy of remark, that Providence has been no less lavish in the distribution of her gifts as respects mankind, than in the fertility and production of the earth; the Natives of this Country, not excepting even the Indians, being endowed with a quickness of perception, and ability to acquire and make themselves masters of the arts and sciences, that is very notable, and far exceeds that of the Inhabitants of Old Spain, and, perhaps, many other Countries. At the abovementioned period, the Kingdom may be said to have been at its acme of prosperity; the Royal Revenue exceeding 20,000,000 of Dollars, and the Money coined at the Mint of this City, upwards of 28,000,000 annually: it has, however, ever since been on the decline, in consequence of the devastations committed by both Parties, in the long and cruel War carried on between the Europeans and Americans, so that the Population cannot now be computed at more than 4,000,000, the Revenue at more than half of what it was, and the Money coined yearly, at from 5 to 8,000,000; this Year it will probably not exceed 4.

I have been informed that a very correct History of this Insurrection up to the unfortunate Expedition of General Mina, has been written by a Mr. Robinson, and published in Philadelphia; it is useless, therefore, to say more on the subject than that its commencement was undoubtedly caused, by the abuses daily committed in all branches of the Government in this Kingdom, by the disorder in which Spain was thrown in consequence of the Invasion of the French, and by the imprudent measures adopted in this City, one of which was the arrest of the Viceroy Iturigaray, and many of its principal American Inhabitants. It is also worthy of remark, that, in proportion as it was prolonged, the evils increased, and its symptoms became more malignant; the various incidents of the struggle, imbruing its character with blood, produced other passions, and among them those of rancour and

hatred, which, irritated and inflamed by the inconsideration, imprudence, and want of policy, on both sides, divided the Kingdom into 2 Parties, the Europeans and Americans, whose respective opinions formed essentially the War that destroyed both.

Among those that contributed most to quell the Insurrection, was the beforementioned General Don Augustin Iturbide, then Colonel of the Regiment of Celaya, and native of the City of Valladolid, in the Province of Mechoacan. Born of European Parents, and animated by a mistaken zeal, he was induced to embrace the Royal Cause, and, with a fervour and impetuosity peculiar to his character, committed many arbitrary and violent acts, that, in a great degree, tarnished what would otherwise have been deemed brilliant achievements, and over which it is necessary to draw a veil, his subsequent conduct having entirely effaced them from the memory even of those most aggrieved. Indeed, it would appear that a sense of the injustice he had committed, an innate conviction of the impropriety of adhering to the Party he had espoused, and a remorse of conscience, were the principal causes of the change in his political sentiments; for we see him all at once assume a different character, and at a moment when his Sovereign had heaped upon him innumerable honours.

The impossibility of re-establishing peace and quietness in the Kingdom by the force of arms, was fully ascertained during the Vice-Royalty of the Captain-Generals Vanegas and Calleja, of whom it may be said that they rather dispersed than conquered the Americans, the Country being in a complete state of revolt, and full of Chieftains that commanded from 3 to 600, and even 1,000 Men each, and bands of Robbers that infested the highways, in September, 1816, when the Viceroy Apodaca arrived. To this disinterested, good, and virtuous Man, is due the pacification of the Kingdom; his penetration, skill, and humanity, having suggested to him the propriety of laying aside the arms that had hitherto been in use, and of winning the affections of the People, by means of persuasion, pardons, and premiums, who without General Officers, Money, or any immediate expectation of establishing the Liberty of their Country, and weary of the wandering and wretched life they had so long endured, embraced readily the opportunity that presented of returning to the bosom of their families. No sooner was the plan adopted than its wisdom became palpable; entire Towns and Districts yielding to the solicitations of the Agents appointed by the Government for carrying it into execution, so that at the end of 2 Years all was tranquillity, and you could travel in every direction without escort of arms, except that of Acapulco, between which and this City, the Chieftains Guerrero, Asensio, and a Colonel Bradburn, of Virginia, that came with General Mina, with about 1,500 Men, had taken refuge, and fortified an almost inaccessible Mountain, from whence they made predatory excursions. To reduce these to obedience was the ultimate object and wish of the Government, and with this view General Iturbide was invested with the important military command of the Department of the South, that contained about 3,000 veteran Troops, and had its Head-quarters in the Town of Yguala, distant about 30 Leagues from this City, on the direct road to Acapulco. It is proper to mention here, that a few months previous to his nomination, news had been received of the regeneration of Old Spain, and of the establishment of the Constitution in that Country, a circumstance that created great alarm in this, among the Clergy and Friars; the lower class of People were also taught to believe that the planting of it here would be attended with the entire destruction of their long-established forms of Religion.

The Viceroy, Apodaca, who was now graced with the title of "Conde del Venadito," was also opposed to the new system, and discovered so much reluctance in the change of his measures, that his unwillingness and tardy mode of proceeding became evident to all, and gave occasion to many just and violent complaints that were made by its admirers, who publicly accused him of its infraction, while the American Writers, taking advantage of the liberty of the press, and confused and unsettled state of the public opinion, called aloud for Independence as the only certain remedy for the numerous evils that surrounded them.

The crisis was too important and obvious to escape the penetration of our hero, Iturbide, who was also instigated to an immediate execution of the plan he had in consequence formed, of liberating his Country for ever from its thraldom, by the mutiny of several of the Officers of the Regiment of the "Four Military Orders," that had before given many unequivocal proofs of disaffection and insubordination, which was supposed to extend to the Soldiers of that Corps, and by the departure of a Convoy for Acapulco, with near a million of Dollars, that was intended to be embarked in a Ship bound to Manilla, that he resolved on detaining. He immediately, therefore, concerted his measures with the Clergy and Friars, and, with the specious pretext of upholding them in their privileges and immunities, secured their favour and protection. He also communicated his design to such of the Governors of the Provinces as he thought likely to aid him in the execution of it, and, on his arrival in Yguala, persuaded a great part of the Troops under his command to join him in the undertaking, in the belief that the Government secretly favoured it, a circumstance that they at first readily gave credit to, from their knowledge of the anti-constitutional sentiments of its leading Members, but in which they were soon after undeceived, and, in consequence, not more than 1,000 remained faithful of those that espoused his Party. The design was also made known to Guerrero, Asensio, and Bradburn, who pledged themselves to support him in the enterprise, and, thus prepared, he openly declared 'the

Independence of the Kingdom, swearing it in the most solemn manner at the head of his Army, in the said Town of Yguala, on the 24th day of February last, seizing, at the same time, and appropriating to the use of the Nation, the Treasure destined for the Manilla Ship.

His next step was to form a Plan for the Installation of the New Government, a Copy of which I inclose, and to give to his Army the style and title of the "Army of the Three Guarantees," from the protection it was to afford to the Catholick Religion, to the Independence of the Kingdom, and to the indissoluble Union between the Europeans and Americans. A Copy of the Plan was immediately sent by him to the Vice-Roy, with a Letter, stating all that had passed, explaining his motives for having formed and adopted the new system, inviting him and the Government to aid and assist in its establishment, and, finally, naming the said Vice-Roy, the "Conde de Cortina," and the President of the Royal Audience, the Members that were to compose the Regency, reserving to himself the Command that he had assumed of the National Army.

The Viceroy, had he been left to himself, would, I believe, have assented to the proposal, from the vehement desire he has ever manifested to avoid the effusion of blood, and the miseries concomitant to a renewal of the War, as well as from the conviction that the plan and policy adopted by Iturbide could not fail to gain him innumerable friends, and to enable him, finally, to accomplish his views. It was necessary, however, to call to his counsel the Members of the various Tribunals of which the Government was composed, as well as the principal Military Officers, all of whom, counting on the versatility that had been conspicuous in the American character up to that period, resolved, unanimously, to maintain the then existing Government, in the belief that the few Troops that had adhered to Iturbide, would leave him the instant the Royal Army should approach Yguala.

The old favourite system of blood and murder was also upheld, but to this the Viceroy would not consent, and an amnesty was offered to all, not excepting Iturbide. The Field Marshal Liñan was named Commander-in-Chief, and a numerous Staff and Army was committed to his charge. He was, however, so slow in his motions, that a detachment of Troops, sent by Iturbide, had taken possession of the Town and Castle of Acapulco, and he himself, with the remainder, were on march in the direction of Valladolid, before the Army of Liñan moved from its cantonment in the neighbourhood of this City.

The cry of Independence was no sooner raised in Yguala than it spread in all parts, and an Army was formed in the Provinces of Puebla and Vera Cruz, by the Colonels Herrera, Bravo, and Santana, that took possession of the Cities of Orizaba, Cordova, and Jalapa, which was a most important conquest, the two former being the Depots of the Government tobacco, of which a prodigious quantity fell into the hands of the Independents, with a large sum in specie; circumstances that were attended with the double advantage of being a powerful succour to them, and an irreparable loss to the Government, who counted on the remission to, and sale of, the tobacco in Mexico, as its principal means of supporting the War.

In this state of things, it was resolved to divide the Government Army into 3 divisions; one of which, under the command of Colonel Margues, was to retake Acapulco; another, commanded by Colonel Hebia, to march against the Cities of Orizaba, Cordova, and Jalapa; and the third to return for the defence of this Capital, on the supposition that Iturbide might suddenly change his route and take the City by surprize. It, however, soon appeared that his intention was very different, and that his object was to pass Valladolid and unite with a Colonel Bustamente, of San Luis Potosi, who had risen at this critical period, and proceeded against the City of Guanajuato with a considerable part of his Regiment of Dragoons, declaring Independence in all the Cities and Towns in the Bajio, the Inhabitants of which received him with open arms. On arriving at Guanajuato, it also surrendered to him, and, as he was joined by the Garrisons of the several Places he passed through, Iturbide, on meeting him, found himself at the head of an Army of 5,000 Men, including the divisions of Colonel Barragan, and Major Parres, that left Valladolid with what Troops they could seduce, as soon as they knew of his intention to pass that way. With this respectable Force it was determined to attack that City, which was the best fortified of any in the Kingdom, and had a Garrison of It however made no defence, and its Commandant, 1,700 Men. Colonel Quintanar, and all but about 600 of the Troops, went over to Iturbide.

At Guanajuato, which is one of the richest minerals in the Kingdom, a Mint was established, that proved afterwards very serviceable to the Independents, and injurious to the Royal Party, the silver from all the neighbouring mines taking the direction of that City, instead of Mexico.

Acapulco remained but a short time in possession of the Independents, the Castle having capitulated before the arrival of the division of Colonel Margues, to 2 Spanish Frigates that accidentally arrived there from Panama. San Juan del Rio, a fortified Town between this City, and Queretaro, was next invested; the siege, however, lasted but a few days, the greater part of the Garrison, being Americans, deserted, and joined the Independents, obliging the few that remained to capitulate.

The division of Colonel Hebia that had marched, as before stated, against the Cities of Orizaba, Cordova, and Jalapa, surprised Colonel Bravo, with about 1,500 Independents, in the Town of Tepeaca, about 9 leagues from Puebla, who, unprepared for action, retired with his

Troops to a large Convent of the Order of San Francisco, that was constructed by Hernan Cortez, soon after the Conquest, in the form of a Fortress, to serve as a place of refuge for him and his followers, in the event of any sudden emergency. Hebia had with him his own Regiment of " Castile," and other European Troops, that equalled in number those of Bravo; a field-piece was, however, necessary to make a breach in the wall of the Convent, and to obtain this, he sent immediately to Puebla, asking, at the same time, for a reinforcement of 500 Men, that the success of the action might be placed beyond all doubt. Bravo, suspecting his intention, resolved on a sortie, with the determination to cut his way and escape, as Iturbirde had given positive orders to all his Officers to avoid the effusion of blood, and to act solely on the defensive, from the double motive of conciliating the Enemy and avoiding the butchery of his Countrymen; sensible where 1 European should be killed, 4 or 5 Americans would fall, the number of the latter in the King's Service exceeding greatly that of the former. In the first and second attempts he made, he was unsuccessful; the third, however, proved more fortunate, and he got off with the loss of 50 or 60 Men, killing as many of those that were opposed to him.

This was the first Action that had occurred, and the result proved highly important to the Independent Cause; the gallant conduct of their Troops, inspiring an universal confidence, animating their companions in arms throughout the Kingdom to a singular and unexpected degree, and demonstrating to the Political and Military Officers of the Government of Mexico, that they had to contend with a brave and determined Enemy.

Disappointed and chagrined at the result of the Action, and undeceived as to the sort of Troops he had to deal with, Hebia proceeded on his march to Cordova, where he was killed in the first assault, and his Army obliged to retire from the siege, by Colonel Herrera, and the valiant Troops that defended the City. While these scenes of glory were achieving in the Provinces of Puebla and Vera Cruz, the siege of the City of Queretaro, one of the most beautiful in the Kingdom, and the third in rank, as respects size, opulence, and commerce, was pushed with much vigour by Iturbide in person. Its Garrison was composed of 900 Europeans, drafted from various Regiments, and about 600 Americans, all under the command of Brigadier General Loaces, a Native of the Kingdom of Peru, Colonel of the Regiment of Zaragoza, and a brave and experienced Officer. He had determined to make a vigorous and desperate defence, and, as the fate of the Kingdom depended in a great measure on that of this City, the Government resolved to abandon that of San Luis Potosi, and to succour Queretaro with the European Regiment of Zamora that was stationed there. The order to this effect was no sooner dispatched, than Iturbide knew of it.

and concerted measures to surprize the Troops on their march, which were so well executed, that they found themselves surrounded when they least expected it, by a body of three times their number, and compelled to surrender at discretion. This happy occurrence for the Independents was a death-blow to the Government, who found itself at once deprived of the important Capital and Province of San Luis Potosi, that were immmediately occupied by the Independents, and without the means of contributing to the relief of Queretaro, which capitulated shortly after, the American part of the Garrison joining Iturbide, as usual, and the Europeans going on parole to Celaya, until such time as they could be transported to The Havannah. These Troops, to their eternal disgrace, proposed afterwards to their Colonel to rise and march to Mexico; but he, like a Man of honour, sent the Letter to Iturbide, who immediately ordered them to be disarmed and dispersed.

The next Action of any importance was in the neighbourhood of Toluca, 14 leagues from the City, between the Regiment of Fernando 7th, commanded by Colonel Castillo, and a body of the Independents of an equal number, under the orders of Colonel Filisola, which was indecisive, both Parties claiming the victory, after an obstinate battle, in which more than 200 were left dead on the field, and the Independents in possession of 2 cannons that their Opponents were obliged to abandon.

At this period, General Negrete, Commander of the Troops in the Province of Guadalaxara, rose with the whole of his Army, obliged the Commandant-General Don Jose de la Cruz, to fly from the Capital of that name, where, and in all other parts of the Province, Independence was sworn; the commerce of the Port of San Blas was also declared free to all Nations. Cruz took the road leading to the internal Provinces, with the intention, it was said, of uniting with Brigadier Don Joaquim Arredondo, Commandant-General of the Eastern Provinces, of raising an Army in union with him, and of returning, either to reconquer his own Province, or to the aid of that of Mexico. Arredondo had, however, already caused Independence to be sworn throughout his District, and on hearing this, Cruz made a halt in the City of Zacatecas, but, being pursued by Negrete, fled to Durango, the Capital of the Province of New Biscay, carrying with him a large sum in specie, that he found in the Treasury at Zacatecas, which City soon after surrendered to a detachment that was sent against it by the Commandant of San Luis Potosi.

On the death of Hebia, the command of the Regiment of Castile devolved on Lieutenant-Colonel Luna, who, on the fall of Queretaro, was ordered to return to Mexico by forced marches, in the expectation that Iturbide would now attack the Capital; similar orders were also sent to Colonel Margues, in whose division was a principal part of the in-

subordinate Regiment of the "Four Military Orders." The male Inhabitants of Mexico, from the age of 16 to 50, were also ordered to enrol themselves in the Militia, without exception or distinction of persons, and every possible precaution taken to prevent a surprize, and maintain the City, until such time as an answer should be received to Dispatches that had been sent to Spain, or Troops should arrive that were expected from The Havannah.

All this, however, was not sufficient to allay the rancour that a certain part of the community had conceived against the Vice-Roy, nor to convince them of his upright intentions, or extinguish the sparks of insubordination I have already hinted at, in some of the European Troops, which, from the first, was more immediately directed at his person than at the Government. A report was therefore industriously circulated, that he was in secret correspondence with Iturbide, and that there was no real intention to defend the City, notwithstanding the preparations that were ostensibly making for its protection: the whole a prelude to the scandalous Revolution of the 5th of July, which had for its object the arrest of that most excellent Man, and, without doubt was accomplished by dint of money paid by the Merchants to the Officers that took part in the affray, who had the temerity to secure the persons of their Colonels, and other principal Military Men opposed to their project, to assault the Palace and make a prisoner of the Vice-Roy, and afterwards the audacity to place against its gates, and the corners of the principal streets, for the information of the publick, who were so many witnesses of their atrocity, a Paper, setting forth that he had, of his own accord, and at the respectful Petition of the Officers of the European Regiments, delivered the Political and Military Command of the Kingdom to Field Marshal Don Francisco Novella, the Person they had pitched upon as the Leader of the Faction.

This Gentleman had under his command the various Corps of Artillery and Engineers that existed in the Kingdom; and as his education and occupation until now had been altogether confined to that line, you will readily imagine him entirely unfit for the discharge of the arduous and complicated duties of Vice-Roy of these extensive Provinces. Indeed, he himself was sensible of his incompetency, and very prudently declined the offer; as unsuitable, however, as he was, there was no other Person they could avail themselves of that was less so, and the same necessity that compelled them to name him, obliged him to accept the appointment.

From a Government constituted by the insubordination of a few Soldiers, that had the vanity to compare their iniquitous conduct with the noble enthusiasm of the Spanish Nation, which, tired of obeying Tyrants that abused the goodness of their Monarch, rose in a mass to recover the rights of which they had unjustly been deprived, no good was to be expected, and we see it employed

from its very commencement in destroying the Constitutional Regimen, of which it did not leave a vestige, and in substituting the most arbitrary and tyrannical System that it is possible to imagine, all of which was fomented and sanctioned by a body that Novella had created with the denomination of the "Junta Consultiva," composed of a few Individuals, who had contributed with their money to place the power in his hands, were furious at seeing approach the expiration of their Authority, and with sentiments diametrically opposed to the system of liberality and philanthropy at present predominant.

At the time these scenes of horror were transacting in the Capital, and to which I myself had like to have been a victim, notwithstanding the great prudence I observed in my deportment, a bloody occurrence took place in Vera Cruz, in consequence of the storm of that City by a party of Troops, commanded by an inconsiderate but brave young Officer, named Santana, who scaled the walls and got complete possession of the Town, but was afterwards obliged to retire with great loss, his Soldiers having abandoned their arms with a view to plunder, and the Inhabitants setting upon them when in that defenceless state.

The City of Puebla de los Angeles, the largest in the Kingdom except Mexico, next attracted the attention of General Iturbide, in front of which was a large Army of Independents, composed of the divisions of the Conde de la Cadena, Herrera, Bravo, Filisola, and others, that only awaited the orders of their General to make the attack, and to prevent which and the loss of many valuable lives, he went in person, preferring in all cases the plan he had from the first adopted, of reducing his enemies by means of persuasion and negotiation, rather than by force of arms. The fate of Puebla was all-important to the Government in the critical situation in which it found itself, being one of the chain of Fortified Towns that connect Mexico with Vera Cruz, to which Port it had resolved to retire with the European part of the Army and Inhabitants, in the event of not being able to sustain itself in the Capital. Puebla was, therefore, well garrisoned, served with an excellent park of artillery, and defended with many cannon of a large calibre, so that its Commander-in-Chief, Brigadier Don Ciriaco Llano, the Marquis de Vivanco, and other experienced Officers stationed there, had, until the last, sanguine hopes of being able to defend it. Iturbide, however, called to his assistance a part of the Army he had left in Queretaro, and surrounded the City with so many Troops that resistance would have been nothing short of an act of madness; it therefore capitulated.

On the surrender of Puebla, the Army of Iturbide, which had now augmented to the number of about 18,000, and which was composed entirely of veteran Troops that had been disciplined in the King's Service, and had gone over to him clandestinely, or joined him on the fall of the various Cities he had conquered, received orders to march

in separate colums to different Towns in the neighbourhood of Mexico, with the intention of manifesting to the Government of that City the folly of any further resistance. It was, however, entirely in vain that the General had adopted this prudent measure, in vain that one or two praiseworthy Citizens had ventured to reason on the subject with Sen. Novella, and in vain that he was assured he could not rely on more than one third part of the Troops that composed the garrison; war! war! was the cry of him and his Junta Consultiva, and the motto they wore on their hats, and that was worn by all their Officers and Troops, was "Vivir y morir feiles y utiles."

Iturbide, after having rested a few days in Puebla, and partaken of the effusion of gratitude manifested towards him by the good People of that City, was on the point of leaving it, with the intention of fixing his head quarters near the Town of Chalco, and directing from thence the attack that was to have been made on Mexico, when he received a Letter from Lieutenant General Don Juan O'Donoju, who had recently arrived at Vera Cruz, informing him that he had been named by the King of Spain, Captain-General and Political Chief of the Kingdom, and had accepted the appointment at the solicitation of his friends, the Representatives of America in the Cortes of Spain, that he had risked his health and life, and sacrificed his convenience, at a period when he intended to retire from the publick service, without any other desire than that of acquiring the love and esteem of the People of New Spain, and without other sentiments than those of tranquillizing the disastrous inquietude that reigned in the Kingdom; not by consolidating or perpetuating the despotism that existed, or prolonging the Colonial dependence, nor falling into the errors or imitating the defects of many of his Predecessors, in supporting a system of Government, the tyranny and injustice of which arose from the barbarity of the Age in which it was established, but by reforming the ideas of the misled, calming the passions of the exasperated, and pointing out to the People, generally, the mode of obtaining with security, and without the horrible sacrifice they were making, the happiness which the illustration of the era in which they lived, had induced them to seek after, and which no rational Person could disapprove; he also required Iturbide to appoint a place at which they could have an interview, and realize the sincere and ardent desire he had to prevent the evils and misfortunes inseparable to a state of hostility, until such time as the Treaty they might conclude, founded on the basis of the plan published in Yguala, should be ratified by the King and Cortes.

What a blow was this to the existing Government of Mexico, and to those that preceded it since the Year 1810; what a contrast to their iniquitous and shameful mode of proceeding! The wise and beneficent O'Donoju, reading the publick Papers of the Independents, applauding the enterprize of their hero Iturbide, confirming his ideas, commending his virtues, and desiring his friendship, as he does in the conclusion of his Letter: while the intrusive Novella and his Junta Consultiva, in imitation of their barbarous Predecessors, Vanegas and Calleja, were persecuting with unrelenting fury, and almost to death itself, those that communicated with the Independents, or in whose possession should be found any of their seditious writings; proscribing the Chiefs of the Revolution, and heaping upon them every species of reproach and ignominy!

But the scene had changed, the star of liberty that rose in our own Country had happily spread its influence in the more eastern and western hemispheres, and displayed to the World the criminal conduct of the Caligulas and Neros that had for such a length of time dishonoured Spain and abused human nature.

This Letter of O'Donoju, with another that he wrote to Snr. Novella, were sent by Iturbide to the Mexican Government, accompanied with a proposal for the suspension of arms until such time as the Definitive Treaty should be signed in Cordova, the City named by Iturbide as the point of Conference. Novella would, however, hear nothing of the sort, and the Letters were declared spurious, notwithstanding that Snr. Alcocer, a venerable Curate of this City, who had been intimately acquainted with O'Donoju in Spain, proved to the Junta the identity of the Signatures, by shewing others that he had in his possession; which contumacy on the part of Novella, exasperated Iturbide so much that he set off for Cordova, leaving orders with his Generals for the immediate occupation of the Towns of Tacuba, Tacubaya, Azcapuzalco, and Guadalupe, neither of which were distant more than half a league from Mexico, and all of them in possession of the European Troops.

This was an unexpected circumstance to Novella and the Junta, who had the folly and vanity to suppose they could frighten the Independents from the execution of their plan, by means of the silly Proclamations they almost daily issued, in which they affected to despise their number, challenged them openly to commence the attack, and declared the Generals Luaces and Llano traitors to their King and Country, for having surrendered the Cities of Queretaro and Puebla. The Heroes of Tepeaca, Cordova, and Toluca, were, however, not so easily scared, and a column of 1,500 Men sent by Colonel Bustamente against Azcapuzalco, presented to the Inhabitants of Mexico the sight of a most bloody and desperate Action, that took place between them and an equal number of the Regiments of Castile and Military Orders that composed the garrison of Azcapuzalco, the result of which was at least 600 killed and wounded, and the abandonment of the Town by the Europeans: a few days after an attempt was made to dislodge the Europeans that were stationed in Guadalupe, by means of cannon placed on a neighbouring hill, and while this operation was carrying

on by a part of the Independents, and others were taking possession of Tacuba and Tacubaya, from both of which Towns the Europeans had retired, an Aide-de-camp arrived with a Copy of the Treaty of Cordova, concluded between Generals O'Donoju and Iturbide, and an Order from the former to Snr. Novella, commanding him to obey him as Captain-General of the Kingdom, to cause him to be recognized as such by the Troops, to cease all hostilities from the instant he should receive the Order, and to adopt measures for the evacuation of the City. This peremptory Mandate on one side, and the near approach of the Independents on the other, placed Novella, the Junta, and their European Troops, in an awkward predicament, inasmuch as if they obeyed the Order, they would be subject to arrest and trial for the scandalous imprisonment of the late Vice-Roy, and if they refused compliance, to be treated as rebels against the King's Authority; their object therefore, was to shelter themselves from the punishment they had justly deserved in the best manner they could. And, with this view, although they were perfectly convinced of the presence of O'Donoju in the Kingdom, and of the reality of the Treaty signed in Cordova, they nevertheless affected to doubt the truth of one and the other, alleging that all might be a stratagem of Iturbide, and on this frivolous pretext refused to evacuate the City. On the deposition of the Conde del Venadito, the Junta Provincial, Ayuntamiento, and other Bodies corporate, hesitated to acknowledge the authority of Novella, but were obliged to do so eventually, from the fear of the bayonets he had at his command.

Now, however, that they were surrounded by the Independents and backed by O'Donoju, they openly protested against his proceedings, and, in consequence, he was obliged to ask for an Armistice, and compelled to send one of the Junta Consultiva to Puebla to ascertain, as he said, the identity of the Captain-General. This Envoy, who had hither. to been one of the most strenuous supporters of the measures of Novella, and one of the most active Members of the Junta, received such a fright from the lecture O'Donoju gave him, that he immediately returned, explained fully to Novella all that had passed, and for ever afterwards ceased to meddle in the matters at issue. Novella was also inclined to succumb, and would have renounced his employ, had it not been for fear of the Troops, he having lost all authority, and they having usurped the command, so that the City was in the utmost anarchy and confusion; and dreading at every instant a general massacre and pillage, with which it had been threatened daily for near a month, and which would most assuredly have succeeded, had it not been for the proximity and number of the Independent Army, that cut off all possibility of escape for the European Troops, whose idea was to commit all sorts of enormity, rob what they could, and take the road for Vera Cruz.

Things had got to that pass, that it was impossible to confide in a servant, and dangerous to do so to a friend ; every thing like social intercourse was at an end; those that could with any sort of convenience leave the City, fled; and those that were obliged to remain, sought security in their houses, so that, in this once populous Metropolis, there was scarce a soul to be seen. In this state of things the Generals O' Donoju and Iturbide, arrived at Tacubaya, and the former had an interview with Snr. Novella; in the course of which he gave him to understand the impropriety of his conduct in resisting the Legitimate Authority as long as he did, the impossibility of defending the City, and the certainty of the massacre of the Europeans, should it be taken by assault, remonstrated with him respecting the insubordination of the Troops, pointed out to him the illegality of their conduct, and enjoined him to prevent the effusion of blood, by exercising the little influence he had with the Subaltern Officers and Soldiers, in the understanding that he would not take upon him to scrutinize their conduct in the arrest of the late Vice Roy, but leave them to exculpate themselves in the best way they could on arriving in Spain. The following day news was received of the surrender of the City Durango, and General Cruz, to General Negrete, after an obstinate resistance, in the course of which many lives were lost, and the Declaration of Independence in the western internal Provinces, under the Command of Field Marshal Alexo. Garcia Conde, so that if the Soldiers of Novella had before any hope, it now entirely disappeared, and, in order to avoid a disgraceful capitulation, were obliged to acknowledge the Supremacy of General O'Donoju, obey his Orders by evacuating the City, and march to that of Toluca, there to wait until it was convenient for them to embark.

To complete the Independence of the Kingdom there was now wanting the Declaration of the Province of Merida de Yucatan, which followed almost immediately the surrender of Acapulco, the Castle of Perote and Vera Cruz, the two former of which capitulated soon after, and the latter has without doubt ere this followed their example, advice having been received yesterday by the Government that it was on the eve of surrendering. The Province of Guatemala, which has always been a separate Vice-Royalty from that of Mexico, was also sensible of the general impulse, and, desirous of becoming an integral part of the Mexican Empire, has likewise sworn Independence, which, without doubt, will extend to its neighbouring Provinces, Honduras, Nicaragua, Costa Rica, and Veragua, so that we may from this instant consider North America, with the exception of Canada, as divided into two grand and important Commonwealths, that may, with the aid of those that are forming in South America, be able, in the course of time, to give the Law to the opposite Continent.

I am very far from believing myself possessed of the qualities ne-

cessary to treat with the energy and exactness that it merits, a subject of the importance of that on which I have ventured to write, and certainly should not have had the temerity to have touched upon it, had it not been for the particular situation in which I found myself, an eyewitness of all that passed, and from the conviction I have ever been under, that each Individual is bound to contribute towards the good of his Country, to the utmost of his ability, be it great or small. With this view, therefore, I shall, now that I have finished my Narrative, take the liberty to add a few remarks, and to say, in the first place, that the Revolution which I have attempted to describe, is not one of those that have been accomplished by means of unbridled passions, cruelty, rancour, or revenge, but, on the contrary, has, from its commencement, been accompanied with brotherly love, patriotism, disinterestedness, truth, and good faith, so that the more I reflect on its origin and progress, the more is my admiration excited, and the more am I tempted to exclaim, that America has produced two of the greatest heroes that ever existed, Washington and Iturbide. Secondly, that the new Go-. vernment is established on a sure and solid foundation, the People being highly delighted with it, and the Subordinate Chiefs, Officers, and Soldiers, having one and all implicitly followed the example of moderation set them by their magnanimous Leader, who, to obviate strife, envy, and emulation, has absolutely refused the Crown, and insisted that the Emperor shall come from Spain, as he first proposed in the Town of Yguala. Indeed, the plan there published has been adhered to, with the most religious scrupulosity, except the slight variations made in it by the Treaty of Cordova, at the suggestion of General O'Donoju, and the Empire is in consequence governed by a Regency, of 5 of its most distinguished and enlightened Statesmen, who have elected General Iturbide President, and appointed him Commander-in-Chief of the Land and Sea Forces, and by a Convention, of 36 of the principal personages in the Empire, as respects talents, rank, and riches. The Independence is to be sworn in this City on the 27th inst. and the Cortes are to met on the 24th of February next, the anniversary of the Declaration in Yguala. In the mean time, the Convention will be employed in enacting the most salutary Decrees, and among those already passed is one declaring the Commerce of this Empire free to all Nations; another, doing away all the arbitrary taxes, impositions, and excises, imposed by the former Government; a 3rd, reducing the duties from 16 to 6 per cent; a 4th, for the encouragement of the Miners, relinquishing to them the quota of silver formerly paid to the King, with other imposts that amounted to 17 per cent, so that many poor minerals that could not be worked before, can now be used to advantage; and a 5th, recognizing and making the new Government responsible for the Debt contracted by the old one, of 36,000,000 of dollars.

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That there is a strong bias in the minds of the People of this Country in favour of the Government and Citizens of The United States, in preference to all other Nations, is beyond a doubt; and that the Convention, of which four-fifths are Native Americans, and the Regency which is composed entirely of them, are actuated with the same sentiments, is also certain. On this subject I have had various Conferences with the leading Members of the Administration, whose sentiments will be fully explained to you shortly by Don Juan Manuel de Elizalda, the Minister Plenipotentiary that is already named, and now preparing to go to Washington, where I have no doubt he will be received and acknowledged as the Representative of a free and independent Nation, the Mexican Empire being so at this time to all intents and purposes; in the first place, by the unanimous wish and consent. power and authority, of its Inhabitants; and, secondly, by the Treaty signed at Cordova between the Generals O'Donoju and Iturbide, the deputed Agents of Spain and this Empire. Your most obedient, &c. The Hon. J. Q. Adams, JAMES SMITH WILCOCKS.

(26.)—Treaty of Peace between the Armies of Spain and Mexico. Signed at Cordova, 24th August, 1821. (Translation.)

TREATY concluded in the City of Cordova, on the 24th August, 1821, between the Señors Don Juan O'Donoju, Lieutenant-General of the Armies of Spain, and Don Augustin de Iturbide, First Chief of the Imperial Mexican Army of the Three Guarantees.

The Independence of New upon Old Spain being declared, and it having an Army capable of supporting this Declaration, the Provinces of the Kingdom being subdued by it, the Capital, where the Legitimate Authority had been deposited, being besieged, and when there only remained for the European Government the Fortresses of Vera Cruz and Acapulco, dismantled and without the means of resisting a siege, well directed, and which should last some time; Lieutenant General Don Juan O'Donoju arrived at the former Port, with the character and authority of Captain-General and Superior political Chief of this Kingdom, appointed by His Catholick Majesty, and, being desirous of avoiding the evils which afflict the People in vicissitudes of this sort, and wishing to conciliate the interests of both Spains, invited the first Chief of the Imperial Army, Don Augustin de Iturbide, to an interview, in which they might discuss the great business of the Independence, by Icosening, without breaking, the chains which united the 2 Continents. The interview took place in the City of Cordova, on the 24th of August, 1821, and the first with the authority of his Spanish Character, and the latter with that of the Mexican Empire, after having conferred at length on what was most proper for both Nations, considering the present situation and the last occurrences, agreed upon the following Articles, which they signed in Duplicate, to give them all the force of which

Documents of this sort are capable, each keeping an original in his possession for greater security and validity.

ART. I. This America shall be recognized as a sovereign and independent Nation, and shall in future be called the Mexican Empire.

II. The Government of the Empire shall be a Constitutional Limited Monarchy.

III. There shall be named to reign in the Mexican Empire, (after taking the the oath which the IVth Article of the Plan of Iguala points out) in the first place the Señor Don Ferdinand VII. Catholick King of Spain; upon his renunciation or non-admission, his Brother, the Most Serene Señor Infant Don Carlos; upon his renunciation or nonadmission, the Most Serene Señor Infant Don Francisco de Paula; upon his renunciation or non-admission, the Most Serene Señor Don Carlos Luis, Infant of Spain, formerly heir of Etruria, now of Lucca; and, upon his renunciation or non-admission, he whom the Cortes of the Empire shall designate.

IV. The Emperor shall fix his Court in Mexico, which shall be the Capital of the Empire.

V. Two Commissioners shall be appointed by His Excellency General O'Donoju, who shall go to the Court of Spain, to place in the Royal hands of Señor Don Ferdinand VII, a Copy of this Treaty, with the following exposition, which shall accompany the delivery of it to His Majesty: first, that whilst the Cortes of the Empire offer him the Crown, with all the formalities and guarantees, which a business of so much importance demands; they intreat His Majesty, that, should he not be pleased to accept it, conformably to the IIId Article, he will deign to notify their Serene Highnesses the Infants, mentioned in same Article, in the order in which they are named; interposing his benign influence, so that one of those Personages designated from his august House may come to this Empire, inasmuch as the prosperity of both Nations is concerned in it; and expressing the satisfaction which the Mexicans will receive, in adding this to the other bonds of friendship with which Spaniards can and desire to be united.

VI. There shall be immediately appointed, according to the spirit of the Plan of Iguala, a Junta, composed of the first Men of the Empire, distinguished for their virtues, stations, fortunes, authority and judgment, and designated by the general opinion, the number of whom may be sufficiently considerable, that the union of lights may ensure the success of their determinations, which may emanate from the authority and powers which the following Articles grant them.

VII. The Junta, of which the following Article treats, shall be named the Provisional Junta of Government.

VIII. Lieutenant-General Don Juan O'Donoju shall be one of the Provisional Junta of the Government, in consideration of the convenience of a Person of his rank taking an active and immediate part in the Government, and from its being indispensable to omit some of the Persons who were designated in the said Plan, in conformity with the exact spirit of it.

IX. The Provisional Junta of Government shall have a President, appointed by itself, who shall be elected from amongst its own Members, or otherwise, by an absolute plurality of their votes: if the Election should not take effect at the first voting, they shall proceed to a second scrutiny, beginning with the two who may have the most votes.

X. The first step of the Provisional Junta of Government shall be, to publish its installation, and the motives for which it is assembled, with the explanations which it may consider proper, to illustrate to the People their interests, and to explain the mode of proceeding in the election of Deputies to the Cortes, of which mention will be made hereafter.

XI. The Provisional Junta of Government shall appoint, after the election of its President, a Regency composed of 3 Persons, either of its own Members or otherwise, in which shall be vested the Executive Power, and who shall govern in the name of the Monarch, until He receive the Sceptre of the Empire.

XII. The Provisional Junta being installed, shall govern provisionally according to the existing Laws, in every thing not opposed to the Plan of Iguala, and until the Cortes shall have framed the Constitution of the State.

XIII. The Regency, immediately after being appointed, shall proceed to the convocation of the Cortes, agreeably to the Regulations of the Provisional Junta of Government, and in conformity with the spirit of the XXIVth Article of the said Plan.

XIV. The Executive Power is vested in the Regency, and the Legislative Power in the Cortes; but, as they have been for some time united, in order that both may not again fall under the same Authority, the Provisional Junta shall exercise the Legislative Power; first, in such cases as occur, and which cannot wait the meeting of the Cortes, when they shall proceed in accordance with the Regency; and, secondly, in acting as an Auxiliary and Consultive Body to the Regency, in its determinations.

XV. Every Person who belongs to a Society, (the system of Government being changed, or the Country passing into the power of another Prince,) remains in the state of natural liberty to transport himself with his fortune, to what Place he pleases, without there being any right to deprive him of this liberty, unless he shall have contracted some debt with the Society to which he belongs, or have forfeited his liberty by crime, or in some other way known to Publicists : this rule applies to Europeans, as well as to Americans now resident in the Peninsula, admitted into New Spain; who shall, consequently, be free

to remain, or to adopt another Country; and demand their Passports, which cannot be refused to them, for removing from the Realm in the time prescribed, and carrying with them their families and effects; but satisfying, on the departure of the latter, the duties of exportation now established, or which may hereafter be established by competent authority.

XVI. The foregoing alternative shall not be granted in favour of Publick Officers or Military Men, who are notoriously disaffected towards the Independence of Mexico; who shall of necessity quit this Empire within the term which the Regency may prescribe, carrying with them their property, and paying the duties mentioned in the preceding Article.

XVII. The occupation of the Capital by the Troops of the Peninsula, being an obstacle to the realizing of this Treaty, it becomes indispensable to overcome the same; but, as the first Chief of the Imperial Army, uniting his sentiments to those of the Mexican Nation, is desirous not to take it by force, for which there are abundant resources, (notwithstanding the valour and constancy of the said Peninsular Troops,) independently of the want of means and ability to support themselves against the system adopted by the whole Nation—Don Juan O'Donoju offers to use his authority, that the said Troops may complete their departure without the effusion of blood, and by an honourable Capitulation.

Done in the City of Cordova, the 24th August, 1821. JUAN O'DONOJU. AUGUSTIN DE ITURBIDE.

(27.)—Decree of the Provisional Junta and Regency of Mexico, determining the Powers and Duties of Don Augustin Iturbide.—14th November, 1821. (Translation.)

THE Regency of the Empire has been pleased to address to me the following Decree :

The Regency of the Empire, governing provisionally in the absence of the Emperor, to all who shall see or hear these presents: Know ye, that the Sovereign Junta or Provisional Government, has decreed as follows:

In consequence of the desire expressed in the Official Letter of the 23d of October last, by His Excellency Don Augustin de Iturbide, that this Sovereign Junta would be pleased to determine the powers and duties belonging to him as Admiral and Generalissimo, for the laudable purpose of not exceeding the former, nor being deficient in the latter, His Majesty has thought fit to declare: That the prerogatives, powers, and honours, designated in the XV following Articles, belong exclusively to him.

ART. I. He shall have the command of the Forces by Sea and

Land, comprehending within his government the economical and administrative powers, according to the Laws; consequently, all Appointments, in both branches, shall pass through his hands, of Officers and Chiefs, from those of Brigadier, inclusive, downwards, in the Land Forces, and the equivalents in the other branches. He shall also propose the Governors of Garrisons, the Commanders of Provinces, and the Captains-General, and shall countersign the Commissions of all these Officers, receiving them from the Emperor, and passing them to the Secretary of War, for their fulfilment.

II. He shall direct the instruction of Military Colleges, and of all the Establishments belonging to the Army and Marine.

III. The inspection of the manufactories of gunpowder, arms, munitions, and clothing, shall be within his province, together with every thing that relates to those branches. He shall also have charge of all that relates to the Arsenals, Manufactories, &c. belonging to the Marine.

IV. He shall watch over the disbursement of the Military Treasury for the Sea and Land Forces, and the just distribution of the funds destined for those branches.

V. He shall attend to the distribution and movements of the Land and Sea Forces, according to the Orders of the Emperor, which he shall receive for that purpose.

VI. He shall be the Protector of Commerce, Navigation, Police, and the Works of the Ports, as well as of the Fortresses of the Empire, with the powers of Admiral.

VII. He shall grant Passports and Licences for navigation, according to the Orders of the Emperor.

VIII. The Secretaries of Dispatch, of War and Marine, and of the Treasury, in what concerns those branches, shall send to him for his information, the Imperial Orders which may be sent by the Ministers, relative to them.

IX. Preserving the Etat Major of the Army, under the plan which is approved, according to the proposition of the Generalissimo himself, he shall name 2 Generals, who, as Chiefs of it, may communicate to him the Orders which they give; and may also carry on, in their name, the correspondence with the Secretaries of State, for facilitating the expedition of business.

X. When the Etat Major of Marine is formed, he shall appoint one of the Generals mentioned in the preceding Article, or shall appoint a third, if the multiplicity of business require it, for the discharge of the duties, and attaining the ends proposed.

XI. He shall have the title of Highness; but in Official Letters which may be addressed to him, the aforesaid designation shall be omitted, this distinction being reserved for the Regency.

XII. His Guard shall be composed of 2 companies of Infantry, with a Banner; who shall present arms and beat a march to him. This Guard shall do honours only to the Persons of the Imperial Family.

XIII. When he goes out, he shall be preceded by 4 Body Guards, and followed by an escort of 20 Men, commanded by an Officer.

XIV. In the Court and Residence of the Emperor, the Military Posts of the Place shall do him correspondent honours.

XV. On his entrance into, and departure from, the Fortresses and Garrisons, the Troops shall be drawn up and the Artillery shall salute him with 21 guns; he having, in every thing, by Sea and Land, supreme Military honours.

The Regency shall take charge of the execution of this Decree, and cause it to be printed, published and circulated.

Given at Mexico, the 14th November, 1821. First of the Independence of this Empire.

> JOSE MIGUEL GUIRIDI Y ALCOZER, President. ANTONIO DE GAMA Y CORDOVA, Vocal Secretary. JOSE RAFAEL SUAREZ PEREDA, Vocal Secretary. JOSE MARIA DE ECHEVERS Y VALDIOIELSO, Vocal Secretary.

The Regency of the Empire.

Therefore, we command all Tribunals, Justices, Chiefs, Governors, and other Authorities, as well Civil as Military, and Ecclesiastick, of whatever class and dignity, that they keep, and cause to be kept, fulfilled, and executed, the present Decree, in all its parts. They shall attend to its execution, and provide for its being printed, published and circulated.

In Mexico, the 14th of November, 1821.

AUGUSTIN DE ITURBIDE, President. MANUEL DE LA BARCENA. ISIDRO Y ANEZ. MANUEL VELASQUEZ DE LEON. ANTONIO, Bishop of Puebla.

By order of the Regency of the Empire, I communicate this to you for your information:

God preserve you many Years.

JOSE DOMINGUEZ.

Mexico, 15th November, 1821.

(28.)—Manifesto of the Provisional Junta of Government, to the People of Mexico, on the state of the Country, and its Relations with Spain.—13th October, 182].

(Translation.)

AFTER the long night of three ages, in which America has lain plunged in darkness, the aurora of her felicity has at last burst forth; that day has dawned for which she has sighed, and which she desires may be perpetual. This consummation would never have been obtained, had it not been founded in justice, and were not justice to be the basis of the Government on which it is to be consolidated. The Junta has the satisfaction to announce, that both considerations are combined in the emancipation which we have accomplished.

Nature has marked out the Territories of Nations by Rivers, Mountains, and other Boundaries, which establish their limits. How many States are divided by the Po and the Rhine, as the Alps and the Pyrenees divide France from Italy and from Spain! Immense Seas and a vast space divide America from the latter; distances which not only make them different as Kingdoms, but establish them as belonging to two different Worlds. Policy must necessarily conform to the order of Nature, and as it would be monstrous to put together the contrary elements of fire and water, it would be equally so, to unite into one Province, People who are distinct and distant from each other, especially if that distinction and distance extend to the extremities of the two Worlds, and embrace all the contrarieties which climate can occasion. As two vast Globes, with opposite movements, cannot revolve without embarrassment upon one axis, but each requires its own; in the same manner, two Empires, of distinct and opposite qualities, require two Governments, and are not capable of being united in one, which could never be sufficient to govern both properly.

If, occasionally, the order of Nature be violated, in departing from the Boundaries she fixes, it must happen, as with fire enclosed within Mines, that an explosion will ultimately take place. The two Spains, Old and New, or, what is the same thing, Castile and Mexico, which have hitherto borne those names, belong to distinct Regions of the Earth, to different portions of the Globe, to opposite zones of the sphere; differences, which at once evince the fustice of their separation. If they have been united, like Esau and Jacob, in the womb of Rebecca, and have long remained so; this alone, giving to the latter her growth, has rendered it necessary that they should separate, as those twins did, first from the maternal bosom, and afterwards in their Descendants.

The growth of Nations constitutes, successively, their youth and virility, ages which demand their separation. It is very natural that when a Nation arrives at these ages, it should refuse to depend upon one whose assistance it no longer needs, in order to act for itself. If,

even among brutes, the teats of the dam are forsaken by the offspring, which has now become capable of receiving other aliment than milk; if the chick whose wings have grown, flies alone, and no longer suffers itself to be guided by the bird which formerly conducted it; if the pubescent virgin consents to the nuptials which compel her to abandon the paternal dwelling, in order to form a new family; is it not just that America, having acquired the strength which justifies it, should emancipate herself?

It has been long since she arrived at her youth; but it has also been long since assent was refused to her emancipation, for before that was accomplished she had attained the age of virility, which justified it still more. The qualities which demonstrate that age are to be found in her; both the moral ones of refinement and intelligence, and the physical ones of arms and Population. The increase of their families alone prevented Abraham and Lot from dwelling together, and they took different routes in order to live separate.

Why then deny to America the justice which may assist her in emancipating herself, supposing this to be her situation and circumstances? Must she not listen to the voice of nature, which speaks to her even through her insensible organs? May she not burst, like the plant, the teguments which covered her when young? Must she be for ever in pupilage though at the age of puberty, and must she remain a child of the family even when she is both able and willing to shake off the paternal Authority? But even this is not all: nature tells her still more, especially through the organ of reason.

Whenever the bird can force the door of its cage, or any other animal break the ligaments which confine it, they do not hesitate a moment in so doing, for reason teaches them to seek their own happiness. This justifies still more the Independence of America. She has been able to burst her fetters in order to acquire her liberty, and to escape from the yoke which impeded her prosperity, and placed her labour, industry, commerce, and all her movements, within such bounds and restraints as might enfeeble them, in order to make preponderant the importance of the Mother Country, or rather in order that the sole and absolute authority might be vested in the latter. Between the power and the performance in this case, and with respect to such high and interesting objects as are dictated by nature and demonstrated by reason, there ought to be no space whatever, for they immediately touch each other.

The Provisional Board of Government installed for these purposes, in consequence of their attainment, and the occupation of the Capital, has no other objects in view. It has been assembled, in order to found, perfect, and perpetuate them. The fundamental principles of Government which they have adopted, appertain to the first: the mode of proceeding upon which they have resolved, to the second: the ties and ligaments which they have proposed to themselves, to the third: and they expose them all to the People, in order that they may judge of the sincerity and propriety of their intentions and conduct.

The foundations should correspond to the edifice, and are what give it its principal strength. The principles of Government which have been adopted, conformably to the Plan of Iguala and the Treaty of Cordova, are those received by the most illustrious Nations. A representative in preference to an absolute Government, a limited Monarchy, and a Constitutional System with which we are already acquainted, are the fundamental maxims, the corner stone of our edifice. There is nothing to apprehend from any opposition to these ideas, nor from those which will not bear the light of day. The sentiments which animate us are purely liberal. Until the Meeting of the Cortes, the Spanish Constitution and Laws will be observed, so far as they are not inapplicable to the peculiar situation of the Country.

The plan of operations, or mode of proceeding of the Junta, has been to appoint a Regency to exercise the Executive Power, reserving to itself the Legislative Power, for such purposes as cannot be delayed until the Meeting of the Cortes, to whom this branch of the Government appertains. Had the Junta assumed this Power in its whole extent, it would have usurped it from the People; but if it were not to exercise it provisionally, in cases of urgency, the Government would remain defective; the necessities of the moment could not be provided for, nor the thousand junctures which may present themselves, be met.

To obviate both the one and the other, they have already prescribed to themselves a rule, not to sanction any thing, even provisionally, unless its nature be such that it will not admit of being delayed until the Meeting of the Cortes, to whom every thing else is referred. The wisdom of their measures, which involves the perfection of the liberty and happiness of the People, depends upon the choice which they may make of proper Representatives. It is the province of this Junta to inform them on the subject, in order that, all passions being laid aside, and intrigue and party spirit banished, they may have no other end in view than the welfare of the Country. For this the Junta is now labouring, and will take measures so that the Congress may be assembled in as short a time as possible.

In the mean time, the Publick Debt, so called, has been acknowledged, and ordered to be paid, as soon as matters are in a condition to do so; at the same time a stop has been put to the arbitrary contributions with which the Inhabitants were oppressed, without any advantage to the Treasury. The first fact is announced for the satisfaction of the Creditors, the second for that of the Publick, and both as an evidence of the proceedings of the Government.

Would it were possible for the latter to pay another Debt, much greater, and of a superior kind, of which it confesses itself a Debtor. Such is that of the deserving Army, which, animated by the purest patriotism, and braving dangers and difficulties at the expense of inexpressible sacrifices, has consummated the arduous undertaking which Heaven was pleased to protect and crown with success. But there is no tongue to express what it deserves, nor hand to remunerate its services. Who is there competent to relate what all and each of its Individuals have performed; the actions which have signalized many of the Chiefs and Soldiers, especially the first, who animated the rest? What reward can we give them, or what can recompense their benefits? as Tobias the youth demanded of his father, speaking of his benefactor. We have no other choice, inasmuch as reward is impossible, but to manifest to them our gratitude; to which end many steps have been, and others will be, taken.

Finally, the bonds which the Junta has proposed to itself in order to insure and prolong our Independence, are, besides the union of the Inhabitants of the Empire, which constitutes one of the guarantees, an Alliance, Federation, and Commerce, with other Nations. The Spanish Nation, to whom we owe our origin, and to whom we are attached by the closest ties, ought to be the first and most privileged in our consideration. We do not content ourselves with the mere family connection which results from calling one of their Princes of the Royal Blood to our Empire. We aspire to more; we desire to unite ourselves in a fraternity which may turn to the advantage of the whole Nation, and to let it know that our political independence, to which we have been compelled by the causes set forth, does not loosen the bonds which unite us, nor cool our affections, which ought to be the more sincere, in order to destroy all resentment.

We desire, then, that our fraternity may be made known to the whole World: that European Spaniards, in virtue of that title alone, may domiciliate themselves in our Country, submitting themselves to its Laws, and to the superintendence of our Government; that our Ports may be opened to them for the purposes of trade, in such manner as may be arranged by our Laws, and that a preference may be given to them, as far as possible, above other Nations; that there may be established between them and us, if practicable and agreeable to them, a good reciprocal understanding, regulated by Definitive Treaties; and that in every thing there may appear the most cordial amity. With regard to Foreign Nations, we shall preserve harmony with all, and commercial relatious with others, as may be expedient.

The Junta congratulates itself that the People of the Empire will perceive, in what has been set forth, at least their desire for a successful result, which they expect from the patriotism and intelligence of the Inhabitants, who may suggest to it whatever they may deem conducive to better government, and which the Junta will receive with due consideration.

ANTONIO, BISHOP OF PUEBLA, President. JUAN JOSE ESPINOSA DE LOS MONTEROS, Vocal Secretary. JOSE RAFAEL SUAREZ PEREDA, Vocal Secretary. Mexico, 13th October, 1821.

ORDONNANCE DU ROI, qui prescrit de Nouvelles Dispositions en ce qui concerne le Droit de Tonnage sur les Navires des Etats-Unis d'Amérique, et ceux à percevoir sur les Produits Naturels ou Manufacturés du même Pays, importés en France par des Navires de la même Puissance.

Au Château des Tuileries, le 3 Septembre, 1822.

Louis, par la Grâce de Dieu, Roi de France et de Navarre; Sur le Rapport de notre Ministre Secrétaire d'Etat des Finances; Notre Conseil entendu,

Nous avons ordonné et ordonnons ce qui suit :

Art. 1. L'application de notre Ordonnance du 26 Juillet, 1820, portant que "les Droits de Tonnage qui se perçoivent sur les Navires Etrangers, 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," sera suspendue, à partir du 1 Octobre prochain.

2. A dater de la même époque du l Octobre, et jusqu'à ce qu'il en soit autrement ordonné, les Produits Naturels ou Manufacturés des Etats-Unis d'Amérique, qui, lorsqu'ils sont importés par des Bâtimens appartenant à cette Puissance, paient, en vertu des Lois actuellement en vigueur, une surtaxe s'élevant à plus de 20 francs par Tonneau de mer, ne paieront qu'un droit additionnel de 20 francs par Tonneau en sus des droits payés sur les mêmes Produits Naturels ou Manufacturés des Etats-Unis, quand ils sont importés par Navires Français.

Ceux desdits produits dont la surtaxe ne s'élève pas à 20 francs par Tonneau, continueront à payer les taxes et surtaxes imposées par le Tarif Général, la présente Ordonnance ne devant être appliquée qu'à titre de réduction.

3. Les quantités suivantes seront considérées comme formant le Tonneau de Marchandises pour chacun des articles ci-après spécifiés:

	Knogr.	
Cotons en Laine	365	
Tabacs en Feuille	725	
Potasse et Perlasse	1,016	
Riz	725	
		-

FRANCE.

Tous les autres articles non spécifiés et qui se pésent, 1,016 Kilogrammes.

Ceux généralement soumis au mesurage, 42 Pieds Cubes Français.

4. Les Produits du sol et de l'industrie de l'Union qui sont réexportés d'entrepôt, ou passent en transit par la France, continueront à ne payer aucun droit différentiel.

5. Les Navires Américains paieront, à titre de Droit de Tonnage, un Droit unique de 5 francs par Tonneau de jauge, d'après le Registre Américain du Bâtiment: au moyen de quoi, ils seront affranchis des Droit et Demi-droit de Tonnage établis par les Lois des 18 Octobre, 1793, et 4 Mai, 1802, et n'auront à supporter que sur le même pied que les Navires Français, toutes les autres taxes et redevances relatives à la Navigation, telles que Droits de Phare, de Pilotage, de Port, de Courtage, et tous autres qui affectent les Navires Etrangers d'une manière différentielle; l'administration des Douanes demeurant chargée de payer à qui de droit, sur le produit de la perception de 5 francs par Tonneau ci-dessus indiquée, les différences auxquelles auraient dû être assujettis les Navires Américains en vertu des Lois ou Réglemens, soit généraux, soit locaux.

6. Notre Ministre Secrétaire d'Etat au Département des Finances est chargé de l'exécution de la présente Ordonnance, qui sera insérée au Bulletin des Lois.

Donné au Château des Tuileries, le 3 Septembre de l'An de Grâce 1822, et de notre Régne le 28ème. LOUIS.

Par le Roi:

Le Ministre Secrétaire d'Etat des Finances. JH. DE VILLELE.

LOI relative à la fixation du Budget des Dépenses et des Recettes de 1823.

A Paris, le 17 Août, 1822.

Kilom

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 adopte, nous avons ordonné et ordonnons ce qui suit : "

TITRE I.—FIXATION DEFINITIVE DES MOYENS DE LIBERATION DE L'ARRIERE.

ART. 1. Il est ouvert au Ministre des Finances un crédit additionnel de 400,000 francs de rentes, 5 pour cent consolidés, pour compléter, avec celui de 2,000,000 ouvert par l'Article I de la Loi du 15 Mai, 1818, l'inscription au Grand Livre des Créances arriérés antérieures au 1 Janvier, 1810.

II. L'émission des reconnaissances de liquidation, autorisés par les Lois des 28 Avril, 1816, et 25 Mars, 1817, pour l'acquittement des Créances arriérés antérieures au 1 Janvier 1816, est définitivement limité et demeure fixée à un capital de 350,000,000 francs.

Si, après épuisement de cette somme de 350,000,000 il restait à acquitter des Créances des Exercices 1810 à 1815, elles seraient payées en numéraire, mais seulement jusqu'à la concurrence d'une dernière somme de 11,197,872 francs, à la charge par le Ministre des Finances d'en rendre un compte spécial à la plus prochaine Session des Chambres.

III. Pour compléter les moyens de remboursement des reconnaissances de liquidation, accordés par les Lois des 8 Mars 1821, et 1 Mai 1822, il est mis à la disposition du Ministre des Finances,

1°. Un crédit en rentes, 5 pour cent consolidés, de 1,139,653 francs, avec jouissance du 22 Septembre 1823,

La dite inscription représentant, au cours moyen des 6 derniers mois de l'Année 1821, un capital numéraire de 20,000,000, formant, d'après la fixation ci-dessus, le complément nécessaire au remboursement des deux premiers cinquièmes des reconnaissances de liquidation émises ou à émettre;

2°. Un autre crédit en pareilles rentes de 11,966,353 francs, avec jouissance du même jour, 22 Septembre 1823, représentant, au même cours, un capital numéraire de 210,000,000, applicable au remboursement des trois derniers cinquièmes des mêmes effets, échéant au 22 Mars, des Années 1823, 1824, et 1825.

IV. Le Ministre des Finances ne pourra disposer de ces deux crédits, montant ensemble à la somme de 13,106,006 francs de rentes, que par des négociations publiques avec concurrence, dans les formes suivies pour l'aliénation des rentes effectués par le Traité du 9 Août 1821, et en stipulant des termes de paiement combinés avec les échéances des effets à rembourser.

Les mêmes conditions de publicité et de concurrence s'appliqueront à la négociation des 6,008,510 francs de rentes, restant des crédits accordés pour le remboursement des deux premiers cinquièmes des reconnaissances de liquidation.

V. Les rentes et créances de toute nature provenant des anciennes liquidations ou de l'arriéré des divers Ministères, pour tous les Exercises antérieurs au 1 Janvier, 1816, dont l'inscription ou le paiement n'aurait pas été réclamé avant le 1 Avril, 1823, pour les Propriétaires domiciliés en Europe, et avant le 1 Janvier suivant, pour ceux résidant dans les Colonies, seront éteintes et amorties définitivement au profit de l'Etat.

VI. Il sera rendu, à la prochaine Session des Chambres, par chaque Ministre Ordonnateur, un compte spécial des Ordonnances payables en valeurs d'arriéré qu'il aurait délivrées postérieurement au 1 Juin, 1822.

FRANCE.

VII. Au moyen des deux dispositions contenues dans l'Art. II. ci-dessus, l'arriéré est définitivement et irrévocablement clos et réglé, sans que, sous aucun prétexte, il puisse être procédé à la liquidation d'aucune somme excédant celles qui sont portées dans le dit Article.

TITRE II.—DISPOSITIONS RELATIVES AUX PENSIONS.

VIII. Pourront obtenir, lorsqu'elles seront privées de moyens d'existence, une Pension qui sera du quart du *maximum* de celle d'ancienneté attribuée à chaque grade militaire, ainsi qu'elle a été réglée par les Articles 1 et 2 de l'Ordonnance Royale, du 14 Août, 1814.

1°. Les Veuves des Militaires morts postérieurement à ladite Ordonnance, en jouissance de la Pension de retraite, ou en possession de droits à cette pension, pourvu que leur mariage ait été contracté 5 Ans avant la cessation d'activité de leurs Maris, ou qu'elles aient un ou plusieurs Enfans, issus de leur mariage, antérieur à cette cessation.

2°. Les Veuves des Militaires morts postérieurement à ladite Ordonnance après 20 Années d'activité, et qui auraient rendu à l'Etat des services éminens, reconnus tels par une décision spéciale du Roi, pourvu que leur mariage ait précédé de 5 Ans la mort de leur Mari, ou qu'elles aient un ou plusieurs Enfans issus de ce mariage.

Seront censées privées de moyens d'existence, les Veuves dont le Revenu ne sera pas équivalent au double de la Pension qu'elles seraient dans le cas d'obtenir.

IX. Les Enfans orphelins desdits Militaires, pourront, dans les mêmes cas, obtenir le secours annuel de pareille somme, déterminé par l'Article 3 de ladite Ordonnance, et en jouir jusqu'à 20 Ans accomplis.

X. La jouissance des Pensions et secours annuels qui seront inscrits au Trésor Royal, en vertu des 2 Articles précédens, ne pourra donner lieu à des paiemens d'arrérages antérieurs aux liquidations faites en vertu de la présente Loi.

XI. Les anciens Officiers Suisses qui faisaient partie du Régiment des Gardes Suisses à l'époque du 10 Août, 1792, pourront obtenir la liquidation de leur solde de retraite, conformément aux dispositions exceptionnelles de l'Ordonnance du 10 Août, 1816, sans que neanmoins cette liquidation puisse donner lieu à des paiemens d'arrérages antérieurs au 1 Janvier, 1819.

XII. Le Ministre des Finances rendra compte, à la Session de 1824, du montant des Pensions inscrites en vertu des dispositions ci-dessus.

TITRE III.—FIXATION DES CHARGES ET DEPENSES DE L'EXERCICE 1823.

1. Budget de la Dette Consolidée.

XIII. Les Dépenses de la Dette Consolidée et de l'Amortissement sont fixées, pour l'Exercice 1823, à la somme de 228,724,260f. conformément à l'Etat A. ci-annexé.

FRANCE.

II. Fixation des Dépenses Générales du Service.

XIV. Des crédits sont ouverts jusqu'à concurrence de 671,114,193f. pour les Dépenses Générales du Service de l'Exercice 1823, conformément à l'Etat B. applicables, savoir :

Total égal.....Francs... 671,114,193

TITRE IV. - PRODUITS AFFECTES & L'EXERCICE 1823.

I. Divers Droits et Perceptions.

XV. Continuera d'être faite en 1823, conformément aux Lois existantes, 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, à l'exception du droit de consommation sur les huiles, des postes, des loteries, des monnaies et droits de garantie;

Des taxes des brevets d'invention ;

Des droits établis sur les journaux ;

Des droits de vérification des poids et mesures;

Du dixième des billets d'entrée dans les spectacles;

Du prix des poudres, tel qu'il est fixé par la Loi du 16 Mars 1819;

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;

Des contributions spéciales destinées à subvenir aux dépenses des Bourses et Chambres de Commerce, ainsi que des revenus spéciaux accordés auxdits établissemens et aux établissemens sanitaires;

Des droits établis pour les frais de visite chez les pharmaciens, droguistes, et épiciers;

Des rétributions imposées, en vertu des Arrêtés du Gouvernement du 3 Floréal An VIII [23 Avril, 1799] et du 6 Nivôse An XI] 27 Décembre, 1802], sur les établissemens d'eaux minérales, pour le traitement des médecins chargés par le Gouvernement de l'inspection de ces établissemens;

.

Des redevances sur les mines;

Des diverses rétributions imposées en faveur de l'Université sur les établissemens particuliers d'instruction et sur les élèves qui fréquentent les Ecoles publiques;

Des 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 ou d'habitans, et des taxes pour les travaux de desséchement autorisés par la Loi du 16 Septembre, 1807;

Des sommes réparties sur les Israélites de chaque circonscription, pour le traitement des Rabbins et autres frais de leur culte.

XVI. A partir du 1 Janvier, 1823, le produit des centimes additionnels, que les Villes ont été ou seront autorisées à ajouter temporairement aux tarifs de leur octroi, pour subvenir à des dépenses d'établissement d'utilité publique, ou pour se libérer d'emprunts, cessera d'être soumis au prélèvement de 10 pour cent auquel sont assujettis les produits ordinaires des octrois.

XVII. Le Gouvernement continuera, pendant une Année, d'être autorisé, conformément à la Loi du 4 Mai, 1802 [14 Floréal An X], à établir des droits de péage, dans le cas où ils seront reconnus nécessaires, pour concourir à la construction ou à la réparation des ponts, écluses ou ouvrages d'art à la charge de l'Etat, des Départemens ou 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.

II. Contributions directes.

XVIII. La contribution foncière, la contribution personnelle et mobilière, la contribution des portes et fenêtres et des patentes, seront perçues pour 1823, en principal et centimes additionnels, conformément à l'Etat C, ci-annexé.

XIX. Le contingent de chaque Département dans les contributions foncière, personnelle et mobilière, et des portes et fenêtres, est fixé aux sommes portées dans les Etats D, N^{ov}. 1, 2, et 3, annexés à la présente Loi.

III. Fonds destinés aux Dépenses Départementales.

XX. Sur les Centimes additionnels aux contributions foncière, personnelle et mobilière, il sera prélevé 19 Centimes pour les dépenses départementales fixes, communes et variables, suivant qu'elles sont spécifiées et déterminées par le troisième paragraphe, Article 28, de la Loi du 31 Juillet, 1821.

Ces Centimes seront divisés de la manière suivante :

1°. Six Centimes neuf 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.

2°. Sept Centimes un dixième 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, lesquelles dépenses variables 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 7 Centimes ci-dessus.

XXI. Un Centime prélevé sur le fonds de non-valeurs des contributions foncière, personnelle et mobilière, continuera, pour 1823, d'être affecté aux secours généraux, et réparti entre les Départemens dans les cas de grêle, d'incendie, d'inondation, ou autres cas fortuits.

Sera également affecté, pour le même exercice, aux secours généraux, en augmentation du fonds d'un Centime, l'excédant du fonds de non-valeurs de la contribution des portes et fenêtres.

Les Préfets rendront compte aux Conseils Généraux de l'emploi du fonds de non-valeurs.

Les dispositions qui les concernent, prescrites par l'Article 20 de la Loi du 1 Mai, 1822, cesseront d'avoir leur effet.

XXII. Les Conseils Généraux de Département, indépendamment des 3 Centimes sur le principal de la contribution foncière qu'ils sont autorisés à voter, par l'Article 20 de la Loi du 31 Juillet, 1821, pour les opérations cadastrales, 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 1822, et dont l'allocation sera toujours conforme au vote du Conseil Général.

Ces impositions pourront être élevées jusqu'à 20 Centimes dans le Département de la Corse.

IV.-Fixation des Recettes de l'Exercice 1823.

XXIII. Le Budget des Recettes est fixé, pour l'Exercice 1823, à la somme totale de 909,130,783 Francs, conformément à l'Etat E, ci-annexé.

V.—Dispositions générales.

XXIV. Le minimum des rentes, 5 pour cent Consolidés, inscriptible au Grand-livre de la Dette Publique, et susceptible d'être transféré, fixé à 50 francs par la Loi du 24 Aôut, 1793, est et demeure réduit à la somme de 10 francs.

FRANCE.

XXV. 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.

XXVI. Les rôles d'impositions sur les propriétaires ou exploitans de fonds non enclos, votées avec les formes prescrites par les Articles 39 et 40 de la Loi du 15 Mai, 1818, pour le traitement des Gardes Champêtres, pourront être rendus exécutoires par les Préfets.

XXVII. Le tableau de répartition du fonds commun du cadastre, créé par l'Article 21 de la Loi du 31 Juillet, 1821, sera distribué annuellement aux Chambres.-

La présente Loi, discutée, délibérée, et adoptée par la Chambre des Pairs et par celle des Députés, et sanctionnée par nous cejourd'hui, sera exécutée comme Loi de l'Etat; voulons, en conséquence, qu'elle soit gardée et observée dans tout notre Royaume, Terres et Pays de notre obéissance.

Si donnons en mandement à nos Cours et Tribunaux, Préfets, Corps Administratifs, et tous autres, que les présentes ils gardent et maintiennent, fassent garder, observer et maintenir, et, pour les rendre plus notoires à tous nos Sujets, ils les fassent publier et enregistrer par-tout où besoin sera: car tel est notre plaisir; et, afin que ce soit chose ferme et stable à toujours, nous y avons fait mettre notre Scel.

Donné à Paris, en notre Château des Tuileries, le 17 jour du mois d'Août, de l'An de Grâce 1822, et de notre Règne le 28ème.

Par le Roi;

LOUIS.

Le Ministre Secrétaire d'Etat au Département des Finances,

JH. DE VILLELE.

Vu et scellé du Grand Sceau :

Le Ministre Secrétaire d'Etat au Département de l'Intérieur, chargé du Portefeuille de la Justice,

CORBIERE.

Etat A.-BUDGET Général des Dépenses et Services pour l'Exercice, 1823.

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BUDGET DE LA DETTE CONSOLIDEE ET DE L'AMORTISSEMENT.
Intérêts des Reconnaissances de liquidation.
Reconnaissances de liquidation. Francs.
Reconnaissances de liquidation. Francs. Emises au 1 Juin, 1822, en Capital 315,405,538
Restant à émettre 34,594,462
Maximum de la Dette arriérée payable en reconnaissances - 350,000,000 Les premier et deuxième cinquièmes exigibles, d'après ce maxi- mum, les 22 Mars, 1821, et 22 Mars, 1822, s'élévent en Capital, à 140,000,000 140,000,000 Les Budgets de 1821 et 1822 ont ouvert, pour ces rem-
boursemens, des crédits jusqu'à concurrence de - 120,000,000
Reste à ouvrir, pour complément du remboursement des deux premiers cinquièmes, un crédit de - 20,000,000
Reste en Capital, dont les intérêts sont à servir, le 22 Mars. 1823, - 210,000,000
Dont à déduire,
Pour le troisième cinquième à rembourser le 22 Mars, 1823 70,000,000
Reste en Capital, dont les intérêts sont à servir le 22 Septembre, 1823. 140,000,000
Ci. Pour les intérêts sur 210,000,000 du semestre échéant le 22 Mars, 1823 - 5,250,000 Pour les intérêts de 140,000,000 du semestre échéant le 22 Sept. 1823 - 3,500,000
Total des intérêts appartenant à l'Exercice, 1823 - 8,750,000 8,750,000
Intérêts des 5 pour 0/0 Consolidés.
Rentes inscrites au l Juin, 1822 179,759,689
Rentes à inscrire et à servir en 1823.
Sur le Crédit de 2,000,000 de Rentes ouvert par la Loi du 15 Mai, 1818, pour le paiement de l'arriéré de 1801 à 1809 inclusivement. (Solde du crédit restant disponible au 1 Juin, 1822)
Rentes à inscrire sur credit accordé par l'Article 3 de la Loi pour remboursement du solde en Capital des reconnaissances de liquidation :
1.º Pour le remboursement de 20,000,000, montant des deux premiers cin- quièmes d'un Capital de 50,000,000 de reconnaissances émises et à émettre, en excédant de celui de 300,000,000, originairement prévu. (A inscrire avec jouissance du 22 Septembre, 1823) 1,139,653
 2.9 Pour le remboursement des trois derniers cinquièmes des reconnaissances de liquidation échéant au 22 Mars des Années 1823, 1824, et 1825, et montant ensemble à un Capital de 210,000,000. (A inscrire avec jouissance du 22 Septembre 1823) - 11,966,353
Total France - 13,106,006 Mémoire.
Total des Rentes dont les arrérages sont à servir en 1823, pour les deux semestres aux échéances des 22 Mars et 22 Septembre - 179,974,260 179,974,260
Dotation de la Caisse d'amortissement

2 G

Affaires Et Service ord Cultes. C C Tr Ponts et C Travaux d	oyale – compris un rangères dinaire clergé – ultes non (ravaux Pub chaussées et 'intérêts gé Départeme Vari	- Catholiq lics. Mines, méraux-	- lues	oire de - - -	- MINIST 2,520,00 - INTER - - - -	00 fran -		- frais d	le Ju	Francs. 25,000,000 9,000,000	
Famille R Justice, y Affaires Et Service ord Cultes. C C Tr Ponts et C Travaux d	oyale – compris un rangères dinaire clergé – ultes non (ravaux Pub chaussées et 'intérêts gé Départeme Vari	- Catholiq lics. Mines, méraux-	- lues	oire de - - -	2,520,00	00 fran -		frais d	le Ju	9,000,000	- 18,351,845
Justice, y Affaires Et Service ord Cultes. C C Tr Ponts et C Travaux d'	compris un rangères dinaire dirergé – ultes non (ravaux Pub chaussées et 'intérêts gé Départeme Vari	- Catholiq lics. Mines, méraux-	- lues	oire de - - -	2,520,00	00 fran -		frais d	le Ju		- 34,000,000 - 18,351,845
Affaires Et Service ord Cultes. C C Tr Ponts et C Travaux d	dinaire dinaire dergé – ultes non (avaux Pub haussées et 'intérêts gé Départeme Vari	- Catholiq lics. Mines, méraux-	- lues	oire de - - -	2,520,00	00 fran -		frais d	le Ju	stice -	
Affaires Et Service ord Cultes. C C Tr Ponts et C Fravaux d	dinaire dinaire dergé – ultes non (avaux Pub haussées et 'intérêts gé Départeme Vari	- Catholiq lics. Mines, méraux-	- lues		-	1	cs pour -	frais d	le Ju	stice	
Service ord Cultes. C C Tr Ponts et C Fravaux d	dinaire Aergé – ultes non (avaux Pub haussées et 'intérêts gé Départeme Vari	lics. Mines, néraux-	y com	-	- Inter - - -	- usur, -	-		-	-, -	- 7,840,000
Cultes. C C Tr Ponts et C Fravaux d'	flergé – ultes non (vavaux Pub fhaussées et Pintérêts gé Départeme Vari	lics. Mines, néraux-	y com		INTER - - -	- -	-				
Cultes. C C Tr Ponts et C Fravaux d'	flergé – ultes non (vavaux Pub fhaussées et Pintérêts gé Départeme Vari	lics. Mines, néraux-	y com	- -	-	•	-	-			
C Tr Ponts et C Fravaux d'	ultes non (avaux Pub haussées et Pintérêts gé Départeme Vari	lics. Mines, néraux-	y com	-	- 2	•		- 15 A.		13,631,200	í.
Tr Ponts et C Fravaux d'	avaux Pub haussées et 'intérêts gé Départeme Vari	lics. Mines, néraux-	y com	-	-		-	24,30			
Ponts et C Fravaux d'	haussées et 'intérêts gé Départeme Vari	Mines, néraux-		neis lo		-	-	57	5,000	24,875,000	r.
Fravaux d'	'intérêts gé Départeme Vari	néraux		mpia lo		÷					
	Départeme Vari		-a Par		s Fond	s speci	aux	31,80	0,000		
Dépenses 1	Vari		dans		arteme	ins -	- 2	1.	1,526		
epenses .	Vari			1.00						36,331,526	
		ntares.		sor)	10 00	-	-	12,547	.124		
		ables (1			5 en Fo	nds con	mm.)	22,002			
secours po	our grêle, in	cendie	et aut	res cas	fortuit	ts (lc. s	ur le				
Fonds de	e non-valeu	urs)	-	-	-	-	-	1,818	3,423	36,368,474	
Dépenses s	ecrètes et a	utres su	r le pr	oduit d	e la fer	me des	jeux	•	-	2,200,000	
							1				113,406,200
	épenses ter		-	-	12	1	-	- 2	1.5	182,340,000 7,354,000	
2	epenses ter	nporan			070			-	- 7	7,004,000	189,604,000
	Service géné	fral	-	-	-		-	-	•	54,141,000	
C	Colonies	-	-	-	-	-	-	-	-	5,859,000	60,000,000
					FINAL	NCES.					
										10 000 000	
Pette Viag		- 2	-		-	12.4		2.000	000	10,000,000	
CMBIOLD.	Militaires	20.	-	4	-	-	-	48,500			
	Ecclésiast	iques		-	-	-	-	8,900	,000		
	Donataire	-		•	-			1,700	,000		
	Suppléme		Fonds	de R	etennes	s des c	livers				
	Ministe	res	-	-	-		-	1,468	,8/9	62,568,875	
ntérêts de	Cautionne					-	-	-	-	10,000,000	
	Frais de S rvice et de			egociat	jons.			2,850	000		
	la Dette flo			te. et f	rais de l	négocia	tions	7,400	· · · · · · ·		
lemises ex	traordinai	res aux	Recev	eurs Gé	néraux	et par	ticu-	.,			
directes	-	-	-	-	-	-	-	2,750	.000		
									-	13,000,000	
hambre d			-	•	-	-	74	-	-	2,000,000	
	es Députés onneur. (- A	- dota	-	2	-	1.2	-	800,000 3,400,000	
our des C	the state of the second se	-	-	-	-	-	1	-		1,256,300	
	tion des M	onnaies	y con	mpris 4	22,370f	r. pour	refont	e d'espà	ces)	1,000,000	
adastre. ((Fonds com	mEx	écution							1,000,000	
ervice adm	ninistratif	du Min	istère	-	-	÷.,	-	-	-	5,944,000	110,969,17
								1		Francs -	534,261,220

Etat B. 1º Budget des Dépenses Générales et Services.

Etat B. (Suite.) - 2°. Frais de Régie, de Perception, d'Exploitation, Non-valeurs. &c. Remboursemens et Restitutions aux Contribuables. (A Ordonnancer par le Ministre des Finances.)

FRAIS DE REGIE, DE		PTION, inistrati		_		, NON-VA	LEURS, &c.	Montan des Dépense
	Aam	numan	ons ri	nancie	res.			présumée
Enregistrement et Domain	ies -	-	-	-	-	-	- 11,476,400	
Forêts. Frais administrat	ifs –	-		-	-	2,953,0		
Avances à charge				(Frai	s de			
poursuites et fra	ais d'ar	pentage) -	-	-	365,0	00	
Douanes et Sels. Frais d'A	Adminis	tration	et de pe	rceptio	n	23,056,3	- 3,318,000	S
Remise o						780,0	00	
Produit	des ame	ndes et (Confisca	ations a	ttribud	es 2,000,0	00	
Contribution	ns indir	ectes.					- 25,836,300	
Frais d'Administration et d	le perce	ption		-	-	20,801,5	00	
Exploitation des Tabacs	100	1041	-		-	24,166,0		
Exploitation et vente des p	oudres	feu	-	-	-	2,133,0		
Prelèvement sur le produit	t des am	endes	-	-	-	1,100,0		
Avances à charge de rembo	ourseme	nt -	-	-	-	670,0		
Postes (y compris une dé	nense +	emporel	re de l	80.000	fr. no	ur achat	- 48,870,500	
deux paquebots à vapeur		-	-	-		-	- 11.982.930	
Loterie. Frais d'administr			-	-	-	1,500,0		
Remises de 6 p. 0		Receveu	rs Bura	listes	-	3,060,0	00	
,							- 4,560,009	
Contribution	s direct	-						
						E 000 E	0	
Non-valeurs des quatre Co Frais d'assiette et de recou			cies	52	454	5,223,5 18,196,2		
				17 H.			- 23.419.843	
Remises et Taxations aux indirect et les Recettes d		urs Géne	fraux e	t partic	culiers -	sur l'Imp	ot - 1,200,000	
								130,663,97
REMBOURSEMENS ET						RCU, ET	PAIEMENS	
	E PRIM	ES A L	EXPO	RTATI	ON.			
Ministère des Finances	-	•	-	-	-		300,000	
	Admin	istration	s Fina	ncière	5.			
Enregistrement, Timbre, D	omaine	s. et For	réts		4	4.1.1	1,325,000	
Douanes et Sels (y compris				es à l'e	xporta	tion) -	4,050,000	
Contributions indirectes	-	- 1	-	-	-		174,000	
Postes	-	-	-	-	-		340,000	
								6,189,000
						Tota	I Francs -	136,852,973
	_							
	R	écapitu	lation	des De	épenses	s.		
Stat A. Dette Consolidée e					1		S 102-54	228,724,260
stat B. 1º. Service général		-	22-				534,261,220	
2º. Frais de Régie,		ception,	d'Expl	oitatio	n, &c.		136,852,978	671,114,193
	1	Montan	t des De	penses	propre	es à l'Exer	cice 1823 -	899,838,453
	Dé	enses p	our Or	dre.				
Ministère de l'Intér								
nstruction Publique -	-	1.5	-	-		2,167,00	D	
roduit de la taxe spéciale	des brev	ets d'in	vention	-	-	75,00		
							9 949 000	

DESIGNATION DISTINCTE			MONTAN	MONTANT DE CHAQUE CONTRIBUTION.	OUE CONT	TRIBUTIOI	ν.		ł	out in the second
DES PRODUITS.	Foncière	cière.	Person Mobi	Personnelle et Mobilière.	Portes et	Portes et Fenêtres.	Pat	Patentes.	I otaux.	UBSERVATIONS.
Produits Généraux.	Nombre de centimes addition.	Francs.	Nombre dc centimes addition.	Francs.	Nombre de centimes addition.	Francs.	Nombre de centimes addition.	Francs.	Francs.	100 (20 10 (10 10 (10) 10 (
Principal des Quatre Contributions (Sans affectation spéciale - Pour Dépenses Départe-)	19	154,681,351 29,389,457	18	27,161,020 7,876,696	102	12,812,466 6,406,233	11	(A) 17,507,600	212,162,437 43,672,386	
Centimes Pour Départements $\frac{1}{2}$	19	29,389,457	19	5,160,594	I	1	1	i -	34,550,051	Dont a dedure, pour Non-valeurs et Attri- butions aux Com- munes (8p. 0/0)
Pour ronds commundes mêmes Départemens 5 Pour Secours, Grêle, et In- cendies Centimes additionnels facultatifs à voter	-	1,546,813	1	271,610	1	I	Ĩ	1	1,818,423	Reste - 11, 307, 000
par les Conseils Généraux (maximum, 5 centimes)	1	Ī	1	Mércoire.	1	1-	1	4	Mémoire.	All and a start
Produits affectés aux Non-valeurs, Dé- penses des Communes, Réimpositions et Frais de perception.		-	(λ. ····	1 18 (197	and and	- 0	ан, ал <u>—</u>	e de la presion feoret corret corret
Pour Non-valeurs et Dé- grèvemens	-	1,546,814	-	271,610	10	(B)1,281,247	T	1	3,099,671	(B) Y compris environ 150,000fr.
Pour Non-valeurs et Attri- butions aux Communes sur les Patentes	1	L	1	1	J.	1	5	(C) { 1,522,400	1400	2,473,900 ou de tournées des Inspecteurs et Contrôleurs chargés d'en recueillir
:	1	i.	1	4	1	I	1	ſ	Mémoire.	les élémens. (C) Cette somme de 1,522,400fr.
Four Depenses Extraordi- naires des Communes - Pour Réimpositions	11	.11	11	11	11	11	U.	11	Mémoire. Mémoire.	tait partie du principal des ra- tentes, et en a été déduite plus haut.
Totaux (non compris les pour Mémoire) - Centimes 7 Tratemens et taxatione des	40	216,553,892	80	40,741,530	60	20,499,946	5	19,981,500	19,981,500 297,776,868	
8 T 8	246	1,782,000	245	235,000	245	149,000	246	82,000	2,258,000 12,570,000	find the second
Totaux généraux - Prancs -	1	227,910,892	1	42.556.530	1	21.418.946	1	20.718.500	20.718.500 312.604.868	

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FRANCE.

DI	ESIGN	ATION	DES	REV	ENU	S ET	IMP	OTS.		Produits bruts présumés.
Enregistrement, Coupes de bois d	e l'ordina	t Domai ire de 18	ne, et) 23. (Pr	produit	acces des adj	judicati	des Foi ions pa	rêts	n traites)	Francs. 169,000,000 17,600,000
Douanes et sels. D	accid roits sur	lentelles		-	- -	-	- /0	,100,000 ,500,000	128,600,000	
P	roduits p	résumés a	les am	endes e	t confi	scation	s attril	ouées	2,000,000	130,600,000
								Total	Francs -	317,200,000
20	. Produ	its affect	és aux	Dépen	ises gé	nérales	de l'	Etat.		
Excédant évent	uel des pr	oduits ci	-dessu	s sur le	servic	e de la	Dette	Consolio	lée -	Mémoire.
Contributions in			généra	ux	•	-	•	•	125,000,000	
	Vente de			-	•	•	•		64,900,000 3,200,000	
	Vente de Recouvr				-		21		900,000	
	Produit	des amer	ides et	confisc	ations.	(Porti	on att	ribuée.		
Postes -		4	•	-		-				23,900,000
Loteries					•			-		14,000,000
Versement au T				, en ver	tu de l	a Loi du	19 Ju	llet, 182	2,400,000	5,500,000
Produits divers				•		-			1,000,000	
		ts de l'In es de div		rigines		1	1.5		2,100,000	
				-	24.					- 5,500,000
	nuit liqu	ges des I és et d idation.	u 2e c	inquiè	me de	s reco	nnaiss	ances d	le	
Excédant sur le Arrérages des re	entes du c	du premi leuxième	er cinqu	luième lième	-	:	2	;	364,555 3,418,956	
Contributions of	lirectes.	Princip	al et ce	ntimes	additi	onnels		-	297,776,86	3,700,010
		Centim				•	•	•	14,828,000	312,604,86
Transport au B	udget de	l'Exercio	e 1823,	de l'ex	cédant	t de Re	cette s	ur l'Exe	ercice, 1821.	560,388,370 31,542,40
								Tota	I Francs -	591,930,78
		Ré	capitul	ation d	es Re	cettes.				
1º. Produits 2º. Produits					•	:	2	1	: :	317,200,000 591,930,78
Montant présu	mé des pr	oduits p	ropres	au Bud	get de	l'Exerc	ice, 18	23	· .	909,130,78
Server and the server				es pour						
Instruction Pu Produit de la T		1.14			•			2,167,00		
r rouuit de la 1	axe spec	late ues i	JETCE	u			-	10,00	- 2,242,00	0
Direction géné	rale des p	oudres e	t salpêt	res	-	•			3,126,20	0 - 5,368,20
							Tota	l généra	I Francs -	914,498,98
		1.67		Résulta						
Les Re	cettes pro	sumées s	ont de			-	•	•	914,498,9	
Les Dé	penses (E	itats A. e	t B.) de	2		•	•		905,206,6	53

Etat E. Budget Général des Revenus de l'Etat pour l'Exercice 1823.

Certifie conforme : Le Ministre Secrétaire d'Etat au Département des Finances, J. DE VILLELE. -

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ORDONNANCE du Roi de France, qui prescrit la Publication de la Convention conclue entre Sa Majesté Très-Chrétienne et Sa Majesté Catholique, le 30 Avril, 1822, et ratifiée à Paris, le 18 Mai suivant, concernant la Liquidation et le Paiement des Créances des Français à la charge de l'Espagne.

A Paris, le 22 Août, 1822.

Louis, par la Grâce de Dieu, Roi de France et de Navarre, à tous ceux qui ces présentes verront, salut.

Nous avons ordonné et ordonnons que la Convention suivante, conclue entre Nous et Sa Majesté Catholique, le 30 Avril, 1822, et ratifiée à Paris le 18 Mai suivant, sera insérée au Bulletin des Lois, pour être exécutée suivant sa forme et teneur.

Convention entre Sa Majesté Très-Chrétienne et Sa Majesté Catholique.

Sa Majesté Très-Chrétienne et Sa Majesté Catholique, étant également animées du desir de mettre un terme aux difficultés, qui ont retardé jusqu'à présent la liquidation et le paiement des créances des Sujets de Sa dite Majesté Très-Chrétienne à la charge de l'Espagne, et voulant, pour l'utilité commune de leurs Sujets respectifs, régler cet objet par un arrangement définitif, ont nommé, dans ce but et à cet effet, pour leurs Plénipotentiaires, savoir :

Sa Majesté Très-Chrétienne,

Le S^r. Gérard de Rayneval, Conseiller d'Etat, son Ministre Plénipotentiaire et Envoyé Extraordinaire près la Cour de Prusse, Commandeur de l'Ordre Royal de la Légion d'Honneur, et Chevalier de l'Ordre Très-distingué de Charles III. &c. &c. &c. ;

Et Sa Majesté Catholique,

Don Joseph Noguera, son Secrétaire en Exercice, Premier Officier de la Secrétairerie d'Etat, Chevalier de l'Ordre Très-distingué de Charles III. &c. &c. &c.

Lesquels, après s'être communiqué leurs Pleins Pouvoirs respectifs, sont convenus des Articles suivans :

Art. I. A l'effet d'opérer le remboursement et l'extinction totale des créances des Sujets de Sa Majesté Très-Chrétienne, dont le paiement est réclamé de Sa Majesté Catholique, en vertu du 1 Article Additionnel au Traité du 20 Juillet, 1814, la somme de 425,000 francs en Rentes, représentant un Capital de 8,500,000 francs, sera prélevée par le Gouvernement Français sur celle qui est actuellement en dépôt entre ses mains, et qui appartient à l'Espagne, en vertu des précédentes Conventions.

II. Au moyen de l'exécution de la Stipulation précédente, Sa Majesté Très-Chrétienne se charge de pourvoir au remboursement desdites créances de ses Sujets sur l'Espagne, fondées sur le l Article

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Additionnel au Traité du 20 Juillet, 1814, et Sa Majesté Catholique se trouve, en conséquence, complétement libérée de tout ce qu'elle pouvait leur devoir en vertu dudit Article.

III. Immédiatement après l'échange des Ratifications de la présente Convention, le Gouvernement Français fera remettre à la Personne ou aux Personnes qui seront autorisées, à cet effet, par Sa Majesté Catholique, le surplus de la Rente qu'il a gardée en dépôt, y compris la somme totale des Intérêts accumulés et composés par lui perçus jusqu'à ce jour.

IV. Afin de prévenir, autant qu'il est possible, toutes les difficultés qui pourraient entraver et retarder la liquidation qui devra être faite par le Gouvernement Français, d'après l'Article II. ci-dessus, le Gouvernement Espagnol s'engage à faciliter, de toutes les manières, la production des titres et pièces, servant à constater les réclamations auxquelles se rapporte ledit Article.

V. Dans le cas où, contre la teneur de l'Article Additionnel au Traité du 20 Juillet, 1814, le séquestre existerait encore sur des Propriétés Françaises dans les Etats de Sa Majesté Catholique, la main levée en sera immédiatement effectuée.

VI. Il est bien entendu que les Stipulations ci-dessus, relatives seulement à l'extinction des Créances fondées sur le 1 Article Additionnel au Traité du 20 Juillet, 1814, ne préjudicient en rien aux réclamations de toute autre nature que des Sujets de Sa Majesté Très-Chrétienne auraient à faire valoir sur le Gouvernement Espagnol, lesquelles réclamations seront liquidées et payées par ce Gouvernement, conformément aux Lois et Décrets sur la Dette Publique d'Espagne.

VII. La présente Convention sera ratifiée, et les Ratifications en seront échangées à Paris, dans le terme d'un mois, ou plus tôt, si faire se peut.

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

Fait à Paris, le 30 Avril, 1822.

(L.S.) RAYNEVAL.

(L.S.) JOSEPH NOGUERA.

Article Séparé.

Pour prévenir le renouvellement des difficultés qui se sont élevées, lors de l'exécution de la Convention du 25 Avril, 1818, sur le paiement des Créances qui ont cessé d'appartenir à leurs titulaires primitifs, il est bien convenu que ce sera l'origine de la Créance, et non la qualité de celui qui en serait porteur, qui déterminera de quelle manière et par quel Gouvernement elle devra être payée, sans que l'on puisse regarder le transfert qui en aurait été ou en serait fait, comme un motif qui puisse en faire refuser la liquidation et le paiement. Le présent Article séparé aura la même force et valeur que s'il était inséré mot à mot dans la Convention de ce jour. Il sera ratifié et les Ratifications en seront échangées en même temps.

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

Fait à Paris, le 30 Avril, 1822. (L.S.) RAYNEVAL.

(L.S.) JOSEPH NOGUERA.

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 Secrétaire d'Etat de la Justice, est chargé d'en surveiller la publication.

Donné à Paris, au Château des Tuileries, le 22 jour du mois d'Août, de l'An de Grâce 1822, et de notre Règne le 28ème.

LOUIS.

Par le Roi;

Le Ministre Secrétaire d'Etat au Département des Affaires Etrangères,

LE VTE. DE MONTMORENCY.

Le Ministre Secrétaire d'Etat au Département de l'Intérieur, chargé du Portefeuille de la Justice,

CORBIERE.

SPEECH of The King to both Houses of the British Parliament, on Closing the Session. 6th August, 1822.

My Lords, and Gentlemen,

I CANNOT release you from your attendance in Parliament, without assuring you how sensible I am of the attention you have paid to the many important objects which have been brought before you in the course of this long and laborious Session.

I continue to receive from Foreign Powers the strongest assurances of their friendly disposition towards this Country; and I have the satisfaction of believing, that the Differences which had unfortunately arisen between the Court of Saint Petersburgh and the Ottoman Porte, are in such a train of adjustment as to afford a fair prospect that the Peace of Europe will not be disturbed.

Gentlemen of the House of Commons,

I thank you for the Supplies which you have granted me for the service of the present Year, and for the wisdom you have manifested, in availing yourselves of the first opportunity to reduce the Interest of a part of the National Debt, without the least infringement of Parliamentary faith.

It is most gratifying to Me that you should have been enabled, in consequence of this and of other Measures, to relieve my People from some of their burthens.

My Lords and Gentlemen,

The distress which has for some months past pervaded a considerable portion of Ireland, arising principally from the failure of that crop on which the great body of the Population depends for their subsistence, has deeply affected me.

The Measures which you have adopted for the relief of the Sufferers meet with My warmest approbation, and seconded as they have been by the spontaneous and generous efforts of My People, they have most materially contributed to alleviate the pressure of this severe calamity.

I have the satisfaction of knowing, that these exertions have been justly appreciated in Ireland; and I entertain a sincere belief that the benevolence and sympathy so conspicuously manifested upon the present occasion, will essentially promote the object which I have ever had at heart, that of cementing the connection which subsists between every part of the Empire, and of uniting in brotherly love and affection all classes and descriptions of My Subjects.

MESSAGE from the President of The United States, transmitting the information required by a Resolution of the House of Representatives of the 16th of February last, in relation to Claims set up by Foreign Governments to Territory of The United States upon the Pacifick Ocean, North of the 42d degree of Latitude, &c. &c.-15th April, 1822.

To the House of Representatives of The United States.

In compliance with a Resolution of the House of Representatives of the 16th of February last, requesting the President of The United States "to communicate to that House, whether any Foreign Government has made Claim to any part of the Territory of The United States upon the Coast of the Pacifick Ocean, North of the 42d degree of Latitude, and to what extent; whether any Regulations have been made by Foreign Powers affecting the Trade on that Coast, and how far it affects the interests of this Republick; and whether any Communications have been made to this Government, by Foreign Powers, touching the contemplated occupation of Columbia River," I now transmit a Report

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from the Secretary of State, containing the information embraced by that Resolution.

Washington, 15th April, 1822.

JAMES MONROE.

Report of the Secretary of State.

Department of State, Washington, 13th April, 1822.

THE Secretary of State, to whom has been referred the Resolution of the House of Representatives, of the 16th of February last, requesting the President of The United States "to communicate to that House, whether any Foreign Government has made Claim to any part of the Territory of The United States upon the Coast of the Pacifick Ocean, north of the 42d degree of Latitude, and to what extent; whether any Regulations have been made, by Foreign Powers, affecting the Trade on that Coast, and how far it affects the interests of this Republick; and whether any Communications have been made to this Government, by Foreign Powers, touching the contemplated occupation of the Columbia River," has the honour of submitting to the President sundry Papers, containing the information embraced by the Resolution.

At the time when the subject of the proposed occupation of the Columbia River was presented to the consideration of Congress, at their last Session, the Minister of Great Britain, at two several interviews with the Secretary of State, suggested that Great Britain had Claims on the North-west Coast of America, with which he conceived that such occupation on the part of The United States would conflict; and requested to be informed what were the intentions of the Government of The United States in this respect. The Secretary of State declined answering those inquiries, or discussing those Claims, otherwise than in writing. But no written Communication upon the subject has been received.

The President of The United States. JOHN QUINCY ADAMS.

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(1.)-Mr. Monroe to Mr. Baker.

Department of State, 18th July 1815.

It is represented that an Expedition which had been sent by your Government, against a Post of The United States established on Columbia River, had succeeded in taking possession of it. By the 1st Article of the Treaty of Peace it is stipulated, that all Territory, Places, and Possessions, whatsoever, taken by either Party from the other during the War, shall be restored without delay, with the exception only of the Islands in Passamaquoddy Bay, which should remain in the possession of the Party in whose occupation they then were, subject to the decision provided for in the 4th Article. As the Post on Columbia River was taken during the War, and is not within the exception stipulated, The United States are, of course, entitled to its restitution ; measures, therefore, will be taken to reoccupy it without delay. It is probable that your Government may have given Orders for its restitution; to prevent, however, any difficulty on the subject, I have to request that you will have the goodness to furnish me with a Letter to the British Commander there to that effect.

I have the honour to be, &c.

Anthony St. John Baker, Esq. JAMES MONROE. Chargé d'Affaires from Great Britain.

(2.)-Mr. Baker to the Secretary of State.

Washington, 23rd July, 1815.

I HAVE had the honour to receive your Letter of the 18th instant, acquainting me that it had been represented to the American Government, that a British Force, sent for that purpose, had succeeded in taking possession of The United States Establishment on Columbia River, and claiming its restoration under the words of the 1st Article of the Treaty, upon the ground of its having been captured during the War; stating, likewise, that His Majesty's Government may have given orders for its restitution, but requesting, with a view to prevent any difficulty on the subject, that I would furnish a Letter to that effect to the British Commander there.

As I have received no Communication from His Majesty's Government on the subject of these Orders, you will readily, I am convinced,

SIR,

SIR,

perceive the impracticability of my furnishing a Letter of this nature; and, although it is believed that the Post in question has been captured, of which, however, the American Government does not appear to have any certain information, on which to ground the claim of restitution, yet another point, equally essential, remains in great uncertainty, viz: whether any Persons whatsoever were left to retain possession of it. My impression is, that the Establishment was broken up, and the Persons found there brought away. Vice-Admiral Dixon, however, the Commander-in-Chief of His Majesty's Naval Forces on the Brazil Station, within whose command the Pacifick Ocean is included, is no doubt in possession of every necessary information in relation to this Post, and will be able to communicate on the subject with any anthorized Agent on the part of The United States.

Having observed, that you have stated, in two Letters which I have lately had the honour of receiving from you, that I had been particularly charged with the execution of the Treaty of Peace, I avail myself of this opportunity of noticing the circumstance, simply with a view of preventing any possible misapprehension, which might be produced by it. You will perceive, on a reference to the two Credentials, empowering me to exchange the Ratifications, and to act as His Majesty's Chargé d'Affaires, that no such particular authority was vested in me, although the general powers of the above Character would undoubtedly enable me to promote, and, in some respects, accomplish this object.

I have the honour to be, &c.

The Hon. James Monroe. ANTHONY

ANTHONY ST. JNO. BAKER.

(3.)-Mr. Bagot to the Secretary of State.

SIR,

Washington, 26th November, 1817.

FROM the conversation which you did me the honour to hold with me 2 days ago, upon the occasion of the inquiry which I thought it my duty to make, relative to the reported destination of The United States' Sloop of War Ontario, I am, I presume, warranted in inferring, that the information, which I had previously received upon that subject, is essentially correct, and that one of the objects of the Voyage of the Ontario is to establish a Settlement in the neighbourhood of the Columbia River, on the North-west Coast of America.

It will be remembered, that, some months after the exchange of the Ratifications of the Treaty of Peace, an application was made to Mr. Baker, then His Majesty's Chargé d'Affaires in this Country, claiming the restitution of a Post, which had been held by The United States upon the Columbia River, and which was alleged to have been captured during the War; and Mr. Baker was requested to take steps for the purpose of facilitating its restoration.

Mr. Baker having, in his reply, pointed out the insufficiency of the evidence, on which the Claim of Restitution appeared to be founded, and having represented his want of authentic information and Instructions upon the subject, referred the Secretary of State to the British Admiral, within whose command he conceived the Pacifick Ocean to be included.

In consequence of this Correspondence, an application was soon afterwards made by Mr. Baker, to the Governor-General of Canada, in the expectation that he perhaps might be enabled to furnish some information upon the subject, in the event of the question being again brought into discussion.

From the Reports then made by him, it appeared that the Post in question had not been captured during the late War, but that the Americans had retired from it, under an agreement made with the Northwest Company, who had purchased their effects, and who had, ever since, retained peaceable possession of the Coast.

As it thus appears that no Claim for the Restitution of this Post can be grounded upon the 1st Article of the Treaty of Ghent, and as the Territory itself was early taken possession of in His Majesty's name, and has been since considered as forming a part of His Majesty's Dominions, I have to request, that you will do me the honour to furnish me with such explanation, as you may judge proper, of the object of the voyage of the *Ontario*, so far as it may relate to Establishments upon the Territory to which I refer, in order that I may be enabled to represent to His Majesty's Government, in its just point of view, a measure, in which His Majesty's rights and interests appear to be so materially involved. I have, &c.

The Hon. J. Q. Adams.

CHARLES BAGOT.

(4.)-Mr. Rush to the Secretary of State.

(Extract.)

London, 14th February, 1818.

I AM now to have the honour of stating all that passed in the Conversation with Lord Castlereagh, on the first of this month.

His Lorship introduced, in the last place, assuaging, as much as possible, by his manner, the essential character of his remarks, the affair of the Establishment at the mouth of the River Columbia. A Dispatch from Mr. Bagot, he observed, had acquainted the Government here with the steps lately taken by the Government of The United States, to repossess itself of that Post; and he had to express to me the regret which had been felt at the measure. It was to have been wished, he intimated, that, before the *Ontario* sailed, notice had been given to the British Minister at Washington of the intention to dispatch her, with a communication of the objects of her destination, Great Britain having a claim of dominion over the Territory in question. He went on to inform me that Mr. Bagot had sent in a remonstrance upon the occasion, to which, at the last dates, an Answer had not been returned. His Lordship closed by saying, that it was the desire of this Government to submit to the Government of The United States a proposal that the claim of title to this Post should, as in the two former instances, go before Commissioners, and be governed, in other respects, by the precedent of the Treaty, annexing to it a third Supplemental Article as the groundwork of an eventual arbitration.

To his propositions and remarks, I made such replies as the nature of all, and the novelty of some of them, appeared to demand. First. as to the Settlement at Columbia River. Having heard nothing from this Department upon the subject, I was necessarily uninformed of what passed at Washington. I could only treat it as my first impressions dictated. I expressed the surprise which I felt at its assuming an aspect of complaint. The just grounds upon which England claimed dominion were, I said, unknown to me. Granting that there did exist in her favour any Claim or pretence of Right, was it possible that the lawfulness of the step taken could be drawn into question? That the spot was in our possession before the War was a fact known to the World. That it fell, by Belligerent Capture, into the hands of Britain, whilst it raged, was alike notorious. How, then, under a Treaty which stipulated the mutual restitution of all Places reduced by the arms of either Party, was our right to immediate and full re-possession to be, for an instant, impugned? I adverted to the familiar Case of Nootka Sound, and the Falkland Islands. Here Great Britain, under circumstances far less strong, had asserted the undeniable principle of which we had claimed the benefit. In fine, I knew not how to illustrate or justify, by argument, a measure which seemed to rest upon so broad and indisputable a foundation of National Right. It is proper, at this stage to say, that Lord Castlereagh admitted, in the most ample extent, our right to be reinstated, and to be the Party in possession while treating of the title. The manner of obtaining it, he said, was alone to be lamented, declaring that it arose from the possible tendency which it might have, to give some momentary disturbance in that region to the general harmony subsisting between the Countries. He hoped. sincerely, this would not be the case, and added, that, with a view to forestall, by the most prompt and practicable means, such a result, he had addressed a Note to the Lords of the Admiralty, and another to Lord Bathurst, Secretary of State for the Colonial Department, on the 26th of last month, desiring that the proper Orders might be expedited to prevent, under whatever form, all hostile collision. A Copy of these Notes he took down and read to me.

I proceeded with further remarks. Though it was scarcely to be expected, I said, that I could yet have received information from my Government relative to the measure, and although, in fact, nothing had reached me, I was, nevertheless, most abundantly confident that it had originated in no unfriendly motive or feeling. It had so happened, I continued, that I had been honoured with some knowledge of the executive deliberations at about the time the Ontario sailed, which left me the less scruple in making this assertion. It was true I had come away before her final departure; but sure I felt, that there could have been no alteration in the unexceptionable views that had suggested the Voyage; and, above all, I subjoined, that the use of force, as a means of re-establishing our previous dominion, had in no wise coupled itself with the intentions that were formed. These assurances, I thought, appeared to go some lengths towards placing the transaction in its innocent and justifiable lights. Given, as they were, frankly, I hope that what I said may be found to meet the President's approbation. I felt all the extravagance of the supposition that there had been any deviation, on the part of the Government, in this instance, from its wonted respect to the rights of other Nations. Lord Castlereagh did not, in any way, unfold the nature of the British Claim. The Hon. J. Q. Adams.

RICHARD RUSH.

(5.)—The Secretary of State to Mr. Rush.

Department of State, Washington, 20th May, 1818. (Extract.) FROM the tenour of your Correspondence with Lord Castlereagh, reported in your Dispatch, as well as from the Communications made here on the same subject, by Mr. Bagot, it appears that the British Government have acceded to the proposals heretofore made on our part, to refer the Question which has arisen upon the construction of the 1st Article of the Treaty of Ghent, in relation to the restitution of Slaves carried away from The United States, after the Ratification of the Treaty of Peace, to the arbitration of a friendly Sovereign. This accession is understood to be absolute and unconditional ; but accompanied with the suggestion of a wish, on the part of the British Cabinet, to try, as a previous measure, the experiment adopted for the adjustment of other Questions between the two Countries, of submitting the Case to the decision of Commissioners mutually chosen by the two Parties; submitting at the same time to the same, or other Commissioners, appointed in like manner, the ascertainment and demarcation of a Boundary Line from the Northwest corner of the Lake of the Woods, Westward; and the right and title of The United States to a Settlement at the mouth of Columbia River on the Pacifick Ocean.

If the proposal to refer to Commissioners the decision of the Question relating to the Slaves, before having recourse to the Arbitration, had been confined to that object, it would have been accepted without hesitation or delay. But it has been so connected with the others. that Lord Castlereagh at least avoided committing his Government to the engagement, of disposing in that manner, of this particular point of difference by itself. Mr. Bagot's statement of the proposal is of the same character. Without explicitly declaring that the British Government would decline submitting the Slave Question alone to Commissioners, he did not profess to be authorized to agree to it separately,

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and urged, on various grounds, the expediency of arranging, as soon as possible, and by the same means, all the subjects which might even be hereafter occasions of misunderstanding between the two Counries.

Taken altogether as a complicated Proposal, it involves a multitude of considerations, which require some deliberation before a definitive Answer can be given. As soon as the President shall have come to a determination concerning it, the result will be immediately com-In the mean time, it may be proper that you municated to you. should assure Lord Castlereagh that it was entirely owing to accident. and to the Communications which had previously passed between the late Secretary of State and Mr. Baker, concerning the restitution of the Post at the mouth of Columbia River, that the Ontario was dispatched for the purpose of resuming our possession there, without giving notice of the Expedition to Mr. Bagot, and to his Government. Copies of these Communications are herewith inclosed, from which it was concluded, that no authorized English Establishment existed at the Place; and as they intimated no question whatever, of the title of The United States to the Settlement, which existed there before the late War, it did not occur that any such question had since arisen, which could make it an object of interest to Great Britain. You are authorized to add, that notice of the departure of the Ontario, and the object of her voyage, would nevertheless have been given, but that the Expedition was determined, and the Vessel dispatched, during the President's absence from the seat of Government, the last Season.

These explanations have already been given to Mr. Bagot, who has expressed himself entirely satisfied with them; and his conviction that they will be equally satisfactory to his Government. As it was not anticipated that any disposition existed in the British Government to start questions of title with us, on the Borders of the South Sea, we could have no possible motive for reserve or concealment with regard to the Expedition of the Ontario. In suggesting these ideas to Lord Castlereagh, rather in conversation than in any more formal manner, it may be proper to remark the minuteness of the present interests, either to Great Britain or to The United States, involved in this concern; and the unwillingness, for that reason, of this Government, to include it among the objects of serious discussion with them. At the same time you might give him to understand, though not unless in a manner to avoid every thing offensive in the suggestion, that from the nature of things, if in the course of future events if should ever become an object of serious importance to The United States, it can scarcely be supposed that Great Britain would find it useful or advisable to resist their Claim to possession by systematic opposition. If the United States leave her in undisturbed enjoyment of all her Holds upon Europe, Asia, and Africa, with all her actual Possessions in this Hemisphere, we may very fairly expect, that she will not think it consistent, either with a wise or a friendly policy, to watch with eyes of jealousy and alarm, every possibility of extension to our natural dominion, in North America, which she can have no solid interest to prevent, until all possibility of her preventing it shall have vanished.

Richard Rush, Esq.

J. Q. ADAMS.

(6.)-Mr. Rush to the Secretary of State.

(Extract.)

London, 25th July, 1818.

LORD CASTLEREAGH returned from Ireland sooner than was expected, having got back on the 14th of this month. On the 15th I wrote him a Note, requesting an official interview, which he granted me on the 16th.

I began the conversation by affording the explanations embraced in your Dispatch, respecting the Ontario's voyage to the mouth of the River Columbia. In the course of them, I particularly dwelt, according to your Instructions, upon the Correspondence which took place between the Secretary of State and Mr. Baker, soon after the Peace, in which the latter never made a question as to the valid title of The United States, or intimated the existence of any authorized Establishment at that Post, on the part of Great Britain, before the War. His Lordship said nothing in reply, though it appeared to me that the explanation was satisfactory to him, removing, as it does, all ground of complaint.

The Hon. J. Q. Adams.

RICHARD RUSH.

SIR.

(7.)-Mr. Prevost to the Secretary of State.

Monte Rey, New California, 11th November, 1818. In conformity with mine of the 27th July, which I had the honour to address to your Department from Lima, I proceeded in His Britannick Majesty's Sloop of War Blossom, to the mouth of the Columbia, and entered the River on the 1st of October following. A few days thereafter, to wit, on the 6th, as you will perceive by referring to a Copy of the Act of Surrender, marked A, I received, in the name, and on the part of The United States, the possession of the Establishment at Fort George, made, under the 1st Article of the Treaty of Ghent, by Captain Hickey, of the Royal Navy, in compliance with the Orders of the Prince Regent for that purpose, signified to him through the medium of the Earl Bathurst. The British Flag was thereupon lowered, and that of The United States hoisted in its stead, where it now waves in token both of possession and of sovereignty.

The Establishment, of which the annexed Sketch, marked B, will give you a correct idea, has been considerably extended and improved by the Agents of the North-west Company of Canada; who will continue to occupy and protect it under our Flag, until it shall please the President to give orders for their removal. I will, however, suggest,

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that when this disposition shall take place, time ought to be granted in a ratio with the distance, to enable them to obtain the means of transporting the private property deposited there, consisting of dry goods, furs, and implements of war, to a large amount. Shortly after the ceremony and surrender, I received a Note on this subject from Mr. Keith, the Gentleman whose signature accompanies that of Captain Hickey, which, together with a Copy of my Answer, also marked B, is submitted for your inspection. A sense of justice would have dictated the assurances I have given him in reply; but I had a further motive, which was that of subsiding the apprehensions excited by the abrupt visit of the Ontario. It appeared to me prudent, in this view, to take no notice of the suggestion relative to a discussion of Boundary, and, in answering, to avoid any intimation of immediate, or of future removal, as either might have induced him to form a Settlement elsewhere on the River, and thus give rise to collisions between the two Governments which may now be wholly avoided.

The Bay is spacious, contains several anchoring places in a sufficient depth of water, and is by no means so difficult of ingress as has been represented. Those enjoying the exclusive commerce have probably cherished an impression so favourable to its continuance, growing out of the incomplete Survey of Lieutenant Broughton, made under the orders of Vancouver, in 1792. It is true that there is a Bar extending across the mouth of the River, at either extremity of which, are, at times, appalling breakers; but it is equally true that it offers, at the lowest tides, a depth of 21 feet of water, throughout a passage, exempt from them, of nearly a league in width. The Blossom, carrying more guns than the Ontario, encountered a change of wind while in the Channel, was compelled to let go the anchor, and when again weighed, to tack and beat in order to reach the Harbour, vet found a greater depth, and met with no difficulty either then or on leaving the Bay. The Survey marked C may be relied on for its accuracy. The bearings, distances, and soundings, were taken by Captain Hickey, who was kind enough to lend himself to the examination, and to furnish me with this result. It is the more interesting, as it shews that, with the aid of buoys, the access to Vessels of almost any tonnage may be rendered secure. In addition to this, it is susceptible of entire defence, because a Ship, after passing the Bar, in order to avoid the breaking of the Sea on one of the Banks, is obliged to bear up directly for the Knoll forming the Cape, at all times, to approach within a short distance of its base, and most frequently then to anchor. Thus, a small Battery erected on this point, in conjunction with the surges on the opposite side, would so endanger the approach as to deter an Enemy, however hardy, from the attempt.

This outlet, the only one between the 38th and 53d degrees of Latitude, embraces the entire range of Country from the ocean to the mountains, and its interior unites the advantage of a water communication throughout, by means of the many streams tributary to the Columbia, two of which disembogue opposite to each other, within 25 leagues of the Port, are navigable, and nearly of equal magnitude with this beautiful river. The ocean teems with the otter (mustela), the seal, and the whale; while the main land affords, in innumerable quantities, the common otter (musk), the bear, the buffalo, and the whole variety of deer.

It has been observed by those exploring this Coast, that the climate to the Southward of 53, assumes a mildness unknown in the same Latitude on the Eastern side of the Continent. Without digressing to speculate upon the cause, I will merely state that such is particularly the fact in 46° 16', the site of Fort George. The mercury, during the winter, seldom descends below the freezing point; when it does so, it is rarely stationary for any number of days, and the severity of the season is more determined by the quantity of water than by its congelation. The rains usually commence with November, and continue to fall partially until the latter end of March, or beginning of April. A benign spring succeeds, and when the summer heats obtain, they are so tempered by showers as seldom to suspend vegetation. I found it luxuriant on my arrival, and during a fortnight's stay experienced no change of weather to retard its course. The soil is good; all the cereal, gramina, and tuberous plants, may be cultivated with advantage, and the waters abound in salmon, sturgeon, and other varieties of fish.

The Natives, in appearance, as well as in character, differ essentially from those with us. They are less in stature, more delicately formed, and singular in the shape of the head, which, in infancy, is compressed between two small plates of wood or metal, so as in its growth to obtain the semblance of a wedge. They are inquisitive, cheerful, sagacious, possess fewer of the vices attributed to the savage, and are less addicted to cruelties in war: scalping is unknown to them, and a Prisoner suffers the infliction of no other punishment than that of becoming Slave to the Captor; but as they neither sow nor reap, an observer cannot easily discern in what the servitude consists. The wants of the one are supplied by his own address in the use of the bow and the spear, while those of the other require the same efforts and equal skill for their gratification.

The language on the side of the Falls bears a strong analogy with that of Nootka, so much so, that with the aid of a Spanish Vocabulary of the latter, accompanying the voyage of Valdes, I could, notwithstanding the imperfection in this mode of conveying and of obtaining sounds, express my wants, and be perfectly understood. I met with several of the Natives, who had heretofore volunteered on board of some one of our Vessels, in their fur excursions, two of whom had acquired a sufficient knowledge of our language to speak it with some ease, and were extremely solicitous to embark with us.

I regret that I could not collect sufficient data upon which to ground an estimate of the furs gathered on the Columbia: it was impossible, for reasons that are obvious. Humboldt has undertaken to number those of the otter, taken on the Coast and shipped to China, of which he assigns five-sixths to the American: he may be correct in the quantity, but I doubt whether the proportion be quite so great, as it frequently happens that the English Adventurer confides his stock to our Countrymen, in order to participate in the benefit of a market, from a direct intercourse with which he is excluded by the Laws of his Country.

Perhaps I have gone too much into detail; but it appeared to me that, by exhibiting the importance of the position only, I should not have fulfilled the object of the President; that it was equally incumbent upon me to present a view of the Country, of its Inhabitants, of its resources, of its approach, and of its means of defence. I shall now conclude with the relation of an occurrence which may and ought to influence the course to be adopted and pursued as to this Station.

The speculations of Humboldt, his glowing descriptions of the soil and climate of this Province, have probably given a new direction to the ambition of Russia, and determined its Emperor to the acquisition of Empire in America. Until 1816, the Settlements of this Power did not reach to the Southward of 55,* and were of no consideration, although dignified by them with the title of Russian America. In the commencement of that Year, two distinct Establishments were made. of a different and of a more imposing character: the first at Atooi, one of the Sandwich Islands, the other in this vicinity, within a few leagues of St. Francisco, the most Northerly possession of Spain, in 37. 56. The Sketch I subjoin, marked D, was procured from a Member of the Government at this Place; from whom I also learned that its augmentation has since become so considerable, as to excite serious alarm. Two Russian Ships left this, on their way thither, a few days anterior to our arrival, the one having on board Mechanics of every description, together with implements of husbandry. We passed sufficiently near the spot assigned to it, to distinguish the Coast with some precision, and ascertained that it was an open road, a circumstance that renders the position liable to many objections, if intended to be permanent: in other respects the choice is judicious for an infant Colony.

• Chart of the Discoveries of Russian Navigators, published by order of the Emperor, in 1802; referred to by Humboldt, in his View of New Spain; Translation, Page 270, 2d Vol. (Note.)

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It enjoys a climate still milder than that of Columbia, is environed by a beautiful Country, and its proximity to an old Settlement enables the Russian to partake of the numerous herds of black cattle and horses that have been there multiplying for the last 50 years. The Port of St. Francis is one of the most convenient, extensive, and safe, in the World, wholly without defence, and in the neighbourhood of a feeble, diffused, and disaffected Population. Under all these circumstances, may we not infer views to the early possession of this Harbour, and, ultimately, to the Sovereignty of entire California? Surely the growth of a Race on these Shores, scarcely emerged from the savage state, guided by a Chief who seeks not to emancipate, but to enthral, is an event to be deprecated! An event, the mere apprehension of which ought to excite the jealousies of The United States, so far, at least, as to induce the cautionary measure of preserving a Station which may serve as a Barrier to a Northern aggrandizement.

I have not been able to gather other information respecting the Settlement at Atooi, than that of an assurance of its existence, a fact corroborated by the visit of the 2 Ships to those Islands, in their route hither. The Russians are not yet such enterprising Navigators as to augment sea risks, by extending a voyage several thousand miles without an object. Such was the case in this instance, unless connected with the Settlement, as they had sailed from Lima abundantly supplied, a few weeks prior to my first visit to that City, in April last.

These Islands yield the sandal wood, so much esteemed in China, and have been resorted to by our Vessels for years past, not only in search of this valuable article, but of the necessary stock of fresh provisions to supply the Crew during their Cruise on the North-west Coast. How far this intercourse may be affected hereafter by this encroachment, is also a subject for the consideration of the President.

I have taken the liberty to inclose a Note, marked E, of the Authorities, Spanish as well as English, that have fallen under my view, illustrating the discovery of the Columbia by Mr. Gray, in 1791. Its subsequent occupation in 1811, by which the Sovereignty of The United States was completed, to the exclusion of any European Claimant, is a fact, of which the Surrender of the sole Establishment on the River is conclusive evidence. I have the honour to be, &c. The Hon. J. Q. Adams. J. B. PREVOST.

(Inclosure A.)-Act of Surrender and Acknowledgment.

In obedience to the commands of His Royal Highness the Prince Regent, signified in a Dispatch from the Right Hon. Earl Bathurst, addressed to the Partners or Agents of the North-west Company, bearing date 27th January, 1818, and in obedience to subsequent Orders, dated the 26th July last, from William H. Shirreff, Esq. Captain 470 UNITED STATES AND GREAT BRITAIN.

of His Majesty's Ship Andromache, we, the Undersigned, do, in conformity to the first Article of the Treaty of Ghent, restore to the Government of The United States, through its Agent, J. B. Prevost, Esq. the Settlement of Fort George, on the River Columbia.

Given under our hands, in Triplicate, at Fort George, Columbia River, this 6th of October, 1818.

> F. HICKEY, Captain of His Majesty's Ship Blossom. JAMES KEITH, of the North-west Company.

I do hereby acknowledge to have this day received, on behalf of the Government of The United States, the possession of the Settlement designated above, in conformity to the first Article of the Treaty of Ghent.

Given under my hand, in Triplicate, at Fort George, Columbia River, this 6th of October, 1818.

J. B. PREVOST, Agent for United States.

(Inclosure b.)-Mr. Keith to Mr. Prevost.

SIR,

, Fort George, Columbia River, 6th October, 1818. Now the Restitution and the Settlement have been made, and that

the North-west Company are still allowed to occupy it in the prosecution of their commercial pursuits, permit me to submit to you the following important queries, to which I request a candid and explicit reply: Whether, or not, you feel authorized, on behalf of The United States, to tender me any assurance, or to afford any security, that no abandonment, or relinquishment of said Settlement will be claimed by your Government in favour of any of its Subjects, to the ejectment and exclusion of said North-west Company, prior to the final decision of the right of sovereignty to the Country, between our respective Governments? And pending such discussion, as also in the event of such sovereignty being confirmed to The United States, may the North-west Company implicitly rely on the justice and equity of your Government, that adequate allowance will be made for any extension, or amelioration of aforesaid Settlement, or of the trade dependent thereon, of which circumstances may from time to time suggest the propriety?

I have the honour, &c.

JAMES KEITH, acting for Self, and North-west Company. J. B. Prevost, Esq.

(Inclosure b.)-Mr. Prevost to Mr. Keith.

SIR,

Fort George, Columbia River, 6th October, 1818.

In answer to your Note of this morning, I have the honour to state, that the principal object of the President in sending me thus far, was to obtain such information of the Place, of its access, and of its commercial importance, as might enable him to submit to the consideration of Congress, measures for the protection and extension of the Establishment. From hence you will perceive that, until the sense of the Government may be taken upon my Report, any assurances I might offer to meet the wishes expressed by you, would be as unauthorized as unavailing.

I, however, Sir, have no hesitation in saying that, should it hereafter comport with the views of the Nation to foster the Settlement, any claim of the North-west Company, justified by the usages of Nations, will be liquidated with great liberality; and that, should its policy induce a system of exclusion, it will never extend to your removal, without sufficient notice to prevent loss and injury to the Company.

I cannot take my leave, Sir, without expressing my approbation of the manner in which an Establishment so precarious has been managed, nor without offering a hope, that the same judicious course may be pursued under the change of Flag, for its success, until the pleasure of the President can be known. I have, &c. James Keith, Esq. J. B. PREVOST.

(Inclosure E.)-Note and Authorities.

RELACION del viase hecho por las Goletos Sutie y Mexicana, in 1792, published in 1802, Page 157.

Introduction to the same, Page 95.

Chart accompanying the Work, in which the Mouth of the Columbia is stated only as an entrance "seen" by Hacata and Quadra, to whom the discovery is ascribed.

Maurelle, the Pilot, who published an account of the Voyage.

This Work has been translated by Barrington, and is referred to in the Instructions to Perouse.

Vancouver, 1st Vol. Quarto Edition, 210, 214, 215.

2d. Vol. 74, Observations incorporated with the Report of Lieut. Broughton Mears, who also perceived indent, but could discover no entrance, and examined the Northern Point "Disappointment," which it still leaves.

(8.)-The Chevalier de Poletica to the Secretary of State.-(Translation.) Washington, 30th January, (11th February) 1822.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of all the Russias, in consequence of Orders which have lately reached him, hastens herewith to transmit to Mr. Adams, Secretary of State in the Department of Foreign Affairs, a printed Copy of the Regulation adopted by the Russian American Company, and sanctioned by His Imperial Majesty, relative to Foreign Commerce in the Waters bordering the Establishments of the said Company, on the North-west Coast of America.

The Undersigned conceives it to be moreover his duty to inform Mr. Adams, that the Imperial Government, in adopting this Regulation, supposes that a Foreign Ship, which shall have sailed from a European Port after the 1st of March, 1822, or from one of the Ports of The United States after the 1st of July of the same Year, cannot lawfully pretend ignorance of these new measures.

The Undersigned eagerly embraces this occasion, &c. The Hon. J. Q. Adams. PIERRE DE POLETICA.

(9.)—Edict of His Imperial Majesty, Autocrat of all the Russias, relating to Trade on the Eastern Coast of Siberia, the North-west Coast of America, and the Aleutian, Kurile and other Islands.—16th September, 1821.—(Translation.)

THE Directing Senate maketh known unto all Men: Whereas, in an Edict of His Imperial Majesty, issued to the Directing Senate on the 4th day of September, and signed by His Imperial Majesty's own hand, it is thus expressed:

"Observing, from Reports submitted to us, that the trade of our Subjects on the Aleutian Islands and on the North-west Coast of America appertaining unto Russia, is subjected, because of secret and illicit traffick, to oppression and impediments; and finding that the principal cause of these difficulties is the want of Rules establishing the Boundaries for Navigation along these Coasts, and the order of Naval Communication, as well in these Places as on the whole of the Eastern Coast of Siberia, and the Kurile Islands, we have deemed it necessary to determine these communications by specific Regulations, which are hereto attached.

"In forwarding these Regulations to the Directing Senate, we command that the same be published for universal information, and that the proper measures be taken to carry them into execution."

Countersigned, COUNT D. GURIEF, Minister of Finances.

It is therefore decreed by the Directing Senate, that His Imperial Majesty's Edict be published for the information of all Men, and that the same be obeyed by all whom it may concern.

THE DIRECTING SENATE.

On the Original is written, in the hand writing of His Imperial Majesty, thus:

Be it accordingly.

ALEXANDER.

Kamenoy Ostroff, 4 th September, 1821.

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(Inclosure.)—Rules established for the limits of Navigation and order of Communication, along the Coast of the Eastern Siberia, the North-western Coast of America, and the Aleutian, Kurile, and other Islands. (Translation.)

SECT. I. THE pursuits of commerce, whaling, and fishery, and of all other industry, on all Islands, Ports, and Gulfs, including the whole of the North-west Coast of America, beginning from Behring's Straits, to the 51° of Northern Latitude, also from the Aleutian Islands to the Eastern Coast of Siberia, as well as along the Kurile Islands from Behring's Straits to the South Cape of the Island of Urup, viz: to the 45° 50' Northern Latitude, is exclusively granted to Russian Subjects.

II. It is therefore prohibited to all Foreign Vessels, not only to land on the Coasts and Islands belonging to Russia, as stated above, but also to approach them within less than 100 Italian miles. The Transgressor's Vessel is subject to confiscation, along with the whole cargo.

III. An exception to this Rule is to be made in favour of Vessels carried thither by heavy gales, or real want of Provisions, and unable to make any other shore but such as belongs to Russia; in these cases they are obliged to produce convincing proofs of actual reason for such an exception. Ships of friendly Governments, merely on discoveries are likewise exempt from the foregoing Rule, (Section II.) In this case, however, they must previously be provided with Passports from the Russian Minister of the Navy.

IV. Foreign Merchant Ships, which for reasons stated in the foregoing Rule, touch at any of the above-mentioned Coasts, are obliged to endeavour to choose a Place where Russians are settled, and to act as hereunder stated.

V. On the arrival of a Foreign Merchant Ship, wind and weather permitting, a Pilot will meet her to appoint an anchoring place appropriated for the purpose. The Captain who, notwithstanding this, anchors elsewhere, without being able to assign a proper reason to the Commander of the Place, shall pay a fine of 100 dollars.

VI. All rowing Boats of Foreign Merchant Vessels are obliged to land at one place appointed for them, where in the day time a White Flag is hung out, and at night a Lantern, and where a Clerk is to attend continually to prevent importing and exporting any articles or goods. Whoever lands at any other place, even without an intent of smuggling, shall pay a fine of 50 dollars; and if a Person be discovered bringing any articles ashore, a fine of 500 dollars is to be exacted, and the goods to be confiscated.

VII. The Commanders of said Vessels being in want of provisions, stores, &c. for the continuation of their Voyage, are bound to apply to the Commander of the Place, who will appoint where these may be obtained, after which they may, without difficulty, send their Boats there

to procure all they want. Whoever deviates from this Rule, shall pay a fine of 100 dollars.

VIII. If it be unavoidable, for the purpose of repairing or careening a Foreign Merchant Ship, that she discharge the whole cargo, the Master is obliged to ask the permission of the Commander of the Place. In this case, the Captain shall deliver to the Commander an exact list of the nature and quality of the goods discharged. Every one who omits to report any part of the cargo, will be suspected of smuggling, and shall pay a fine of 1,000 dollars.

IX. All expenses incurred by these Vessels during their stay in the Russian Territories, must be paid in cash or bills of exchange. In case, however, the Captains of these Ships have no money on board, and nobody gives security for their bonds, the Commander can, at their request, allow the sale of such articles, stores, or goods, required merely for defraying the above stated expenses. These sales, however, can be made only to the Company, and through the medium of the Commander, but must not exceed the expenses of the Ships, under penalty of the cargo being seized, and a fine paid of 1,000 dollars.

X. As soon as the said Foreign Merchant Vessels are ready for their cargoes, stores, provisions, &c. they must immediately proceed to take them in; and after an examination, if they have loaded all the above stated articles, and a written Certificate of their not having left any thing behind, they are to set sail.

Such Vessels as have not been unloaded, are likewise subjected to sail without the least delay, as soon as they are able to proceed to sea.

XI. It is prohibited to all Commanders of the said Foreign Vessels, Commissioners, and others, whosoever they may be, to receive any articles, stores, or goods, in those places where they will have landed, except in the case as per Section VII, under penalty of seizure of their Ship and cargo.

XII. It is prohibited to these Foreign Ships to receive on board, without especial permission of the Commanders, any of the People in the service of the Company, or of the Foreigners living in the Company's Settlements.

Ships proved to have the intention of carrying off any Person belonging to the Colony, shall be seized.

XIII. Every purchase, sale, or barter, is prohibited betwixt a Foreign Merchant Ship, and People in the service of the Company. This prohibition extends equally to those who are on shore, and to those employed in the Company's Ships.

Any Ship acting against this Rule, shall pay 5 times the value of the articles, stores, or goods, constituting this prohibited traffick.

XIV. It is likewise interdicted to Foreign Ships, to carry on any traffick or barter with the Natives of the Islands, and of the North-west Coast of America, in the whole extent hereabove mentioned. A Ship convicted of this trade shall be confiscated. XV. All articles, stores, and goods, found on shore, in Ports or Harbours, belonging to Russian Subjects, (carrying on prohibited traffick) or to Foreign Vessels are to be seized.

XVI. The Foreign Merchant Ships lying in Harbour, or in the Roads, dare, under no pretence, send out their Boats to Vessels at sea, or to those already come in, until they have been spoken to and visited according to the existing customs. Whenever a Foreign Vessel hoists a Yellow Flag to announce an infectious disease being on board, or the symptoms of the same, or any other danger of which she wishes to be freed, every communication is interdicted, until said Flag is taken down. From this Rule, however, are excepted Persons appointed for the purpose, and whose Boats be under the Colours of the Russian American Company.

Any Vessel acting contrary to this Regulation, shall pay a fine of 500 dollars.

XVII. No ballast may be thrown overboard, but in such places as are appointed by the Commanders. The Transgressor is liable to a fine of 500 dollars.

XVIII. To all Foreign Merchant Ships, during their stay in anchoring Places, Harbours, or Roads, it is prohibited to have their guns loaded, either with balls or cartridges, under the risk of paying a fine of 50 dollars for each gun.

XIX. No Foreign Merchant Ship in Port, or in the Roads, or riding at anchor, may fire guns or muskets, without previously informing the Commander of the Place or Settlement, unless it be for Pilots, signalizing the same by the firing of 1, 2, or 3 guns, and hoisting her Colours, as is customary in similar wants. In acting contrary thereto, she is subjected to a fine of 100 dollars for each shot.

XX. On the arrival of a Foreign Ship in the Harbour, or in the Roads, a Boat will immediately be sent to meet her, and to deliver to the Captain a printed Copy of these Regulations, for which he must give receipt in a Book destined for the purpose. He is further obliged to state in the Book, as per annexed form, all information required of Foreign Vessels. All Ships refusing to comply with these Regulations, dare not approach the Harbour, Roads, or any Anchoring Place.

Name and burthen of the Vessel.	What Nation.	Name of the Owner.	Name of the Captain.	Number of the Crew.	Number of Guns.	Cargo.	Place where the Vessel comes from.	Destination of the Vessel.
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XXI. The Captain of a Foreign MerchantShip, coming to an anchor in the Port, or in the Roads, is obliged, on his arrival, to give a statement of the health of the Ship's Crew; and should, after this, a contagious illness be discovered on board of his Vessel, he must immediately inform the Commander of the Place thereof. The Vessel, according to circumstances, will be either sent off, or put under quarantine, in a place appropriated for the purpose, when the Crew may be cured without putting the Inhabitants in danger of infection. Should the Captain of such a Ship conceal the circumstance, the same will be confiscated, with her whole cargo.

XXII. The Master of a Vessel, at the request the Commander of a Place, is obliged to produce a List of the whole Crew, and all the Passengers; and, should he omit any, he shall pay a fine of 100 dollars for every one left out.

XXIII. The Captains are bound to keep their Crew in strict order and proper behaviour, on the Coasts and in the Ports, and likewise prevent their trading or bartering with the Company's People. They are answerable for the conduct of their Sailors and other Inferiors. Illicit trade carried on by Sailors, subjects the Vessel to the same penalty as if done by the Captain himself; because it were easy for the Captains to carry on smuggling without punishment, and justify themselves by throwing the fault on the Sailors. Therefore, every article found upon the Sailors, which they could not hide in their pockets or under their clothes, to screen from their Superiors, sold or bought on shore, will be considered as contraband from the Ship, and is subject to the prescribed fine.

XXIV. Foreign Men-of-war shall likewise comply with the above stated Regulations for the Merchant Ships, to maintain the rights and benefit of the Company. In case of opposition, complaints will be made to their Governments.

XXV. In case a Ship of the Russian Imperial Navy, or one belonging to the Russian American Company, meet a Foreign Vessel on the above stated Coasts, in Harbours or Roads, within the before mentioned limits, and the Commander find grounds by the present Regulation that the Ship be liable to seizure, he is to act as follows:

XXVI. The Commander of a Russian Vessel, suspecting a Foreign one to be liable to confiscation, must inquire and search the same, and, finding her guilty, take possession of her. Should the Foreign Vessel resist, he is to employ, first, persuasion, then threats, and at last force; endeavouring, however, at all events, to do this with as much reserve as possible. If the Foreign Vessel employ force against force, then he shall consider the same as an evident Enemy, and force her to surrender, according to the Naval Laws.

XXVII. After getting every thing in order and safety, on board the Foreign Vessel, the Commander of the Russian Ship, or the

Officer sent by him, shall demand the Journal of the captured Vessel, and on the spot shall note down in the same, that on such a day, month, and year, at such an hour, and in such a place, he met such and such a Foreign Vessel; and shall give a brief account of the circumstance, pursuit, and finally of the seizure. After signing the same, he shall desire the Captain of the Captured Vessel to confirm the same in his own hand writing.

Should he, however, refuse to sign the same, the Russian Officer is to repeat his summons, in presence of all the Officers, and if, on this, it be again refused, and nobody will sign in lieu of the Captain, he is then to add this circumstance, signed by himself.

After this arrangement, the Journal, List of the Crew, Passports, Invoices, Accounts, and all further Papers, respecting the views and pursuits of the voyage of the Vessel, shall be put up in one parcel, as well as all private Papers, viz; the Journals of the Officers, Letters, &c. and sealed with the Seals of the Russian Officer and those of the Captain and first Officer of the Foreign Vessel. This Packet shall remain sealed with the Commander of the Russian Vessel, until their arrival in the Port of St. Peter and Paul, where it shall be deposited in the Court, as mentioned in Section XXXIII. Besides this, every thing else must be sealed by the Russian Officer and the Foreign Captain, that is not requisite for the continuation of the voyage to the Port of St. Peter and Paul, excepting the effects for immediate and sole use of the Ship's Crew, which shall not be withheld from them.

XXVIII. Having thus fixed all means of precaution, the Officer sent to arrest the Foreign Vessel shall instantly make his report to his Chief, and await his orders.

XXIX. Thus should, by any cause stated in the IId, XIth, XIIth, and XXIst Sections of these Regulations, a Foreign Vessel be subjected to confiscation, in any Port near the Settlements of the Russian American Company, the Commander of that Settlement is obliged, either to ask the assistance of the Russian Man of War, if there be any, (and the Commander of which, on receipt of a written request, is obliged to arrest the Vessel, and use all the precautions prescribed in the foregoing Article;) or, if there be no Russian Man-of-war in the harbour or its neighbourhood, and the Commander of the Settlement find that he and his People can arrest the Vessel by themselves, he then is to act according to the XXVIth, XXVIIth, and XXVIIIth Sections, and, putting ashore the Captain and every means of getting the Vessel away, he must endeavour, as soon as possible, to give information of this event, either to the Governor of the Colonies of the Russian American Company, or the Commander of the Imperial Man-of-war, if it be known where she lie.

XXX. When, in consequence of such a report, the Governor of the Colonies shall send a Company's Vessel, or a Government Vessel arriving, then the Commander of the Place shall deliver up the Vessel

seized, and all belonging to her, and shall report respecting his reasons for confiscating the Vessel.

XXXI. The Commander of the Vessel, taking charge of the Seizure, per inventory, shall examine immediately into all circumstances mentioned, and compare it with the accounts of the Commander of the Settlement, who will give every elucidation required.

XXXII. All Vessels, detained by Russian Men-of-war, are ordered by these Regulations to be brought to the Port of St. Peter and Paul, where the sentence is to be passed on them, by a Court established for adjudging such Cases.

XXXIII. This Court, under the Presidency of the Commander of Kamtschatka, shall consist of the 3 Senior Officers under him, and of the Commissioner of the Russian American Company.

XXXIV. As soon as a Russian Vessel, bringing into the Port of St. Peter and Paul, a Foreign Vessel arrested by her, has come to an anchor in the place assigned her, the Commander of her is immediately to repair to the Commander of Kamtschatka, stating briefly what Vessel he has brought in, the number of the Crew and of the sick, specifying their diseases, and reporting, likewise, whether the Vessel has sufficient victuals, and what goods, guns, and other arms, powder, &c. are on board.

XXXV. The Commander of Kamtschatka, on receiving this Report, will order 2 Officers and a sufficient number of Men on board the detained Vessel.

XXXVI. These 2 Officers, together with the Officers who brought in the detained Ship, when on board, are to summon the Master, and 2 of his Mates, or Men in Command next to him, inspect all the Seals put on the Vessel, and then, taking them off, begin immediately to make an accurate list of all the effects belonging to the Vessel.

XXXVII. This list is to be signed by all the Officers on both sides, who were present in drawing it up. The Commander of Kamtschatka is to use all possible endeavours to secure from embezzlement or damage, all effects belonging to the detained Vessel.

XXXVIII. The Crew of the Vessel is then to be sent ashore to such places as shall be appointed by the Commander of Kamtschatka, and remain there until the close of the investigation.

XXXIX. The Commander of the Russian Vessel is obliged, in the course of 2 days after his arrival at the Port of St. Peter and Paul, to make a minute representation to the Commander of Kamtschatka, of all that shall have happened at the detention of the Foreign Vessel, brought in by him, and to deliver said Vessel, together with the sealed packet containing her Papers, expressed in Section XXVII.

XL. If the Russian Vessel that brought into the Port of St. Peter and Paul, a Foreign Vessel, cannot, for reasons, remain there

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until the close of the investigation, but be obliged to proceed to sea in a very short time, the Commander, in order not to detain her, shall use all possible dispatch, by bringing forward the investigation of such points as may require the presence of the Russian Vessel.

XLI. Having settled every thing on board the arrested Vessel, and landed the Crew, the Court immediately shall open the Session, and endeavour to ascertain, as soon as possible, the solution of the inquiry "Whether the Vessel be lawfully arrested or not?"

XLII. In order to ascertain this, the following proofs shall be substantiated :

1. That the Vessel was met with within the Boundaries prescribed in the 11d Section of these Regulations, and that her having been within said limits was not occasioned by reasons stated in Section III.

2. That the Vessel is a lawful Prize by virtue of the Sections II, XI, XII, XIV, and XXI, of these Regulations, and — Section of the Instructions to the Commander of the Russian Man-of-war.

XLIII. In order to decide either Case, the Court is to inspect all Documents presented, and, tracing on one part all proofs of guilt, and, on the other, all doubts which might clear the Foreign Vessel, summon the Commanding Officer of the Russian Vessel to give all additional information deemed needful, and completing thus all circumstances condemning the Foreign Vessel, the Court shall draw up a clear statement of the reasons of her Condemnation.

XLIV. Should the Court, in making out said Statement, find that the Foreign Vessel has been arrested without sufficient cause, said Court, on passing the Sentence, is to determine the damages suffered by such detention, and furnish both Parties with a certified Copy of this Resolution.

XLV. In the course of 2 days, both Parties shall declare whether they are satisfied with the decision of the Court or not, and in the latter case (should it happen) assign it in writing.

XLVI. Should both Parties be satisfied with the decision of the Court, then the Commander of Kamschatka is to release immediately the detained Vessel, returning every thing to the Master according to the Inventory, along with the adjudged damages, exacting them from whomsoever is to pay the same.

XLVII. If, on the contrary, the Court receive on the third day a Repeal to its Decision, it is bound to take that Repeal into immediate consideration, and finding it just, to change its Decision, if not to confirm the same, and make it known to the Parties a second time. After this, no representations shall be admitted, and both Parties shall be summoned before the Court, which will allow them to make their Protest in writing, and will then state all the reasons, why the Sentence passed should be carried into execution.

RUSSIA.

XLVIII. If the Court find by the Indictment, that the Vessel has been lawfully detained, then the Master of the Foreign Vessel, or the 2 eldest in command under him, shall be summoned, and the reasons of their detention made known to them, giving them a certified Copy of the Condemnation.

XLIX. The Court is to receive within 3 days, and no later, the representations of the Master, and if he do not present the same within the time limited, the Court summoning him with 2 of his Crew, notifies that his silence is received as a mark of compliance, and that the Condemnation is just.

L. In this case the Court comes to its final decision, which on the following day is communicated to the whole Crew of the ForeignVessel, who shall sign, all and every one, that such Sentence has been made known to them, after which the Commander of Kamtschatka is to carry the Sentence of the Court into execution, as will be explained hereafter.

LI. Should, however, the Master deliver within the limited time his Protest, then the Court, examining it with all possible impartiality, shall call for all further explanations, and having inserted the whole into the Journal of the Court, shall pass a final Sentence, and pronounce it as stated in Section XLVII.

LII. If by the Sentence of the Court, the arrested Vessel be released, and adjudged to receive damages for her detention, and if the Vessel has been arrested by any of the Company's Officers, and the damages are not above 5,000 rubles, the Commander of Kamtschatka shall demand immediate payment of said sum, from the Office of the Russian American Company; but if the damages exceed that sum, he is to notify it to the Company's Office, and give to the Foreign Master a Certificate; but the money cannot be paid by the Company, otherwise than after the inspection and resolution of its Courts of Directors. If, on the other hand, the Foreign Vessel has been detained unlawfully by a Russian Man-of-war, the Commander of Kamtschatka is to pay the adjudged damages (not exceeding the sum of 5,000 rubles) out of any Government sum, and to report, in order to incash it from the guilty; but if the damages should exceed the sum of 5,000 rubles, the Commander of Kamtschatka is to furnish a Certificate for the receipt of the money, after the regulation and confirmation of the **Russian Government.**

LIII. The reimbursement of such damages as may have been incurred by unlawful detention, shall be exacted from the Commander, and the Officers of the Man-of-war, who, having been called by the Commander to a Council, shall have given their opinion that such a Ship ought to be detained.

LIV. As soon as a Foreign Ship is sentenced to be confiscated, the Commander of Kamtschatka is to make due arrangements for transporting the Crew to Ochotzk, and from thence to any of the Ports in the Baltic, in order to enable every one of them to reach his own Country. With the confiscated Ship and Cargo, he is to act as with a Prize taken in time of War.

LV. After this, the Commander of Kamtschatka shall order a Committee to value the Vessel and her Cargo. This Committee is to be composed of 1 Member appointed by the Commander of Kamtschatka, 1 by the Commander of the Man-of-war, and a third by the Russian American Company.

LVI. These Commissioners are to make up a specified list and valuation, according to the following Rules:

1. All provisions, rigging, iron, powder, and arms, shall be put down at such prices as they cost Government there.

2. All merchandize which might be used in Kamtschatka and the Company's Colonies, and which are carried there at times from Russia, shall be valued at their prices, then existing.

3. All goods which are not imported into these Places from Russia, but are wanted there, shall be valued like goods brought from Russia, being the nearest to them, and in proportion to their wants.

4. All goods not in use at Kamtschatka or the Colonies, shall be sent to Irkutzk, and sold at publick auction by the proper Authorities.

LVII. The said Commissioners shall present their valuation to the Commander of Kamtschatka, for his approbation; who, in case of not finding the same exact, shall return it, with his remarks, and shall appoint other Officers, to inspect such articles, as may appear unfairly valued.

LVIII. If the Commissioners thereafter continue in their opinion, and the Commander of Kamtschatka find it impossible to agree thereto, he shall provisionally consent, and leave the final decision to Government.

LIX. According to this valuation, the Commander of Kamtschatka shall mark, for the use of Government, all those articles which he thinks are wanted; the remainder is left at the disposal of the Officers of the Ship, or of the Russian American Company. The seized Vessel shall be valued by the Court, and the valuation sent immediately to the Minister of the Navy, with a Report, whether such a Vessel is wanted for Government Service or not.

LX. The whole sum of valuation of the confiscated Vessel and Cargo, is to be divided in the following manner :—The expenses necessary to forward the Ship's Crew to one of the Ports in the Baltic, are to be deducted, and the remaining sum divided, (if the Vessel has been taken by the Russian American Company's Officers, and carried to the Port of St. Peter and Paul, by a Ship of said Company, without the interference of a Man-of-war,) into 5 parts; of which, one goes to the Government, and the remaining four-fifths to the American Company. If the Vessel be taken in any of the Company's Settlements by the Company's Officers, but brought to the Port of St. Peter and Paul, by a Man-of-war; after deducting one-fifth for the Government, two-fifths are to belong to the Crew of the Man-of-war, and the remaining two-fifths to the Russian American Company; and, finally, if such Foreign Vessel be detained by Men-of-war only, without the assistance of the Company's Officers, then, after deducting one-fifth for the Government, the remainder is left to the Officers of the Men-of-war.

But if a Vessel be taken by the conjoint forces of a Man-of-war and a Company's Vessel, then the Prize shall be divided between them, in proportion to their strength, regulating the same according to the number of guns.

LXI. The sum coming to the Officers of the Man-of-war shall be divided according to the Rules for dividing Prizes in time of War. In all cases, Officers who had a share in seizing Foreign Vessels, convicted of the intention of infringing the privileges most graciously granted to the Russian American Company, may expect to receive tokens of His Imperial Majesty's approbation; especially when, after deducting the expenses for conveying the Crew, their part in the prize-money should prove but triffing.

LXII. If a Foreign Vessel, detained by a Russian, being under the command of a Russian Officer, should be cast away before reaching the Port of St. Peter and Paul, the following principles shall be observed :

If the Foreign Vessel alone be lost, and the Russian accompanying her arrive at the Port of St. Peter and Paul, then the Court acts according to the foregoing Rules, to determine whether that Vessel was lawfully seized. In this case Government takes upon itself the expenses of conveying to a Port of the Baltic such of the Ship's Crew as were saved. But, if such Vessel should not be proved to have been detained lawfully, then, independent of those expenses, the Ship shall be valued, and such valuation forwarded to Government for the payment of what may be deemed just; at the same time investigations shall be made on the loss of the Vessel; and the Officer that had the Command, (if saved) is to be tried according to the Maritime Rules and Regulations.

LXIII. The Commander of Kamtschatka is bound to make a special Report to the Governor-General of Siberia, respecting every circumstance happening to Foreign Vessels, annexing Copies of all Documents, Journals, and Sentences of the Court, and of all Papers relative thereunto.

COUNT D. GURIEF, Minister of Finances.

(10.)-The Secretary of State to Mr. Poletica.

SIR, Department of State, Washington, 25th February, 1822.

I HAVE had the honour of receiving your Note of the 11th instant, inclosing a printed Copy of the Regulations adopted by the Russian

American Company, and sanctioned by His Imperial Majesty, relating to the commerce of Foreigners in the Waters bordering on the Establishments of that Company upon the North-west Coast of America.

I am directed by the President of The United States to inform you, that he has seen with surprise in this Edict the assertion of a Territorial Claim on the part of Russia, extending to the 51st degree of North Latitude on this Continent; and a Regulation interdicting to all Commercial Vessels, other than Russian, upon the penalty of seizure and confiscation, the approach, upon the High Seas, within 100 Italian miles of the shores to which that Claim is made to apply. The relations of The United States with His Imperial Majesty have always been of the most friendly character; and it is the earnest desire of this Government to preserve them in that state. It was expected, before any Act which should define the Boundary between the Territories of The United States and Russia, on this Continent, that the same would have been arranged, by Treaty, between the Parties. To exclude the Vessels of our Citizens from the shore, beyond the ordinary distance to which the Territorial Jurisdiction extends, has excited still greater surprize.

This Ordinance affects so deeply the Rights of The United States and of their Citizens, that I am instructed to inquire, whether you are authorized to give explanations of the grounds of Right, upon principles generally recognized by the Laws and Usages of Nations, which can warrant the Claims and Regulations contained in it.

I avail myself of this occasion, &c.

JOHN QUINCY ADAMS.

THE CHEVALIER DE POLETICA,

Envoy Extraordinary and Minister Plenipotentiary from Russia.

(11.)-The Chevalier de Poletica to the Secretary of State.-(Translation.) SIR, Washington, (16th) 28th February, 1822.

I RECEIVED, two days since, the Letter which you did me the honour to address to me on the same day, by order of the President of The United States, in answer to my Note of the 11th current, by which I discharged the Orders of my Government, in communicating to you the new Regulation adopted by the Russian American Company, and sanctioned by His Majesty the Emperor, my August Sovereign, on the 4th (16th) of September, 1821, relative to Foreign Commerce, in the Waters which border upon the Establishments of the said Company, on the North-west Coast of America.

Readily yielding, Sir, to the desire expressed by you in your Letter, of knowing the rights and principles upon which are founded the determinate Limits of the Russian Possessions on the North-west Coast of America, from Behring's Strait to the 51° of North Latitude, I am happy to fulfil this task, by only calling your attention to the following historical facts, the authenticity of which cannot be contested.

The first Discoveries of the Russians on the North-west Continent of America, go back to the time of the Emperor Peter I. They belong to the attempt, made towards the end of the reign of that great Monarch, to find a Passage from the Icy Sea into the Pacifick Ocean.

In 1728, the celebrated Captain Behring made his first voyage. The recital of his discoveries attracted the attention of the Government, and the Empress Anne entrusted to Captain Behring (1741) a new Expedition in these same Latitudes. She sent with him the Academicians Gmelin, Delile de la Crayere, Muller, Steller, Fisher, Krasilnicoff, Kræcheninicoff, and others; and the first Chart of these Countries which is known, was the result of their labours, published in 1758. Besides the Strait, which bears the name of the Chief of this Expedition, he discovered a great part of the Islands which are found between the two Continents: Cape or Mount St. Elias, which still bears this name upon all the Charts, was so called by Captain Behring, who discovered it on the day of the Feast of this Saint; and his second, Captain Tchiricoff, pushed his discoveries as far as the 49th degree of North Latitude.

The first private Expeditions undertaken upon the North-west Coast of America, go back as far as the Year 1743.

In 1763, the Russian Establishments had already extended as far as the Island of Kodiak (or Kichtak). In 1778, Cook found them at Ounalashka, and some Russian inscriptions at Kodiak. Vancouver saw the Russian Establishment in the Bay of Kinai. In fine, Captains Mirs, Portlock, La Perouse, unanimously attest the existence of Russian Establishments in these Latitudes.

If the Imperial Government had, at the time, published the Discoveries made by the Russian Navigators after Behring and Tchiricoff, (viz. Chlodiloff, Screbreanicoff, Krassilnicoff, Paycoff, Poushcareff, Lazareff, Medwedeff, Solowieff, Lewasheff, Krenitsin, and others,) no one could refuse to Russia the right of first discovery, nor could even any one deny her that of first occupation.

Moreover, when Don José Martinez was sent, in 1789, by the Court of Madrid, to form an Establishment in Vancouver's Island, and to remove Foreigners from thence, under the pretext that all that Coast belonged to Spain, he gave not the least disturbance to the Russian Colonies and Navigators; yet the Spanish Government was not ignorant of their existence, for this very Martinez had visited them the Year before. The Report which Captain Malespina made of the results of his voyage, proves, that the Spaniards very well knew of the Russian Colonies; and in this very Report it is seen, that the Court of Madrid acknowledged that its Possessions upon the Coast of the Pacifick Ocean ought not to extend to the North of Cape Blanc,

taken from the Point of Trinity, situated under 42° 50' of North Latitude.

When, in 1799, the Emperor Paul I. granted to the present American Company its first Charter, He gave it the exclusive possession of the North-west Coast of America, which belonged to Russia, from the 55th degree of North Latitude to Behring's Strait. He permitted them to extend their discoveries to the South, and there to form Establishments, provided they did not encroach upon the Territory occupied by other Powers.

This Act, when made public, excited no claim on the part of other Cabinets, not even on that of Madrid, which confirms that it did not extend its pretensions to the 60th degree.

When the Government of The United States treated with Spain for the cession of a part of the North-west Coast, it was able to acquire by the Treaty of Washington, the right to all that belonged to the Spaniards, North of the 42d degree of Latitude; but this Treaty says nothing positive concerning the Northern Boundary of this Cession; because, in fact, Spain well knew that she could not say, that the Coast as far as the 60th degree belonged to her.

From this faithful exposition of known facts, it is easy, Sir, as appears to me, to draw the conclusion, that the rights of Russia to the extent of the North-west Coast, specified in the Regulation of the Russian American Company, rest upon the three bases required by the general Law of Nations and immemorial usage among Nations; that is, upon the title of first discovery; upon the title of first occupation; and, in the last place, upon that which results from a peaceable and uncontested possession of more than half a century; an epoch, consequently, several years anterior to that when The United States took their place among Independent Nations.

It is moreover evident, that, if the right of the possession of a certain extent of the North-west Coast of America, claimed by The United States, only devolves upon them in virtue of the Treaty of Washington, of the 22d of February, 1819, and I believe it would be difficult to make good any other title, this Treaty could not confer upon the American Government any right of claim against the Limits assigned to the Russian Possessions upon the same Coast, because Spain herself had never pretended to a similar right.

The Imperial Government, in assigning for Limits to the Russian Possessions on the North-west Coast of America, on the one side Behring's Strait, and, on the other, the 51st degree of North Latitude, has only made a moderate use of an incontestible right; since the Russian Navigators, who were the first to explore that part of the American Continent, in 1741, pushed their discovery as far as the 49th degree of North Latitude. The 51st degree, therefore, is no more than a mean Point between the Russian Establishment of New Archangef, situated under the 57th degree, and the American Colony at the mouth of the Columbia, which is found under the 46th degree of the same Latitude.

All these considerations united have concurred in inspiring the Imperial Government with an entire conviction that, in the last Arrangements adopted in Russia, relative to her Possessions on the North-west Coast, the legitimate right of no Foreign Power has been infringed. In this conviction, the Emperor, my August Sovereign, has judged that his good right, and the obligation imposed by Providence upon him to protect, with all his power, the interests of his Subjects, sufficiently justified the Measures last taken by His Imperial Majesty, in favour of the Russian American Company, without its being necessary to clothe them with the sanction of Treaties.

I shall be more succinct, Sir, in the exposition of the motives which determined the Imperial Government to prohibit Foreign Vessels from approaching the North-west Coasts of America belonging to Russia, within the distance of at least 100 Italian miles. This measure, however severe it may at first view appear, is, after all, but a measure of prevention. It is exclusively directed against the culpable enterprizes of Foreign Adventurers, who, not content with exercising upon the Coasts above-mentioned an illicit trade, very prejudicial to the rights reserved entirely to the Russian American Company, take upon them besides to furnish arms and ammunition to the Natives in the Russian Possessions in America, exciting them likewise in every manner to resistance and revolt against the Authorities there established.

The American Government doubtless recollects, that the irregular conduct of these Adventurers, the majority of whom was composed of American Citizens, has been the object of the most pressing remonstrances on the part of Russia to the Federal Government, from the time that Diplomatic Missions were organized between the two Countries. These remonstrances, repeated at different times, remain constantly without effect, and the inconveniences to which they ought to bring a remedy, continue to increase.

The Imperial Government, respecting the intentions of the American Government, has always abstained from attributing the ill success of its remonstrances to any other motives than those which flow, if I may be allowed the expression, from the very nature of the Institutions which govern the National Affairs of the American Federation. But the high opinion which the Emperor has always entertained of the rectitude of the American Government, cannot exempt him from the care which his sense of justice towards his own Subjects imposes upon him. Pacific means not having brought any alleviation to the just grievances of the Russian American Company, against Foreign Navigators, in the Waters which environ their Establishments on the Northwest Coast of America, the Imperial Government saw itself under the necessity of having recourse to the means of coercion, and of measuring the rigour according to the inveterate character of the evil to which it wished to put a stop. Yet it is easy to discover, on examining closely the last Regulation of the Russian American Company, that no spirit of hostility had any thing to do with its formation. The most minute precautions have been taken in it, to prevent abuses of authority on the part of Commanders of Russian Cruizers, appointed for the execution of the said Regulation. At the same time, it has not been neglected to give all the timely publicity necessary, to put those on their guard against whom the measure is aimed.

Its action, therefore, can only reach the Foreign Vessels, which, in spite of the Notification, will expose themselves to seizure, by infringing upon the Line marked out in the Regulation. The Government flatters itself, that these cases will be very rare; if all remains as at present,—not one.

I ought, in the last place, to request you to consider, Sir, that the Russian Possessions in the Pacifick Ocean extend, on the North-west Coast of America, from Behring's Strait to the 51st degree of North Latitude, and, on the opposite side of Asia, and the Islands adjacent, from the same Strait to the 45th degree. The extent of Sea of which these Possessions form the limits, comprehends all the conditions which are ordinarily attached to *shut seas* (Mers fermées), and the Russian Government might consequently judge itself authorized to exercise upon this Sea, the right of Sovereignty, and especially that of entirely interdicting the entrance of Foreigners. But it preferred only asserting its essential rights, without taking any advantage of localities.

The Emperor, my August Sovereign, sets a very high value upon the maintenance of the relations of amity and good understanding, which have till now subsisted between the two Countries. The dispositions of His Imperial Majesty, in this regard, have never failed appearing at all times, when an occasion has presented itself, in the political relations of The United States with the European Powers; and surely in the midst of a general Peace, Russia does not think of aiming a blow at the maritime interests of The United States; she who has constantly respected them, in those difficult circumstances in which Europe has been seen to be placed in the latter times, and the influence of which The United States have been unable to avert.

I have the honour to be, &c.

The Hon. J. Q. Adams.

PIERRE DE POLETICA.

(12.)—The Secretary of State to the Chevalier de Poletica. SIR, Department of State, Washington, 30th March, 1822. I HAVE had the honour of receiving your Letter of the 28th ult.

which has been submitted to the consideration of the President of The United States.

From the deduction which it contains, of the grounds upon which the Articles of Regulation of the Russian American Company have now, for the first time, extended the Claim of Russia, on the North-west Coast of America, to the 51st degree of North Latitude, its only foundation appears to be the existence of the small Settlement of Novo Archangelsk, situated, not on the American Continent, but upon a small Island in Latitude 57; and the principle upon which you state that this Claim is now advanced, is, that the 51st degree is equidistant from that Settlement of Novo Archangelsk and the Establishment of The United States at the mouth of Columbia River. But. from the same statement, it appears that, in the Year 1799, the Limits prescribed by the Emperor Paul to the Russian American Company, were fixed at the 55th degree of Latitude, and that, in assuming now the Latitude of 51, a new pretension is asserted, to which no Settlement. made since the Year 1799, has given the colour of a sanction.

This pretension is to be considered, not only with reference to the question of territorial right, but also to that prohibition to the Vessels of other Nations, including those of The United States, to approach within 100 Italian miles of the Coasts. From the period of the existence of The United States as an Independent Nation, their Vessels have freely navigated those Seas, and the right to navigate them is a part of that Independence.

With regard to the suggestion, that the Russian Government might have justified the exercise of Sovereignty over the Pacifick Ocean as a close sea, because it claims territory both on its American and Asiatic Shores, it may suffice to say, that the distance from shore to shore on this Sea, in Latitude 51 North, is not less than 90 degrees of Longitude, or 4,000 miles.

As little can The United States accede to the justice of the reason assigned for the prohibition above-mentioned. The right of the Citizens of The United States to hold commerce with the aboriginal Natives of the North-west Coast of America, without the territorial jurisdiction of other Nations, even in arms and ammunitions of War, is as clear and indisputable as that of navigating the seas. That right has never been exercised in a spirit unfriendly to Russia; and, although general complaints have occasionally been made on the subject of this commerce, by some of your Predecessors, no specific ground of charge has ever been alleged by them of any transaction in it, which The United States were, by the ordinary Laws and usages of Nations. bound either to restrain or to punish. Had any such charge been made, it would have received the most pointed attention of this Government, with the sincerest and firmest disposition to perform every act and obligation of justice to yours, which could have been required. I am commanded by the President of The United States to assure you that this disposition will continue to be entertained, together with the earnest desire that the most harmonious relations between the two Countries may be preserved.

Relying upon the assurance in your Note, of similar dispositions, reciprocally entertained by His Imperial Majesty towards The United States, the President is persuaded that the Citizens of this Union will remain unmolested in the prosecution of their lawful commerce, and that no effect will be given to an interdiction manifestly incompatible with their rights. I am happy to renew the assurances, &c. The Chevalier de Poletica. JOHN QUINCY ADAMS.

(13)—The Chevalier de Poletica to the Secretary of State.—(Translation.) SIR, Washington, (21st March.) 2d April, 1822.

I HAD the honour yesterday to receive the Letter which you were pleased to address to me, dated 30th March last; and, not being authorized to continue the discussion to which it refers, I find myself under the necessity of taking the contents of that Letter, ad referendum, reserving myself to communicate it to my Government as soon as possible.

In the mean time, I shall take the liberty of submitting to your consideration some observations, which have been suggested to me by certain passages in your Letter, which require particular notice.

In the first Official Letter which I had the honour of addressing to you, dated 16th (28th,) February last, I thought I had succeeded in clearly demonstrating, that the Rights of Russia to the possession of a certain extent of the North-west Coast of America, as far as these Rights can be rendered legitimate by the first discovery, the first occupation, and a possession not contested for more than half a Century that these rights, I say, go back to times considerably earlier than the Reign of the Emperor Paul I.

When this Sovereign ganted, in 1799, to the Russian-American Society its first Charter of Incorporation, there had never been a question about abandoning to that Company the right of Sovereignty over one determinate portion of the North-west Coast of America in all its plentitude. The question was purely and simply of conceding to the said Company a part of the Sovereignty, or rather certain exclusive privileges of Commerce, and it is in this view that the Act of 1799, to which you refer, Sir, fixed the limits of the operations of the Russian American Company.

The rights of Sovereignty belonging to Russia could lose nothing

of their local extent, in consequence of the concessions made to that Company, in the Reign of the Emperor Paul. That these rights extended, in the opinion of the Imperial Government, further South than the 55th degree of Latitude, appears evident from the structure of the 3d Article of the Act of incorporation, which authorizes the Company to form Establishments South of the 55th degree of North Latitude.

But what will dispel even the shadow of doubt in this regard, is the authentic fact, that, in 1789, the Spanish Packet, St. Charles, commanded by Captain Haro, found, in the Latitude 48 and 49, Russian Establishments to the number of 8, consisting in the whole of 20 Families, and 462 Individuals. These were the Descendants of the Companions of Captain Tchiricoff, who was supposed, till then, to have perished.

With such titles, justifying the rights claimed by Russia, you yourself, Sir, will agree, that it is perfectly immaterial whether the Russian Establishment at Novo Archangelsk be small or large. If the rights of Territorial Possession were measured according to the dimensions of the Points occupied, what would become of those of The United States, upon a very considerable extent of the same North-west Coast? for the only American Establishment ever yet knowu, is certainly very inferior in stability to that of Russia at Novo Archangelsk.

In the same manner, the great extent of the Pacifick Ocean, at the 51st degree of Latitude, cannot invalidate the right which Russia may have, of considering that part of the Ocean as close. But as the Imperial Government has not thought fit to take advantage of that right, all further discussion on this subject would be idle.

As to the right claimed for the Citizens of The United States, of trading with the Natives of the Country of the North-west Coast of America, without the limits of the jurisdiction belonging to Russia, the Imperial Government will not certainly think of limiting it, and still less of attacking it there. But I cannot dissemble, Sir, that this same trade beyond the 51st degree, will meet with difficulties and inconveniences, for which the American Owners will only have to accuse their own imprudence, after the publicity which has been given to the Measures taken by the Imperial Government, for maintaining the rights of the Russian American Company in their absolute integrity.

I shall not finish this Letter, without repeating to you, Sir, the very positive assurance, which I have already had the honour once of expressing to you, that in every case, where the American Government shall judge it necessary to make explanations to that of the Emperor, the President of The United States may rest assured that these explanations will be always attended to by the Emperor, my August Sovereign, with the most friendly, and consequently the most conciliatory, disposition. Be pleased to accept, &c.

The Hon, J. Q. Adams.

PIERRE DE POLETICA.

MESS.AGE of the President of The United States to Congress, transmitting Correspondence, concerning the Commercial Relations of The United States with the Norwegian Government.—1st May, 1822.

To the House of Representatives of The United States :

In the Message to both Houses of Congress at the commencement of their present Session, it was mentioned, that the Government of Norway had issued an Ordinance, for admitting the Vessels of The United States and their cargoes, into the Ports of that Kingdom, upon the payment of no other or higher duties, than are paid by Norwegian Vessels, of whatever articles the said cargoes may consist, and from whatever Ports the Vessels laden with them may come.

In communicating this Ordinance to the Government of The United States, that of Norway has requested the benefit of a similar and reciprocal provision for the Vessels of Norway and their cargoes, which may enter the Ports of The United States.

This provision being within the competency only of the Legislative Authority of Congress, I communicate to them, herewith, Copies of the Communications received from the Norwegian Government in relation to the subject, and recommend the same to their consideration.

JAMES MONROE.

Washington, 1st May, 1822.

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(1.)—The Count d'Engestrom to Mr. Hughes.—(Translation.) Stockholm, 25th January, 1821.

By the express Order of the King, the Undersigned, Minister of State and of Foreign Affairs, has the honour to inform Mr. Hughes, Chargé d'Affaires of The United States of North America, that hereafter Vessels belonging to Citizens of The United States, as well as their cargoes, will be subject, in the Ports of the Kingdom of Norway, to no other or higher duties of entry or clearance, than those payable by the National Vessels and their cargoes; so that every sort of distinction between Norwegian and American Vessels may cease, and that neither the Place from which a Vessel arrives, nor the Place of her destination, may be any cause of exception from the general rule. The cargoes may consist of the productions of the soil, or of the industry of such Country, whatever it may be.

UNITED STATES AND SWEDEN.

In requesting Mr. Hughes to be pleased to communicate the contents of this Note to his Government, the Undersigned embraces this opportunity, &c.

Mr. Hughes.

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COUNT D'ENGESTROM.

(2.)—Baron de Stackelberg to the Secretary of State.—(Translation.) Washington, 11th July, 1821.

THE Undersigned, Chargé d'Affaires of His Majesty the King of Sweden and of Norway, has the honour to address, officially, his Excellency the Secretary of State of The United States, to inquire if, in virtue of the Commercial Regulations existing in The United States, the Norwegian commerce will enjoy in the Ports of the said States, the same advantages and immunities which have been lately granted in the Ports of Norway to the American commerce.

The Undersigned takes this occasion to renew, &c. The Hon. John Quincy Adams. STACKELBERG.

(3).—The Secretary of State to the Baron de Stackelberg. Department of State, Washington, 23d July, 1821.

THE Secretary of State, in reference to the Note of Baron de Stackelberg of the 11th instant, has the honour of informing him, that, by an Act of Congress, of 3d March, 1815 " 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, is 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."

And this Act, by a subsequent Act of Congress of 3d March, 1819, will cease and expire on the 1st day of January, 1824.

From the Copy of a Note from his Excellency Count d'Engestrom to Mr. Hughes, of the 25th of January last, it appears that all discriminating or countervailing duties, in the Kingdom of Norway, so far as they operated to the disadvantage of The United States, have been abolished; and if it be desired by the Baron de Stackelberg, that a Proclamation from the President should issue, declaring Norwegian Vessels entitled to the advantages set forth in the Act of Congress of 3d March, 1815, it will immediately be issued. But the Baron will observe, that this Act is not so extensive as the Ordinance for the Kingdom of Norway, notified by Count d'Engestrom; inasmuch as the latter expressly provides, that " the cargoes may consist of the productions of the soil, or of the industry of any and all Countries, without exception ;" and as it is without limitation of time.

The Secretary of State requests, &c. The Baron de Stackelberg. JOHN QUINCY ADAMS.

(4.)—Baron de Stackelberg to the Secretary of State.—(Translation.) Washington, 16th August, 1821.

THE Undersigned, Chargé d'Affaires of His Majesty the King of Sweden and of Norway, has had the honour to receive the Note of His Excellency the Secretary of State of The United States, dated the 23d of last month, the substance of which is, that the Government of The United States cannot grant to the Norwegian commerce in their Ports, the same advantages and immunities which have been granted by the Swedish and Norwegian Government in the Ports of Norway to the American commerce, which advantages are stipulated in a Note, dated the 25th of January last, addressed by his Excellency the Count d'Engestrom, Minister of State and of Foreign Affairs of His Majesty the King of Sweden and of Norway, to the Chargé d'Affaires of The United States at Stockholm; according to which, if the Undersigned desire it, the President of The United States has been pleased to consent to issue his Proclamation, declaring the Norwegian commerce to have a right to enjoy the advantages granted by the Act of Congress of the 3d of March 1815.

In consideration whereof, and in obedience to the Orders of the King, his Master, the Undersigned ought instantly to demand a perfect reciprocity on the part of The United States towards the Norwegian commerce; yet, as the Laws of The United States do not appear to have given an extent equivalent to that which has been granted to American commerce in Norway, and, until an arrangement can be made upon this subject, it is his duty, officially to require for the Norwegian commerce the advantage contained in the Act of Congress of 3d March, 1815, as well as the Act of 1st March, 1817, which says, " After the 30th day of September next, no goods, wares, or merchandize, shall be imported into The United States from any Foreign Port or Place, except in Vessels of The United States, or in such Foreign Vessels as truly and wholly belong to the Citizens or Subjects of that Country of which the goods are the growth, production, or manufacture; or from which such goods, wares, or merchandize, can only be, or most usually are, first shipped for transportation : Provided, nevertheless, That this regulation shall not extend to the Vessels of any Foreign Nation which has not adopted, and which shall not adopt, a similar regulation:" consequently, as the American commerce can enter into the Ports of Norway with Cargoes of the

productions of the soil, or of manufactures of every Country, the Undersigned considers the Act of Navigation in question as being reciprocally applicable to the Norwegian commerce in the Ports of The United States.

The Undersigned likewise proposes, officially, to the Government of The United States, in order to establish a perfect reciprocity in the commerce between the two Countries, to pass a Law, by which the Norwegian commerce may enjoy in the Ports of the said States, the same privileges and advantages, as have been mentioned in the Note of his Excellency the Count d'Engestrom, in favour of the American commerce in the Ports of the Kingdom of Norway.

The Undersigned prays the Secretary of State to be pleased to lay this Note before the President of The United States.

The Undersigned has the honour to be, &c. The Hon. J. Q. Adams. STACKELBERG.

(5.)—The Secretary of State to Baron de Stackelberg.

SIR, Department of State, Washington, 21st August, 1821. I HAVE the honour of inclosing, herewith, a Copy of a Proclamation of the President of The United States, declaring the Vessels of Norway to be entitled, in the Ports of The United States, to the benefit of the advantages prescribed by the Act of Congress of 3d March, 1815. They will also be entitled, without further proceeding, to those prescribed by the Act of 1st March, 1817, as I had the honour of explaining verbally to you its purport.

I pray you, Sir, to accept, &c. The Baron de Stackelberg. JOHN QUINCY ADAMS.

TREATY between The United States and the Ottawa, Chippewa, and Pottawatamie Nations of Indians.—Signed at Chicago, 29th August, 1821.

JAMES MONROE, President of the United States of America. To all and singular to whom these presents shall come greeting:

Whereas a Treaty between The United States of America, and the Ottowa, Chippewa, and Pottawatamie Tribes of Indians, was made and concluded on the 29th day of August, in the Year of our Lord 1821, at Chicago, in the State of Illinois, by Commissioners, on the part of The United States, and certain Chiefs and Warriors of the said Tribes, on the part and in behalf of the said Tribes, which Treaty is in the following words, to wit:

Articles of a Treaty, made and concluded at Chicago, in the State of Illinois, between Louis Cass, and Solomon Sibley, Commissioners of The United States, and the Ottawa, Chippewa, and Pottawatamie Nations of Indians.

ART. I. The Ottawa, Chippewa, and Pottawatamie Nations of Indians cede to The United States all the land comprehended within the following Boundaries: beginning at a point on the South Bank of the River St. Joseph, of Lake Michigan, near the Parc aux Vaches, due North from Rum's Village, and running thence South to a line drawn due East from the Southern extreme of Lake Michigan ; thence, with the said line, East, to the tract ceded by the Pottawatamies to The United States, by the Treaty of Fort Meigs, in 1817, if the said line should strike the said tract ; but if the said line should pass North of the said tract, then such line shall be continued, until it strikes the Western Boundary of the tract ceded to The United States by the Treaty of Detroit, in 1807; and, from the termination of the said line, following the Boundaries of former cessions, to the main branch of the grand River of Lake Michigan, should any of the said lines cross the said River, but if none of the said lines should cross the said River; then to a point due East of the source of the main branch of the said River; and from such point due West, to the source of the said principal branch; and from the crossing of the said River, or from the source thereof, as the case may be, down said River, on the North Bank thereof, to the mouth; thence following the shore of Lake Michigan, to the South Bank of the said River St. Joseph, at the mouth thereof; and thence with the said South Bank, to the place of beginning.

II. From the cession aforesaid, there shall be reserved, for the use of the Indians, the following tracts :

One tract at MangachquaVillage, on the RiverPeble of 6 miles square. One tract at Mickesawbe, of 6 miles square.

One tract at the Village of Natowasape, of 4 miles square.

One tract at the Village of Prairie Ronde, of 3 miles square.

One tract at the Village of Matchebenashshewish, at the head of Kekalamazoo River.

III. There shall be granted by The United States, to each of the following Persons, being all Indians by descent, and to their Heirs, the following tracts of land :

To John Burnet, 2 sections of land.

To James Burnet, Abraham Burnet, Rebecca Burnet, and Nancy Burnet, each 1 section of land; which said John, James, Abraham, Rebecca, and Nancy, are children of Kawkeeme, sister of Topnibe, Principal Chief of the Pottawatamie Nation. The land granted to the Persons immediately preceding shall begin on the North Bank of the River St. Joseph, about 2 miles from the mouth, and shall extend up and back from the said River for quantity.

To John B. La Lime, son of Nokenoqua, $\frac{1}{2}$ a section of land, adjoining the tract before granted, and on the upper side thereof.

To Jean B. Chandonai, son of Chippewaqua, 2 sections of land, on the River St. Joseph, above and adjoining the tract granted to J. B. La Lime.

To Joseph Daze, son of Chippewaqua, I section of land above and adjoining the tract granted to Jean B. Chandonai.

To Monguago, $\frac{1}{2}$ of a section of land at Mishshewakokick.

To Pierre Moran, or Peeresh, a Pottawatamie Chief, 1 section of land, and to his children, 2 sections of land, at the mouth of the Elk Heart River.

To Pierre Le Clerc, son of Moiqua, 1 section of land on the Elk Heart River, above and joining the tract granted to Moran and his children.

The section of land granted by the Treaty of St. Mary's, in 1818, to Peeresh, or Perig, shall be granted to Jean B. Cicot, son of Pesaquot, sister of said Peeresh, it having been so intended at the execution of the said Treaty.

To Osheakkebe, or Benac, $\frac{1}{2}$ of a section of land on the North side of the Elk Heart River, where the Road from Chicago to Fort Wayne first crosses the said River.

To Mensuche, a Pottawatamie Woman, $\frac{1}{2}$ of a section of land, on the Eastern Bank of the St. Joseph, where the Road from Detroit to Chicago first crosses the said River.

To Therese Chandier, or Toeakqui, a Pottawatamie Woman, and to her daughter Betsey Fisher, 1 section of land, on the South side of the Grand River, opposite to the Spruce Swamp.

To Charles Beaubien and Medart Beaubien, sons of Mannabenaqua, each $\frac{1}{2}$ of a section of land, near the Village of Kewigoshkeem, on the Washtenaw River.

To Antoine Roland, son of Igatpatawatamiequa, $\frac{1}{2}$ of a section of land, adjoining and below the tract granted to Pierre Moran.

To William Knaggs, or Waseskukson, son of Chesqua, $\frac{1}{2}$ of a section of land, adjoining and below the tract granted to Antoine Roland.

To Madeleine Bertrand, wife of Joseph Bertrand, a Pottawatamie Woman, 1 section of land at the Parc aux Vaches, on the North side of the River St. Joseph.

To Joseph Bertrand, Jun., Benjamin Bertrand, Laurent Bertrand, Therese Bertrand, and Amable Bertrand, children of the said Madeleine Bertrand, each $\frac{1}{2}$ of a section of land at the portage of the Kankakee River. To John Riley, son of Menawcumagoquoi, 1 section of land at the mouth of the River Au Foin, on the Grand River, and extending up the said River.

To Peter Riley, son of Menawcumagoquoi, 1 section of land at the mouth of the River Au Foin, on the Grand River, and extending down the said River.

To Jean B. Le Clerc, son of Moiqua, $\frac{1}{2}$ of a section of land, above and adjoining the tract granted to Pierre Le Clerc.

To Joseph La Framboise, son of Shawwenoqua, 1 section of land upon the South side of the River St. Joseph, and adjoining, on the upper side, the land ceded to The United States, which said section is also ceded to The United States.

The tracts of land herein stipulated to be granted shall never be leased or conveyed by the Grantees or their Heirs, to any Persons whatever, without the permission of the President of The United States.

All such tracts shall be located after the said cession is surveyed, and in conformity with such surveys, as near as may be, and in such manner as the President may direct.

IV. In consideration of the cession aforesaid, The United States engage to pay to the Ottawa Nation 1,000 dollars in specie annually, forever, and also to appropriate, annually, for the term of 10 Years the sum of 1,500 dollars, to be expended as the President may direct, in the support of a Blacksmith, of a Teacher, and of a Person to instruct the Ottawas in agriculture, and in the purchase of cattle and farming utensils. And The United States also engage to pay to the Pottawatamie Nation 5,000 dollars in specie, annually, for the term of 20 Years, and also to appropriate, annually, for the term of 15 Years, the sum of 1,000 dollars, to be expended as the President may direct, in the support of a Blacksmith and a Teacher. And one mile square shall be selected, under the direction of the President, on the North side of the Grand River, and I mile square on the South side of the St. Joseph, and within the Indian lands not ceded; upon which the Blacksmiths and Teachers employed for thesaid Tribe respectively shall reside.

V. The Stipulation contained in the Treaty of Greenville, relative to the right of the Indians to hunt upon the land ceded, while it continues the property of The United States, shall apply to this Treaty.

VI. The United States shall have the privilege of making and using a Road through the Indian Country, from Detroit and Fort Wayne, respectively, to Chicago.

VII. This Treaty shall take effect and be obligatory on the Contracting Parties, so soon as the same shall be ratified by the President of The United States, by and with the advice and consent of the Senate thereof.

In testimony whereof, the said Lewis Cass, and Solomon Sibley, Commissioners as aforesaid, and the Chiefs and Warriors of the said Ottawa, Chippewa, and Pottawatamie Nations, have hereunto set their hands, at Chicago, aforesaid, this 29th day of August, in the Year of our Lord 1821.

LEWIS CASS.	OTTAWAS. (8 in number.)
SOLOMON SIBLEY.	CHIPPEWAS. (57 in number.)

The tract reserved at the Village of Matchebenashewish, at the head of the Kekalimazoo River, was, by Agreement, to be 3 miles square.

The extent of the reservation was accidentally omitted.

LEWIS CASS.

SOLOMON SIBLEY.

Now, therefore, be it known, that I, James Monroe, President of the United States of America, having seen and considered the said Treaty, do, in pursuance of the advice and consent of the Senate, as expressed by their Resolution of this month, accept, ratify, and confirm 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 signed the same with my hand.

Done at the City of Washington, this 25th day of March, in the Year of our Lord 1822, and of the Indpendence of The United States the 46th. JAMES MONROE.

By the President: JOHN QUINCY ADAMS, Secretary of State.

ACT of Congress of The United States, concerning the Commerce and Navigation of Florida.—30th March, 1822.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that any Ship or Vessel possessed of, and sailing under, a Spanish Register, on the 10th day of July, 1821, and continuing to belong wholly to a Citizen or Citizens of The United States, then residing within the Territories ceded to The United States by the Treaty of the 22d of February, 1819, between The United States and the King of Spain, the Ratifications of which were exchanged on the 22d of February, 1821, or to any Person or Persons being, on the said 22d day of February, an Inhabitant or Inhabitants of the said ceded Territory, and who continue to reside therein, and of which the Master is a Citizen of The United States, or an Inhabitant as aforesaid, may be registered, enrolled, and licensed, in the manner prescribed by Law; and being so registered, enrolled, and licensed, shall be denominated and deemed a Ship or Vessel of The United States, and entitled to the same privileges and benefits: Provided, that it shall be lawful for the Collector

to whom application shall be made for a Certificate of Registry, enrolment, or licence, by any Citizen or Inhabitant, as aforesaid, to make such variations in the forms of the Oaths, Certificates, and Licences, as shall render them applicable to the cases herein intended to be provided for: And provided, also, that every such Inhabitant, applying as aforesaid, shall, prior to his being entitled to receive such Certificate of Registry, Enrolment, or Licence, deposit, with the Collector, the Register and other Papers under which such Ship or Vessel had been navigated; and also take and subscribe, before the Collector, (who is hereby authorized to administer the same,) the following Oath: "I, A. B. do swear (or affirm) that I will be faithful and bear true allegiance to the United States of America, and that I do entirely renounce and abjure all allegiance and fidelity to every Foreign Prince, Potentate, State, or Sovereignty whatever, and particularly to the King of Spain."

Sec. 2. And be it further enacted, that the Inhabitants of said ceded Territory, who were Residents thereof on the said 22d day of February, and who shall take the said Oath, and who continue to reside therein, or Citizens of The United States, resident therein, shall be entitled to all the benefits and privileges of owning Ships or Vessels of The United States, to all intents and purposes, as if they were resident Citizens of The United States.

Sec. 3. And be it further enacted, that, during the term of 12 Years, to commence 3 Months after the 22d day of February, 1821, being the day of the exchange of the Ratifications of said Treaty, Spanish Ships or Vessels, coming laden only with the productions of Spanish growth or manufacture, directly from the Ports of Spain, or her Colonies, shall be admitted into the Ports of Pensacola and St. Augustine, in the said ceded Territory, in the same manner as Ships and Vessels of The United States, and without paying any other or higher Duties on their Cargoes than by Law now are, or shall at the time be made, payable by Citizens of The United States on similar Articles imported into said Ports of Pensacola or St. Augustine, in Ships and Vessels of The United States, from any of the Ports or Places of Spain. or her Colonies, and without paying any higher Tonnage Duty than by Law now is, or at the time shall be laid, on any Ship or Vessel of The United States, coming from any Port or Place of Spain, or any of her Colonies, to said Ports of Pensacola or St. Augustine.

PHILIP P. BARBOUR, Speaker of the House of Representatives. JOHN GAILLARD. President of the Senate, pro tempore.

Washington, 30th March, 1822. Approved, JAMES MONROE.

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TOTAL OF ORDINARY REVENUES - &	420,69	2 3	23	722,23	1 7	94.	712,6	66 11	7‡	64,088,686	9	5‡	65,894,276	12 0
OTHER RESOURCES.	۵													
PROPERTY TAX (Arrears) .		-	-	10,84	1 5	11	-	-	-	37,137	6	52	47,978	12 4
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per Act 56 Geo. III. c. 97 - FROM the Commissioners for	-	•	-	-	-	-	1 7	-	-	83,910	13	3	83,910	13
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Parliament, for improving Post Roads, for building														
Gaols, for the Police, for Public Works and Employ-							1							
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Income of the UNITED KINGDOM of Great Britain and Ireland ; for the Year ended 5th Jan. 1822.

(Continued).

An Account (continued) of the Ordinary Revenues and Extraordinary Resources, constituting the Publick

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ORDINARY REVENUES.	£	5	, d.	*	8.	d.	\$. d.	1	#	s. d.	£	5	. d.
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CASUALTIES (do.) - TREASURY FEES and Hospital Fees (do.) -	-		-	Ξ	-	-	-	-	Ē	=	-	-	-	-	Ē
SMALL Branches of the King's Hereditary Revenue TOTAL	-	2	4	-	-	-	7,2	93 13	92	94	,923 1	9 03	-	-	-
OF ORDINARY REVENUES - £ OTHER RESOURCES.	387,96	2 3	113	146,238	4	03	34,9	93 13	93	94	,923 1	9 02	206,	997 1	5 7
PROPERTY TAX (Arrears) LOTTERY, Surplus Receipts after payment of Lottery		•	-	-	-	-	-	÷	-	-	•	-	de.	-	-
Prizes UNCLAIMED Dividends, An- nuities, Lottery Prizes, &c.	-	•	-	-	-	-	-	-	-	-	•		-	-	•
per Act 56 Geo. III. с. 97 FRom the Commissioners for the issue of Exchequer Bills, per Acts 57 Geo. III. с. 34 and	•	-	4	-	•	-	-	-			-	-	-	-	•
124, for carrying on Publick Works, and for the Employ- ment of the Poor in Great Britain		•						1			1				
On account of Advances made by the Treasury, under the Authority of various Acts of Parliament, for improving		•												1	
Post Roads, for building Gaols, for the Police, for Public Works and Employ- ment of the Poor, and for															
the support of Commercial Credit in Ireland URPLUS Fees of Regulated		-	-		•	-	•	-	-	-	-	-	-	-	-
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THER Monies paid to the Publick	2	-	-			-	-	<u>.</u>	_]	1	2	1	1	2	-
TOTAL (exclusive of Loans)	387,962	3	112	146,238	4	02	34,99	8 13	92-	94,	923 19	- 02	206,9	97 14	7
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TOTAL PUBLICK INCOME of the UNITED KINGDOM (including the Loans)	387,962	8	112	1 146,238	4	02	34,99	8 13	93	94,	923 19	9 02	206,9	97 15	7

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£.	s. 5	d. 1		s. d			d. 63	£. 10,582,762		. d. 8 6	£. 68,096		1.11						d. 93	£. 11,475,255		. d
1.1		74	18,275		305,868		83	0.780.20	1	1 53		12	1	121,933	15	03		0	9	28,941,62 6,858,98	9 1	1
5	:		1	:	55,625 13,700	17	5 1 0	7,780,455 1,383,538	1	1 74	17,017 146,449	14	11	239,701 11,274	17	10 6	66,364	2	5	8,192,801 1,621,320		10
	111111					111111		77,441 22,120 25,450 4,269 853 3,815	12		Ξ	11111			35 10	11	11111	41111		81,700 22,562 25,920 4,265 853 8,815	5 10 13 18	11 3 11 5
-	-	1		-	-	-		- 985	4	42	-	-			-		-	-		985		4
-	-		Hana 2,000	0 0	104,217	12 1	04	15,335	1	9	-	-		16,524	9	53	-	-		136,077	4	1
104,00	7 2	81	24,649	85	999,772	7	74	54,593,679	10	02	369,242	19	11	543,201	14	2	855,296	1	43	57,361,192	13	2
-	-		-	-	14	-		34,234	15	93	•	-		3,602	2	0	-	-		37,836	17	95
•	-		-	-	-	-	1	219,139	16	0	-	-		-	-		-	-		219,139	16	• 0
-	-		•	•	-	•		83,910	13	3	•				-		-	•		88,510	13	3
-	-		-		-			75,500	0	0	-	•			-			•		75,500	0	0
													11 miles				:		1	1		
-	-		-	-	-	-	1	122,653	13	10	3,547	16	82	•.				-	ŀ	126,201		1
-	-		-	-	121	-		63,000	14	43	-	-					-	-	ł	63,000		100
-	•	1	-	-	•	-	1	44		1.00		-		+	-		-	-		44		- 1B
-	-			-		-		142,028			-	-		-	-		-	-	14	142,028	_	-
4,007	28	2 2	24,649	85	999,772	7 7		55,334,192 13,828,783		1.11	372,790	-	72	546,803	-		-		1	8,108,855 3,828,783		-
-	-	+		-		-	-		-			-	-	•	-		1000 Color					-
,007	2 8	1 2	4,649	85	999,772	7 7	6	59,162,975	15	53	372,790	16	72	546,803	6	2 8	\$5,296	1 .	12 7	1,937,638	17	3

Income of the UNITED KINCDOM of Great Britain and Ireland; for the Year ended 5th Jan. 1822.

This Amount is exclusive of the undermentioned Sums, granted as a part
 of the Supplies of the Year, and applied to the Public Service, viz.
 Proceeds of Old Naval Stores
 Money remitted from France, on account of pecuniary indemnity 500,000 0 0

€663,400 0 0

Whitehall, Treasury Chambers, 23d March, 1822.

S. R. LUSHINGTON.

GREAT BRITAIN.

An Account of	f the Ordinar	y Revenues an	d Extraordinar	y Resources, c	onstituting the
		BALANCES.		GROSS R	ECEIPT.
HEADS OF	BALANCE	BALANCE	BILLS arising out of the Revenue 1820,	GROSS	TOTAL
	in the Hands of	in the Hands of	remitted to the Receivers General in London, but	RECEIPT	SUM
REVENUE.	Collectors,		in London, but which not becom-		
	on the	on the	ing due until after the 5th January,		to be
(GREAT BRITAIN.)	1821 .	5th January 1821.	1821, are carried to Account of the latter Year.	THE YEAR.	Accounted for.
ORDINARY REVLNUES.	£. s. d.		#. s. d.	e s. d.	e s di
USTOMS, including the An-		£. s. d.			£. s. d.
aual Duties - Excise, including the Annual	71,056 9 93		265,576 4 44		12,957,855 6 8
Duties	123,045 1 2	105,892 8 5 35,690 11 14	206,000 0 0 48,166 0 7	29,815,533 8 112 6,626,811 10 55	30,127,415 12 45 6,833,713 3 4
AND and ASSESSED TAXES OST OFFICE - ONE SHILLING and SIX-PANCE Duty and Duty on Pensions	126,717 12 74	524,664 4 6 15,415 18 9	70,462 14 1	7,680,349 3 3 1,869,184 10 3	8,205,033 7 9 2,061,780 15 9
and Salaries -	1 1 1	4,403 8 6 413 14 4	1 1 1 1	79,372 4 53 26,248 2 6	83,775 12 11 26,661 16 16
HAWKERS and PEDLARS - Small Branches of the Here- ditary Revenue; viz.		102 11 8		31,655 3 3	31,757 14 6
LIENATION FINES	1 : : :	2,525 5 5 1,705 19 103		11,255 10 0 635 10 03	13,780 15 5 2,391 9 11
RIZURES, Compositions, Prof- fers, &c.		14,199 5 4		4,154 19 9 106,621 13 8	4,154 19 9 120,820 19 0
CROWN LANDS TOTAL				100,021 13 0	120,820 19 0
DF ORDINARY REVENUES - &	820,819 3 74	720,639 12 61	590,204 19 04	58,857,477 19 8	60,489,141 14 4
OTHER RESOURCES.	1 C -	1.56.23			
PROPERTY TAX (Arrears) COTTERY, Surplus Receipts, after Payment of Lottery		10,841 5 11		87,137 6 52	
Prizes			1.100.00	219,139 16 0	219,139 16 0
nuities, Lottery Prizes, &c. per Act 56 Geo. III. c. 97. Rom the Commissioners for		- 3		83,910 13 3	83,910 13 3
the Issue of Exchequer Bills, per Acts 57 Geo. 111. c. 34 and 124, for carrying on Pub-					100 million - 1
lick Works, and for the Em- ployment of the Poor				75,500 0 0	75,500 0 0
Publick Offices - INTEREST on Contracts for				63,000 14 42	63,000 14
the Redemption of Land Tax OTHER MONIES paid to the				44 0 1	44 0
Publick				128,560 13 103	
TOTAL (exclusive of Loans)	8 820,819 8 7	731,490 18 5	590,204 19 04	59,459,771 3 43	61,102,276 4
Loans paid into the Exche quer; viz. On Contributions to An				1 Sec. 1	الم وي الم
nuities, per Act 1 Geo. IV c. 17.				1,090,783 15 1	1,030,783 15
FROM Commissioners for Re duction of National Debt			4	5,600,000 0 0	5.000 C
per Act 1 Geo. 1V, c. 22 From Ditto, per Act 1 and 1 Geo. 1V. c. 70.	2			6,400,000 0 0	5,600,000 0
TOTAL PUBLICK INCOME of Great Britain, (includ- ing Loans)		731,480 18 5;	590,204 19 0	72,490,554 18 5	

GREAT BRITAIN.

RATE	Drawbacks, Di de	scounts, Charges of Ital to and paid out	Management, and of the Gross Keven	Expences inci- ue;	*N., P. 4	Rate
Per Centum for which the GROSS REVENUE was Collected.	and bounties of thenature of draw backs; allowance to the two Univer sities on accoun of almanacks, an for paper & parch	othercharges, also s Irish Packet esta- blishment, with the allowance to s freland in lieu of	CHARGES of MANAGEMENT.	TOTAL PAYMENTS out of the GROSS REVENUE.	Net Produce applicable to National Objects and to Payments into the Exchequer.	Per Centum for which th Net Produce of the REVENUE was Collected.
£. s. d.	£. s. d	£. s. d.	£. s. d.	#. s. d.	£. s. d.	£. s. d.
898	1,947,537 0 9	115,237 1 84	1,069,290 8 7	3,182,054 11 1	9,825,800 15 7	11 5 9
$\begin{array}{r} 3 \ 16 \ 1 \\ 2 \ 15 \ 6 \\ 4 \ 7 \ 11 \\ 27 \ 12 \ 1 \end{array}$	1,923,652 2 4, 219,163 3 6, 	28,167 0 03	1,138,919 18 44 183,767 13 13 837,473 2 33 515,973 13 49	2,957,572 0 83 402,930 16 84 337,473 2 32 544,140 13 54	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	4 4 4 2 19 4 11 11 38 18 10
2 12 2 15 12 5 18 8 9	EEE	111	2,069 12 8 4,099 10 11 5,837 4 3	2,069 12 8 4,099 10 11 5,837 4 3	81,706 0 33 22,562 5 11 25,920 10 3	2 13 18 10 22 12
	1:::	1 2 2 2	1,147 8 0 75 7 4	1,147 8 0 75 7 4	12,633 7 5 2,316 2 71	1
4 2 8	1:::	:::	3,848 4 64	3,848 4 84	4,154 19 9 116,972 14 34	4 6
5 10 8	3,990,352, 6 8,	148,404 1 9	3,257,492 3 73	7,391,248 12 11	53,097,893 2 34	6 6
	1				2	Ŷ
÷.			10,141 14 7	10,141 14, 7	87,836 17 92	144
-					219,139 16 0	-
-					63,910 13 3	-
		1.2.7.7			· · · · ·	
-					75,500 0 0 63,000 14 43	-
		1			44 0 14 123,560 18 103	
-	3,990,352 6 8	t 143,404 1 9‡	3,267,633 18 23	7,401,390 6 84		
_					1,030,783 15 1	
200					5,600,000 0 0	
-					6,400,000 0 0	
-	3,990,352 6 8	148,404 1 91	3,267,633 18 22	7,401,390 6 84	66,731,669 12 104	_

Publick Income of GREAT BRITAIN; for the Year ended the 5th of January, 1822.

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(Continued)

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GREAT BRITAIN.

- The second sec	1 .			1	0.67	1.1.1	J	ayme	nts	out of U	ne Ne	t Pro	duce, Ap	plicab
H E A D S of R E V E N U E. (GREAT BRITAIN.)	for p Fis	sheri Liner	oting es,	and W. Augr of Scoto Highl	Militia Dese arran menta Stipen to the ch Cla and R and r Serv	rters ts; ution nds rgy; oads;	and Pensi Pensi Stipends on Land I	eredita enue ; erpetu ons ar , cha the	ary ial id rged	in sec impro Majesty Forests Reven ing Pa theCon for exe Act 53	y's W , and uc, in ymen imissi cutin	and His oods, Land clud- ts to oners g the lII.	toward port of Gover	f theBa Exched land, u thority nts Act iamen ls the S f the C
ORDINARY REVENUES.														
Customs, including the An- nual Duties Excise, including the Annual Duties STAMPS LAND and ASSESSED TAXES POST OFFICE - ONE SHILLING and SIXPENCE	282,0		a. d. 3 93 0 3	12,	8. 5 000 (625 12	-	14,00	s. 0 0 0	- 0 -	8 1 1111		d		- B. 730 15 267 0
Duty, and Duty on Pensions and Salaries - HACKNEY COACHES - HAWKERS and PEDLARS Small Branches of the Here- ditary Revenue; viz.	4.1.4	111	E	111	1.1.1	111	5	=		111	111	111	111	-
ALIENATION FINES Post FINES SEIZURES, Compositions, Prof- fers, &c. CROWN LANDS	14 14	11 11	41 14	11 11	10	1 1	7,29	3 13			23 19			11 11
TOTAL OF ORDINARY REVENUES	855,5	75 14	1 0]	67,6	525 17	52	34,99	3 13	93	94,9	23 19	02	206,9	197 15
PROPERTY TAX (Arrears) & LOTTERY, Surplus (Receipts after Payment of Lottery	•		1,00	-	4	-			-	-		-	-	-
Prizes JNCLAIMED DIVIDENDS, An- nuities, Lottery Prizes, &c. Per Act 56 Geo. III. c. 97. FROM the Commissioners for the Issue of Exchequer Bills, per Acts 57 Geo. III. c. 34 and 124, for carrying on Pub-	* *		1 1			-								1. 1.
lick Works, and for the Em- ployment of the Poor URPLUS Fees of Regulated Publick Offices	-	•	-			-			-			-	-	-
NTEREST on Contracts for the Redemption of Land Tax THER MONIES paid to the Publick	-	a.,							-			-		-
OTAL (exclusive of Loans) &	355,57	5 14	01	67,62	5 17	51	34,993	13 9	2	94,92	3 19	- 03	206,9	97 13
oans paid into the Exche- quer; viz. N Contributions to An- nuities, per Act 1 Geo. IV. 17 Rom Commissioners for Re- luction of National Debt, ber Act 1 Geo. IV. c. 22. Rom Ditto, per Act 1 and 2 Geo. IV. c. 70.													1 1	1 1 1
TOTAL PUBLICK INCOME of Great Britain (includ- ing Loans)	855,575	5 14	03	67,62	5 17	51	34,993	13 9	2	94,923	3 19	02	206,99	7 13

National Object	5,			BALANCES	•	4.4
Monies Imprest in the Hands of different Persons.	Total Payments out of the Net Produce	Payments into the Exchequer.	Balance in the Hands of Collectors, on the 5th January, 1822.	Balance in the Hands of Receivers General, on the 5th January, 1822.	Bills arising out of the Revenue 1821, remitted to the Receivers General in London, but which not becoming due until after the 5th January, 1822, are carried to Account of the latter Year.	Total discharge of the Net Produce, (Great Britain.)
£. s. d.	£. s. d.	£. s. d.	2. s. d.	<i>2</i> . s. d.	£. s. d.	£
1,488 0 0	348,842 19 02	9,145,109 19 73	60,077 9 7	14,586 1 52	257,184 5 93	9,825,800 15 7
18,275 13 5 2,885 15 0	259,494 3 112 2,885 15 0 55,625 17 51 13,700 0 0	26,546,415 12 8 6,112,772 6 11 7,472,232 10 24 1,318,000 0 0	91,736 12 113 131,681 17 74	121,933 15 04 33,862 16 9 339,701 17 10 7,894 2 34	242,000 0 0 189,524 15 0 66,364 2 5	27,169,843 11 8 6,430,782 6 7 7,867,560 5 5 1,537,640 2 4
: : :	333	$\begin{array}{rrrrrrrrrrrrrrrrrrrrrrrrrrrrrrrrrrrr$	EEE	4,264 3 84 442 5 11 470 10 3	3 E E	81,706 0 3 22,562 5 11 25,920 10 3
Hanaper 2,000 0 0	} 2,000 0 0	8,713 8 8		1,919 18 9		12,638 7 5
		1,500 0 0 4,154 19 9		816 2 74		2,316 2 7
1 1 1	102,217 12 10	966 13 4	1 1 1	13,788 8 1		4,154 19 9 116,972 14 8
24,649 8 5	784,766 8 44	50,734,877 7 9 1	283,496 4 23	539,680 2 82	755,073 3 23	68,097,893 2 8
		84,234 15 99		8,602 2 0		67,836 17 9
		219,139 16 0				219,139 16
		83,910 13 78				63,910 13 8
		75,500 0 0				75,500 0 0
		63,000 14 42				68,000 14 4
		44 0 14				44 0 1
		123,560 13 103				123,560 13 10
649 8 5	784,766 8 44	51,334,268 1 84	283,496 0 24	543,282 4 84	755,073 8 22	53,700,885 17 9
		1,030,783 15 1				1,030,783 15 - 1
		5,600,000 0 0				5,600,000 0 0
		6,400,000 0 0				6,400,000 0 0
19 8 5	784,766 8 44	64,365,051 16 44	283,496 0 21	543,282 4 84	755,078 8 23	66,781,669 12 10

chall, Treasury Chambers, 23d March, 1822.

S. R. LUSHINGTON

-		and the second second	Jacob and Strength	Contraction of the second	nary Resources,	constituting
		and	BALANCES.		GROSS R	ECEIPT.
	H E A D S of R E V E N U E. (IRELAND.)	Balance in the Hands of Collectors, on the 5th January, 1821.	Balauce in the Hands of ReceiversGeneral on the 5th January, 1821.	Bills deposited by the Receiver General in the Bank of Ireland, to the Credit of the T. dier of the Ex- chequer, but not due untilafter the 5th January, 1821.	Gross Receipt within the Year.	Total Sum to be Accounted for
Cust Exci Stam Taxe Post Poun Pell Casu	SE PS OFFICE DAGE FEES S FEES ALTIES SURY FEES and Hospital	£. s. d. 14,936 4 53 45,093 2 34 9,037 2 64 16,754 5 3 14,052 5 04	145 19 5	<i>z</i> C. s. d. 48,354 12 11 58,687 19 8 15,419 0 0	2. s. d. 2,184,118 17 82 1,977,452 9 94 452,159 2 13 361,935 1 94 175,618 6 14 4,209 13 112 853 18 53 3,815 15 94 985 4 43	xC. s. 2,247,409 15 2,101,233 11 476,761 4 378,689 7 191,116 7 4,269 13 853 18 3,815 15 985 4
Total	of Ordinary Revenues £	99,872 19 7	1,591 15 34	122,461 12 7	5,181,208 10 24	5,405,134 17
Imprest Monies repaid, and other Monies paid to the Public.	THER RESOURCES. ON Account of Ad- vances, viz. For improving Post Roads (per Act 43 Geo, III. c. 43) - Building Gaols (per Act 50 Geo. III. c. 103) - Extraordinary Esta- blishment of Po- lice in Proclaimed Districts - Public Works, and Employment of the Poor (per Acts 57 Geo. III. c. 34 and 124) - ON account of Balance due from Commission- ers for the support of Public Credit (per Act 1 Geo, IV. c. 39) - For Board of Health (per Act 58 Geo. III. c. 47) - OTHER Monies -				81,872,15 4 27,016 11 53 37,642 11 8 40,849 19 4 17,538 9 3 92 6 2 18,468 3 04	32,376 7 27,701 16 37,642 11 10,843 19 17,538 1 17,538 1 92 18,468
LOAN	orAL, exclusive of Loans spd.into the Exchequer: Draccount of the Sinking Fund Loan (per Act 1 & 2 Geo. IV. c. 70) FROM the Governor and Company of the Bank of Ireland, being an in- crease to their Capital, by Act of 1 & 2 Geo. IV. c. 72 (£500,000 Irish Currency) L Public Income of Ire- d (including Loans) £	101,061 16 114		122,461 12 7	5,324,689 6 51 336,461 10 91 461,538 9 22 6,122,689 6 51	5,549,904 3396,401 461,538 6,347,904
AP LINE IMPR Repa and LAGA INNS LIGH DUNI TOTA	PROPRIATED DUTIES for Local Objects: IN Manufactures IN Manufactures IN Manufactures IN Manufactures IN Navigation Of Court IN HARBOUR Lof Appropriated Duties Local Objects	91 10 44 43 6 44 14 10 8 1,876 12 14 1,136 14 3 41 17 5 3,204 12 2		773 6 10 773 6 10	$\begin{array}{c} 440 & 12 & 44 \\ 11,213 & 3 & 64 \\ 1,931 & 4 & 0 \\ 5,076 & 1 & 22 \\ 1,848 & 0 & 0 \\ 20,947 & 2 & 44 \\ 7,169 & 2 & 1 \\ 48,625 & 5 & 74 \end{array}$	522 11,256 1,943 6,255 1,842 22,851 7,230 32,651
	GRAND TOTAL £	104,266 9 1		123,234 19 5	6,171,314 12 03	6,400,40

IRELAND.

Rate	Drawba	cks, Dis c. paid	counts, C out of th	harges e Gross	of Manage Revenue.	ment,	Net Pro		Rate per Centum,
er Centum for which the Gross Revenue was collected.	Repaym Drawb Discoun	acks,	Chary of Manager		Tota Payme out of Gros Reven	nts the is	applicab National O and to Payments the Exche	bjects, o s into	for which the Net Produce of the Revenue was collected.
£. s. d 18 15 9 14 7 5 9 7 2 14 15 4 57 11 2 	£. 187,644 42,399 11,244 6,347 - -	5 23	£. 410,307 287,048 42,312 53,448 101,082 - - -	13 3 1 10 8	£. 597,951 329,448 53,556 53,448 107,430 - -	18 64 10 8	£. 1,649,458 1,771,785 4252,204 325,240 83,685 4,209 853 3,815	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	£. s. d. 25 17 4 17 4 2 10 12 3 17 6 7 148 4 10
-	-	-		-	-	-	985	4 43	22 2 9
17 5 2	247,635	19 02	894,199	7 82	1,141,835	6 9 1	4,263,299	10 103	
-	-	-	-	-	-	-	32,876	7 34	-
-	-	-	-	-		-	27,701	16 104	-
-	-	-		-		-	37,642	11 8	-
-	-	-	-	÷		-	10,849	19 4	-
-	1 -	÷	-	4	-	-	17,538	93	-
Ξ	:	-	-	:	=	:	92 18,468	6 2 3 0 1	=
-	247,635	19 03	894,199	7 82	1,141,835	6 9 1	4,407,969	4 51	-
-	-	•	÷	-	•	÷	336,461	10 9 1	-
					64 L				
-	-	-	-	-	-	-	461,538		-
-	247,635	19 03	894,199	7 83	1,141,835	6 94	5,205,969	4 04	-
н'шп'	- 0	5 104	-	:	- 0	5 104	532 11,256		
=	2,870	5 22	1	Ξ	2,870	5 22	1,945 4,082	8 115	=
=	1 - 4	-	1	2	- 4	5 91	1,848 22,852 7,195	0 0	=
-	15	-		-	15				-
-	2,890		-	-	2,890		49,712		
-	250,526	4 102	894,199	7 82	1,144,725	12 /2	5,255,682	00	(Continue

Publick Income of IRELAND; for the Year ended the 5th of January, 1822.

Acc	ount (continued) of the	Oran	hary	nev	enues	and I	Lxtra	ordina	ry R	esou	ces, co	nstit	uting
		Pay	ment	s out	of the	Net Pr	oduc	e, appl	icable	to N	ational	Objec	ts.
	HEADS	Ro	untie		Pa	yment	s						
	of		romo			coun	tof	Navy	and A	rmy	Т	otal	
	REVENUE.		Fisher		Sun	agglin	g	Ha	If Pag		10 C 10 C	ment	
			Linen		Army	of Res	erve,		nents		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	it of	
	(IRELAND.)		afactu &c.	ires,	Comp	ificatio	ion,		ount Brita		Net P	the	. I
	-		ac.			åc.	-	-		-			
OR	DINARY REVENUES.	ŧ	2. s.	. d.	đ	· s.	d.	£.	8 .	d.	£.	8.	d.
UST		32,	386 9	11‡	77,	300 6	59	58,9	45 5	1	168,6		6
TAM	PS	- 1	12		1.	312 0	14	45,0	61 17	7월	46,3	73 17	9
OST	OFFICE		-	-	5	12.1	-13	10-1	-	-		-	-
Pour	DAGE FEES	-	-	-	-	1.2	-		-	-		-	21
CASU	S FEES	-	-	-	1 -	1.2	Ξ	1 2	-	-	1.2	-	2
Fee	SURY FEES, and Hospital		-	-	-			-	-		1		
	10.15 TO 1101 01 0013	00.0			4	1	-	-	-	-		-	-
	of Ordinary Revenues £ THER RESOURCES.	32,	386 9	114	78,	612 6	7‡	104,0	07 2	81	215,0	05 19	3
	On Account of Ad-												
	Vances, viz.												
	For improving Post Roads (per Act 43	8			-	1.00		-	1.4	1		-	. 1
and other Monies paid to the Public.	Geo. III. c. 43.) • Building Gaols (per	-	-		-	-	-	-	-	-	-	-	-
Pu	Building Gaols (per Act 50 Geo. III. c. 103)	2	1	1.1	h ()	1.0	1.16	- 1.	1.1		- 80		
the	ExtraordinaryEsta-		-	-	-	-	-	-	-	-	-	-	-
top	blishment of Po- lice in Proclaimed						1.1	2					
lid	Districts -	-	-	+ 3	-	-	- 1	-	-	- 1	-	-	-
s pe	Public Works, and Employment of						1.3	1.1					1
nie	the Poor (per Acts										1		
Mo	57 Geo. III. c. 34 and 124.	1.4	-				- 1		-	- 1	1	-	-
er	On account of Balance duefrom Commission-												
oth	ers for the support of							2.1			-		
pu	ers for the support of Public Credit (per Act 1 Geo. IV. c. 39)		-	-	1	-	-	-	5	1.1		-	_
e	FOR DOARD OF Health I								1	-	Ē	-	-
	(per Act 58 Geo. 111. c. 47.)	1 -	-	-		14.	-	5 .	-	- 1	-	-	-
	Other Monies			-	-	-	-	-	-	-		-	-
OTA	L, exclusive of Loans £ spd.into the Exchequer:	32,3	386 9	114	78,0	512 6	7‡	104,0	07 2	81	215,0	05 19	3
0	n account of the Sink-												
	ing Fund Loan per Act 1 and 2 Geo. 1V. c. 70 -	-	-	-	-	-	-	-	1	- 1	-	-	-
1	rom the Governor and												
	Company of the Bank of Ireland, being an in-												
1	Ireland, being an in- crease of their Capital, by Act of 1 & 2 Geo. IV.						1.3	1.00					
	C. 72 (35 500,000 Irish	20			č	1.00		2				100	
Гота	Currency) - L Public Income of Ire-	10.0	10.0	-	112.57	1.0	-	-	15.1	1.	-1- 7-	-	-
land	(including Loans) £	32,38	6 9	11‡	78,6	512 6	7‡	104,0	07 2	81	215,0	05 19	3
API	PROPRIATED DUTIES. for Local Objects :				-			-					
INE	N Manufactures -	-	124	-	-	-	-		101	-	-	-	-
lepa	OVEMENT of Dublin - irs of the Royal Exchange	-		-		-	-		-	-	-	-	-
and	Commercial Buildings -	-	-	-		-	-		0-	-		-	-
NNS	N Navigation - ·	2 -	12	1	1	2	1	- 2	12	1	1	-	-
	T-HOUSES	-	-	-	-	- 1	-		-	-		-	-
OTA	L of Appropriated Duties	-	-	100	-	-	-		5	-	-	-	-
	the second second				1117		- 0	1010	07	01	015.0	05-1	0
	GRAND TOTAL	32,2	386 9	114	78,6	512 6	72	104,0	007 2	04	210,0	1 00	

-

IRELAND.

BALANCES. Total Discharge Bills deposited in the Bank of Ireland by the Balance Balance of the Payments in the Hands of in the Hands of Receiver General to the Credit of Net Produce. Collectors, Receivers into the on the General, the Teller of the Exchequer, but not due until Exchequer. 5th January, on the 5th Jan. Ireland. 1822. 1822. after the 5th Jan. 1822. £. s. d. £. s. d. £. s. d. £. £. s. d. s. d. 649,458 7 13 ,649,458 7 13 ,771,785 9 53 423,204 5 7 325,240 16 44 83,685 19 84 4,269 13 112 853 18 53 3,815 15 94 8,019 8 94 38,844 12 14 7,057 11 74 17,017 14 114 14,767 12 3 35,153 18 0 -49,891 0 9 15,177 19 5 14I 13 S ----8,379 18 21 -------985 4 43 -985 4 42 3,858,802 2 34 85,746 19 82 8,521 11 54 100,222 18 2 4,263,299 10 104 32,376 7 84 32,376 7 31 24,154 0 12 3,547 16 89 27,701 16 103 --37,642 11 8 37,642 11 8 . ---10,849 19 4 10,849 19 4 -17,538 9 3 17,538 9 3 92 6 2 18,468 3 04 92 6 2 18,468 3 04 -1 8,999,923 19 14 89,294 16 54 100,222 18 2 4,407,969 4 53 3,521 11 54 336,461 10 91 336,461 10 94 461,538 9 23 461,538 9 23 89,294 16 54 100,222 18 2 5,205,969 4 54 4,797,923 19 3,521 11 54 11 532 2 9 11,256 4 04 485 2 11,252 6 12 47 0 9 3 17 103 1 ---1,945 14 83 4,082 8 11 1,848 0 0 22,852 17 9 7,195 10 63 2 13 24 2,236 5 10 -2 2 ----1,258 17 4 -276 18 5 -49,712 18 94 45,874 4 0 3,561 16 4 276 18 5 --5,255,682 3 3 4,843,798 8 11 100,499 16 7 92,856 12 10 8,521 11 51

the Publick Income of IRELAND; for the Year ended the 5th of January, 1822.

Whitehall, Treasury Chambers, 23d March, 1822,

S. R. LUSHINGTON.

TRADE OF THE UNITED KINGDOM.

AN ACCOUNT of the VALUE of all IMPORTS into, and of all EXPORTS from, the United Kingdom of GREAT BRITAIN and IRELAND,

During each of the Three Years ending the 5th January 1822, (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			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.			
ending	ending 5th January.					Produce and Manufactures of the UnitedKingdom			Foreign and Colonial Merchandize.			TOTAL EXPORTS.			exported therefrom, according to the Real and Declared Value thereof.			
				8		d.	£	8,	d.	*	s. (d.	£		d.	£	8.	d.
1820		•	30,74	8,146	1	10	33,481,83	6 9	5	9,905,184	11	10	43,387,021	1	3	35,204,564	19	
1821	•		32,43	8,650	17	3	38,395,55	5 7	2	10,555,912	10	3	48,951,467	17	5	36,424,652	13	11
1822			30,74	4,028	5	6	40,831,74	4 17	5	10,698,479	14	5	51,530,224	11	10	36,659,631	3	0

Inspector General's Office, Custom-House, London,

23rd March, 1822.

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 1822; (calculated at the Official Rates of Valuation, and stated 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.

				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 theUnitedKingdom,				
Y E A R S ending 5th January			Produce and Manufactures of the UnitedKingdom				Foreign and Colonial Merchandize.			TOTAL EXPORTS.			exported from Great Britain, ac- cording to the Real and Declared Value thereof.								
	-	~				£	8.	d.	1	8	5.	d.	£	8.	d.	£	8.	d.	£	5.	d.
the dith	1	1820	-	-	29,6	554,898	13	4	32,9	23,574	1 18	8	9,879,236	0	0	42,802,810	18	8	34,248,495	6	4
9	Y	1821	•		31,4	484,108	īı	8	87,8	8,035	13	3	10,525,025	18	8	48,343,061	u	11	35,568,669	9	5
Value sive of Trade		1822		-	29,6	575,320	4	7	40,1	04,892	2 13	11	10,670,880	8	9	50,865,773	3 2	8	35,896,083	13	7

Inspector General's Office, Custom House, London, 23rd March, 1822. WILLIAM IRVING. Inspector General of the Imports and Exports, of Great Britain. IRELAND.

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 1822, (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 Merchandise 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.

		v	ALU	Е	VAL	UE	OF 1 d at t	EXPORT he Officia	S Fal R	RO	M IRELA	ND	, 1.	VALU of the Pr and Manuf	rodu		
	-	IRI calcul Offic	f Imports into IRELAND, alculated at the Official Rates of Valuation. of		Prode Manu of the	Produce and Manufacture			Foreign and Colonial Merchandize.			TOTAL EXPORTS.			of the United Kingdom, export- ed from Ireland, as computed at the Average Prices Current.		
Years end	ing	-		-		-	-						1				
5th Janua	ary	£.		. d	£.	8.	d.	£.	8.	d.	£.		d.	£.	\$.	d.	
VALUE.	1820 .	6,395,	972	17 5	\$ 5,708,5	82 15	72	61,882	12	23	5,770,465	7	10	9,747,206	1	14	
Trade with	1821	. 5,197,	192	7 8	7,089,4	41 11	6	89,781	6	11	7,179,222	18	5	10,308,713	11	91	
ELAT BRITAIN.	1822 .	6,548,	515	9 8	\$ 7,703,8	57 11	82	77,795	4	34	7,781,652	16	0	9,808,057	19	7±	
Years endi	ing		-				-		-						-	-	
5th Janua	ry																
VALUE,	1820	- 1,093	247	8 6	558,2	51 10	9	25,948	9 11	104	584,210	2	74	956,069	12	8	
frade with	1821 .	954,	542	5 7	577,5	9 18	n	30,886	11	7	608,406	5	6	855,983	4	64	
EAT BRITAIN.	1822 .	1,068	708	0 11	636,8	52 3	61	27,599	5	72	664,451	9	2	833,548	9	5	

ustom House, Dublin, 21st March, 1822.

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WILLIAM MARRABLE, Inspector General of the Imports and Exports of Ireland.

NAVIGATION OF THE UNITED KINGDOM.

VESSELS EMPLOYED IN THE FOREIGN TRADE.

AN ACCOUNT of the Number of VESSELS, with the Amount of their TONNAGE, and the Number of MEN and Boys employed in Navigating the same, (including their repeated Voyages,) that entered Inwards, and cleared Outwards, at the several Ports of The United Kingdom, from and to all Parts of the World (exclusive of the Intercourse between Great Britain and Ireland respectively), during each of the three Years ending 5th January, 1820, 1821, and 1822.

	~							D KINGE nd Ireland.		
YEAR ending	Britis	and Irish	Vessels.	Fo	reign Ves	sels.	TOTAL.			
5th January	Ves- sels.	Tons.	Men.	Ves- sels.	Tons.	Men.	Ves- sels.	Tons.	Men.	
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	
1822	10,805	1,599,423	97,485	3,261	396,107	26,043	14,066	1,995,530	123,525	

SHIPPING CLEARED OUTWARDS FROM THE UNITED KINGDOM,

(exclusive of the Intercourse between Great Britain and Ireland.)

YEAR ending	Britis	and Irish	Vessels.	Fo	reign Ves	sels,	TOTAL.			
5th January	Ves- sels.	Tons.	Men.	Ves- sels.	Tons.	Men.	Ves- sels.	Tons.	Men.	
1820	10,250	1,562,802	97,267	8,795	556,041	30,333	14,045	2,118,849	127,600	
1821	10,102	1,549,508	95,849	2,969	433,328	24,545	13,071	1,982,896	120,394	
1822	9,797	1,488,644	93,377	2,628	384,219	22, 179	12,425	1,872,863	115,555	

Custom House, London, 23d March, 1822.

WILLIAM IRVING.

NAVIGATION OF THE UNITED KINGDOM-continued.

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 1820, 1821, and 1822, respectively.

	1	820.	18	322.		
	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.
United Kingdom	717	89,091	619	66,691	585	58,076
Isles Guernsey, Jersey, and Man	20	1,981	16	1,451	12	1,406
British Plantations	328	21,701	248	16,440	208	11,810
Total	1,125	112,173	883	84,582	805	71,292

Custom House, London, 23d March, 1822.

WILLIAM IRVING.

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VESSELS REGISTERED.

AN ACCOUNT of the Number of VESSELS, with the Amount of their TONNAGE, and the Number of MEN and Bors usually employed in Navigating the same, that belonged to the several Ports of the BRITISH EMPIRE, on the 30th September, in the Years 1819, 1820 and 1821, respectively.

-	On	30th Septe 1819.	mber	On	30th Septe 1820.	mber	On 30th September 1821.				
	Ves- sels.	Tons.	Men.	Ves- sels.	Tons.	Men.	Ves- sels	Tons.	Men.		
ited Kingdom Guernsey,) Jersey and	21,501 496		155,277 3,613	i and the	2,412,804 26,225	155,335 3,775		2,329,213 26,639	150,424 3,859		
lish Planta-	3,485	214,799	15,488	3,405	209,564	15,304	3,384	204,350	14,896		
TOTAL	25,482	2,666,396	174,378	25,374	2,618,593	174,414	25,036	2,560,202	169,179		

Bouse, London, }

WILLIAM IRVING.

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An Account of the Publick Funded Debt of the United Kingdom, payable in Great ascertained :-Distinguishing the different Funds in which the same is Invested ;-the Years ;-Charges of Management ;-the Annual Interest 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 Prince Regent

		Capital	s—A	t £ 3	per Cen	tum	per A	nnum.	-	
BY WHAT ACTS CREATED.	Bank of ngland Annuities.	South	nnui	ties,	Cons Annui Annuiti	ities,	and	Ann	duced	
GREAT BRITAIN.	£.	£.	8.	d.	£.	8.	d.	£.	8.	d.
4 & 5, and 5 & 6 William & Mary.										
5 & 6 Ditto	=	1 2	-	-	-	-	-	- 2.	5	-
20 Geo. II 1745 21 Ditto 1746	-	-	-	-	-	-	-	-	-	-
ANNUITIES. 32 Ditto 1757	1111	-	-			-	2	1 2	2	2
6 Geo. III 1766 18 Ditto 1778	-	-	-	-	-	-	-	-	-	-
19 Ditto 1779	-	-	-	-	-	-	-	-	-	-
29 Ditto 1789	1		-	- 2	1 2	-	-	-	-	2
ank of England-3 & 8 Geo. I. & II. 7, 19, 20, & 56 Geo. 111.	1.000.000									
outh Sea Company-9 Geo. I	14,696,800	20,071,	084 1	3 11	-	- 2			-	17
hief Cashier of the South Sea Com-				10.0		-	-	-		-
pany-26 Geo. I. hief Cashier of the Bank of Eng-	-	966,	500	0 9	Anno 17	-	-	1.000		-
land-12 Geo. I	-	-	-	-	1,000,		0 0	-	-	-
y sundry Acts prior to 57 Geo. III. (1st Feb. 1817) after deducting	262 11	199413		1949		1.000	111			
£ 470 £ 3 per Cent. Consols.	000			-	· · · · · · · · · · · · · · · · · · ·					
£ 470 £ 3 per Cent. Consols. £ 1,600 £ 3 per Cent. Red. and				100				. Land		
£ 600 £ 5 per Cent. the Amount of Stock which would have been	1.000	10.164		1.0	10.00		1.00			
created by £ 2,000 Omnium, 1814,				-						
orfeited -	-	-	-	- 1	390,901,	594 1	7 0	202,658,	639 1	7 0
nnual Sums payable to the Com- missioners for the Reduction of the National Debt—	STAD 9			1			10	Test.		
nnuities for 10 Years, 1777, fallen in	- 1	-	-	-	-	-	-	-	-	-
itto per Act 26 Geo. III	-	-	-	-	-	-	-		-	-
y Act 53 Geo. III. c. 35, being Half	-			-	-	-	~	-	-	-
the Interest of Sums raised pro Annos 1813 and 1814, which ex-	_manusle	31008		1.11	YE8:					
ceeded £ 13,013,914, the estimated					1.119		- 13			
Sum applicable to Reduction of	1-210 .22	STATE:	10.5	1049	11.00		1.16.1	0.000		
Debt, at 1st February, 1813	the state of the state	-	-	-	100	-	-	-	-	-
ceeded # 11,330,452. Ditto 1st				1.5						
February, 1814	A 104-7 10		-	-	-		-	-	-	-
y Ditto, pro Anno 1815, which ex- ceeded £ 11,324,760. Ditto 1st							179.00	1.1		
February, 1815	-	-	-	-	-	-	-	-	-	-
ly Ditto, pro Anno 1818, which ex- ceeded £ 14,454,084. Ditto 1st				1			177			
February, 1818	1.1.	3107-00	-		1000	-	-	0.4	-	-
ly Ditto, pro Anno 1819, which ex-										
ceeded £ 15,666,797. Ditto 1st February, 1819				1.1				-	-	
y Ditto, pro Anno 1820, which ex-	T			177	100			Sec. 2	100	-
ceeded # 16,832,864. Ditto 1st	10. 1	19-15		1.1	15. 1.		1194			
February, 1820 By Act 59 Geo. III. c. 111, £1 per	T	1	-	-	-	-	-		-	-
Cent. per Annum, on Outstanding				1.3						
Exchequer Bills	-		-	-	1.1.1.1	-	-	1.00	-	-
	14,686,800	21,037,	684 1	3 11	391,901,	594 1	7 0	202,658,	639	17
educt Stock transferred in the	C. C. P. C. P.	-	×	124				1000		
Year ended 5th January, 1822, to the Commissioners, on account of				1.33						
Land Tax Redeemed		12 -0	-	14	45,	778	8 2	47,	109	17 1
	and the			1		010	0 10	202,611,	500	10
itto remaining in the Names of	A REAL PROPERTY AND	1			391,855,	010	8 10	202,011,	023	13
the Commissioners for the Reduc-	HIE LOBA		100		10.000	000				
tion of the National Debt	-	8,506,	100	0 0	19,184,	,032 1	2 10	66,965,	311	13
		1			372,671,	783 1	6 0	135,645,	218	5
ransferred for Purchase of Life	NTA - 1				1 1 1 1 1			CINAS	100	-
Annuities	-	-	-	-	3,965,	209	0 0	2,235,	020	0
£	14,686,800	12,531,	584 1	3 11	368,706,	574 1	6 0	133,410,	198	5

Britain, as the same stood on the 5th day of January, 1822, so far as the same can b⁶ Capital Stock of each Fund ;—the Annual Interest ;—Annuities for Lives or Terms of Commissioners for the reduction of the National Debt, by sundry Acts of Parliament what Periods, the several Parts of the Publick Debt are Redeemable and Determinable. of Portugal, payable in Great Britain.

	pital			Cons	olidat	ted	1		Cap	itals	; 8	at £5 pe	r Cer	itun	a p	er Annur	n.		
Per (at 3. 10. Centu Annu	m			cents			Conse Anr	olidat nuitie		-	Ann Annos 17	uitie 97 an	d 18	02.	Former lr and nov Great	ly pa eland v pay t Brit	able	by ir
£.			d.	£.		d.		2		. d.	1	ß		. d	•	£.			I.
	2	-		4	-	-		-		-				-			-	-	
2	=	-		-	:	2		-	-	-		1	2	-			-	-	
-	-	-		•	-	-		-	-	-	1		-	-		-	-	-	
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-	5	Ū.			-	-					1		•	7		•	1	1	
		Ī				1		•	-	•			•			-			
22,57	8,821	14	0	74,94	5,413	4	8	141,8	0,057	9 7	,	1,01	5,668	12	4	1,99	95,946	2	2
	-	_		_					2			1.5							
•	-	-			-	-		-	-	-	1	-	-	-		=		2	
2	•	7		-	•					-			1	1		-	•		
-	•				-	•		•	•	-		-	•	•		-	-	-	
-	•	•		•	•	-		•	-	•		-	•	•		-	-		
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•	-	•		•	•	-		•	-	-		•	-	•			-	-	
-	•	•		•	•	•	1	•	-	-		-	•	-		-	-	-	
-	•	•	1	•	•	-		•	•	-		-	•	-		-	-	-	
-	-	-		-	•	-		-	-	-		1.4	-	-		-	-	•	
22,57	3,821	14	0	74,94	5,413	4	8	141,8	30,057	9 :	7	1,01	5,668	12	4	1,3	95,946	2	2
-	-	-		4	•	-		-		-			-	-		-	-	-	
22,57	3,821	14	0	74,94	5,413	4	8	141,8	30,057	9 :	7	1,01	5,668	12	4	-	•	-	
	5,900		_		4,307			_		1 4	_		6,064		-	-	-	-	
17,73	7,921	14	0	74,92	21,105	18	2	141,8			_ 1	1,00	9,603	18	11	-	•	-	
-	-	-		5	1,634	0	0			0 0	-	-	-	•		-	-	-	2
17,78	7,921	14	0	74,86	9,471	13	2	141,6	3,392	8	2	1,00	9,603	18	11	1,39	5,946	2	2

An Account (Continued) of the Publick Funded Debt of the United Kingdom, payable in ascertained :-Distinguishing the different Funds in which the same is Invested ;-the Years ;-Charges of Management ;-the Annual Interest 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 Prince Regent

BY WHAT ACTS CREATED.	Total Capitals.	Annual Interest.	Annuities for Lives, or Terms of Years.
		and physical sectors.	1417/561
GREAT BRITAIN.	28. s. d.	£. s. d.	£. s. d.
4 & 5, and 5 & 6 Wil- liam and Mary 5 & 6 Ditto 20 Geo. II. 21 Ditto 32 Ditto 32 Ditto 18 Ditto 18 Ditto 19 Ditto 19 Ditto 19 Ditto 1748 19 Ditto 178 19 Ditto 1789			$\begin{array}{c} 8,195 12 & 0 \\ 6,188 & 0 & 0 \\ 10,945 10 & 0 \\ 9,393 12 & 6 \\ 540 & 0 & 0 \\ 1,523 & 0 & 0 \\ 2,855 10 & 0 \\ 18,847 & 411 \\ \end{array}$
Bank of England-3 & 8 Geo. I and II. 17, 19, 20, & 56 Geo. III.		440,604 0 0 602,132 10 9	
South Sea Company—9 Geo. I Chief Cashier of the South Sea Company			
-26 Geo. I. Chief Cashier of the Bank of England-	966,600 0 0	28,998 0 0	
12 Geo. 1. 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	1,000,000 0 0	30,000 0 0	
Stock which would have been created by £2,000 Omnium, 1814, forfeited Annual Sums payable to the Commis- sioners for the reduction of the Na-	835,321,141 16 9	28,806,790 18 8	1,859,435 18 8
tional Debt- Annuities for 10 Years, 1777 fallen in -	7 9. SON999,151	A 0 019/09/14	a at solution
Ditto per Act 26 Geo. III		1 2 2 2 1	
Ditto - 42 Ditto by Act 53 Geo. III. c. 25, being half the			
Interest of Sums raised pro Annos 1813 and 1814, which exceeded £13,013,914 the estimated Sum applicable to Re-	the second se	12.2.2	
duction of Debt. at 1st February, 1813			
By Ditto, pro Anno 1814, which exceeded £11,330,452. Ditto 1st February, 1814.			
y Ditto, pro Anno 1815, which exceeded £11,324,760. Ditto 1st February, 1815.			
v Ditto, pro Anno 1818, which exceeded			
£14,454,084. Ditto 1st February, 1818. y Ditto, pro Anno 1819, which exceeded	1		
£15,666,797. Ditto 1st February, 1819. by Ditto, pro Anno 1820, which exceeded			
#16.832.864. Ditto 1st February, 1820.			
y Act59 Geo. III. c. 111, £l per Cent. per Annum on Outstanding Exchequer Bills.			
	872,045,626 10 8	29,908,525 9 5	1,417,924 8 1
educt Stock transferred in the Year ended 5th Jan. 1822, to the Commission- ers, on account of Land Tax Redeemed	92,888 6 1	2,786 12 11	
ers, on account of Land tax resources	871,952,738 4 7		1 112 004 9 1
to remaining in the Names of the Commissioners for the Reduction of the	99,544,729 17 8	29,905,738 16 6 3,011,326 0 6	1,417,924 8 1 606 0 11
National Debt		-	
ransferred for Purchase of Life An-	772,408,008 6 11	26,894,412 16 0	1,417,318 7 2
nuities	6,366,515 0 0	193,804 16 7	9,837 0 0
£	766,041,493 6 11	26,700,607 19 5	1,407,481 7 2
mount of National Debt of Great Britain educt, amount of Stock due to the Bank	766,041,493 6 11 27,218,384 13 11	Management of Life of England at £ 34	per Million
of England and South Sea Company -		Do. at the Exchequer	- 177,568,459
mount of Long Annuities at 25 Years	738,823,108 13 0	S. AL DATINGS	1
Purchase £	33,724,822 3 9	a the second second	\$ 772,547,930 16
I menabe			

GREAT BRITAIN.

Great Britain, as the same stood on the 5th day of January, 1822, so far as the same can be Capital Stock of each Fund;—The Annual Interest;—Annuities for Lives or Terms of Commissioners for the Reduction of the National Debt, by sundry Acts of Parliament; what Periods, the several Parts of the Publick Debt are Redeemable and Determinable. of Portugal, payable in Great Britain.

Charges	Annual or other Sums payable to the Commissioners of	Total of	Conditions of Redemption or
Management.	the National Debt, by sundryActs of Parliament.	Annual Expense.	Periods of Determination,
£ s. d.	£. s. d.	£. s. d.	
	54,880 14 6 $4,039 0 0$ $7,552 0 0$ $8,405 17 6$ $356 13 0$ $1,127 15 7$	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	Expired Anno 1792.
5,898 3 5 11,694 19 0		446,502 3 5	h
427 5 6			
		29,425 5 6 30,000 0 0	Redeemable by the Commissioners for the Reduction of the Nationa Debt, or at Par; the Long Annuities if not Redeemed, will expire Anno 1860.
	8,485,461 11 4	38,651,689 8 8]
	25,000 0 0 1,000,000 0 0	25,000 0 0 1,000,000 0 0	
bes.///	200,000 0 0	200,000 0 0	
257,491 15 11		257,491 15 11	* See below.
(let)iette + it	1,195,821 13 0	1,195,821 13 0	
1	165,078 16 10	165,078 16 10	
2 2 7	957,668 0 10	957,668 0 10	
	245,911 19 7	245,911 19 7	
T	178,663 17 5	178,663 17 5	
The second second	152,875 0 2	152,875 0 2	
	290,000 0 0	290,000 0 0	
275,512 3 10	12,972,842 19 9	44,574,805 1 1	
and the second second	102 12 12	2,786 12 11	
	[44,572,018 8 2	
	3,011,932 1 5	1.00-0.00	- multi
	15,984,775 1 2		ALC: NOT THE REAL PROPERTY OF
	203,641 16 7		and the second second
275,512 3 10	16,188,416 17 9	44,572,018 8 2	CHARGE OF THE DEBT OF THE UNITED KINGDOM, payable in England.
ital of £ 5,571,289, - at £ 340 per - at £ 300 per	payable at the Bank Million Million	1,928 4 9 202,293 0 5 53,270 10 9	paysore in England,
HER MANUNZ-MET	· · £	257,491 15 11	• See above.

AN ACCOUNT (Continued) of the Publick Funded Debt of the United Kingdom, payable in Great ascertained:—Distinguishing the different Funds in which the same is Invested;—the Years;—Charges of Management;—The Annual Interest 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 Prince Regent

		Capitals—A	At £31	per Centum	per Ann	ium,	_
BY WHAT ACTS CREATED.	England and New Annui-		Consolid Annuities Annuities A	and	Reduced Annuities.		
IRELAND.	æ.	£.	s. d	<i>B</i> .	s. d.	£	. d.
By sundry Acts of Parliament	Ξ	= =	Ξ	ΞĒ	Ξ	11	Ξ
Deduct Stock remaining in the hands	-		-		-		-
of the Commissioners for the Reduc- tion of the National Debt	-		-	62.2	-		-
A HURSON AND AND AND AND AND AND AND AND AND AN	-		-		-		-
Loans to the Emperor of Germany.	1.6.4.3	1.2.4		1.1.1.	1.0		
Per Acts 35 and 57 Geo. III In the hands of the Commissioners for the Reduction of the National	-	-	-	7,502,633	6 8	1	-
Debt	-		-	2,632,571	3 0		•
			-	4,870,062	8 8		-
Loans to the Prince Regent of Portugal.		Dis (Staller	120	Martin I		1	
By Act 49 Geo. III. In the hands of the Commissioners for the Reduction of the National	-		-		-		279
Debt	-		-		-		56 0 0
And the second	-			0.705-	- £	150,40	56 7 9
ABSTRACT.	2 11 11	15.525	-		1 11	4.15	
TOTAL DEBT of the UNITED KINGDOM, payable in Great Britain - Ditto payable in Ireland -	14,686,800	21,037,684	13 11	391,855,816	8 10	202,611,5	29 19 1
Total Loans to the Emperor of Germany, payable in Great Britain	-		-	7,502,633	6 8	-	
Total Loans to the Prince Regent of Portugal, payable in Great Britain	-		-		-	895,5	22 7 1
	14,686,800	21,037,684	13 11	399,358,449	15 6	203,507,0	52 6 1
In the Names of the Commissioners of the National Debt	-	8,506,100	0 0	21,816,603	15 10	67,711,	367 13
Transferred to the Commissioners for	14,686,800	12,531,584	13 11	377,541,845	19 8	135,795,	584 13
Purchase of Life Annuities, per Act 48 Geo. III. c. 142.	1 - 2 -	10225-	1.1	8,965,209	0 0	2,235,	020 0
£	14,686,800	12,531,584	1 13 11	373,576,636	19 8	133,560,	664 13

In the Year ended 5th January, 1822, the following Sums being transferred from Great Britain to Ireland, are deducted from the Funded Debt of Great Britain, and added to the Funded Debt of Ireland; viz.

				£.	8.	d.	
£3 per Cent. Consols -				8,000	0	0	
#3 10 per Cent. Annuities			-	61,424	9	11	
£5 per Cent. Ditto				67,267	10	7	
£5 per Cent. 1797 and 1802				6.300			
The above Sums being transferred in the Year e	nded t	he 5th	Jan	ary, 1	822	, to	Ireland, from Great
Britain create an addition to the Funded Debt	of Irela	ind, be	ing	leduct	ed	fron	n the Funded Debt of
Great Britain ; viz.							

S. s. d. #3 10. per Cent. Annuities - 68,281 14 6 #5 per Cent. Ditto - - 73,567 10 6 The following Sum being transferred in the Year ended 5th January, 1822, from Ireland to Great Britain, is an addition to the Funded Debt of Great Britain, and deducted from the Funded Debt of Ireland, per Act 1 and 2 Geo. IV. c. 73.

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£4 per Cents. -

£. s. d. 9,694 2 6

520

Britain, as the same stood on the 5th day of January, 1822, so far as the same can be Capital Stock of each Fund;—The Annual Interest;—Annuities for Lives or Terms of Commissioners for the Reduction of the National Debt, by sundry Acts of Parliament; what Periods, the several Parts of the Publick Debt are Redeemable and Determinable. of Portugal, payable in Great Britain.

Capital	Consolidated	Capitals ;	at £ 5 per Centum p	er Annum.
at £ 3 10. Per Centum Per Annum.	£4. Per Cents.	Consolidated Annuities.	Annuities Annos 1797 and 1802.	Formerly paid by Ireland, and now payable in Great Britain.
e d.	# s. d.	& s. d.	<i>B</i> . s. d.	£. s. d.
19,274,600 \$ 3	1,241,630 15 5	11,863,870 19 7		
	2 2 2	2 2 2		1 2 2 2
19,274,600 5 8	1,241,630 15 5	11,363,370 19 7		
7,465,518 0 0	163,338 9 8			
£ 11,809,082 5 3	1,078,292 6 2	11,363,370 19 7		
		12.212		
				1
22,573,821 14 0 19,274,600 5 3	74,945,413 4 8 1,241,630 15 5	141,830,057 9 7 11,363,370 19 7	1,015,668 12 4	1,895,946 2 2
41,848,421 19 3	76,187,044 0 1	153,193,488 9 2	1,015,668 12 4	1,395,946 2 2
12,301,418 0 0	187,646 0 9	22,013 1 5	6,064 18 5	
29,547,003 19 3	75,999,397 19 4	153,171,415 7 9	1,009,693 18 11	1,395,946 2 2
	51,634 0 0	114,652 0 0		
29,547,003 19 3	75,947,768 19 4	153,056,763 7 9	1,009,603 13 11	1,395,946 2 2

		40. S. C.
By an Account transmitted from the Com-	(& 3 per Cent. Consols -	131,202 13 0
missioners for the Reduction of the Na-	Do Reduced -	45,665 13 6
tional Debt, in the Amount of Stock, stand-		1,641 19 10
ing in their Names, are included the fol-		24,307 11 6
lowing Capitals and Long Annuities, the		18,513 1 5
Dividends upon which have remained un-	Do 1797 & 1802	6.064 18 5
claimed for 10 Years and upwards, per Act		1,290 3 0
56 Geo. 111, c. 60.	Long Annuities	606 0 ll per Annum.

And also the following Capital, which has been purchased with Unclaimed Dividends ; viz.

3 per Cent. Reduced -

- £ 449,400 0 0

. .

And all which Capital Sums are subject to the Claims of the Parties entitled thereto.

Amount of Unfunded Debt outstanding at 5th January, 1822 { In Exchequer Bills - 31,566,550 0 0 Irish Treasury Bills - 1,105,181 9 42 (Continued) AN ACCOUNT (Continued) of the Publick Funded Debt of the United Kingdom, payable in be ascertained :-Distinguishing the different Funds in which the same is invested ;-Years ;-Charges of Management ;-The Annual Interest 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 Prince Regent

4

BY WHAT ACTS CREATED.	Total Capitals.	Annual Interest.	Annuities for Lives or Terms of Years.
IRELAND.	£. s. d.	£. s. d.	£. s, d.
By sundry Acts of Parliament	31,879,602 0 3	1,292,444 15 9	43,724 6 2
Deduct Stock remaining in the hands of the Commissioners for the Re-	31,879,602 0 3	1,292,444 15 9 267,826 13 4	43,724 6 2
duction of the National Debt	7,628,856 9 3 24,250,745 11 0	1,024,618 2 5	43,724 6 2
Loans to the Emperor of Germany.			
Per Acts 35 and 57 Geo. III	7,502,633 6 8	225,079 0 0	
In the hands of the Commissioners for the Reduction of the National Debt	2,632,571 3 0	78,977 2 8	
£	4,870,062 3 8	146,101 17 4	
Amount of Loan to the Emperor of Germany	4,870,062 3 8		
Loans to the Prince Regent of Portugal.			
By Act 49 Geo. III	895,522 7 9	26,865 13 6	
In the hands of the Commissioners for the Reduction of the National Debt	745,056 0 0	22,351 13 7	
£	150,466 7 9	4,513 19 11	
Amount of Loan to the Prince Regent of Portugal	150,466 7 9		
ABSTRACT.			
TOTAL DEBT of the UNITED KINGDOM, payable in Great Britain - Ditto - payable in Ireland -	871,952,738 4 7 31,579,602 0 3	29,905,738 16 6 1,292,444 15 9	1,417,924 8 1 43,724 6 2
otal Loans to the Emperor of Germany payable in Great Britain	7,502,633 6 8	225,079 0 0	
Total Loans to the Prince Regent of Portugal, payable in Great Britain	895,522 7 9	26,865 13 6	
	912,230,495 19 3	31,450,128 5 9	1,461,648 14 3
In the Names of the Commissioners of the National Debt -	110,551,213 9 11	8,380,481 10 1	606 0 11
	801,679,282 9 4	28,069,646 15 8	1,461,042 13 4
Fransferred to the Commissioners for Purchase of Life Annuities, per Act 48 Geo. 111. c. 142	6,366,515 0 0	193,804 16 7	9,887 0 0
e	795,312,767 9 4	27.875,841 19 1	1,451,205 13 4

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GREAT BRITAIN.

Great Britain, as the same stood on the 5th day of January, 1822, so far as the same can the Capital Stock of each Fund ;—the Annual Interest ;—Annuities for Lives or Terms of Commissioners for the Reduction of the National Deht, by sundry Acts of Parliament ; what Periods, the several Parts of the Publick Debt are Redeemable and Determinable. 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 Expense.	Conditions of Redemption or Periods of Determination,
£. s. d.	£. s. d.	£. s. d.	
	276,441 11 9	1,612,610 13 8	1
	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	
553 16 11	405,503 3 10	553 16 11	-
	10,000 0 10	.,	
	267,826 13 4		
553 16 11	673,329 17 2	1,742,226 2 8	
1.000			
1,655 16 5	36,693 0 0	261,772 0 0 1,655 16 5	* See below.
1,000 10 0		1,000 10 0	
	78,977 2 8		
15516 5	115,670 2 8	263,427 16 5	Charge for Germany payable in Great Britain.
Charged with Mana of \pounds 340 per Million	gement at the rate	1,655 16 5	•
51 3 2	30,000 0 0	$56,865 13 6 \\ 51 3 2$	\$ See below.
	22,351 13 7		
51 3 2	52,351 13 7	56,916 16 8	Charge for Portugal payable in Great
harged with Mana of $# 340$ per Million	gement at the rate	51 3 2	Britain.
275,512 3 10 553 16 11	12,972,842 19 9 405,503 3 10	44,572,018 8 2 1,742,226 2 8	
1,655 16 5	36,693 0 0	263,427 16 5	
51 3 2	30,000 0 0	56,916 16 8	
277,773 0 4	13,445,039 3 7	46,634,589 3 11	
1	8,381,087 11 0		
277,773 0 4	16,826,126 14 7	46,634,589 3 11	
	203,641 16 7	- 141 2 6	To be further issued to the Commis sioners, arrears of Exchequer Un
277,773 0 4	17,029,768 11 2	46,634,730 6 5	(claimed Life Annuities.
Add	30,710 9 6	Annuities payable Years, at 5th of J	e at the Exchequer, Unclaimed for 3 January, 1822.
Deduct	17,060,479 0 8 410,964 19 6	Life Annuities pays	able at the Bank of England.

N. B. The fractional parts of a Penny are not noticed in this Account.

Exchequer, the 22d day of March, 1822.

G. C. BEDFORD.

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GREAT BRITAIN.

An Account of the Progress made in the Redemption of the Publick Funded Debt of The United Kingdom, payable in each has been Redeemed by the Commissioners for the Reduction of the National Debt since 1st of August, 1/86, the and, also, the Capitals of Debt transferred to the said Commissioners on Account of Land Tax Redeemed. 1

F U N D S.	CAPITALS.	Long Annui- ties at the Bank of England.	Transferred to, or Redeemed by the Commissioners, from 1st Aug. 1786 to 5th Jan. 1822.	Total Sums paid.	Average Price of Stocks.
Consolidated £ 3 per Cent. Annuities Reduced – Do. – Do. – £ 31 per Cent. Annuities South-Sea Stock :	£. s. d. 520,168,619 7 10 407,631,452 0 1 22,573,821 14 0	æ. s. d 	. £. s. d. 133,934,232 0 0 260,101,838 0 0 4,835,900 0 0	£. s. d. 87,775,401 5 1 168,682,931 6 2 4,024,620 12 6	63% 64% 83%
Old South Sea Annuities, and New Do # 3 per Cent. Anno 1751 Consolidated #4 per Cent. Annuities -	24,065,084 13 11 1,919,600 0 0 82,741,813 4 8	{ - Old - New 		4,852,934 14 6 3,643,451 6 9 818,166 15 0 6,586,934 8 9	68% 69% 70% 84%
Do. £5 Do. Do. £5 per Cent. Annuities, Annos 1797 and 1802 £3 per Cent. Do. Anno 1726	141,972,057 9 7 1,015,668 12 4 1,000,000 0 0		145,500 0 0	130,113 7 6	89%
Do. Bank Annuities Consolidated Long Annuities & 5 per Cent. Annuities formerly paid by Ireland	14,686,800 0 0 1,576,242 11 6	1,359,435 18 8	180,296 9 4	二 155,834 10 3	=
Consolidated 23 per Cent. Reduced - Do. 23 per Cent. Annuities, Anno 1726	:::	::	420,447,266 9 4 131,202 13 0 45,665 13 6 1,641 19 10	276,669,888 6 6 Capitals transf the Commission	erred to ers, the
Consolidated £ 4 per Cents. Navy £ 5 per Cents - £ 5 per Cents - Reduced Annuities purchased with Un-	1 I I	ΞΞ	24,307 11 6 18,513 1 5 6,064 18 5	Dividends on wh not been claims Years and upway which are subject	ed for 10 urds, and ct to the
claimed Dividends Consolidated - Do Transferred to Commissioners, on ac-	1,219,351,159 13 11	1,359,435 18 8	444,600 0 0 4,800 0 0 421,124,062 7 0	Claims of the Pa titled thereto.	rties en-
count of Land Tax Redeemed, at 5th January, 1822	25,819,089 0 0 1,193,532,070 13 11				
Ditto for Purchase of Life Annuities, per Act 48 Geo. III. Redeemed by the Commissioners, in-)	6,366,515 0 0 1,187,165,555 13 11	9,837 0 0 1,349,598 18 8	NoteThe Unrede	emed Debt of £7	66,041,4
cluding Capitals, the Dividends on which have not been claimed for 10 Years and upwards Unredeemed Debt of the United King- dom, payable in Great Britain, at 5th January, 1822	421,124,062 7 0	Unclaimed 10 Years 606 0 11	6s. 11d. includes a Sinking Fund Lo 1821; and the Ca ing to # 420,447,26 cludes # 16,296,87 the said Loan, wh	an of £ 12,500,0 pital Redeemed 6 9s. 4d. above 5, the Capital ob	00, Ann , amoun stated, i tained f
Memorandum : There was also standing in the Names January, 1822, on account of "The Banks sive of the Sums stated in the above Acco	of the Commissioner for Savings" in Eng	s on the 5th land, exclu-	1,652,600 0 0 1,779,179 0 0	Consold. £3 pe Red. £3 per Ce £34 per Cent.	nt. Ann
Ditto on account of "The South Sea Gua	rantee Fund" .	• • {	5,877,079 0 0 8,213 8 10 67,780 4 7 75,993 13 5	Consold. £3 per Red. £3 per Ce	r Cent.
Imperial £3 per Cent. Annuities	7,502,633 6 8	—An Accou	nt of the Progress	made in the I	Redempi
January, 1822 Capitals transferred to them, the Divi- dends on which have not been claimed for 10 Years and upwards	2,632,571 3 0		2,631,281 0 0	1,676,343 19	6 6
Debt Unredeemed 5th Jan. 1822 - £	4,870,062 3 8		$\begin{array}{c ccccccccccccccccccccccccccccccccccc$		
Reduced £3 per Cent, Annuities - Redeemed by the Commissioners - Debt Unredeemed at 5th Jan. 1822 - £	895,522 7 9 745,056 0 0 150,466 7 9		745,056 0 0	500,638 7	1
An Accou	nt of the Progress	and Life	edemption of the F	unded Debt	of Ire
63. 10s. per Ct. Debentures and Stock 64 per Cents 65 per Cents	22,101,263 0 8 1,513,476 18 6 12,902,280 6 2	Annuities, 	10,292,180 15 5 435,184 12 33 1,538,909 6 73	8,126,669 8 385,623 16 1,382,187 1	54
Redeemed by the Commissioners - Deduct Annuities expired	36,517,020 5 4 12,266,274 14 4 		12,266,274 14 4	9,894,480 6	52
There was also standing in the Names	24,250,745 11 0		11s. includes £ 596, Sinking Fund Loa £ 13,000,000, raised tal Redeemed, amon 4d. above stated, the Control Stated,	includes #54	nd the 2,365,2
There was also standing in the Names of January, 1822, on account of the "Bank sive of the Sums stated in the above Ac Exchequer, the 22d day of March, 1822.	count	eland, exclu-	the Capital obtained Loan is in the cours £211,777 12 2 £	eof paymen	Loan,

GREAT BRITAIN.

ANNUITIES, Fallen in since 22d June, 1802, or that will fall in hereafter. SUMS Annually applicable to the Redemption of the NATIONAL DEBT. £. s. d, Annual Charge, per Act 26 Geo. III. Ditto - 42 Do. Ditto - per Act 1 & 2 Geo. IV. c. 122, being £ 1 per Cent. on Exchequer Bills, Outstanding at 5th Ja-nuary, 1821 Annuary for 90 and 96 Yana arrived Annu 1990 6 £ s. d. 200,000 0 Ó Exchequer Annuities 2 & 3 Anne; Expired 5 April, 1803 23,369 13 4 290,000 0 0 54,880 14 6 nuary, 1821 Annuities for 99 and 96 Years, expired Anno 1792 Ditto - 10 Years Do. 1787 Exchequer Annuities unclaimed for 3Y ears at 5th Jan. 1822 7,030 6 8 Ditto 5 Jan. 1805 Ditto -54,880 14 25,000 0 0 30,710 9 6 Ditto, 4 Anne Ditto 5 April -23,254 11 6 Ditto, of which the Nominees shall have died prior to Ditto, of which the Nominees shart and 5th July, 1802 Annual Interest on £ 407,489,170, Redeemed at £ 3 per Cent. including £ 16,296,875 created by Sinking Fund Loan of £ 12,500,000, Anno 1821 -Ditto £ 4,835,900 0 0 £ 3 per Cent. -Ditto £ 7,796,400 0 0 £ 3 per Cent. -Ditto £ 145,500 0 0 £ 5 per Cent. -Ditto £ 180,296 9 4 Irish £ 5 per Cent. payable in in England Ditto, 5 - Ditto Ditto 1806 7,776 10 0 21,481 6 1 4,710 10 0 Ditto, 6 - Ditto Ditto 1807 Ditto, - Ditto 5 July -10,181 0 0 Bank Short Annuities Ditto 415.383 0 11 5 January, 1808 9,014 16 54 #1 per Cent. per Annum on part of Capitals created, from 1st February 1788 to 1815, both inclusive Ditto Long Ditto which will expire 5 January, 1860 from 1st February 1793 to 1815, both inclusive -Annual Interest on £ 6,200,229 £ 3 per Cents transferred for the purchase of Life Annuities Ditto on £ 51,634 £ 4 per Cents Do. -Ditto on £ 114,652 £ 5 per Cents Do. -Ditto on £ 114,652 £ 5 per Cents Do. -Long Annuities transferred for Ditto Sinking Fund borne by Consolidated Fund, on Loans raised and Bills funded Anno 1815, 1818, and 1819 -Annual Appropriation on £ 12,000,000 part of £14,200,000 Loan Anno 1807 -Annual Interest on £ 178,510 6 4 £ 3 per Cents un-claimed for 10 Years and upwards Ditto on £ 24,307 11 6 £ 4 per Cents Do. Long Annuities unclaimed Ditto Ditto Annual Interest on £ 449,400 £ 3 per Cents. purchased with unclaimed Dividends Chargeable on Sinking Fund: 6,640,220 3 73 1,359,435 18 83 186,006 17 2,065 7 24 5,732 12 0 By an Act 42 Geo. 3. c. 71, such 9,837 0 0 Annuities as fall in after pass-1,377,013 4 7 ing that Act, are not to be 626,255 10 5 placed to the Account of the 5,355 6 24 972 6 04 1,228 17 112 606 0 11 Commissioners for the Reduction of the National Debt. 13,482 0 0 23,212,925 4 103 Chargeable on Sinking Fund : Chargeable on Sinking Fund : Life Annuities Leans and Bills, funded from 1813 to 1821 (both inclusive) per Act 53 Geo. III. c. 35, and subsequent Acts art of Charge for Treasury Bills raised for Ireland, Anno 1816 £ 410,964 19 6 9,722,775 1 6 9,014 16 54 10,142,754 17 54 educt for Sinking Fund, for said Loans and Bills 2,737,992 0 71 7,404,762 16 104 stual Sinking Fund of Great Britain and Ireland, 15,808,162 8 04 funded therein, Consolidated £ the Imperial Debt, at 5th January, 1822. 1 per Cent. per Ann. on Capitals created by Loan, 1797 apal Interest on £2,631.281 at £3 per Cent. Ditto on £1,290. 3. 0. Unclaimed Capital for-36,693 0 0 Imperial Annuities for 25 Years 78,938 8 7 280,000 0 expired 1st May, 1819 Ditto on £1,290. 5. 0. Oneratine . 10 Years and upwards, at £3 per Cent. 38 14 1 115,670 2 8 the Debt of Portugal, at 5th January, 1822. Appropriation for Redemption of Loan, 1809 Interest on £ 745,056 £ 3 per Cent. 30,000 0 0 22,351 13 7 52,351 13 7 the in Ireland, at 5th January, 1822, in British Currency Lindow and a service of the service 62.445 5 Charge, per Act 37 Geo. 111. 66,616 6 6 251,418 6 8 360,226 6 17,407 7 76,945 9 84 835,059 2 34 £ 186,752 10 21 161,729 5 11 Sing Fund of Ireland, payable in Ireland 673,329 17 2 For so far as relates to the Office for the Reduction of the National Debt,) 20th March, 1822.

Great Britain, at the 5th of January, 1822 ;-Distinguishing the Capitals of the several Funds, and specifying how much o Average Price of Stocks ; and the Sums Annually applicable to the Reduction thereof ; likewise, the Annuities to fall in

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5. HIGHAM, Secretary

FRANCE.

An Account of the Unfunded Debt and Demands Outstanding on the 5th day of January, 1822:

UNDER the Heads of—Exchequer, Treasury, Army, Navy, Ordnance, Barracks, and any other Head of Publick 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 Ou	tstar	iding
	£	s.	d.	£	s,	d
Exchequer :						
Exchequer (Provided for	2,566,550	0	0			
Bills Unprovided for	29,000,000	0	0	31,566,550	0	0
TREASURY :				01,000,000	v	•
Miscellaneous Services	901,854	9	71			
Warrants for Army Services	167,672	19	73			
Treasury Bills of Exchange,						
drawn from Abroad	218,331	0	0			
Irish Treasury Bills (Excheq	uer Bills)					
Provided for	100 ÷ 100	-	-			
Unprovided for	1,105,181	9	41			
			-	2,393,039	18	8
Army				912,296	18	11
Navy				1,105,630	11	71
Ordnance				267,208	17	91
Barracks				Nil.		
				36,244,726	-	01

25th March, 1822.

DISCOURS du Roi de France, prononcé le 4 Juin, 1822, à l'Ouverture de la Session des Chambres.

MESSIEURS,

La nécessité depuis long-temps reconnue d'affranchir l'Administration des Finances des Mesures provisoires auxquelles il avait fallu recourir jusqu'ici, m'a déterminé à avancer, cette année, l'époque de votre convocation. En exigeant de vous ce nouveau sacrifice, j'ai compté sur le zèle et le dévouement dont vous m'avez donné tant de preuves.

FRANCE.

La Providence nous conserve l'Enfant qu'elle nous a donné; il m'est doux d'espérer qu'elle le destine à réparer les pertes et les malheurs qui ont frappé ma Famille et mon Peuple.

J'ai la satisfaction de vous annoncer que mes relations avec les Puissances Etrangères continuent d'être de la nature la plus amicale. Un parfait accord a dirigé les efforts, chaque jour concertés entre mes Alliés et moi, pour mettre un terme aux calamités qui pèsent sur l'Orient et affligent l'humanité. Je conserve l'espoir de voir renaître la tranquillité dans ces Contrées, sans qu'une nouvelle Guerre vienne accroître leurs maux.

Les Forces Navales que j'entretiens dans le Levant ont rempli leur destination en protégeant mes Sujets, et en venant au secours des infortunés dont la reconnaissance a été le prix de notre sollicitude.

J'ai maintenu les précautions qui ont éloigné de nos Frontières la contagion qui a ravagé une partie de l'Espagne; la saison actuelle ne permet pas de les négliger, et je les maintiendrai aussi long-temps que la sûreté du Pays l'exigera : la malveillance seule a pu trouver dans les mesures que j'ai prises un prétexte pour dénaturer mes intentions.

Des tentatives insensées ont troublé sur quelques points la tranquillité du Royaume; elles n'ont servi qu'à faire éclater le zèle des Magistrats et la fidélité des Troupes. Si un petit nombre d'Hommes, ennemis de l'ordre, voit avec désespoir nos Institutions s'affermir et prêter un nouvel appui à mon Trône, mon Peuple désavoue leurs projets coupables. Je ne souffrirai pas que la violence lui arrache les biens dont il jouit.

Des malheurs trop réels, quoique exagérés par la crainte, ont récemment désolé des Départemens voisins de la Capitale. Les secours de la bienfaisance publique et particulière ont adouci les pertes. L'activité des habitans a préparé le terme de ces désastres; l'autorité a secondé leur zèle; la justice punira les Coupables.

L'état réel de la Dette arriérée est enfin fixé, et sera mis sous vos yeux. Cette charge, dont l'origine remonte à des temps qui sont heureusement loin de nous, et dont la liquidation a fait connaître toute l'étendue, retarde encore, cette année, malgré mes regrets les plus vifs, une partie des améliorations dont les diverses branches des contributions publiques seront susceptibles.

Les avantages que nous avons déjà obtenus doivent nous encourager à réunir nos efforts pour les maintenir et les accroître. Je compte sur votre concours pour fixer dans notre beau Pays la prospérité que la Providence lui réserve: c'est le vœu de mon cœur, c'est l'occupation de tous mes instans; c'est l'espoir consolant qui atténue le souvenir de mes peines, et qui embellit pour moi la pensée de l'avenir.

microsoft and microsoft

SPEECH of the King of The Netherlands, on the Opening of the States General.—21st October, 1822.

NOBLES ET PUISSANS SEIGNEURS!

IL m'est agréable de pouvoir, en ouvrant votre Session, vous donner de nouveau l'assurance que nos relations extérieures ont été constamment entretenues par des Négociations amicales. Nous trouvons un sujet de reconnaissance dans la précieuse paix dont nous continuons de jouir, et nous pouvons nous livrer à la douce perspective de conserver ce bienfait du ciel.

La prospérité intérieure du Royaume s'est accrue ; les produits de la terre ont été en général abondans; les bas prix qui en sont la suite, ont fait sentir, au sein des familles les moins aisées, une influence salutaire ; d'autre part beaucoup de cultivateurs en ont souffert ; déjà, d'après mes ordres, leurs intérêts, considérés en rapport avec ceux des consommateurs, ont été soumis à un examen spécial, et le compte, qui m'en a été rendu, fait l'objet de mes sérieuses délibérations.

Si le commerce et la navigation, ainsi que les nombreux genres d'industrie qu'ils alimentent et vivifient, n'ont point repris jusqu'ici cet équilibre que les événemens d'une époque antérieure ont rompu, nous osons, avec confiance, espérer un meilleur avenir de la modération et de la libéralité dont la révision récente de nos Lois fournit la preuve. Par-là, beaucoup de branches d'industrie nationale seront encouragées, et toutes pourront être favorisées par l'Institution Nationale, à laquelle je me propose d'employer les Domaines qui m'ont été assignés en propriété par la Loi.

Les Arts et les Sciences fleurissent; l'instruction primaire répand de plus en plus ses bienfaits parmi toutes les classes de la Société.

Beaucoup d'ouvrages d'utilité publique sont entrepris, ou se poursuivent avec activité. Les propositions qui seront faites à vos Nobles Puissances leur feront connaître la manière dont il me parait que l'Etat. dans l'intérêt général, devra concourir à la confection de ces ouvrages.

Les grandes routes de première classe sont en bon état; et dans les Provinces où les mesures du Gouvernement ont été secondées, celles de seconde classe ont également éprouvé d'importantes améliorations. Lorsque les Provinces, qui sont en retard, à cet égard, auront reconnu, par leur propre conviction, l'utilité de ces mesures, il y aura lieu d'espérer qu'en peu d'Années, l'état de toutes ces routes ne laissera rien à désirer.

L'examen concernant les meilleurs écoulemens qui pourraient être donnés aux eaux du Rhin et aux bras de ce fleuve, avance aussi rapidement que le permettent la haute importance de l'objet, et les opérations préparatoires qu'il exige.

On s'occupe, sans interruption, de completter, et de mettre successivement à exécution le système adopté pour le régime des Prisons; ses résultats avantageux se feront sentir dès l'année prochaine.

NETHERLANDS.

Nonobstant que les conjonctures, où se trouve le commerce en général, aient exercé leur influence sur nos relations d'outre-mer, la prospérité augmente dans les principales Colonies des Pays-Bas; le bienêtre et le bonheur du Peuple s'y affermissent de plus en plus sur des bases solides; nulle part, après la glorieuse victoire remportée par nos Troupes de terre et de mer dans les Indes Orientales, la tranquillité n'a été troublée, ni même menacée, et les soins de l'Administration tendent sans cesse à ce que, même dans les régions les plus lointaines, chacun de mes Sujets ait le sentiment qu'il vit sous la protection bienveillante d'un Gouvernement à la fois fort et paternel.

La dernière Assemblée de Vos Nobles Puissances fut fertile en délibérations financières importantes; je me flatte que l'Assemblée actuelle concourra à completter ce qui a été statué dans des Assemblées antérieures.

L'état approximatif des Revenus appartenant à la seconde division du Budjet, que je ferai présenter à Vos Nobles Puissances, sera basé sur le nouveau système d'impositions qui vient d'être adopté, et dont l'introduction aura lieu dès le commencement de l'Année suivante; l'on prend toutes les mesures préparatoires nécessaires pour que la transition ait lieu d'une manière régulière et sans secousse.

Une administration prudente parviendra à surmonter les difficultés inséparables de toutes institutions nouvelles, et à frayer le chemin pour élever les Revenus de manière à faire cesser, pour l'avenir, toute sollicitude sur l'état des Finances.

Néanmoins, mon désir constant d'alléger, autant qu'il est possible, les charges de mes Sujets bien-aimés, m'a fait persévérer dans les arrangemens et moyens d'économie, propres à diminuer les dépenses comprises dans la seconde division du Budget de l'Année prochaine. Ces dépenses, dont l'apperçu sera soumis à votre Assemblée, sont audessous de ce qui a été alloué pour l'Exercice courant, nonobstant que la rente de la nouvelle Dette créée pour des besoins extraordinaires ait dû y être comprise; ainsi une diminution de cents additionnels deviendra possible.

Les moyens de pourvoir aux besoins qui, déjà dans la Session précédente, ont été portés à la connaissance de Vos Nobles Puissances, leur seront présentés simultanément et en harmonie avec le Budjet; ces moyens feront partie d'un Projet de Loi qui tendra en général à établir, à l'égard de quelques institutions et intérêts financiers de l'Etat, des dispositions plus efficaces, et plus avantageuses, tant pour le Trésor que pour tous les habitans du Royaume.

La fusion du droit de tonnage à l'intérieur, avec celui des patentes, vous sera présentée assez à temps, pour qu'elle puisse opérer pour toute l'Année suivante, et il sera agréable à Vos Nobles Puissances d'apprendre qu'un dégrèvement de tous les patentables en sera le résultat.

530 UNITED STATES AND GREAT BRITAIN.

J'ai remarqué avec une satisfaction particulière la suite qui a été donnée, surtout dans votre dernière Session, au travail important de la Législation Nationale. Je suis convaincu que Vos Nobles Puissances, marchant tranquillement dans la même route, rempliront à cet égard, par des délibérations calmes et modérées, les vœux de la Nation, aussi promptement que le permettront la nature et l'importance d'un semblable travail.

Bientôt le Code de Commerce pourra également être soumis à vos délibérations. Une Législation Nationale sur cette matière sera un bienfait particulier pour les Belges, et je suis toujours persuadé du zèle que vos Nobles Puissances apporteront à concourir avec moi, à tout ce qui peut augmenter le bonheur de mon Peuple bien-aimé et à le rendre durable.

MESSAGE from the President to the Congress of The United States, transmitting the Correspondence between the British and American Plenipotentiaries, which led to the Treaty of Ghent, &c.-21st February, 1822.

To the House of Representatives of The United States :

I TRANSMIT to the House of Representatives a Report from the Secretary of State, with the Documents accompanying it, in pursuance of a Resolution of the House, of the 17th of January last.

JAMES MONROE.

Washington, 21st February, 1822.

Report of the Secretary of State.

Department of State, Washington, 21st February, 1822. THE Secretary of State, to whom has been referred the Resolution of the House of Representatives, of the 17th January, requesting the President of The United States to cause to be laid before the House, all the Correspondence which led to the Treaty of Ghent, together with the Protocol, which has not been made public, and which, in his opinion, it may not be improper to disclose, has the honour to submit to the President the Papers embraced by that Resolution.

The President of The United States. JOHN QUINCY ADAMS.

CORRESPONDENCE, &c.

The American to the British Plenipotentiaries.

Ghent, 10th November, 1814.

THE Undersigned have the honour to acknowledge the receipt of the Note addressed to them by His Britannick Majesty's Plenipotentiaries, on the 31st ultimo.

The Undersigned had considered an interchange of the Project of a

Treaty, as the course best calculated to exclude useless and desultory discussion, to confine the attention of both Parties to the precise objects to be adjusted between the two Nations, and to hasten the conclusion of the Peace so desirable to both. Finding, in the Note of the British Plenipotentiaries of the 31st ultimo, a mere reference to the Points proposed by them in the first Conference, with the offer of assuming the basis of uti possidetis, on which the Undersigned had in substance already declined to treat; they did not consider it as the Project of a Treaty presented in compliance with their request. They proposed, in their Note of the 24th ultimo, that the exchange of the two Projects should be made at the same time. And it is not without some surprise, that the Undersigned observe, in the Note to which they now have the honour of replying, that the British Plenipotentiaries consider their Note of the 21st ultimo, as containing the Project of a Treaty, to which the Undersigned are supposed to be pledged to return a Counter-project.

Believing that where both Parties are sincerely desirous of bringing a Negotiation to a happy termination, the advantage of giving or receiving the first Draft is not of a magnitude to be made a subject of controversy, and convinced that their Government is too sincerely desirous of that auspicious result to approve of its being delayed for a moment upon any question of etiquette, the Undersigned have the honour to enclose herewith the Project of a Treaty, accompanied with some observations upon several of the Articles which may more fully elucidate their objects in proposing them.

The British Plenipotentiaries stated, in their last Note, that they had no other Propositions to offer, nor other demands to make, than those contained in their Note of the 21st ultimo, which, with the reference to their former declaration respecting the Fisheries, contains only 2 Propositions, viz: that of fixing the Boundary from the Lake of the Woods to the Mississippi, and that of adopting, with respect to the others Boundaries, the basis of *uti possidetis*.

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

The Undersigned have already, in their last Note, explicitly declined treating on the basis of *uti possidetis*. They cannot agree to any other principle than that of a mutual restoration of Territory, and have accordingly prepared an Article founded on that basis. They are willing even to extend the same principle to the other objects in dispute between the two Nations; and, in proposing all the other Articles included in this Project, they wish to be distinctly understood, that they are ready to sign a Treaty, placing the two Countries, in respect to all the subjects of difference between them, in the same state they were in at the commencement of the present War; reserving to each Party all its Rights, and leaving whatever may remain of controversy between them, for future and pacifick negotiation.

The British Plenipotentiaries having, in their Note of the 4th of September, communicated the disposition of their Government to receive favourably a Proposition which should acknowledge the Boundary from the Lake of the Woods to the Mississippi, or to discuss any other Line of Boundary which might be submitted for consideration, the Undersigned answered, that as soon as the Proposition of Indian Boundary should be disposed of, they would have no objection, with the explanation given by the British Plenipotentiaries, to discuss the subject.

The Government of The United States had, prior to the acquisition of Louisiana, been disposed to agree to the Boundary from the Lake of the Woods to the Mississipi, from a wish not only to arrange that subject, but also to settle, in a definitive manner, the differences respecting the Boundary and Islands in the Bay of Passamaquoddy: and its assent to the proposed Stipulation of that Boundary was refused on account of the acquisition of Louisiana, the Boundaries of which might have been affected by it. The Undersigned cannot agree to fix the Boundary in that Quarter, unless that of Louisiana be also provided for in the arrangement. They accordingly submit for consideration the Article on that subject which appears to have been agreed on between the British and American Commissioners, in the Project of Convention of the Year 1807.

In respect to the intended revision of the other Boundaries between the British and American Territories, with the view to prevent future uncertainty and dispute, the Undersigned propose the reference of the whole subject to Commissioners: and they present accordingly 5 Articles, drawn on the principle formerly adopted by the two Powers for settling the Question respecting the River St. Croix.

The Article already agreed on, respecting the Indian pacification, is included in the Project of the Undersigned. In conformity with their former suggestions, they offer another, intended to restrain the hostilities, and to prevent the employment of the Savages in War, and one reciprocally granting a general Amnesty.

The only other subjects which had been presented by the Undersigned as suitable for discussion, were those respecting Seamen, Blockades, and Indemnities.

Keeping in view the declarations made by Lord Castlereagh, in his Note of the 29th of August, 1812, to Mr. Russell, and in his Letter of the 4th November, 1813, to Mr. Monroe, the Undersigned propose only a temporary Article, intended, without affecting the rights or pretensions of either Country, to attempt to accomplish, by means less liable to vexation, the object for which Impressment has hitherto been thought necessary by Great Britain. The proposed Agreement being purely conditional, and limited in duration, each Party will be bound only so far, and so long, as the Other shall fulfil its conditions; and at the end of the term fixed for the duration of the Article, or whenever either Party may fail to perform his engagement, the rights of both will be as valid and entire as they were before the Agreement.

The Article respecting Blockades is believed to be in perfect conformity with the principles of the Law of Nations, as acknowledged by both Nations. The definition is borrowed from the Treaty of 1801, between Great Britain and Russia, and the residue of the Article, from the unratified Treaty of 1806, between Great Britain and The United States.

That relating to Indemnities, consists of two parts : the first for irregular seizures, captures, and condemnations of American Property, contrary to the established Laws and usages of Nations, previous to the commencement of the War; and the second for similar irregularities committed during the War, and contrary to the known and established usages of War, between Civilized Nations. The cases of the first apply exclusively to Claims of the Citizens of The United States, because the causes of such Claims were then confined, by the relative situation of the Parties, to one side. It is presumed, that the British Government will itself be sensible of the justice of making indemnity for injuries committed by its Officers, in violation of principles avowed and recognized by itself; particularly in the Letter from Lord Hawkesbury to Mr. King, of 11th April, 1801, and in that from Mr. Merry to Mr. Madison, of 12th April, 1804; and that the same justice will be admitted, in cases where the territorial jurisdiction of The United States was violated, and where the injury was occasioned by the retrospective effects of the British Orders in Council, of June, 1803, as to the return from Contraband Voyages, and of the Orders in Council, of January 7, 1807.

With regard to the Orders in Council, of November, 1807, and of April, 1809, the Undersigned will observe, that these Orders having been issued solely on the ground of retaliation against France, and their object having altogether ceased, it is just to indemnify the Citizens of The United States, for Losses experienced by the effect of Measures intended to operate against the Enemy of Great Britain, and which fell almost exclusively on a Country which was no Party to the War. The United States have never ceased, and at this time continue to demand, from France, Indemnity for the Losses they have experienced by the effect of the Decrees of her Government, in violation of the Law of Nations.

The cases of the second part of this Article apply equally to both the Belligerent Parties. They have been, during the War, subjects of crimination on both sides. The American Government can give no stronger and more signal proof of its disapprobation of every departure, under colour of its authority, from the established usages of legitimate warfare between Civilized Nations, than by the offer of mutual reparation.

The Article fixing a limitation for Captures at Sea, does not seem to require any comment.

The Undersigned present their entire Project in this specific form, with the full expectation of receiving from the British Plenipotentiaries their explicit Answer respecting all the Articles embraced in it, and a Project also reduced to specific propositions, and embracing all the objects which they intend to bring forward.

The Undersigned renew, &c.

JOHN QUINCY ADAMS, J. A. BAYARD, HENRY CLAY, JONATHAN RUSSELL, ALBERT GALLATIN.

The Plenipotentiaries of His Britannick Majesty.

(Inclosure.)—Project of a Treaty of Peace, submitted by the American to the British Plenipotentiaries, at Ghent, on the 10th day of November, 1814. [See Page 536.]

The British to the American Plenipotentiaries.

Ghent, 26th November, 1814.

THE Undersigned have had the honour to receive the Note and Projet of a Treaty of Peace, presented by the American Plenipotentiaries on the 10th instant.

The Undersigned are of opinion that the most convenient course for them to adopt will be to return this Projet with their marginal alterations and suggestions on the several Articles of which it is composed. The existing differences between the two Governments will thus be brought more immediately in view, and it is hoped that, by confining the discussions to one Projet, the Negotiations may sooner be brought to a favourable conclusion. The first part of the Xth Article appears to be unnecessary, and the Stipulation contained in the whole of it altogether inadmissible. Though His Majesty's Government sincerely hopes that a renewal of the War between His Majesty and The United States may be far distant, yet the Undersigned cannot consent to enter into any Engagement as to what shall be the conduct of their Government, if such a War should unfortunately occur.

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With respect to the XIth and XIIth Articles, His Majesty's Government has strongly manifested its sincere disposition to the speedy restoration of Peace, by agreeing, under all the present circumstances, to conclude the Treaty without any Stipulation on the points to which those Articles relate. No advantage can arise from entering into discussions, upon a successful result of which the American Plenipotentiaries have stated, more than once, that they will not make the conclusion of the Peace at all to depend.

With respect to the XIIIth Article, the Indemnifications proposed by it, as applied to the actual circumstances of the War, are so unprecedented and objectionable, that any further perseverance of the American Plenipotentiaries in requiring them, is not anticipated by the Undersigned: if, however, contrary to expectation, Indemnifications of this kind should still be required, all hope of bringing the Negotiations to a favourable issue must prove abortive. The Undersigned are instructed explicitly to declare, that as their Government makes no claim on account of losses sustained by British Subjects arising out of a War declared by The United States, so neither can their Government agree to make compensation for losses sustained in such a War by the American People.

The Undersigned are, however, willing to agree to a Stipulation by which it shall be provided, that the Courts of Justice in each Country shall be open to the just demands of the respective People, and that no obstruction be thrown in the way of their recovery of the rights, claims, or debts, of any kind respectively due or belonging to them.

With respect to the XIVth Article, the Undersigned do not concur in the necessity for any such Stipulation as is there proposed.

The Undersigned think proper to add, that, with respect to particular alterations suggested by them, in various Articles of the Projet, they are ready to enter into such explanations as may be required of them, with the sincere desire of endeavouring to reconcile the pretensions brought forward on the part of the respective Governments.

The Undersigned have forborne to insist upon the basis of *uti pos*sidetis, to the advantage of which they consider their Country fully entitled. But should this Negotiation terminate in a way contrary to their hopes and just expectations, they must protest against any claim or demand being urged by the American Government in any future Negotiation, in consequence of the facilities which His Majesty's Government have now shown themselves willing to afford to the speedy restoration of Peace.

The Undersigned avail themselves, &c.

GAMBIER, HENRY GOULBURN, WILLIAM ADAMS.

The American Plenipotentiaries.

536 UNITED STATES AND GREAT BRITAIN.

(Inclosure.)—American Project of a Treaty, as returned by the British to the American Plenipotentiaries.

Treaty of Peace and Amity between His Britannick Majesty and The United States of America.

His Britannick Majesty and the United States of America, desirous of terminating the War which has unhappily subsisted between the two Countries, and of restoring, upon principles of perfect reciprocity, peace, friendship, and good understanding, between them, have, for that purpose, appointed their respective Plenipotentiaries, that is to say, His Britannick Majesty on his part has appointed the Right Honourable James Lord Gambier, Admiral of the White Squadron of His Majesty's Fleet, Henry Goulburn, Esq. a Member of the Imperial Parliament, and Under Secretary of State, and William Adams, Esq. Doctor of Civil Laws; and the President of The United States, by and with the advice and consent of the Senate thereof, has appointed John Quincy Adams, James A. Bayard, Henry Clay, Jonathan Russell, and Albert Gallatin, Citizens of The United States, who, after a reciprocal communication of their respective Full Powers, have agreed upon the following Articles:

ART. I. There shall be a firm and universal Peace between His Britannick Majesty and The United States, and between their respective Countries, Territories, Cities, Towns, and People, of every degree, without exception of (1) Persons or Places. All Hostilities, both by sea and land, shall *immediately* cease. (2) All Prisoners on both sides shall be set at liberty.* All Territory, Places, and Possessions, without exception, taken by (3) either Party from (4) the other during the War, or which may be taken after the signing of this Treaty, shall be restored without delay, and without causing any destruction, or carrying away any (5) artillery or other public property, or any Slaves or other private property; (6) and all archives, records, deeds, and papers, either of a public nature or belonging to private Persons, which, in the course of the War, may have fallen into the hands of the Officers of either Party, shall (7) be forthwith restored, and delivered to the proper Authorities and Persons to whom they respectively belong.

(3) Belonging to. (4) And taken by. (5) Of the.

(6) Originally captured in the said Forts or Places, and which shall remain therein upon the Exchange of the Ratifications of this Treaty.

(7) As far as may be practicable.

The following marginal Remarks and Alterations were made and proposed by the British Plenipotentiaries.

Note. It is proposed to omit altogether the words that are underlined (in Italicks.) (1) Places or.

⁽²⁾ After the exchange of the Ratifications as hereinafter mentioned.

^{*} It is thought more advisable that the provision respecting Prisoners of War should be the subject of a Separate Article: the Draft of an Article on this subject is subjoined.

II. Immediately after the *respective* Ratifications of this Treaty, (1) orders shall be sent to the Armies, Squadrons, Officers, Subjects, and Citizens, of the two Powers, to cease from all Hostilities: and to prevent all causes of complaint, which might arise on account of the Prizes which may be taken at Sea, after the (2) *signing* of this Treaty, it is reciprocally agreed, that the Vessels and Effects which may be taken in the Channel, and in the North Seas, after the space of _________ from (3) *that of the signature* hereof, shall be restored on each side: that the term shall be ________ from the Channel and the North Seas to the Canary Islands inclusively, (4) *whether in the Ocean or the Mediterranean:* of ________ from the said Canary Islands to the Equinoctial Line or Equator, and of ________ in all other parts of the World without exception.

III.* Whereas, that portion of the Boundary between the Dominions of His Britannick Majesty in North America, and those of The United States, from the Mouth of the River St. Croix (as the said

(3) The period of the Exchange of the Ratifications.

* III. Whereas it was stipulated by the 2d Article in the Treaty of Peace of 1783, between His Britannick Majesty and the United States of America, that the Boundaries of The United States should comprehend "all Islands within 20 Leagues of any part of the Shores of The United States, and lying between Lines to be drawn due East from the points where the aforesaid Boundaries between Nova Scotia on the one part, and East Florida on the other, shall, respectively, touch the Bay of Fundy, and the Atlantic Ocean, excepting such Islands as now are, or heretofore have been, within the limits of Nova Scotia :" And whereas Claims have been made by the Government of The United States to certain Islands in the Bay of Fundy, which said Islands are claimed as belonging to His Britannick Majesty, as having been at the time of, and previous to, the aforesaid Treaty of 1783, within the limits of the Province of Nova Scotia : In order, therefore, finally to decide upon these Claims, it is agreed that they shall be referred to two Commissioners, to be appointed in the following manner, viz. one Commissioner shall be appointed by His Britannick Majesty, and one by the President of The United States, by and with the advice and consent of the Senate thereof; and the said two Commissioners, so appointed, shall be sworn impartially to examine and decide upon the said Claims, according to such evidence as shall be laid before them on the part of His Britannick Majesty and of The United States respectively. The said Commissioners shall meet at --, and shall have power to adjourn to such other Place, or Places, as they shall think fit. The said Commissioners shall, by a Declaration or Report, under their hands and seals, decide to which of the two Contracting Parties the several Islands aforesaid do respectively belong, in conformity with the true intent of the said Treaty of Peace of 1783 : and if the said Commissioners shall agree in their decision, both Parties shall consider such decision as final and conclusive.

It is further agreed, that, in the event of the two Commissioners differing upon all, or any, of the matters so referred to them, or in the event of both, or either of the said Commissioners refusing, or declining, or wilfully omitting, to act as such, they shall make, jointly or separately, a Report, or Reports, as well to the Government of His Britannick Majesty as to that of The United States, stating, in detail, the points upon

⁽¹⁾ Shall have been exchanged. (2) Exchange of the Ratifications.

⁽⁴⁾ The same term of _____ for all parts of the Mediterranean.

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Mouth was ascertained by the Commissioners appointed for that purpose) to the Bay of Fundy, has not yet been regulated and determined : And whereas the respective Rights and Claims of His Britannick Majesty and of The United States to the several Islands in the Bay of Passamaquoddy, and to the Island of Grand Menan, have never been finally adjusted and determined, the said Islands beirg claimed on the part of The United States as lying within 20 Leagues of their Shores, and South of a Line drawn due East from the Mouth of the River St. Croix; and on the part of His Britannick Majesty, as having been, at or before the former Treaty of Peace between the two Countries, within the limits of the Province of Nova Scotia: In order, therefore, finally to decide these several questions, it is agreed that they shall be referred to three Commissioners, to be appointed in the following manner, viz. one Commissioner shall be appointed by His Britannick Majesty, and one by the President of The United States, by and with the advice and consent of the Senate thereof; and the said two Commissioners shall have power to choose a third, and if they cannot agree, they shall each propose one Person, and of the two names, so proposed, one shall be drawn by lot, in the presence of the two original Commissioners, and the three Commissioners, so appointed, shall be sworn impartially to examine and decide the said questions, according to such evidence as shall respectively be laid before them on the part of the British Government, and of The United States. The said Commissioners shall meet at -----, and shall have power to adjourn to such other Place, or Places, as they shall think fit. The said Commissioners, or a majority of them, shall, by a Declaration under their hands and seals, determine the Boundary aforesaid from the Mouth of the River St. Croix to the Bay of Fundy, and decide to which of the two Contracting Parties the several Islands aforesaid do respectively belong, in conformity with the true intent of the former Treaty of Peace. And both Parties agree to consider such Decision as final and conclusive.

which they differ, and the grounds upon which their respective opinions have been formed; or the grounds upon which they, or either of them, have so refused, declined, or omitted to act. And His Britannick Majesty, and the Government of The United States, hereby agree to refer the Report, or Reports, of the said Commissioners to some friendly Sovereign, or State, to be then named for that purpose, and who shall be requested to decide on the differences which may be stated in the said Report, or Reports, or upon the Report of one Commissioner, together with the grounds upon which the other Commissioner shall have so refused, declined, or omitted to act, as the case may be. And if the Commissioner so refusing, declining, or omitting to act, shall also wilfully omit to state the grounds upon which he has so done, in such manner that the said Statement may be referred to such friendly Sovereign or State, together with the Report of such other Commissioner, then such Sovereign, or State, shall decide, ex parte, upon the said Report alone. And His Britannick Majesty, and the Government of The United States, engage to consider the decision of such friendly Sovereign, or State, to be final and conclusive on all the matters so referred.

IV. Whereas, neither that point of the Highlands lying due north from the source of the River St. Croix, and designated in the former Treaty of Peace between the two Powers as the northwest angle of Nova Scotia, nor the northwesternmost head of Connecticut River, has yet been ascertained; and whereas that part of the Boundary Line between the Dominions of the two Powers, which extends from the source of the River St. Croix directly north to the above mentioned northwest angle of Nova Scotia; thence, along the said Highlands, which divide those Rivers that empty themselves into the River St. Lawrence, from those which fall into the Atlantic Ocean, to the northwesternmost head of Connecticut River; thence, down along the middle of that River to the 45th degree of north latitude; thence, by a line due west on said latitude, until it strikes the River Iroquois, or Cataraguy, has not yet been surveyed. It is agreed that, for these several purposes three (1) Commissioners shall be appointed, sworn (mutatis mutandis) and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding Article (2.) The said Commissioners shall meet at--, and shall have power to adjourn to such other Place or Places as they shall think fit. The said Commis sioners, or a majority of them, shall have power to ascertain and de termine the points above mentioned, in conformity with the provisions of the said Treaty of Peace, (3) and shall cause the Boundary aforesaid, from the source of the River St. Croix to the River Iroquois, or Cataraguy, to be surveyed and marked according to the said provisions.

The said Commissioners, or a majority of them, shall make a Map of the said Boundary, and annex to it a Declaration, under their hands and seals, certifying it to be the true Map of the said Boundary, and particularizing the latitude and longitude of the northwest angle of Nova Scotia, of the northwesternmost head of Connecticut River, and of such other points of the said Boundary as they may deem proper; and both Parties agree to consider such Map and Declaration as finally and conclusively fixing the said Boundary. (4)

V. Whereas, by the former Treaty of Peace, that portion of the Boundary of The United States, from the point where the 45th degree of north latitude strikes the River Iroquois, or Cataraguy, to the Lake Superior, was declared to be along the middle of said River into Lake Ontario, through the middle of said Lake until it strikes the communication by water between that Lake and Lake Erie; thence, along the middle of said communication, into Lake Erie, through the middle of

⁽¹⁾ Two (2) Unless otherwise specified in this present Article. (3) Of 1783.

⁽⁴⁾ And, in the event of the said two Commissioners differing, or both or either of them refusing, declining, or wilfully omitting to act, such Reports, Declarations, or Statements, shall be made by them, or either of them; and such reference to a friendly Sovereign or State shall be made, in all respects, as in the latter part of the third Article is contained, and in as full a manner as if the same was herein repeated.

said Lake until it arrives at the water communication into the Lake Huron; hence, through the middle of said Lake, to the water communication between that Lake and Lake Superior : And whereas doubts have arisen what was the middle of the said River, Lakes, and water communications, and whether certain Islands, lying in the same, were within the Dominions of His Britannick Majesty, or of The United States: In order, therefore, finally to decide these questions, (1) they shall be referred to three (2) Commissioners, to be appointed, sworn (mutatis mutandis) and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding Article. (3) The said Commissioners shall meet, in the first instance, atand shall have power to adjourn to such other Place or Places as they shall think fit. The said Commissioners, or a majority of them, shall, by a (4) Declaration, under their hands and seals, designate the Boundary through the said River, Lakes, and water communications, and decide to which of the two Contracting Parties the several Islands lying within the said River, Lakes, and water communications, do respectively belong, in conformity with the true intent of the (5) former Treaty of Peace; and both Parties agree to consider such (6) decision as final and conclusive. (7)

VI. It is further agreed, that the said (8) last mentioned Commissioners, after they shall have executed the duties assigned to them in the preceding Article, shall be, and they, or a majority of them, are hereby authorized, upon their oaths, impartially to fix and determine, according to the true intent of the said former Treaty of Peace,(9) that part of the Boundary between the Dominions of the two Powers, which extends from the water communication between Lake Huron and Lake Superior, to the most northwestern point of the Lake of the Woods: to decide to which of the two Parties the several Islands lying in the Lakes, water communications, and Rivers, forming the said Boundary, do respectively belong, in conformity with the true intent of the said former Treaty of Peace, (10) and to cause such parts of the said Boundary as require it to be surveyed and marked. The said Commissioners, or a majority of them, shall by a (11) Declaration, under their hands and seals, designate the Boundary aforesaid, state their decision on the (12) questions thus referred to them, and particularize the latitude and longitude of the most northwestern point of the Lake of

(8) Two. (9) Of 1783. (10) Of 1783. (11) Report or (12) Points.

⁽¹⁾ Doubts. (2) Two. (3) Unless otherwise specified in this present Article.

⁽⁴⁾ Report or (5) said Treaty of 1783. (6) designation and

⁽⁷⁾ And in the event of the said two Commissioners differing, or both or either of them refusing, declining, or wilfully omitting to act, such Reports, Declarations, or Statements, shall be made by them, or either of them, and such reference to a friendly Sovereign or State shall be made, in all respects, as in the latter part of the 3d Article is contained, and in as full a manner as if the same was herein repeated.

the Woods, and of such other (1) points on the said Boundary, as they may deem proper: and both Parties agree to consider such (2) decision as final and conclusive. (3)

VII. The several Boards of (4) Commissioners mentioned in the four preceding Articles, shall respectively have power to appoint a Secretary, and to employ such Surveyors, or other Persons, as they shall judge necessary. Duplicates of (5) their respective (6) Declarations (7) and Decisions of the statement (8) of their Accounts, and of the Journal of their proceedings, shall be delivered by them to the Agents of His Britannick Majesty, and to the Agents of The United States, who may be respectively appointed and authorized to manage the business in behalf of their respective Governments. The said Commissioners shall be respectively paid in such manner as shall be agreed between the two (9) Parties, such agreement being to be settled at the time of the exchange of the Ratifications of this Treaty; and all other expenses attending the said Commissions, shall be defrayed (10) jointly by the two Parties, the same being previously ascertained and allowed by the majority of the Commissioners. And in the case of death, sickness, resignation, or necessary absence, the place of every such Commissioner, respectively, shall be supplied, in the same manner as such Commissioner was first appointed; and the new Commissioner shall take the same oath, or affirmation, and do the same duties.

It is further agreed between the two (11) Parties, that, in case any of the Islands mentioned in any of the preceding Articles, which were in the possession of one of the Parties, prior to the commencement of the present War between the two Countries, should, by the decision of any of the Boards of Commissioners aforesaid, (12) fall within the dominions of the other Party, all grants of land made previous to that time, by the Party having had such possession, shall be as valid, as if such Island or Islands had, by such decision or decisions, been adjudged to be within the Dominions of the Party having had such possession.

VIII.* It is agreed that a line, drawn due North or South, (as the case may require) from the most North-western point of the Lake of the

(12) Or of the Sovereign or State so referred to, as in many of the preceding Articles contained.

• VIIL It is agreed that a line, drawn due west, from the Lake of the Woods, along the 49th parallel of North Latitude, shall be the line of demarcation between His Britannick Majesty's Territories and those of The United States, to the westward of the said Lake, so far as the Territories of The United States extend in that quarter; and the said line

⁽¹⁾ Parts of. (2) Designation and.

⁽³⁾ And in the event of the said two Commissioners differing, or both or either of them refusing, declining, or wilfully omitting to act, such Reports, Declarations or Statements, shall be made by them, or either of them; and such reference to a friendly Sovereign or State shall be made, in all respects, as in the latter part of the 3d Article is contained, and in as full a manner as if the same was herein repeated.

⁽⁴⁾ Two. (5) All. (6) Reports. (7) Statements. (8) And.

⁽⁹⁾ Contracting. (10) Equally. (11) Contracting.

Woods, until it shall intersect the 49th parallel of North Latitude, and from the point of such intersection due West, along and with, the said parallel, shall be the dividing line between His Majesty's Territories and those of The United States, to the westward of the said Lake, as far as their said respective Territories extend in that quarter; and that the said line shall, to that extent, form the Southern Boundary of His Majesty's said Territories, and the Northern Boundary of the said Territories of The United States: Provided, that nothing in the present Article shall be construed to extend to the North-west Coast of America, or to the Territories belonging to, or claimed by, either Party, on the Continent of America, to the Westward of the Stony Mountains.

IX.* The United States of America engage to put an end, immediately after the Ratification of the present Treaty, to hostilities with all the Tribes or Nations of Indians with whom they may be at War, at the time of such Ratification, and forthwith to restore to such Tribes or Nations, respectively, all the possessions, rights, and privileges, which they may have enjoyed, or been entitled to, in 1811, previous to such hostilities: Provided always, that such Tribes or Nations shall agree to desist from all hostilities against the United States of America, their Citizens, and Subjects, upon the Ratification of the present Treaty being notified to such Tribes or Nations, and shall so desist accordingly. And His Britannick Majesty engages, on His part, to put an end, immediately after the Ratification of the present Treaty, to hostilities with all the Tribes or Nations of Indians, with whom He may be at War, at the time of such Ratification, and forthwith to restore to such Tribes or Nations, respectively, all the possessions, rights, and privileges, which they may have enjoyed or been entitled to in 1811, previous to such hostilities: Provided always, that such Tribes or Nations shall agree to desist from all hostilities against His Britannick Majesty and His Subjects, upon the Ratification of the present Treaty being notified to such Tribes or Nations, and shall so desist accordingly.

X.+ His Britannick Majesty and The United States shall, by all the means in their power, restrain the Indians living within their respec-

* IX. Approved.

+ X. Inadmissible

shall to that extent form the southern boundary of His Britannick Majesty's Territories, and the northern boundary of the Territories of The United States. It being always distinctly understood, that nothing in the present Article shall be construed to extend to the North-west Coast of America, or to Territories belonging to, or claimed by either Party, on the Continent of America, Westward of the Stony Mountains. And it is further agreed, the Subjects of His Britannick Majesty shall, at all times, have access from His Britannick Majesty's Territories, by land or inland Navigation, into the aforesaid Territories of The United States to the River Mississippi, with their goods, effects, and merchandize, and that His Britannick Majesty's Subjects shall have and enjoy the free Navigation of the said River.

tive Dominions from committing hostilities against the Territory, Citizens, or Subjects, of the other Party. And both Powers also agree and mutually pledge themselves, if at any time War should unhappily break out between them, not to employ any Indians, nor to admit of their aid and co-operation in the prosecution of the War against the other Party.

XI.* Each Party shall effectually exclude from its Naval and Commercial Service, all Seamen, seafaring, or other Persons, Subjects, or Citizens of the other Party, not naturalized by the respective Governments of the 2 Parties before the <u>day of</u>.

Seamen, or other Persons, Subjects of either Party, who shall desert from publick or private Ships or Vessels, shall, when found within the jurisdiction of the other Party, be surrendered, provided they be demanded within ________ from the time of their desertion.

No Person whatever shall, upon the high Seas, and without the jurisdiction of either Party, be demanded, or taken out of any Ship or Vessel belonging to Subjects or Citizens of one of the Parties, by the publick or private armed Ships or Vessels belonging to, or in the service of, the other, unless such Person be, at the time, in the actual employment of an Enemy of such other Party.

This Article shall continue in Force for the term of —— years. Nothing in this Article contained shall be construed thereafter to affect or impair the rights of either Party.

XII.† If either of the Contracting Parties shall hereafter be engaged in War against any third Power, to which War the other of the Parties shall remain neutral, it is agreed that every Vessel of the neutral Party sailing for a Port or Place belonging to the Enemy of the Belligerent, without knowing that the same is besieged, blockaded, or invested, may be turned away from such Port or Place, but shall not be detained, nor her Cargo, if not contraband, be confiscated, unless, after such notice, she shall again attempt to enter; but she shall be permitted to go to any other Port or Place she may think proper. Nor shall any Vessel or Goods of either Party, that may have entered into such Port or Place before the same was besieged, blockaded, or invested, by the Other, and be found therein after the reduction or surrender of such Place, be liable to confiscation, but shall be restored to the Proprietors thereof. And, in order to determine what characterizes a blockaded Port, that denomination is given only to a Port where there is, by the disposition of the Power which attacks it with Ships stationary or sufficiently near, an evident danger in entering.

XIII.[‡] It is agreed that indemnity shall be made by His Britannick Majesty to the Citizens of The United States, for all losses and damages sustained by them, during the late War between Great Britain and

^{*} XI. Inadmissible. + XII. Inadmissible. + XIII. Inadmissible.

France, and prior to the commencement of the present War, by reason of irregular or illegal Captures, Seizures, or Condemnations of Vessels and other property, under colour of Authority contrary to the known and established rules of the Law of Nations. And it is also agreed, that indemnity shall be made, by each of the Contracting Parties, to the Subjects or Citizens of the other Party, for all losses and damage sustained subsequent to the commencement of the present War, by reason of the seizure or condemnation of the Vessels or Cargoes, belonging to the Subjects or Citizens of the one Party, which, in the ordinary course of Commerce, happened, at the commencement of hostilities, to be in the Ports of the other Party; and by reason of the destruction of unfortified Towns, and the pillage or destruction of private property, and the enticement and carrying away of Negroes, contrary to the known and established rules and usages of War, between civilized Nations.

It is agreed that, for the purpose of determining the Indemnities due by each Contracting Party, in conformity with the provisions of this Article, Commissioners shall be appointed, in the following manner, viz: One Commissioner shall be named by His Britannick Majesty, and one by the President of The United States, by and with the advice and consent of the Senate thereof; and the said 2 Commissioners shall agree in the choice of a third; or, if they cannot agree, they shall each propose one Person, and of the 2 names so proposed, one shall be taken by lot, in the presence of the 2 original Commissioners, and the 3 Commissioners, thus appointed, shall be sworn and authorized and empowered, impartially, to examine into all such claims and complaints, and to determine the Indemnities which may be justly due for the same.

The said Commissioners shall meet at —, and shall have power to adjourn to such other place or places as they shall think fit; they shall also have power to appoint a Secretary, swear and examine Witnesses, and have all assistance and facilities necessary to effect the object of their appointment.

The Award of the said Commissioners, or a majority of them, shall in all cases, be final and conclusive, both as to the justice of the Claim and as to the amount of the Sum to be paid to the Claimant and Claimants; and His Britannick Majesty and The United States agree and undertake to cause the Sum so awarded to be due by them, respectively, to be paid in specie, to such Claimant and Claimants, without deduction, and at such Place or Places, time or times, as shall be awarded by the Commissioners.

XIV.* It is also agreed, that no Person or Persons, residing within the Dominions of one of the Parties, who may have taken part with the other Party in the War between Great Britain and The United

* XIV. Inadmissible.

States, shall, on that account, be prosecuted, molested, or annoyed, either in his Person or Property; and that all such Persons disposed to remove into the Dominions of the other Party, shall be allowed the term of _____months, freely to sell their Property, of every nature and description whatsoever, and to remove accordingly.

XV. This Treaty, when the same shall have been ratified on both sides, and the *respective* Ratifications mutually exchanged, shall be binding on both Parties, and the Ratifications shall be exchanged at (1)....in the space of ——months from this day, or sooner if *possible*.(2)

In faith whereof, we, the respective Plenipotentiaries, have signed this Treaty, and have thereunto affixed our Seals.

Done at Ghent, the ---- day of ---- 1814.

True Copy of the Projet submitted by the American to the British Ministers, and also of the marginal changes, propositions, and remarks, made by the latter, on returning their Answer to the American Ministers' Note, communicating said Projet of a Treaty.

> C. HUGHES, Jr. Secretary, American Mission Extraordinary.

(Inclosure 2.)—British Draft of Article, proposed to be inserted immediately after Article II. of the American Projet.

All Prisoners of War taken on either side, as well by Land as by Sea, shall be restored as soon as practicable, after the Ratifications of this Treaty shall have been exchanged, on their paying the debts which they may have contracted during their captivity. The two Contracting Parties respectively engage to discharge, in specie, the advances which may have been made by the other, for the sustenance and maintenance of such Prisoners.

The American to the British Plenipotentiaries.

Ghent, 30th November, 1814.

The Undersigned have had the honour to receive the Note of the British Plenipotentiaries of the 26th instant, together with their marginal alterations and suggestions on the several Articles of the Projet of a Treaty of Peace, proposed by the Undersigned.

The Undersigned consent that the day of the exchange of Ratifications be substituted to that of the Signature of the Treaty, as the time for the cessation of hostilities, and for regulating the periods after which Prizes at Sea shall be restored: it being understood that

⁽¹⁾ Washington, with all practicable dispatch.

⁽²⁾ practicable.

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tentiaries, for the purpose of discussing those points, and of agreeing on the places and times left in blank in several of the Articles.

The Undersigned renew, &c.

JOHN QUINEY AÐAMS. JAMES A. BAYARD. H. CLAÝ. JONA. RUSSELL. ALBERT GALLATIN.

The Plenzo tentiaries of His Britannick Majesty.

Extract of a Law of The United States, passed 6th July, 1812. "SEC. — And be it further enacted, That the President of The United States be, and he is hereby, authorized, to give, at any time, within 6 M — nths after the passage of this Act, Passports for the safe transportation of any Ship or other property belonging to British Subjects, and — Dich is now within the limits of The United States."

The British to the American Plenipotentiaries.

Ghent, 30th November, 1814.

THE dersigned have the honour to acknowledge the receipt of the Note dressed to them by the American Plenipotentiaries, and, in compliance with their request for a Conference, shall be happy to receive the at the Chartreux, to-morrow at 12 o'clock.

The Dersigned request, &c.

	dersigned request, ac.	GAMB R,
		HENRY GOULBURN,
The American Plenipotentiaries.		WILLIAM ADAMS.

Protocol of a Conference, held at Ghent, the 1st December, 1814. At a onference held this day, the American Plenipotentiaries proposed the following Alterations in their Projet, as amended by the British Plenipotentiaries.

1. In A ticle I. strike out the alterations consisting of the words "belonging to," "and taken by," and preserve the original reading, viz. "taken by either Party from the other."

This All Ceration was objected to by the British Plenipotentiaries, and, after me discussion, reserved by them for the consideration of their Government.

2. Transpose alteration consisting of the words "originally captured in the said Forts or Places, and which shall remain therein upon the Exchange of the Ratifications of this Treaty," after the words "Public property."

Agreed to by the British Plenipotentiaries.

3. Article II. The term to be 15 days in the Channel, in the North Seas, in all parts of the Atlantic Ocean to the Equinoctial Line,

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Reserved by the British Plenipotentiaries for the consideration of their Government.

10. The American Plenipotentiaries also proposed the following Amendment to Article VIII. viz. "The Inhabitants of The United States shall continue to enjoy the liberty to take, dry, and cure Fish, in Places within the exclusive jurisdiction of Great Britain, as secured by the former Treaty of Peace; and the Navigation of the River Mississippi, within the exclusive jurisdiction of The United States, shall remain free and open to the Subjects of Great Britain, in the manner se cured by the said Treaty: and it is further agreed, that the Subjects of His Britannick Majesty shall at all times have access, from such Place as may be selected for that purpose, in His Britannick Majesty's foresaid Territories, West, and within 300 Miles of the Lake of the Woods, in the aforesaid Territories of The United States, to the River Massippi, in order to enjoy the benefit of the Navigation of that River, with their Goods, Effects, and Merchandise, whose importation int The said States shall not be entirely prohibited ; on the payment of the same duties as would be payable on the importation of the same into The Atlantic Ports of the said States, and on conforming with the usual Custom-house regulations."

This mendment was left with the British Plenipotentiaries for considera tion.

The merican Plenipotentiaries also intimated their willingness to omit Article VIII. altogether, if that course should appear more advisable to The British Plenipotentiaries.

The merican Plenipotentiaries further proposed, in conformity with their Note of November 30th, Indemnification for Ships detained in British Ports on the breaking out of the War, and afterwards condemned : which was resisted by the British Plenipotentiaries.

After much discussion on this point, the Conference was adjourned.

Potocol of Conference. Ghent, 10th December, 1814. THE Potocol of the preceding Conference, held on the 1st instant, was settled.

The mitish Plenipotentiaries stated that their Government could not consent to omit the words in Article I. " belonging to either Party and taken by the other," unless some modification should be introduced, either by excepting from mutual restitution all those Territories which are made by any Articles of the Treaty the subject of reference to Commissioners, or by excepting the Passamaquoddy Islands alone.

Received by the American Plenipotentiaries for consideration.

The British Plenipotentiaries then stated that, with respect to Article VIII. their Government offered, in lieu of the American Proposals, to retain the amended Article as far as the words "Stony Mountains," and to insert the following Stipulation :

"His Britannick Majesty agrees to enter into negotiation with The

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Article VIII., "a line drawn due West from the Lake of the Woods along the 49th parallel of North Latitude,"

It was agreed that an alteration should be made to guard against such possible inaccuracy.

The American Plenipotentiaries proposed the following alteration in the D ft delivered to them by the British Plenipotentiaries, relative to the manner of filling up the blanks in Article II.: "Extend the term of 1 2 days to 50 degrees North Latitude, and to the 36th West Longitude include the British and Irish Channels in the term of 30 days; in 1 de the Baltick in the term of 40 days. Instead of term of 150 days, in sert 60 days for Atlantick, as far as Latitude of Cape of Good Hope; 90 days for every other part of the World, South of the Equator = 120 days for all other parts of the World.

The Conference then ended.

THE Protocol of Conference. Ghent, 12th December, 1814. THE Protocol of the preceding Conference, held on the 10th instant, was settled

After Conference ended, by the American Plenipotentiaries undertaking to return an nswer in writing, to the Propositions brought forward by the British P ipotentiaries, at the last Conference.

The American to the British Plenipotentiaries.

Ghent, 14th December, 1814. THE Undersigned, having considered the Propositions offered, in the Conference of the IOth instant, by the British Plenipotentiaries, on the few subjects which remain to be adjusted, now have the honour of making the Communication which they promised.

The first of them relates to the mutual restoration of the Territory taken by ei ther Party from the other, during the War. In admitting this principle, which the Undersigned had repeatedly declared to be the only one on which they were authorised to treat, the British Plenipotentiaries had, at first, proposed an alteration in the Article offered by the Un ersigned limiting the Stipulation of restoring Territory taken during the War, to Territory belonging to the Party from which it was taken. The objection of the Undersigned to this alteration was, that a part of the Territory thus taken being claimed by both Parties, and made a subject of reference by the Treaty, the alteration would leave it in the power of one Party to judge whether any portion of Territory taken by him during the War, did, or did not belong to the other Party, laying thereby, in the very Instrument of Pacification, the foundation of an immediate misunderstanding, the moment that Instrument should be carried into execution.

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The British Plenipotentiaries have now proposed to omit the words originally offered by them, provided, that the Passamaqaoddy Islands should alone be excepted from the mutual restitution of Territory.

The consent of the Undersigned to this solitary exception, if founded on 'the alleged right of Great Britain to those Islands, might be construed as an implied admission of a better title on her part than on that of The United States, and would necessarily affect their claim. The only ground for the exception consists in the allegation of the British Plenipotentiaries that Great Britain had, during some period subsequent to the Treaty of Peace of 1783, exercised jurisdiction over those Islands, and that The United States had subsequently occupied them, contrary to the remonstrances of the British Government, and before the question of title had been adjusted.

Under these considerations, the Undersigned, unwilling to prevent the conclusion of the Treaty of Peace, will take upon themselves the responsibility of agreeing to the exception proposed, with a provision, that the claim of The United States shall not, thereby, be in any manner affected. The Undersigned, have accordingly prepared a Clause to that effect, and which provides, also, that the temporary possession, may not be converted into a permanent occupancy. They had agreed to the alteration proposed by the British Plenipotentiaries in the mode of reference of the several Boundaries and Territories in dispute, under the expectation that the proposed exception to a general restoration would not be insisted on, and they will add, that the objection to the temporary possession, by Great Britain, of the Passamaquoddy Islands, would be considerably lessened by adopting a mode of reference, which would insure a speedy and certain decision.

To the Stipulation now proposed, by the British Plenipotentiaries, as a substitute for the last paragraph of the VIIIth Article, the Undersigned cannot accede.

The Proposition made, respecting the navigation of the Mississippi, in the alteration first proposed by the British Plenipotentiaries to that Article, was unexpected. In their Note of the 31st of October, they had stated, that they had brought forward, in their Note of the 21st of the same month, all the Propositions which they had to offer: and that subject was not mentioned, either in this last mentioned Note, or in the first Conference to which it referred. In order to obviate any difficulty arising from a presumed connection between that subject and that of the Boundary proposed by the VIIIth Article, the Undersigned expressed their willingness to omit the Article altogether: For the purpose of meeting, what they believed to be, the wishes of the British Government, they proposed the insertion of an Article which should recognize the right of Great Britain to the navigation of that River, and that of The United States to a liberty in certain Fisheries, which the British Government considered as abrogated by the War. To such an

Article, which they viewed as merely declaratory, the Undersigned had no objection, and have offered to accede. They do not, however, want any new Article on either of those subjects: they have offered to be silent with regard to both. To the Stipulation now proposed, or to any other, abandoning, or implying the abandonment of, any right in the Fisheries claimed by The United States, they cannot subscribe. As a Stipulation merely, that the Parties will hereafter negotiate concerning the subjects in question, it appears also unnecessary. Yet to an engagement couched in general terms, so as to embrace all the subjects of difference not yet adjusted, or so expressed, as to imply in no manner whatever an abandonment of any right, claimed by The United States, the Undersigned are ready to agree.

Since neither of the two Additional Articles proposed by the British Plenipotentiaries was included amongst, or is connected with, the subjects previously brought forward by them, it is presumed that they are offered only for consideration, as embracing objects of common and equal interest to both Parties. The Undersigned will accede to the substance of the Article to promote the abolition of the Slave-trade. They cannot admit the other Article, which, to them, appears unneces-The Courts of The United States will, without it, be equally sarv. open to the claims of British Subjects ; and they rely that, without it, the British Courts will be equally open to the Claims of the Citizens of The United States. The Undersigned renew, &c.

> JOHN QUINCY ADAMS. JAMES A. BAYARD. HENRY CLAY. JONATHAN RUSSELL. ALBERT GALLATIN.

The Plenipotentiaries of His Britannick Majesty.

(Inclosure.)-Clause proposed by the American Plenipotentiaries.

SUCH of the Islands in the Bay of Passamaquoddy as are claimed by both Parties, shall remain in the possession of the Party in whose occupation they may be, at the time of the exchange of the Ratifications of this Treaty, until the Decision respecting the title to the said Islands shall have been made, in conformity with the Article of this Treaty. But if such a decision shall not have taken place within

Years after the exchange of the Ratifications of this Treaty, . . such Islands shall be restored to, and until such decision may take place, shall be retained by, the Party who had possession of the same at the commencement of the War. No disposition made by this Treaty of the intermediate possession of the Islands and Territories, claimed by both Parties, shall, in any manner whatever, be construed to affect the right of either.

The British to the American Plenipotentiaries.

Ghent, 22d December, 1814.

THE Undersigned have had the honour to receive the Note of the American Plenipotentiaries, dated on the 14th inst. stating their consent to except the Passamaquoddy Islands from the mutual restitution of Territory captured during the War, provided the Claim of The United States shall not be in any manner affected thereby. To the Article proposed by the American Plenipotentiaries, so far as it is adapted to this object, the Undersigned are willing to agree; but they object, as before intimated by them, to that part of the proposed Article which would make it imperative on the Commissioners to decide the Question within any fixed time, trusting that on this head the American Plenipotentiaries will be satisfied with their declaration, that it is the intention of His Majesty's Government to do all that belongs to them to obtain a decision without loss of time. The Projet of the Article subjoined, will be found to omit the Clause intended to enforce a decision within some limited time, and to contain a slight alteration in the third Clause, by substituting, in the place of the words " intermediate possession," the words, " as to such possession."

So far as regards the substitution proposed by the Undersigned, for the last Clause of the VIIIth Article, as it was offered solely with the hope of attaining the object of the amendment tendered by the American Plenipotentiaries at the Conference of the 1st instant, no difficulty will be made in withdrawing it.

The Undersigned, referring to the declaration made by them at the Conference of the 8th of August, that the privileges of Fishing within the limits of the British Sovereignty, and of using the British Territories for purposes connected with the Fisheries, were what Great Britain did not intend to grant without equivalent, are not desirous of introducing any Article upon the subject. With the view of removing what they consider as the only objection to the immediate conclusion of the Treaty, the Undersigned agree to adopt the proposal made by the American Plenipotentiaries, at the Conference of the 1st inst. and repeated in their last Note, of omitting the VIIIth Article altogether.

The Undersigned avail themselves, &c.

The American Plenipotentiaries.

GAMBIER. HENRY GOULBURN. WILLIAM ADAMS.

(Inclosure.)—Article proposed by the British Plenipotentiaries.

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

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

Protocol of Conference. Ghent, 23d December, 1814.

At a Conference held this day, the Protocol of the preceding Conference was settled.

The American Plenipotentiaries intimated their readiness to accede to the Propositions contained in the Note of the British Plenipotentiaries, of the 22d instant.

The following alterations were then agreed to :

In the first Article, after the word "cease," omit the words "after the exchange of the Ratifications," and insert "as soon as this Treaty shall have been ratified by both Parties." Substitute the word "whatsoever" for the words "without exception." Restore the words "taken by either Party from the other," in the room of the words "belonging to either Party and taken by." After the words "signing of this Treaty," insert the words "excepting only the Islands hereinafter mentioned." After the words "respectively belong," insert, verbatim, the words of the amendment inclosed in the Note of the British Plenipotentiaries of the 22d instant, filling up the blank with the word "Fourth."

The second Article was altered so as to read as follows :

ART. II. Immediately after the Ratifications of this Treaty by both Parties, as hereinafter mentioned, Orders shall be sent to the Armies, Squadrons, Officers, Subjects, and Citizens, of the two Powers, to cease from all hostilities; and to prevent all causes of complaint, which might arise on account of the Prizes which may be taken at sea after the said Ratifications of this Treaty, it is reciprocally agreed, that all Vessels and effects which may be taken after the space of 12 days from the said Ratifications, upon all parts of the Coast of North America, from the Latitude of 23 degrees North to the Latitude of 50 degrees North, and as far Eastward in the Atlantick Ocean as the 36th degree of West Longitude from the meridian of Greenwich, shall be restored on each side; that the time shall be 30 days in all other parts of the Atlantick Ocean North of the Equinoctial Line or Equator: and the same time for the British and Irish Channels, for the Gulf of Mexico, and all parts of the West Indies; 40 days for the North Seas, for the Baltic, and for all parts of the Mediterranean; 60 days for the Atlantick Ocean, South of the Equator, as far as the Latitude of the Cape of Good Hope; 90 days for every other part of the World, South of the Equator, and 120 days for all other parts of the World without exception.

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It was agreed that the Article respecting Prisoners of War should be the IIId Article, and that the words "as hereinafter mentioned," should be substituted for the words "shall have been exchanged."

The Articles numbered in the original Projet III, IV, V, VI, VII, to be respectively numbered IV, V, VI, VII, VIII.

In Article IV, it was agreed that the blank should be filled up with the words "St. Andrews, in the Province of New Brunswick."

In Article V, it was agreed that the blank should be filled up with the words "St. Andrews, in the Province of New Brunswick."

Near the end of Article V, substitute the word "fourth" for "third."

In Article VI, it was agreed to fill up the blank with the words "Albany, in the State of New York," and to substitute the word "fourth" for "third," in the concluding paragraph.

In Article VII, substitute the word "fourth" for "third," in the last paragraph.

It was agreed that the Article respecting the African Slave-trade should be the Xth Article, and that the words "use their best endeavours," should be substituted for the words "exert every means in their power."

The XVth Article of the Projet to be numbered XI : it was agreed to insert in it, after the words "on both sides," the words "without alteration by either of the Contracting Parties."

Omit the words "with all practicable dispatch." "Fill up the blank with the word "four." Insert after the word "done," the words "in triplicate." The British Plenipotentiaries urged the Article formerly proposed by them, as to Suits of Law to be prosecuted by the Citizens or Subjects of one Nation in the Courts of Justice of the other. Resisted by the American Plenipotentiaries.

The Conference was adjourned to the 24th inst. for the purpose of signing the Treaty.

The American Plenipotentiaries to the Secretary of State.

SIR,

Ghent, 25th December, 1814.

WE have the honour of transmitting herewith, one of the 3 Copies of the Treaty of Peace between Great Britain and The United States, signed last evening by the Plenipotentiaries of His Britannick Majesty and by us.

The Papers, of which Copies are likewise now forwarded, will exhibit to you so fully the progress of the Negotiation since the departure of the *Chauncey*, that few additional remarks from us will be necessary. It may be proper for us, however, to state, that in the interval between the time when our first Projet of a Treaty was sent to the British Plenipotentiaries, and that when they communicated to us the Answer to it, the Dispatches which we had sent by Mr. Dallas, and the Instructions to us, which had been published in The United States, were republished in England.

In declining to insist on the Articles respecting Impressment and Indemnities, we made a formal declaration, that the Rights of both Parties, on the subject of Seamen and the Claims to Indemnities for losses and damages sustained prior to the commencement of the War, should not be affected or impaired by the omission, in the Treaty, of a specific provision on these two subjects.

From the time when the Projet of the Treaty, presented by us, was returned, with the proposed alterations, it was apparent, that unless new pretensions on the part of Great Britain should be advanced, the only important Differences remaining to be discussed, were those relating to the mutual Restoration of Territory, taken during the War; to the Navigation of the Mississippi by British Subjects, and to the right of the People of The United States to the Fisheries within the British Jurisdiction. Instead of a general restitution of captured Territory, which we had proposed, the British Government, at first, wished to confine it to the Territory taken by either Party belonging to the other. On our objecting, that this would make each Party the judge, whether Territory taken did or did not belong to the other, and thereby occasion new disputes, they acknowledged it to be their object, that each Party should, until a decision had taken place with respect to the title, retain possession of all the Territory claimed by both Parties, which might have been taken by such Party during the War. They proposed, however, to limit the exception from mutual Restitution, to the Islands in the Bay of Passamaquoddy. As it had been, on both sides, admitted, that the title to these Islands was disputed, and as the method of settling amicably those disputes was provided for in the Treaty, we had not expected that the British Government would adhere to the demand of retaining the temporary possession of those Islands. We insisted, therefore, on their being included in the general restoration, until we had reason to believe that our further perseverance would have hazarded the conclusion of the Peace itself; we finally consented, as an alternative preferable to the continuance of the War, to this exception, upon condition that it should not be understood as impairing, in any manner, the right of The United States to these Islands. We also urged for a Stipulation, requiring an ultimate decision upon the title within a limited time; but to this we also found opposed an insuperable objection, and we were finally induced to accept, in its stead, a declaration of the British Plenipotentiaries that no unnecessary delay of the decision should be interposed on the part of Great Britain.

At the first Conference on the 8th of August, the British Plenipotentiaries had notified to us, that the British Government did not intend, henceforth, to allow to the People of The United States, without

an equivalent, the liberties to fish, and to dry and cure Fish, within the exclusive British Jurisdiction, stipulated, in their favour, by the latter part of the IIId Article of the Treaty of Peace of 1783. And, in their Note of the 19th of August, the British Plenipotentiaries had demanded a new Stipulation to secure to British Subjects the right of navigating the Mississippi; a demand, which, unless warranted by another Article of that same Treaty of 1783, we could not perceive that Great Britain had any colorable pretence for making. Our Instructions had forbidden us to suffer our right to the Fisheries to be brought into discussion, and had not authorized us to make any distinction in the several provisions of the IIId Article of the Treaty of 1783, or between that Article and any other of the same Treaty. We had no equivalent to offer for a new recognition of our right to any part of the Fisheries, and we had no power to grant any equivalent which might be asked for it by the British Government. We contended that the whole Treaty of 1783, must be considered as one entire and permanent Compact, not liable, like ordinary Treaties, to be abrogated by a subsequent War between the Parties to it;-as an Instrument recognizing the rights and liberties enjoyed by the People of The United States as an Independent Nation, and containing the terms and conditions on which the two parts of one Empire had mutually agreed thenceforth to constitute two distinct and separate Nations. In consenting, by that Treaty, that a part of the North American Continent should remain subject to the British Jurisdiction, the People of The United States had reserved to themselves the liberty, which they had ever before enjoyed, of Fishing upon that part of the Coasts, and of drying and curing Fish upon the Shores; and this reservation had been agreed to by the other Contracting Party. We saw not why this liberty, then no new Grant, but a mere recognition of a prior Right, always enjoyed, should be forfeited by a War, any more than any other of the rights of our National Independence, or why we should need a new Stipulationfor its enjoyment, more than we needed a new Article to declare that the King of Great Britain treated with us as free, sovereign, and Independent States. We stated this principle, in general terms, to the British Plenipotentiaries, in the Note which we sent to them with our Projet of the Treaty; and we alleged it as the ground upon which no new Stipulation was deemed by our Government necessary, to secure to the People of The United States all the rights and liberties, stipulated in their favour, by the Treaty of 1783. No reply to that part of our Note was given by the British Plenipotentiaries; but, in returning our Projet of a Treaty, they added a Clause to one of the Articles, stipulating a right for British Subjects to navigate the Mississippi. Without adverting to the ground of prior and immemorial usage, if the principle were just that the Treaty of 1783, from its peculiar character, remained in force in

all its parts, notwithstanding the War, no new Stipulation was necessary to secure to the Subjects of Great Britain the right of navigating the Mississippi, as far as that right was secured by the Treaty of 1783; as, on the other hand, no Stipulation was necessary to secure to the People of The United States the liberty to fish, and to dry and cure Fish, within the exclusive Jurisdiction of Great Britain. If they asked the Navigation of the Mississippi as a new Claim, they could not expect we should grant it without an equivalent: if they asked it because it had been granted in 1783, they must recognize the Claim of the People of The United States to the liberty to fish and to dry and cure Fish, in question. To place both points beyond all future controversy, a majority of us determined to offer to admit an Article confirming both rights: or, we offered at the same time, to be silent in the Treaty upon both, and to leave out altogether the Article defining the Boundary from the Lake of the Woods westward. They finally agreed to this last proposal, but not until they had proposed an Article, stipulating for a future Negotiation for an equivalent to be given by Great Britain for the Navigation of the Mississippi, and by The United States for the liberty as to the Fisheries within British Jurisdiction. This Article was unnecessary, with respect to its professed object, since both Governments had it in their power, without it, to negotiate upon these subjects if they pleased. We rejected it, although its adoption would have secured the Boundary of the 49th degree of latitude west of the Lake of the Woods, because it would have been a formal abandonment on our part, of our Claim to the liberty as to the Fisheries, recognized by the Treaty of 1783.

You will perceive by the Correspondence that the IXth Article was offered us as a sine quâ non and an ultimatum. We accepted it, not without much hesitation, as the only alternative to a rupture of the Negotiation, and with a perfect understanding that our Government was free to reject it, as we were not authorized to subscribe to it.

To gnard against any accident which might happen in the transmission of a single Copy of the Treaty to The United States, the British Plenipotentiaries have consented to execute it in triplicate: and as the Treaty with the British Ratification may be exposed to the same danger, the times for the cessation of hostilities, the restoration of Captures at Sea, and the release of Prisoners, have been fixed, not from the exchange of Ratifications, but from the Ratification on both sides, without alteration by either of the Contracting Parties. We consented to the introduction of this latter provision, at the desire of the British Plenipotentiaries, who were willing to take a full, but were unwilling to incur the risk of a partial Ratification, as the period from which the Peace should be considered as concluded.

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We are informed by them that Mr. Baker, their Secretary, is to go out to America with the British Ratification.

We have the honour to be, &c.

JOHN QUINCY ADAMS. J. A. BAYARD. H. CLAY. JONA. RUSSELL. ALBERT GALLATIN.

The Hon. James Monroe.

Mr. Russell to the Secretary of State.

(Extract.)

Ghent, 25th December, 1814.

My necessary occupation, at this moment, in aiding my Colleagues to prepare our joint Dispatches, puts it out of my power to furnish you with any details or observations exclusively my own.

As, however, you will perceive by our Despatch to you of this Date, that a majority only of the Mission was in favour of offering to the British Plenipotentiaries, an Article confirming the British right to the Navigation of the Mississippi, and ours to the liberty as to the Fisheries, it becomes me, in candour, to acknowledge, that I was in the minority on that Question. I must reserve to myself the power of communicating to you, hereafter, the reasons which influenced me to differ from a majority of my Colleagues on that occasion; and if they be insufficient to support my opinion, I persuade myself they will, at least, vindicate my motives.

The Hon. James Monroe.

JONATHAN RUSSELL.

Mr. Gallatin to the Secretary of State.

SIR,

Ghent, 25th December, 1814.

THE Treaty which we signed yesterday, with the British Ministers, is, in my opinion, as favourable as could be expected, under existing circumstances, so far as they were known to us. The attitude taken by the State of Massachusetts, and the appearances in some of the neighbouring States, had a most unfavourable effect. Of the probable result of the Congress at Vienna, we had no correct information. The views of all the European Powers were precisely known from day to day, to the British Ministry. From neither of them did we, in any shape, receive any intimation of their intentions, of the general prospect of Europe, or of the interest they took in our Contest with Great Britain. I have some reason to believe that all of them were desirous that it might continue. They did not intend to assist us; they appeared indifferent about our difficulties, but they rejoiced at any thing which might occupy, and eventually weaken our Enemy. The manner in which the Campaign has terminated; the evidence afforded, by its events, of our ability to resist, alone, the now very formidable Military Power of England; and our having been able, without any Foreign assistance, and after she had made such an effort, to obtain Peace on equal Terms, will raise our character and consequence in Europe. This, joined with the naval Victories, and the belief that we alone can fight the English on their element, will make us to be courted as much as we have been neglected by Foreign Governments. As to the *People* of Europe, publick opinion was already most decidedly in our favour. I anticipate a settlement with Spain on our own Terms, and the immediate chastisement of the Algerines. Permit me to suggest the propriety of despatching a Squadron for that purpose, without losing a single moment.

I have little to add to our Publick Despatch on the subject of the Terms of the Treaty. I really think, that there is nothing but nominal in the Indian Article, as adopted. With respect to precedent, you will find two, though neither is altogether in point, viz. the — Article of the Treaty of Utrecht, and the latter part of the — Article of our Treaty with Spain. You know, that there was no alternative between breaking off the Negotiations, and accepting the Article; and that we accepted it, only as provisional, and subject to your approbation or rejection.

The exception of Moose Island, from the general restoration of Territory, is the only point, on which it is possible that we might have obtained an alteration, if we had adhered to our opposition to it. The British Government had long fluctuated on the Question of Peace: a favourable account from Vienna, the report of some success in the Gulf of Mexico, or any other incident, might produce a change in their disposition; they had, already, after the Question had been referred to them, declared that they could not consent to a relinquishment of that point. We thought it too hazardous to risk the Peace on the Question of the temporary possession of that small Island, since the Question of Title was fully reserved; and it was, therefore, no Cession of Territory.

On the subject of the Fisheries, within the jurisdiction of Great Britain, we have certainly done all that could be done. If, according to the construction of the Treaty of 1783, which we assumed, the right was not abrogated by the War, it remains entire, since we most explicitly refused to renounce it, either directly or indirectly. In that case, it is only an unsettled subject of difference between the two Countries. If the right must be considered as abrogated by the War, we cannot regain it without an equivalent. We had none to give but the recognition of their right to navigate the Mississippi, and we offered it. On this last supposition, this right is also lost to them; and, in a general point of view, we have certainly lost nothing. But we have done all that was practicable in support of the right to those Fisheries—

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lst, by the ground we assumed, respecting the construction of the Treaty of 1783—2d, by the offer to recognize the British right, to the Navigation of the Mississippi—3dly, by refusing to accept from Great Britain, both her implied renunciation of the right of that Navigation, and the convenient Boundary of 49°, for the whole extent of our and her Territories, west of the Lake of the Woods, rather than to make an implied renunciation, on our part, to the right of America, to those particular Fisheries.

I believe that Great Britian is very desirous of obtaining the northern part of Maine, say from about 47° north Latitude, to the northern extremity of that District, as claimed by us. They hope that the river, which empties into the Bay des Chaleurs, in the Gulf of St. Lawrence, has its source so far west as to intervene between the head waters of the River St. John's and those of the streams emptying into the River St. Lawrence: so that the line north from the source of the River St. Croix, will first strike the heights of land which divide the waters emptying into the Atlantic Ocean (River St. John's) from those emptying into the Gulf of St. Lawrence, (River des Chaleurs,) and afterwards the heights of land which divide the waters emptying into the Gulf of St. Lawrence, (River des Chaleurs,) from those emptying into the River St. Lawrence; but, that the said line never can, in the words of the Treaty, strike any spot of land actually dividing the waters emptying into the Atlantic Ocean, from those which fall into the River St. Lawrence. Such will be the foundation of their disputing our Claim to the northern part of that Territory; but, feeling that-it is not very solid, I am apt to think that they will be disposed to offer the whole of Passamaquoddy Bay, and the disputed Fisheries, as an equivalent for the portion of Northern Territory, which they want, in order to connect New-Brunswick and Quebec. This may account for their tenacity, with respect to the temporary possession of Moose Island, and for their refusing to accept the recognition of their right to the Navigation of the Mississippi, provided they recognize ours, to the Fisheries.

That northern Territory is of no importance to us, and belongs to 'The United States, and not to Massachusetts, which has not the shadow of a claim to any land north of 45°, to the eastward of the Penobscot River, as you may easily convince yourself of, by referring to her Charters.

I have the honour to be, &c.

ALBERT GALLATIN.

The Hon. James Monroe.

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MESSAGE from the President of The United States to Congress, in relation to the Progress made by the British and American Commissioners under the 5th Article of the Treaty of Ghent. 6th February, 1822.

To the House of Representatives :

I TRANSMIT to the House of Representatives a Report from the Secretary of State, on the subject required by the Resolution of that House of the 22d ult. with the Documents which accompanied that Report. JAMES MONROE.

Washington, 6th February, 1822.

Report of the Secretary of State.

Department of State, Washington, 5th February, 1822.

THE Secretary of State, to whom has been referred the Resolution of the House of Representatives, requesting of the President of The United States, such information as he may possess, in relation to the progress made by the Commissioners under the Vth Article of the Treaty of Ghent, in ascertaining and establishing that part of the Boundary Line between The United States and the British Provinces. which extends " from the source of the River St. Croix to the Northwesternmost head of Connecticut River," how much of the abovementioned Line has been actually surveyed, whether a Map, duly certified, has been returned of any Survey made, and whether the Commissioners of the two Governments have had any Meetings within a Year past; has the honour of reporting to the President, that those Commissioners have, in the course of the Year, had Meetings at New York, from the 14th of May to the 9th of June, from the 1st to the 14th of August, and from the 20th of September to the 4th of October; at which last Meeting, a difference of opinion upon two Points having occurred between the Commissioners, they adjourned, to meet again on the first Monday of April next.

Copies of the Journals of the Board at their Meetings, and a part of the Arguments of the Agents of the two Governments on the Questions submitted to the Commissioners, have been received, and are at this Department. No authenticated Map has been returned, the reason of which is shewn in a Letter from the Agent of The United States, of the 14th of October last, and a Letter from the Commissioner of 20th November, Copies of which are herewith submitted, and which exhibit the progress of the Commission, until the time of their last adjournment.

JOHN QUINCY ADAMS.

Mr. Bradley (Agent of The United States under the 5th Treaty of Ghent) to the Secretary of State SIR, Westminster, 14th

I HAVE the honour to inclose a Copy of the Journ ceedings of the Commissioners under the 5th Article c Ghent, at their Meeting, which I recently received from of the Board. I have also the honour to forward b Argument of the British Agent, in reply to my Ans Argument, which completes the Arguments growing of Claim.

The Copy of the Claim and first Argument on the United States has been heretofore forwarded. The British Agent, and my Reply thereto, are so volum Secretary has not yet been able to furnish Copies. ' ever, is principally occasioned by the absolute neces Copies for the Commissioners, by whom they are r purpose of framing their Opinions and Reports, as Treaty.

Permit me to observe, that the Copies which hav to the Department of State are intended merely for earlier information. The difference of opinion which between the Commissioners, in respect to the North-we Scotia, and the North-westernmost head of Connec rendered necessary fair Duplicate Copies of all the Pr ments, and Documents, and these are now making 1 ment, in a shape proper to be submitted to a Foreign of course, a work of much labour, as there are, in ac ports, Proofs, and Arguments, nearly 40 Maps made who have been employed under the Commission; completed before the Close of the Session of Congre livered, together with the Opinions of the Commiss spective Agents, agreeably to the 8th Article of th have the honour to place in your possession those **Government of The United States.** I have, & The Hon. J. Q. Adams. WM.

Cornelius P. Van Ness (Commissioner under the Treaty of Ghent) to the Secretary of S SIR, Burlington, 20t

THE Commissioners under the Vth Article of th have disagreed in opinion on the principal Points s and will make their Separate Reports to the two C formably to the provisions of the Treaty. The Doci of the Reports and Maps of the Surveyors, and the Agents, besides various other Papers, Copies of wh pany the Reports of the Commissioners, are very voluminous; but the necessary Copies are preparing with all practicable dispatch, and will probably be ready in the month of March next.

The Reports of the Commissioners, with the accompanying Papers and Documents, therefore, will be received at Washington about the 1st of April next, but, at any rate, during the approaching Session of Congress. The Agent of The United States, I presume, has furnished you with a more detailed statement of the situation of the business of the Commissioners.

I intend to proceed to Washington myself in April next, for the purpose of closing my Accounts, which cannot very well be done without my personal attendance, and which cannot be finally done until the Papers are completed. I have, &c.

The Hon. J. Q. Adams. C. P. VAN NESS.

MESSAGES from the President of The United States to Congress, respecting a Letter of Jonathan Russell, late one of the Plenipotentiaries of The United States, at the Negotiation of Ghent; with Remarks thereon, by the Secretary of State.—4th and 7th May, 1822.

(1.) Washington, 4th May, 1822. To the House of Representatives of The United States :

In compliance with a Resolution of the House of Representatives, of the 19th of April, requesting the President " to cause to be communicated to the House, if not injurious to the publick interest, any Letter which may have been received from Jonathan Russell, one of the Ministers who concluded the Treaty of Ghent, in conformity with the indications contained in his Letter of 25th of December, 1814," I have to state, that, having referred the Resolution to the Secretary of State, and it appearing, by a Report from him, that no such Document had been deposited among the Archives of the Department, I examined and found among my Private Papers a Letter of that description, marked " Private" by himself. I transmit a Copy of the Report of the Secretary of State, by which it appears that Mr. Russell, on being apprized that the Document referred to by the Resolution had not been deposited in the Department of State, delivered there " a Paper purporting to be the Duplicate of a Letter written by him from Paris, on the 11th of February, 1815, to the then Secretary of State, to be communicated to the House, as the Letter called for by the Resolution."

On the perusal of the Document called for, I find that it communicates a difference of opinion between Mr. Russell and a majority of his Colleagues, in certain transactions which occurred in the Negotiations at Ghent, touching interests which have been sin rily adjusted by Treaty between The United States and The view which Mr. Russell presents of his own condu his Colleagues, in those transactions, will, it is presumed two surviving Members of that Mission, who differed Reply, containing their view of those transactions, and c of the Parties in them, and who, should his Letter beto the House of Representatives, will also claim that should be communicated in like manner by the Execuwhich, on the principle of equal justice, could not be Secretary of State, one of the Ministers referred to, 1 pressed a desire that Mr. Russell's Letter should be and that I would transmit, at the same time, a Commhim respecting it.

On full consideration of the subject, I have thought proper for the Executive to communicate the Letter ca the House, on a knowledge of these circumstances, show which case the Document called for shall be communic nied by a Report from the Secretary of State, as above have directed a Copy to be delivered to Mr. Russell, to as he may think proper, and have caused the Original in the Department of State, with instruction to deliver Person who may be interested. JAM1

Report of the Secretary of State. Department of State, Washington,

THE Secretary of State, to whom was referred th the House of Representatives, of the 19th ultimo, requ sident " to cause to be communicated to the House, to the publick good, any Letter or Communication v been received from Jonathan Russell, Esquire, one of The United States who concluded the Treaty of signature of that Treaty, and which was written in c indications contained in said Minister's Letter, dated of December, 1814," has the honour of reporting to that, until after the adoption of the said Resolutio there was, upon the files of the Department of State. Mr. Russell, of the description mentioned therein Russell himself has since delivered at the Departme cation purporting to be the Duplicate of a Letter writ Paris, on the 11th of February, 1815, to the then Se to be communicated to the House, as the Letter cal Resolution.

A Copy of this Paper is herewith submitted to the The Hon. James Monroe. JOHN QUI

Washington, 7th May, 1822.

To the House of Representatives :

(2.)

In compliance with the Resolution of the House of Representatives, of the 7th of May, requesting the President of The United States "to communicate to that House the Letter of Jonathan Russell, Esq. referred to in his Message of the 4th instant, together with such Communications as he may have received relative thereto, from any of the other Ministers of The United States who negotiated the Treaty of Ghent," I herewith transmit a Report from the Secretary of State, with the Documents called for by that Resolution.

JAMES MONROE.

Report of the Secretary of State. Department of State, Washington, 7th May, 1822.

THE Secretary of State has the honour of transmitting to the President of The United States, his Remarks upon the Paper deposited at the Department of State, on the 22d of last month, by Jonathan Russell, late one of the Plenipotentiaries of The United States, at the Negotiation of Ghent, to be communicated to the House of Representatives, as the Letter called for by their Resolution of the 19th of that month; and the Secretary of State respectfully requests that the President would transmit to the House of Representatives these Remarks, together with the above-mentioned Communication of Mr. Russell, on the renewal of the call therefor by the House.

The Hon. James Monroe. JOHN QUINCY ADAMS.

Mr. Russell to the Secretary of State.-(Private.)

Paris, 11th February, 1815.

In conformity with the intimation contained in my Letter of the 25th of December, I now have the honour to state to you the reasons which induced me to differ from a majority of my Colleagues, on the expediency of offering an Article confirming the British right to the Navigation of the Mississippi, and the right of the American People to take and cure Fish in certain Places within the British jurisdiction.

The proposition of such an Article appeared to be inconsistent with our reasoning to prove its absolute inutility. According to this reasoning, no new Stipulation was any more necessary, on the subject of such an Article, than a new Stipulation for the recognition of the Sovereignty and Independence of The United States.

The Article proposed appeared also to be inconsistent with our Instructions, as interpreted by us, which forbid us to suffer our right to the Fisheries to be brought into discussion; for, it could not be believed that we were left free to stipulate on a subject which we were restrained from discussing, and that an argument, and not an agreement, was to be avoided. If our construction was indeed correct, it might

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not, perhaps, be difficult to show that we have not, in f refrained from the interdicted discussion.

At any rate, the proposal of the Article in question able, inasmuch as it was incompatible with the princip a majority of the Mission, and with the construction v rity had adopted on that part of our Instructions whic Fisheries. If the majority were correct in these princip construction, it became us to act accordingly: if they v still it was unnecessary to add inconsistency to error.

I freely confess, however, that I did not accord wi either in their view of the Treaty of 1783, whence the principles, or of our Instructions; and that my great (posing the Article did not arise from any anxiety to reduct with our reasoning and declarations.

I could not believe that the Independence of Th was derived from the Treaty of 1783; that the rec Independence, by Great Britain, gave to this Treaty a racter, or that such character, supposing it existed, w render this Treaty absolutely inseparable in its proviit one entire and indivisible whole, equally imperishabl by any change which might occur in the relations be tracting Parties.

The Independence of The United States rests up mental principles set forth and acted on by the Am in the Declaration of July, 1776, and not on any Bri Treaty of 1783, and its era is dated accordingly.

The Treaty of 1783 was merely a Treaty of Peac subject to the same rules of construction as all other nature. The recognition of the Independence of T could not well have given to it a peculiar character, from the operation of these rules. Such a Recognit implied, is always indispensable on the part of every I we form any Treaty whatsoever. France, in the Ti long before the Year 1783, not only expressly recogn effectually to maintain, this Independence; and yet t from being considered as possessing any mysteriou which its existence was perpetuated, has, even with though part of it contained words of perpetuity, and long since entirely terminated.

Had the recognition of our Independence by Gi to the Treaty of 1783 any peculiar character, which that character could have properly extended to thos which affected that Independence. All those gene stance, of jurisdiction, which appertained to The 1 their quality as a Nation, might, so far as that Treat of them, have been embraced by such peculiarity, without necessarily extending its influence to mere special commercial liberties and privileges, or to provisions long since executed, not indispensably connected with national Sovereignty, or necessarily resulting from it.

The liberty to take and cure Fish, within the exclusive jurisdiction of Great Britain, was certainly not necessary to perfect the jurisdiction of The United States; and there is no reason to believe that such a liberty was intended to be raised to an equality with the general right of Fishing within the common jurisdiction of all Nations, which accrued to us as a member of the great national Family. On the contrary, the distinction between the special liberty and the general right appears to have been well understood by the American Ministers who negotiated the Treaty of 1783, and to have been clearly marked by the very import of the terms which they employed. It would evidently have been unwise in them, however ingenious it may be in us, to exalt such a privilege to the rank of a sovereign Right, and thereby to have assumed the unnecessary and inconvenient obligation of considering such a liberty to be an indispensable condition of our national existence, and thus rendering that existence as precarious as the liberty itself. They could not have considered a privilege, which they expressly made to depend, to a very considerable extent, for its continuance, on events and private interests, as partaking of the character and entitled to the duration of the inherent properties of Sovereignty. The settlement of the Shores might, at any time, have been effected by the policy of the British Government, and would have made the assent of British Subjects, under the influence of that policy, necessary to the continuance of a very considerable portion of that liberty. They could not have meant thus to place, within the controul of a Foreign Government and its Subjects, an integral part, as we now affect to consider this privilege, of our national Rights.

It is from this view of the subject that I have been constrained to believe, that there was nothing in the Treaty of 1783 which could, essentially, distinguish it from ordinary Treaties, or rescue it, on account of any peculiarity of character, from the *jura belli*, or from the operation of those events on which the continuation or termination of such Treaties depends. I was, in like manner, compelled to believe, if any such peculiarity belonged to those provisions, in that Treaty, which had an immediate connection with our Independence, that it did not necessarily affect the nature of the whole Treaty, or attach to a privilege which had no analogy to such provisions, or any relation to that Independence.

I know not, indeed, any Treaty, or any Article of a Treaty, whatever may have been the subject to which it related, or the terms in which it was expressed, that has survived a War between the Parties, without being specially renewed, by reference or recital, in the succeed-

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ing Treaty of Peace. I cannot, indeed, conceive the po a Treaty or such an Article; for, however clear and st lations for perpetuity might be, these Stipulations th follow the fate of ordinary unexecuted engagements, a a War, the declared assent of the Parties for their reviv

We appear, in fact, not to have had an unqualified c construction of the Treaty of 1783, or to have been exclusively on its peculiar character, our title to any of tioned in it, and much less our title to the fishing lib If hostilities could not affect that Treaty, or abrogat why did we permit the Boundaries assigned by it to discussion, or stipulate for a restitution of all Place during the present War? If such restitution was secu operation of the Treaty of 1783, why did we discovfor the *status ante bellum*, and not resist the principle on that ground?

With regard to the fishing privilege, we distinctly our Letter of the 21st of December, that, " at the time 1783, it was no new grant, we having always before tl it," and thus endeavoured to derive our title to it fi A title, derived from immemorial usage, antecedent to well owe its origin or its validity to a Compact conclu and we could, therefore, on this view of the subject, c this privilege was no new grant; that is, that our right of it was totally independent of such Compact. If we w however, in the assertion of our prescriptive title, it was sary to attempt to give a kind of charmed existence 1783, and to extend its undefinable influence to every it was composed, merely to preserve that title which w in no way derived from it, and which had existed, and exist, without it.

It was rather unfortunate, too, for our argument ag of the Provisions of that Treaty, that we should have selves, a radical difference between them, making the depend on immemorial usage, and, of course, distinct origin from the rights resulting from our Independenc

We, indeed, throw some obscurity over this subjec to you that this privilege was always enjoyed by us of 1783, thence inferring that it was not granted by th the same sentence, and from the same fact, appear als was not to be forfeited by War any more than any o of our Independence, making it thus one of these righ according to our doctrine, dependant on that Treat have been nothing incomprehensible in this mode c the Treaty recognized this privilege to be derived f and confirmed it on that ground. The Treaty has, however, not the slightest allusion to the past, in reference to this privilege, but regards it only with a view to the future. The Treaty, therefore, cannot be construed as supporting a pre-existing title, but as containing a grant entirely new. If we claim, therefore, under the Treaty, we must renounce prescription, and if we claim from prescription, we can derive no aid from the Treaty. If the Treaty be imperishable in all its parts, the fishing privilege remains unimpaired without a recurrence to immemorial usage; and if our title to it be well founded on immemorial usage, the Treaty may perish without affecting it. To have endeavoured to support it on both grounds implies that we had not entire confidence in either, and to have proposed a new Article indicates a distrust of both.

It is not, as I conceive, difficult to shew that we cannot, indeed, derive a better title to this fishing privilege from prescription than from any indestructible quality of the Treaty of 1783.

Prescription appears to me to be inapplicable to the Parties and to the subject, and to be defective both in fact and effect. As to the Parties: -the immemorial enjoyment of a privilege within British jurisdiction, by British Subjects, the Inhabitants of British Colonies, could not well be considered as evidence of a title to that privilege claimed by the Citizens of an Independent Republick, residing within the exclusive jurisdiction of that Republick. The People of The United States, as such, could have claimed no special privilege within the Dominions of any Foreign Power from immemorial usage, in 1783, when the longest duration of their own existence in that quality was little more, at the utmost, than the brief period of 7 Years, which is surely not beyond the memory of man, (ultra memoriam hominis.) The People of The United States had never, in fact, during that period, enjoyed the fishing privilege a moment; being effectually prevented therefrom by the existing state of hostilities. Nor could the Inhabitants of the Colonies originally constituting The United States, even in their Colonial condition, acquire against their Sovereign any right from long usage or mere lapse of time, (nullum tempus regi occurrit). The British Sovereign was always competent to regulate and restrain his Colonies in their commerce and intercourse with each other, whenever and however he might think proper, and had he forbid his Subjects in the Province of Massachusetts, to fish, and dry and cure fish in the Bays, Harbours, and Creeks of Labrador, which, by the way, had not immemorially belonged to him, it is not to be imagined that they would have conceived themselves discharged from the obligation of submitting, on account of any pretended right from immemorial usage. The fishing privilege, therefore, enjoyed by British Subjects within British jurisdiction, could give no permanent and independent right to those Subjects themselves, and, a fortiori, no such right to the Citizens of The United States,

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claiming under a different estate and in a different capacity. Great Britain might, indeed, as well prescribe for the Prerogatives of her Sovereignty over us, as we for any of the privileges which we enjoyed as her Subjects.

I do not think it necessary to inquire, how far the practice of the People of Massachusetts was the practice of the whole original 13 United States, or of The United States, now including Louisiana, or how far the immemorial usage of the People of Boston can establish a prescriptive right in the People of New Orleans. I trust I have said enough to shew that prescription is inapplicable to the Parties. It is also, I conceive, inapplicable to the subject.

Had The United States, as an Independent Nation, enjoyed, from time immemorial, the fishing privilege in question, still, from the nature of this privilege, no prescriptive right could have thence been established. A right to fish, or to trade, or to do any other act or thing within the exclusive jurisdiction of a Foreign State, is a simple power, a right of mere ability, (jus merce facultatis,) depending on the will of such State, and is consequently imprescriptible. An independent title can be derived only from Treaty.

I conceive, therefore, that our claim to the fishing privilege, from immemorial usage, is not only unsupported by the fact, but cannot, in effect, result from such usage.

I have, from this view of the subject, been led to conclude, that the Treaty of 1783, in relation to the fishing liberty, is abrogated by the War; that this liberty is totally destitute of support from prescription; and that we are, consequently, left without any title to it whatsoever. For, I cannot prevail upon myself to seek for such a title in the relative situation of the Parties, at the time of negotiating the Treaty of 1783, and contend, according to the insinuation contained in our Letter to you of the 21st of December, that the jurisdiction of Great Britain over the Colonies, assigned to her in America, was a grant from The United States, and that The United States, in making this grant, reserved to themselves the privilege in question. Such a pretension, however lofty, is so inconsistent with the circumstances of the case, and with any sober construction which can be given to that Treaty, that I shall, I trust, be excused from seriously examining its validity.

Having thus stated some of the reasons which induced me to differ in opinion from a majority of my Colleagues, relative to the character of the Treaty of 1783, as well as with regard to every other foundation on which they were disposed to rest our title to the fishing privilege; I shall now proceed to explain the causes which influenced me to dissent from them in the interpretation of our Instructions. These Instructions forbid us to permit our rights to the trade beyond the Cape of Good Hope, to the Fisheries, and to Louisiana, to be brought into discussion. I conceived that this prohibition extended to the general rights only, which affected our Sovereignty, and resulted from it, and not to mere special liberties and privileges which had no relation to that Sovereignty, either as to its nature or extent.

The right relating to the trade beyond the Cape of Good Hope, was the right which belonged to us as an Independent Nation, in common with all other Independent Nations, and not the permission of trading to those parts of the East Indies which were within the exclusive jurisdiction of Great Britain. In like manner, the right to the Fisheries, contemplated by our Instructions, was, I conceived, the right, common to all Nations, to use the open sea for fishing as well as for navigation, and not to the liberty to fish and cure fish within the Territorial limits of any Foreign State. The right to Louisiana, which was not to be brought into discussion, was the right to the Empire and Domain of that Region, and not to the right of excluding Great Britain from the navigation of the Mississippi.

How far we conformed to this Instruction, with regard to the general right to Louisiana, it is not necessary for me here to inquire, but certainly the majority believed themselves permitted to offer a very explicit Proposition with regard to the navigation of its principal I believed, with them, that we were so permitted, and that we River. were likewise permitted to offer a Proposition relative to the fishing liberty, and had the occasion required it, to make proposals concerning the trade to the British East Indies. I was persuaded, that treating relative to these privileges, or discussing the obligation or expediency of granting or withholding them, respectively, violated in no way our Instructions, or affected the general rights which we were forbidden to bring into discussion. Considering, therefore, the fishing liberty to be entirely at an end, without a new Stipulation for its revival, and believing that we were entirely free to discuss the terms and conditions of such a Stipulation, I did not object to the Article proposed by us, because any Article on the subject was unnecessary or contrary to our Instructions, but I objected specially to that Article, because, by conceding in it the free Navigation of the Mississippi, we offered, in my estimation, for the fishing privilege, a price much above its value.

In no view of the subject could I discover any analogy between the two objects, and the only reason for connecting them and making them mutual equivalents for each other, appeared to be because they were both found in the Treaty of 1783.

If that Treaty was abrogated by the War, as I consider it to have been, any connection between its parts must have ceased, and the liberty of navigating the Mississippi by British Subjects must, at least, be completely at an end; for it will not, I trust, be attempted to continue it by a prescriptive title, or to consider it as a reservation, made by The United States, from any grant of Sovereignty which, at the

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Treaty of Peace, they accorded to Great Britain. If, such a reservation, it must have been intended for our course, could be no equivalent for the fishing privileg sidered as a reservation made by Great Britain, it will 1 assumed by us in relation to that privilege.

The IIId Article of the Treaty of 1783, respecting th the VIIIth Article of that Treaty, respecting the Missi the slightest reference to each other, and were placed one from the other, as the limits of that Treaty co Whatever, therefore, was the cause of inserting the whether it was a voluntary and gratuitous grant on th Britain, or extorted from her as a condition on which pended, it could have had no relation to the free Naviga Besides, the Article relative to this river sissippi. evident views of the Parties at the time, from their su to each other, and from their known relations to a th this river, have been considered of mutual and equal furnished no subject for compensation or adjustmen Provision of that Treaty. Both Parties believed that t the Territories of both, and that, of course, both had navigation. As Spain possessed both banks of this derable distance from its mouth, and one of its banks n its whole extent, both Parties had an interest in unitin Power from obstructing its navigation. Had not the tended to engage the Parties in relation to Spain, they have limited it to the navigation of the river as far a ritories extended on it, and not have stipulated for t the Ocean, which necessarily carried it through the e ries of Spain.

If the circumstances had been, in fact, such as t time believed them to be, and with a view to which th these circumstances subsequently experienced no radic Britain would have gained now no more than she would by the revival of the Article in relation to the Missi not, any more than in 1783, have acknowledged any conferred by it for our liberty relative to the Fisherie stances, however, assumed by the Parties at the tin Great Britain, and from which her rights were deduce in part, been discovered not to have existed, but thos have been entirely changed by subsequent events. I tained that the Territories assigned to Great Britain reached the Mississippi; and the acquisition of Louisia States has for ever removed the Spanish jurisdictio The whole consideration, therefore, on the part of Gr ther derived from her territorial rights, or from her pa

cal obligations relative to Spain, having entirely failed, our engagements, entered into on account of that consideration, may be fairly construed to have terminated with it.

In this view of the subject, Great Britain could have had no title to the navigation of the Mississippi, even if a War had not taken place between the Parties. To renew, therefore, the claims of Great Britain, under that Article, subject to this construction, would be granting her nothing; and to renew that Article, independent of this construction, and without any reference to the circumstances that attended its origin, in 1783, or to the events which have since occurred in relation to it, would be granting her advantages not only entirely unilateral, as it relates to the Article itself, but, as I believe, of much greater importance than any which we could derive from the liberty relative to the Fisheries.

If the Article which we offered merely intended to rescue the IIId and VIIIth Articles of the Treaty of 1783 from the operation of the present War, and to continue them precisely as they were immediately prior to this War, the IIId Article being then in full force, and the VIIIth Article being no longer obligatory, we should have attempted to exchange, like General Drummond, the dead for the living.

It is not surprising, therefore, that the British Government, should, in suspecting such an intention, have rejected our Proposition. I was opposed, however, to making the Proposition, not only because I was convinced that it was offered with no such intention, but because I believed it would give to Great Britain the free navigation of the Mississippi, under circumstances, and evidently for an object, which would place it on very distinct grounds from those on which it was placed by the Treaty of 1783.

The whole of the Mississippi being now exclusively within the acknowledged jurisdiction of The United States, a simple renewal of the British right to navigate it, would place that right beyond the reach of the War, and of every other previous circumstance which might have impaired or terminated it; and the *power* to grant on our part, being now complete, the right to enjoy, on hers, under our grant, must be complete also.

It would be absurd to suppose that any thing impossible was intended, and that Great Britain was to be allowed to navigate the Mississippi precisely as she could have navigated it immediately after the Treaty of 1783; as if her Territories extended to it, and as if Spain was in entire possession of one of its banks and of a considerable portion of the other. The revival of the British right to navigate the Mississippi would be, under existing circumstances, a new and complete grant to her; measured by these circumstances, and thence embracing not only the entire freedom of the whole extent of that River, but the unrestrained access to it across our Territories. If we did not intend this, we intended nothing which Great Britain could accept; and, whatever else might have been intended, if not at once rejected by her, would hereafter have been the subject of new and endless controversy. When, however, we connected the revival of the navigation of the Mississippi with the revival of the liberty of taking and curing fish within the British jurisdiction, two things, which never before had any. relation to each other, we evidently meant, if we acted in good faith, not only to concede, as well as to obtain something, but also to be understood as conceding an equivalent for what we obtained. In thus offering the navigation of the Mississippi, and the access to it through our Territories, as an equivalent for the fishing liberty, we not only placed both on ground entirely different from that in which they respectively stood in the Treaty of 1783, and acted somewhat inconsistently with our own reasoning, relative to the origin and immortality of the latter, but we offered to concede much more than we could hope to gain by the arrangement, with whatever view its comparative effects might be estimated.

From the year 1783 to the commencement of the present War, the actual advantages derived from the fishing privilege by the People of The United States, were, according to the best information that I can obtain on the subject, very inconsiderable, and annually experiencing a voluntary diminution.

It was discovered that the obscurity and humidity of the atmosphere, owing to almost incessant fogs, in the high northern Latitudes, where this privilege was chiefly located, prevented the effectual curing of Fish in those regions, and, consequently, lessened very much the value of the liberty of taking them there. By far the greatest part of the Fish taken by our Fishermen before the present War, was caught in the open Sea or upon our own Coasts, and cured on our own Shores. This branch of the Fisheries has been found to be inexhaustible, and has been pursued with so much more certainty and dispatch than the privileged portion within the British jurisdiction, that it has not only been generally preferred by our Fishermen, but would probably, on longer experience, have been almost universally used by them. It was to be believed, therefore, that a discontinuance of the privilege of taking and curing Fish, within the British jurisdiction, would not, at all. diminish the aggregate quantity taken by the People of The United States, or very materially vary the details of the business. That part of the Fisheries which would still have belonged to us as a Nation. being exhaustless, would afford an ample field for all the capital and industry hitherto employed in the general business of Fishing, or merchandize of Fish, and on that field might the few Fishermen, who had hitherto used the liberty of taking and curing Fish within the jurisdiction of Great Britain, exert their skill and labour without any serious incon-This liberty, liable in a very considerable degree, by the venience.

terms in which it was granted, to be curtailed by the Government and Subjects of a Foreign State; already growing into voluntary disuse by our own Citizens, on account of the difficulties inseparable from it, and absolutely incapable of extension; was totally unnecessary to us for subsistence or occupation, and afforded, in no way, any commercial facility or political advantage. This privilege, too, while it was thus of little or no utility to us, cost Great Britain literally nothing.

The free navigation of the Mississippi, with the necessary access to it, is a grant of a very different character. If it was not heretofore used by Great Britain, it was, perhaps, because she did not consider herself entitled to it, or because the circumstances of the moment suspended its practical utility. The Treaty of 1783 stipulated for her the navigation of this River, under the presumption that her Territories extended to it, and, of course, could not intend to give her an access to it through our Territories. The British Possessions to the Westward of Lake Erie, being almost entirely unsettled, rendered, perhaps, the free navigation of the Mississippi, for the moment, of little advantage to her, particularly as her right to reach it was at least equivocal; and as, by another Treaty, she could carry on trade with our I ndians.

This mavigation might, indeed, for a long time to come, be of little use to her for all the legitimate purposes of transit and intercourse; but every change that could take place in this respect must increase its importance to her; while every change in the fishing liberty would be to the disadvantage of The United States.

The freedom of the Mississippi, however, is not to be estimated by the mere legitimate uses that would be made of it. The unrestrained and undefined access which would have been inferred from the Article which we proposed, would have placed in the hands of Great Britain and her Subjects all the facilities of communication with our own Citizens, and with the Indians inhabiting the immense regions of our Western Territory. It is not in the nature of things that these facilities should not have been abused for unrighteous purposes. A vast field for contraband and intrigue would have been laid open, and our Western Territories would have swarmed with British Smugglers and British E missaries. The Revenue would have been defrauded by the illicit introduction of English merchandise; and the lives of our Citizens, and the security of a valuable portion of our Country, exposed to Indian hostilities, excited by an uncontrouled British influence. If our Instructions to guard against such an influence forbid us to renew the British liberty to trade with our Indians, we certainly violated the spirit of those Instructions in offering the means of exercising that influence, with still greater facility and effect than could result from that liberty.

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What was there in the fishing liberty, either of ga to Great Britain, to warrant, in consideration of it, a such means of fraud and annoyance? What justice there, in exposing to all the horrors of savage warfare Citizens of an immense tract of Territory, not at all fishing privilege, merely to provide for the doubtful acc few Fishermen, in a remote quarter, entirely exempt f

Such have been the reasons which induced m a majority of my Colleagues with regard to the Art and which I trust will be thought sufficient, at least motives.

The unfeigned respect which I feel for the integ judgment of those Gentlemen, would restrain me fro on slight grounds, and a deference for their opinions fear that I have erred in dissenting from them on the I can but rejoice, however, that the Article, as prorejected by Great Britain, whatever were her reason whether, as above suggested, she suspected some ta want of faith on our part, or supposed, from the pr for the fishing privilege, that we overrated its value, a for it even more than the navigation of the Missi accessary advantages.

We are still at liberty to negotiate for that pr of Commerce, should it be found expedient, and to valent, fair in its comparative value, and just in its r any other way, I trust, we shall not consent to purc I have the honour to The Hon. J. Q. Adams. JONAT

P.S. My argument to demonstrate the abrogat 1783 by the present War, and the consequent discon ing privilege, will, I trust, not be ascribed to any he were interested in that privilege. I have been all still ready, to make every sacrifice for the preservat which its nature and utility can justify; but I h believed, that the free navigation of the Mississipp too much mischief to be offered, indirectly, under the Treaty, or directly, as a new equivalent for t and curing fish within the British jurisdiction.

We had three other ways of proceeding :

1st. To contend for the indestructibility of t thence inferring the continuance of the fishing priv anything about the navigation of the Mississipp reserved our right of contesting this navigation, or mentioned, specially applicable to it.

2dly. To have considered the Treaty at an end, and offered a reasonable equivalent, wherever it might be found, for the fishing privilege.

3dly. To have made this liberty a sine quâ non of Peace, as embraced by the principle of status ante bellum.

To either of these propositions I would have assented, but I could not consent to grant or revive the British Right to the navigation of the Mississippi, in order to procure or preserve the fishing liberty.

J. R.

Mr. Russell to the Secretary of State.—(Duplicate.) Paris, 11th February, 1815.

SIR,

In conformity with the intimation contained in my Letter of the 25th December, I have now the honour to state to you the reasons which induced me to differ from a majority of my Colleagues, on the expediency of offering an Article confirming the British Right to the Navigation of the Mississippi, and the Right of [the American People to take and cure Fish in certain Places within the British jurisdiction.

The proposal of such an Article appeared to be inconsistent with our reasoning to prove its absolute inutility.

According to this reasoning, no new Stipulation was any more necessary, on the subject of such an Article, than a new Stipulation for the recognition of the Sovereignty and Independence of The United States.

The Article proposed appeared, also, to be inconsistent with our Instructions, as *interpreted* by us, which forbid us to suffer our right to the Fisheries to be brought into discussion; for, it could not be believed that we were left free to stipulate on a subject which we were restrained from discussing, and that an argument, and not an agreement, was to be avoided.

If our construction was, indeed, correct, it might not, perhaps, be difficult to show that we have not, in fact, completely refrained from the interdicted discussion.

At any rate, the proposal of the Article in question, was objectionable, inasmuch as it was incompatible with the principles asserted by a majority of the Mission, and with the construction which that majority had adopted on that part of our Instructions which related to the Fisheries. If the majority were correct in these principles and in this construction, it became us to act accordingly. If they were incorrect, still it was unnecessary to add inconsistency to error.

I freely confess, however, that I did not accord with the majority, either in their views of the Treaty of 1783, whence they derived their principles, nor of our Instructions; and that my great objection to proposing the Article did not arise from an anxiety to reconcile our conduct with our reasoning and declarations.

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I could not believe that the Independence of The United States was derived from the Treaty of 1783; that the recognition of that Independence, by Great Britain, gave to this Treaty any peculiar character, or that such character, supposing it existed, would necessarily render this Treaty absolutely inseparable in its provisions, and make it one entire and indivisible whole, equally imperishable in all its parts, by any change which might occur in the relations between the Contracting Parties.

The Independence of The United States rests upon those Fundamental Principles set forth and acted on by the American Congress, in the Declaration of July, 1776, and not on any British grant in the Treaty of 1783; and its æra is dated accordingly.

The Treaty of 1783 was merely a *Treaty of Peace*, and therefore subject to the same rules of construction as all other Compacts of this nature. The recognition of the Independence of The United States could not have well given to it a peculiar character, and excepted it from the operation of these rules. Such a recognition, expressed or implied, is always indispensable on the part of every Nation with whom we form any Treaty whatever. France, in the Treaty of Alliance, long before the year 1783, not only expressly recognized, but engaged *effectually to maintain* this Independence; and yet this Treaty, so far from being considered as possessing any mysterious peculiarity by which its existence was perpetuated, has, even without War, and although a part of it contained words of *perpetuity* and was *unexecuted*, long since terminated.

Had the recognition of our Independence by Great Britain given to the Treaty of 1783 any peculiar character, which it did not, yet that character could have properly extended to those provisions only which affected that Independence. All those general rights, for instance, of jurisdiction, which appertained to The United States in their quality as a Nation, might, so far as that Treaty was declaratory of them, have been embraced by that peculiarity without necessarily extending its influence to mere special liberties and privileges, or to provisions long since executed, not indispensably connected with National Sovereignty, nor necessarily resulting from it.

The liberty to take and cure Fish within the exclusive jurisdiction of Great Britain, was certainly not necessary to perfect the jurisdiction of The United States. And there is no reason to believe that such a liberty was intended to be raised to an equality with the general right of Fishing within the common jurisdiction of all Nations, which accrued to us as a Member of the great National Family. On the contrary, the distinction between the special liberty and the general right, appears to have been well understood by the American Ministers who negotiated the Treaty of 1783, and to have been clearly marked by the very import of the terms which they employed. It would evidently

have been unwise in them, however ingenious it may be in us, to exalt such a privilege to the rank of a Sovereign right, and thereby to have assumed the unnecessary and inconvenient obligation of considering such a liberty to be an indispensable condition of our National existence, and thus rendering that existence as precarious as the liberty itself. They could not have considered a privilege which they expressly made to depend, to a very considerable extent, for its continuance, on mere events and private interests, as partaking of the character, and entitled to the duration, of the inherent properties of Sovereignty. The Settlement of the Shores might, at any time, have been effected by the policy of the British Government, and would have made the assent of British Subjects under the influence of that policy, necessary to the continuance of a very considerable portion of that privilege. They could not have meant thus to place within the controul of a Foreign Power and its Subjects, an integral part, as we now affect to consider this privilege, of our National Rights.

It is from this view of the subject that I have been constrained to believe that there was nothing in the Treaty of 1783 which could essentially distinguish it from ordinary Treaties, or rescue it, on account of any peculiarity of character from the *jura belli*, or from the operation of those events on which the continuance or termination of such Treaties depends:

I was, in like manner, compelled to believe, if any such peculiarity belonged to those provisions in that Treaty, which had an immediate connection with our Independence, that it did not necessarily affect the nature of the whole Treaty, nor attach to a privilege which had no analogy to such provisions, nor any relation to that Independence.

I know not, indeed, any Treaty, nor any Article of a Treaty, whatever may have been the subject to which it related, or the terms in which it was expressed, that has survived a War between the Parties, without being specially renewed, by reference or recital, in the succeeding Treaty of Peace. I cannot, indeed, conceive the possibility of such a Treaty, or of such an Article; for, however clear and strong the Stipulations for perpetuity might be, these Stipulations themselves would follow the fate of ordinary unexecuted Engagements, and require, after a War, the declared assent of the Parties for their revival.

We appear, in fact, not to have an unqualified confidence in our construction of the Treaty of 1783, or to have been willing to rest exclusively on its peculiar character, our title to any of the rights mentioned in it; and much less our title to the fishing privilege in question.

If hostilities could not affect that Treaty, nor abrogate its provisions, why did we permit the Boundaries assigned by it, to be brought into discussion, or stipulate for a Restoration of all Places taken from us during the present War? If such a Restitution was secured by the mere operation of the Treaty of 1783, why did we discover any solici-

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tude for the status ante bellum, and not resist the prinsidetis on that ground.

With regard to the Fishing privilege, we distinctly our Letter of the 25th December last, that, at the tin of 1783, it was no new grant, we having always bef joyed it, and thus endeavoured to derive our title to *tion*: a title derived from immemorial usage, antecede not well owe its origin, or its validity, to any Comp that time; and we might, therefore, in this view of rectly say that this privilege was then no new grant; right to the exercise of it was totally independent o If we were well founded, however, in the assertion o title, it was quite unnecessary for us to attempt to give existence to the Treaty of 1783, and to extend its in to every Article of which it was composed, merely title which we declared to be in no way derived from existed, and, of course, could exist without it.

It was rather unfortunate, too, for our argument rance of the provisions of that Treaty, that we should ourselves, such a radical difference between them, maki vilege to depend on immemorial usage, and, of cour nature and in its origin, from the rights resulting f dence.

We indeed throw some obscurity over this subjec to you that this privilege was always enjoyed by us of 1783; thence inferring that it was not granted by in the same sentence, and from the same fact, appea it was not to be forfeited by War, any more than any of Independence; making it thus one of those right according to our doctrine, dependant on that Tre have been nothing incomprehensible in this mode of Treaty recognized this privilege to be derived from confirmed it on that ground. The Treaty, however, est allusion to the past, in reference to this privilege with a view to the future. The Treaty cannot, the as supporting a pre-existing title, but as containin If we claim, therefore, under the Treaty, new. prescription; and if we claim from prescription, we from the Treaty. If the Treaty be imperishable Fishing privilege remains unimpaired, without a r morial usage: and if our title to it be well foun usage, the Treaty may perish without affecting it voured to support it on both grounds, implies the confidence in either, and to have proposed a new distrust of both.

It is not, as I conceive, difficult to shew that we can, indeed, derive no better title to this fishing privilege from prescription, than from any indestructible quality of the Treaty of 1783.

Prescription appears to be inapplicable to the *Parties*, and to the *subject*, and to be defective both in *fact* and *effect*.

As to the Parties:- the immemorial enjoyment of a privilege, within British Jurisdiction, by British Subjects, the Inhabitants of British Colonies, could not well be considered as evidence of a title to that privilege, claimed by Citizens of an Independent Republick, residing within the exclusive Jurisdiction of that Republick. The People of The United States, as such, could have claimed no special privilege within the Dominions of any Foreign Power, from immemorial usage, in 1783, when the longest duration of their own existence in that quality was little more, at the utmost, than the brief period of 7 Years, which is surely not beyond the memory of Man, (ultra memoriam hominis.) The People of The United States had never, in fact, during that period, enjoyed the Fishing privilege a moment, being effectually prevented therefrom by the existing state of hostilities. Nor could the Inhabitants of the Colonies, originally constituting The United States, even in their Colonial condition, acquire against their Sovereign any right from long usage, or the mere lapse of time, (nullum tempus regi occurrit.) The British Sovereign was always competent to regulate or to restrain them in their Commerce and Intercourse with each other, whenever and however he might think proper. And had he forbid his Subjects, in the Province of Massachusetts Bay, to fish, and to dry and cure fish, in the Bays, Harbours, and Creeks of Labrador, (which, by the way, had not immemorially belonged to him,) it is not to be imagined that they would have conceived themselves discharged from the obligation of submitting, on account of any pretended right from immemorial usage.

The Fishing privilege, therefore, enjoyed by British Subjects, within British jurisdiction, could give no permanent and independent Right to those Subjects themselves, and, a fortiori, no such Right to the Citizens of The United States, claiming, under a different estate, and in a different capacity. Great Britain might, indeed, as well prescribe for the prerogatives of her Sovereignty over us, as we for any of the privileges which we enjoyed as her Subjects.

I do not think it necessary to inquire how far the practice of the People of Massachusetts was the practice of the People of the whole original 13 United States, or of The United States now including Louisiana; or how far the immemorial usage of the People of Boston can establish a prescriptive right in the People of New Orleans. I trust I have said enough to shew that prescription is *inapplicable to the Parties*.

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It is, also, I conceive, inapplicable to the subject. Had The United States, as an independent Nation, enjoyed, from time immemorial, the fishing privilege in question, still from the nature of this privilege, no prescriptive right would have thence been established. A right to fish, or to trade, or to do any other thing, within the exclusive jurisdiction of a Foreign State, is a *simple power*, a right of mere ability, (jus merce facultatis,) depending on the will of such State, and consequently imprescriptible. An independent right can be derived only from Treaty.

I conceive, therefore, that a claim to the fishing privilege, from immemorial usage, is not only unsupported by the *fact*, but cannot, in *effect*, result from such usage.

I have, in this view of the subject, been led to conclude that the Treaty of 1783, in relation to the fishing liberty, is abrogated by the War, and that this liberty is totally destitute of support from prescription, and, consequently, that we are left without any title to it whatsoever. For, I cannot prevail upon myself to seek for such a title in the relative situation of the Parties at the time of negotiating the Treaty of 1783, and contend, according to the insinuation contained in our Letter to you, of the 25th of December last, that the jurisdiction of Great Britain over the Colonies assigned to her, in America, was a grant of The United States, and that The United States, in making this grant, reserved to themselves the privilege in question. Such a pretension, however lofty, is so inconsistent with the real circumstances of the case, and with any sober construction which can be given to that Treaty, that I shall, I trust, be excused from seriously examining its validity.

Having thus stated some of the reasons which induced me to differ in opinion from a majority of my Colleagues, relative to the character of the Treaty of 1783, as well as with regard to every other foundation on which they were disposed inconsistently to rest our title to the fishing privilege, I shall now proceed to explain the reasons which influenced me to dissent from them in the interpretation of our Instructions relative to that privilege.

These Instructions forbid us to permit our rights to the trade beyond the Cape of Good Hope, to the Fisheries, and to Louisiana, to be brought into discussion. I conceived that this prohibition extended to the general rights only, which affected our Sovereignty and resulted from it, and not the special liberties and privileges which had no relation to that Sovereignty, either as to its nature or extent.

The right, relative to the trade beyond the Cape of Good Hope, was the right which belonged to us as an independent Nation, and not to the permission of trading to those parts of the East Indies which were within the exclusive jurisdiction of Great Britain. In like manner, the right to the Fisheries, contemplated by our Instructions, was, I conceive, the right to use the open sea for fishing as well as for navigation, and not the liberty to fish, and to cure fish, within the territorial limits of any Foreign State. The right to Louisiana, which, by those Instructions, were not to be brought into discussion, was the right to the empire and domain of that Region, and not the right of excluding Great Britain from the free Navigation of the Mississippi.

How far we conformed to this Instruction, with regard to the general right to Louisiana, it is not necessary for me here to enquire; but, certainly, the majority believed themselves to be permitted, their own construction to the contrary notwithstanding, to offer a very explicit proposition, with regard to the Navigation of its principal river: now, this offer I considered, for the reasons just suggested, not to be a violation of the Instructions in question, but I considered it to be against both the letter and the spirit of our other Instructions of the 15th of April, 1813. By these Instructions we were explicitly and implicitly directed " to avoid any stipulation which might restrain The United States from *excluding* the British traders from the Navigation of the lakes and rivers, exclusively within our own jurisdiction" This, Instruction applied with the greater force to the Mississippi, because, as it is believed, it was the only river to which it could apply.

While I believed, therefore, that we were permitted to offer a proposition, relative to the fishing liberty; and that, in treating concerning this liberty, or in discussing our Claim to it, we in no way violated our Instructions, nor affected the general rights which we were forbidden to bring into discussion; I did believe, and do still believe, that we were expressly and unequivocally forbidden to offer or to renew a Stipulation for the free Navigation, by the British, of the Mississippi, a river within our exclusive jurisdiction.

Considering, therefore, the fishing liberty to be entirely at an end, without a new Stipulation for its revival; and believing that we were entirely free to discuss the terms and conditions of such a Stipulation, I did not object to the Article proposed by us, because any Article on the subject was unnecessary, or contrary to our Instructions; but I objected specially to that Article, because, by conceding in it, to Great Britain, the free navigation of the Mississippi, we not only directly violated our Instructions, but we offered, in my estimation, a price much above its value, and which could not justly be given.

In no view of the subject, could I discover any analogy or relation between the two objects; and the only reason for connecting them, and making them mutual equivalents for each other, appeared to be because they were both found in the Treaty of 1783. If that Treaty was abrogated by the War, as I consider it to have been, any connection between its parts must have ceased, and the liberty of navigating the Mississippi, by British Subjects, must, at least, be completely at an end; for it

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will not, I trust, be attempted to continue it to consider it as a *reservation* made by The grant of Sovereignty, which, at the Treaty of Great Britain. If, indeed, it were such a reser intended for *our benefit*, and of course, no privilege, likewise for our benefit. If it is con made by Great Britain, it will reverse all the relation to that privilege.

The third Article of the Treaty of 1783, and the eighth of that Treaty, respecting the slightest reference to each other, and were pla from the other, as the limits of that Treaty ever, therefore, might have been the cause liberty, whether it was a voluntary and gratuit Great Britain, or extorted from her as a condidepended, it could have had no relation with th Mississippi; besides, the Article relative to the evident views of the Parties at the time, cach other, and from their known relations t been considered of mutual and equal advant subject, for compensation or adjustment in a that Treaty.

Both Parties believed that this river touched and that of course both had a right to its navig sessed both banks of this river to a consider mouth, and one of its banks nearly throughout Parties had an interest in uniting to prevent tha ing its navigation. Had not the Article been it Parties in relation to Spain, they probably would navigation of the river, so far as their own Terr and not have stipulated for its navigation to the sarily carried it through the exclusive Territor circumstances had been, in fact, such as the Pa lieved them to be, and with a view to which the circumstances subsequently experienced no ra Britain would have gained now, no more than sh by the renewal of the Article in relation to the nav sippi; and would not, any more than in 1783, ha equivalent to be conferred by it, for our liberty rel The circumstances, however, assumed by the Pa relation to Great Britain, and from which her right not only, in part, been since discovered not to ha which did exist have been entirely changed by su

It has been clearly ascertained, that the Ter Great Britain, no where, in fact, reached the N acquisition of Louisiana, by The United States, had forever removed the Spanish jurisdiction from that River. The whole consideration, therefore, on the part of Great Britain, whether derived from her Territorial Rights, or from her part of the reciprocal obligations, relative to Spain, having entirely failed, our engagements, entered into on account of that consideration, may be fairly construed to have terminated with it.

In this view of the subject, Great Britain could have had no title to the navigation of the Mississippi, even if a War had not taken place between the Parties. To renew, therefore, the Claims of Great Britain, under that Article, subject to this construction, would be granting her nothing; and, to renew that Article, independent of this construction, and without any reference to the circumstances that attended its origin in 1783, or to the events which have since occurred in relation to it, would be granting her advantages not only entirely unilateral, as relates to the Article itself, but, as I believed, of much greater importance than any which we could derive from the liberty relative to the Fisheries.

If the Article which we offered was merely intended to rescue the IIId and VIIIth Articles of the Treaty of 1783, from the operation of the present War, and to continue them precisely as they were immediately prior to this War, the IIId Article being then in full force, and the VIIIth Article being no longer operative, we should have attempted to exchange, like General Drummond, the dead for the living. It is not surprising, therefore, that the British Government, in suspecting such an intention, should have rejected our proposition.

I was opposed, however, to making the proposition, not only because I was convinced that it was made with no such intention, but because I believed it would give to Great Britain the free navigation of the Mississippi, under circumstances, and evidently for an object, which would place it on very distinct grounds from those on which it was placed by the Treaty of 1783.

The whole of the Mississippi being now exclusively within the acknowledged jurisdiction of The United States, a simple renewal of the British Right to navigate it would place that Right beyond the reach of the War; and every other previous circumstance which might have impaired or terminated it, and the right to grant, on our part, being now complete, the right to enjoy, on the part of Great Britain, must be complete also. It would be absurd to suppose that any thing impossible was intended, and that Great Britain was to be allowed to navigate the Mississippi only as she would have navigated it immediately after the Treaty of 1783, as if her Territories extended to it, and as if Spain was in the entire possession of one of its Banks, and of a considerable portion of the other.

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The recognition of the British Right to navigate the Mississippi, would be, under existing circumstances, a new and complete grant to her, measured by these circumstances, and, thence, embracing not only the entire freedom of the whole extent of the River and its tributary Waters, but unrestrained access to it across our Territories. If we did not intend to offer this, we intended to offer nothing which Great Britain could accept; and whatever else we might have intended to offer, if not at once rejected by her, would at least have been, hereafter, the subject of new and endless controversy.

When, however, we connected the revival of the navigation of the Mississippi, with the revival of the privilege of taking and curing fish within the British jurisdiction, two things which never before had any relation to each other, we evidently meant, if we acted with good faith, not only to concede, as well as to obtain something, but also to be understood as conceding an equivalent for what we obtained.

In thus offering the navigation of the Mississippi, and the access to it through our Territories, as an equivalent for the fishing liberty, we not only placed both on ground entirely different from that on which they respectively stood in the Treaty of 1783, and acted somewhat inconsistently with our own reasoning, relative to the origin and immortality of the latter, but we offered to concede *much more* than we could hope to gain by the arrangement.

From the Year 1783 to the commencement of the present War, the actual advantages derived from the fishing privilege by the People of The United States, were, according to the best information that we could obtain on the subject, very inconsiderable, and annually experiencing a voluntary diminution.

It was discovered that the obscurity and humidity of the atmosphere, owing to almost incessant fogs in the high Northern Latitudes, where this privilege was chiefly located, prevented the effectual curing of fish in those regions, and, consequently, lessened very much the value of the privilege of taking them there. By far the greatest part of the fish taken by our Fishermen before the present War, was taken in the open sea, or on our own Coasts, and cured on our shores. This branch of the Fisheries has been found to be inexhaustible, and has been pursued with so much more certainty and dispatch than the privileged portion within British jurisdiction, that it has not only been generally preferred by our Fishermen, but would, probably, on longer experience, have been almost universally used by them. It was to be believed, therefore, that a discontinuance of the privilege of taking and curing fish within the British jurisdiction, would not, at all, diminish the aggregate quantity taken by the People of The United States, or vary materially the details of the business.

That part of the Fisheries which would still belong to us as a Na-

tion, being exhaustless, would afford an ample field for all the capital and industry hitherto employed in the general business of fishing, or merchandize of fish; and on that field might the few Fishermen, who had, hitherto, used the liberty of taking and curing fish within the jurisdiction of Great Britain, exert their skill and labour without any serious inconvenience.

That liberty, liable, to a very considerable degree, by the terms in which it was granted, to be curtailed by the Government and Subjects of a Foreign State, already growing into voluntary disuse by our own Citizens, on account of the difficulties inseparable from it, and absolutely incapable of extension, was totally unnecessary to us for subsistence or occupation, and afforded, in no honest way, either commercial facility, or political advantage. This privilege, too, while it was thus of little and precarious utility to us, cost Great Britain literally *nothing*.

The free navigation of the Mississippi, with the necessary access to it, is a grant of very different character. If it was not, heretofore, used by Great Britain, it was, perhaps, because she did not consider herself entitled to it; or because the circumstances of the moment suspended its practical utility. The Treaty of 1783 stipulated, for her, the navigation of this River, under the presumption that her Territories extended to it, and, of course, could not intend to give her access to it through our Territories. The British Possessions to the Westward of Lake Erie being almost entirely unsettled, rendered, perhaps, the free navigation of the Mississippi, for the moment, of little advantage to her; particularly, as her right to reach it was, at least, equivocal; and as, by another Treaty, she could carry on trade with This navigation might, indeed, for a long time to come, our Indians. be of little use to her for all the legitimate purposes of transit and intercourse; but every change that could take place in this respect must increase its importance to her, while every change in the fishing liberty must be to the disadvantage of The United States.

The freedom of navigating the Mississippi, however, is not to be estimated by the mere legitimate uses that would be made of it. The unrestrained and undefined access, which would have been inferred from the Article which we proposed, must have placed in the hands of Great Britain and her Subjects, all the facilities of communication with our own Citizens, and with the Indians inhabiting the immense regions of our Western Territory. It is not in the nature of things that these facilities should not have been abused for unrighteous purposes. A vast field for contraband and for intrigue would have been laid open, and our Western Territories would have swarmed with British Smugglers and British Emissaries. The Revenue would have been defrauded by the illicit introduction of English merchandize, and the lives of our Citizens, and the security of a valuable portion of our Country, would have been exposed to Indian uncontrouled British influence.

If our Instructions of the 15th of April, 181 us, in order to guard against such an influence, 1794, "allowing the North-west Company a carry on trade with the Indian Tribes within (the *pernicious* effects of which have been most s sent War," we certainly violated the spirit of offering the means of exercising that influence w and effect than could result from that *privilege*.

What was there in the fishing liberty, either (Great Britain, to warrant, in consideration of it, means of fraud and annoyance? What justice (in exposing to all the horrors of savage warf Citizens of an immense tract of Territory, not benefited by the fishing privilege, merely to pro accommodation of a few Fishermen, annually decia remote Quarter, and entirely exempt from the (

Such have been the reasons which induced me jority of my Colleagues with regard to the Article in I trust, will be deemed sufficient, at least, to vindic

The unfeigned respect which I feel for the int judgment, of those Gentlemen, would restrain me f on slight grounds, and a deference for their opinion fear that I have erred in dissenting from them on th I can but rejoice, however, that the Article, as pr rejected by Great Britain, whatever were her reason whether, as above suggested, she might have suspect servation, or want of faith, on our part; or supposed, at once bid for the fishing privilege, that we overrat might concede for it even more than the free n Mississippi, with all its accessary advantages.

Let me not, in anything which I have said, b In judging on the interests of the great whole, I am undervalue the interests on any of the constituent part more highly appreciate than I do, a branch of industry adds to national wealth, but seems to create it. Nor ca warmly admire the usefulness and patriotism of those (engaged in it, and who have never ceased to deserve wel lick. In times of Peace they bring home, amidst confli the treasures of the deep to enrich their Country; and i they contribute, by their skill and intrepidity, to her defe But, in our Country, where all are equal, the essentia prosperity of the many must be preferred to the convenie interests of the few. In giving this preference, I will fra-

had to silence early prepossessions and local predilections, and to listen to the councils of a more enlarged patriotism; and to this patriotism I dare appeal for my vindication, not only with those to whom I am officially responsible, but with those with whom I am more immediately connected in society, and whose interests may be considered to have been unfavourably affected by the views which I have deemed it to be my duty to adopt. I have always been willing to make any sacrifice for the fishing privilege, which its nature, or comparative importance, could justify, but I conscientiously believe that the free navigation of the Mississippi, and the access to it which we *expressly offered*, were pregnant with too much mischief to be offered, indirectly, under our construction of the Treaty; or, directly, as they were in fact offered, as a new equivalent for the liberty of taking and drying fish within the British jurisdiction.

I will frankly avow, however, that my impressions were, and still are, that Great Britain, calculating on the success of the powerful Expedition which she has sent against New Orleans, confidently expected that she would have become the mistress of Louisiana and all its waters; and that she did not, in this event, intend to abandon her conquest under the terms of the Treaty of Ghent.

Her Ministers had, almost from the commencement of the Negotiation, not only affected to consider our acquisition of Louisiana as evidence of a spirit of aggrandizement, but insinuated a *defect* in our title to it. Expecting, therefore, to obtain the free navigation of the Mississippi for nothing, she would not consent to part even with the fishing liberty as an equivalent. If she be disappointed in her views on Louisiana, and I trust in God and the valour of the West that she will be, I shall not be surprised if, hereafter, she grants us the fishing privilege, which costs her absolutely nothing, without any extravagant equivalent whatever.

At any rate, we are still at liberty to negotiate for that privilege in a Treaty of Commerce, and to offer for it an equivalent, fair in its comparative value, and just in its relative effects; and to negotiate for it in this way is evidently more wise than to demand it as a *condition* of Peace, or to offer for it a price beyond its worth, and which, however excessive, runs the hazard of being refused, merely by the operation of those unaccommodating passions which are inevitably engendered by a state of War. I have the honour to be, &c. The Hon. James Monroe. JONATHAN RUSSELL.

A true Copy of a Paper left by Jonathan Russell, Esq. at the Department of State, 22d April, 1822, to be communicated to the House of Representatives of The United States.

J. Q. ADAMS, Secretary of State.

UNITED STATES AND GREAT BRITAIN.

REMARKS of the Secretary of State of The United States, on a Paper delivered by Mr. Jonathan Russell, at the Department of State, on the 22d of April, 1822; to be communicated to the House of Representatives, as the Duplicate of a Letter written by him at Paris, the 11th of February, 1815, to the then Secretary of State, and as the Letter called for by the Resolution of the House, of 19th April, 1822.

THE first remark that presents itself upon this *Duplicate*, is, that it is not a Copy of the Letter really written by Mr. Russell, at Paris, on the 11th of February, 1815, to the Secretary of State, and received by him. The latter was marked "*Private*," and, as such, was not upon the files of the Department of State; and, although of the same general purport and tenour with the so called Duplicate, differed from it in several highly significant passages, of which the following parallel, extracted from the two Papers, presents one example:

ORIGINAL.

" How far we conformed to this Instruction, with regard to the general right to Louisiana, it is not necessary for me here to inquire; but certainly the majority believed themselves permitted to offer a very explicit proposition with regard to the navigation of its principal River. I believed, with them, that we were so permitted, and that we were, likewise, permitted to offer a proposition relative to the fishing liberty, and, had the occasion required it, to make proposals concerning the trade to the British East Indies. I was persuaded, that treating relative to these privileges, or discussing the obligation or expediency of granting or withholding them, respectively, violated, in no way, our Instructions, or affected the general rights which we were forbidden to bring into discussion."

DUPLICATE.

"How far we conformed to this Instruction, with regard to the general right to Louisiana, it is not necessary for me here to inquire; but certainly the majority believed themselves to be permitted, their own construction to the contrary notwithstanding, to offer a very explicit proposition with regard to the navigation of its principal River. Now, this offer I considered, for the reasons just suggested, not to be a violation of the Instructions in question, but I considered it to be against both the letter and the spirit of our other Instructions of the 15th of April, 1813. By these Instructions, we were explicitly and implicitly directed ' to avoid any Stipulation which might restrain The United States from excluding the British Traders from the navigation of the Lakes and Rivers exclusively within our own jurisdic-This Instruction applied tion.'

with the greater force to the Mississippi, because, as it is believed, it was the only River to which it could apply.

"While I believed, therefore, that we were permitted to offer a proposition relative to the fishing liberty, and that in treating concerning this liberty, or in discussing our Claim to it, we in no way violated our Instructions, nor affected the general rights which we were forbidden to bring into discussion, I did believe, and do still believe, that we were expressly and unequivocally forbidden to offer, or to renew, a Stipulation for the free navigation, by the British, of the Mississippi, a River within our exclusive jurisdiction."

It is here seen that, while in the Original Letter Mr. Russell did, with the majority of his Colleagues, believe that we were permitted by our Instructions to make the proposition with regard to the navigation of the Mississippi, as well as a proposition relative to the fishing liberty, he had, when writing the Duplicate, brought himself to the belief, not only that we were not so permitted, but that he had, even at Ghent, considered it as a direct violation both of the letter and spirit of our explicit and implicit Instructions of 15th April, 1813. The solution of this difference in the mind of Mr. Russell, between the writing of the Original and the Duplicate of his Letter, may be found in this The proposition relating to the navigation of the circumstance. Mississippi, and the Fishery, was made to the British Plenipotentiaries on the 1st of December, 1814. It had been discussed at the Meetings of the American Mission, on the preceding 28th and 29th of November. On the 24th of that month, the American Plenipotentiaries had received a Letter of Instructions from the Secretary of State, dated 19th October, 1814, and containing the following passages:

"It has been judged proper to communicate to Congress so much of the Instructions given to you by this Department, as would show the terms on which you were authorized to make Peace. These, as well as your Communications, have been printed, and several Copies are now forwarded to you, as it is believed they may be usefully dis-

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posed of in Europe. Should any circumstance have unexpectedly prolonged the Negotiation, and you find the British Commissioners disposed to agree to the *status ante bellum*, you will understand that you are authorized to make it the basis of a Treaty."

Now, the status ante bellum, upon which we were thus expressly and unequivocally permitted to conclude a Treaty, included not only the recognition of the entire Treaty of Peace of 1783, but the revival of the first 10 Articles of the Treaty of 1794; not only the freedom to the British to navigate the Mississippi, but free ingress into our Territories, and free trade with our Indians. And so entirely was that part of the Instructions of 15th of April, 1813, now cited by Mr. Russell, considered by the President as cancelled, that it was omitted from that Copy, which had been communicated to Congress, of "so much of the Instructions, as would shew the terms on which we were authorized to make Peace," and of which several printed Copies were thus forwarded to us. (See Wait's State Papers, Vol. 9. P. 339-358.)

It was scarcely possible that, within the compass of one week, Mr. Russell should have forgotten the receipt of the Instruction of 19th October, 1814, fresh from Washington; nor at all possible that he should have considered us as then bound by the Instruction of 15th April, 1813, to which, in his Duplicate, he now so emphatically refers. The 11th of February, 1815, was yet so recent to the date of the conclusion of the Treaty, that, in writing the Original of his Letter, the recollection of the new Instructions of October, 1814, had doubtless not escaped him. But when the Duplicate was written, other views had arisen; and their aspects are discovered in the aggravation of charges against the memory of a dead, and the character of living Colleagues.

But whether the real sentiments of Mr. Russell at Paris, on the 11th of February, 1815, with regard to the transactions to which this passage relates, are to be taken as indicated in the Original, or in the Duplicate, certain it is that the vehement objections to the proposed Article, which, in the *Duplicate*, appear to have made so deep an impression on his mind, had as little been made known to his Colleagues at the time of the discussions at Ghent, as they appear to have been to himself, when writing the *Original* of the same letter.

The Proposal, to which the whole of Mr. Russell's Letter, in both its various readings, relates, was made to the British Plenipotentiaries, not by a majority, but by the whole of the American Mission, including Mr. Russell, as may be seen by the Protocol of the Conference of the 1st December, 1814, and by the Letter from the American to the British Plenipotentiaries, of 14th December, 1814. In that Letter, already communicated to the House, the American Plenipotentiaries, referring to the Article in question, expressly say: "To such an Ar-

And in case

ticle, which they viewed as merely declaratory, the Undersigned had no objection, and have offered to accede :" and to that Letter the name of Mr. Russell is subscribed.

At the time when the Letter from Paris was written, or within a few days thereafter, all the Colleagues, whose conduct it so severely censures, in relation to measures, to which Mr. Russell's sanction and signature stood equally pledged with their own, were at Paris, and in habits of almost daily intercourse with him. They little suspected the colouring which he was privately giving, without communication of it to them, of their conduct and opinions, to the Heads of the Government, by whom he and they had been jointly employed in a publick trust of transcendent importance; or the uses to which this denunciation of them was afterwards to be turned.

Had the existence of this Letter from Paris been, at the time when it was written, known to the majority of the Mission, at whose proposal this offer had been made; to that majority, who believed that the Article was perfectly compatible with their Instructions, consistent with the argument maintained by the Mission, important for securing a very essential portion of the right to the Fisheries, and in no wise affecting unfavourably the interest of any Section of the Union, they would, doubtless, have felt that its contents called much more forcibly upon them, to justify to their own Government themselves and their motives for making that proposal, than Mr. Russell could be called upon to justify himself for merely having been in the minority upon the question whether an Article should be proposed, which he did actually concur in proposing, and which the adverse Party had not thought worth accepting.

The Writer of these Remarks is not authorized to speak for his Colleagues of the majority; one of whom is now alike beyond the reach of censure and panegyric; and the other, well able, when he shall meet this disclosure, to defend himself. But he believes of them what he affirms of himself, that had they entertained of the projected Article, and of the argument maintained by the Mission, the sentiments avowed in either of the variations of Mr. Russell's Letter from Paris, no consideration would have induced them to concur in proposing it, or to subscribe their names to a Paper declaring that they had no objection to it.

Still less, if possible, would they have thought it reconcileable with their duty to their Country, had they entertained those sentiments, to have subscribed, on the 25th of December, 1814, the joint Letter of the Mission to the Secretary of State, already, communicated to Congress, and on the same day to have written a separate and secret Letter, fore-announcing that of the 11th of February, 1815, from Paris.

Besides the memorable variation between the Original and Dupli-

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cate of the Letter of 11th of February, 1815, which has been exhibited in parallel passages extracted from them, there are others not less remarkable. In the course of the *Duplicate*, the total and unqualified abandonment of the *rights* of the poor Fishermen, is compensated by an eloquent panegyric upon their usefulness to the Country, their hardy industry, their magnanimous enterprize, and their patriotick self-devotion. Little of this appears in the Original; and that little, in the after-thought of a postscript. Towards the close of the *Duplicate*, the spirit of prophesy takes possession of the Writer. By his "trust in God, and in the valour of the West," he foresees the victory of General Jackson at New Orleans. He foresees the Convention between The United States and Great Britain, of October, 1818. In the Original there is no prophecy—no "trust in God, and in the valour of the West."

With all these varieties the two Copies of the Letter form an elaborate and deeply meditated dissertation to prove :

1. That the Treaty between The United States and Great Britain, of 1783, the Treaty which upon its face is a Treaty of Independence, a Treaty of Boundaries, a Treaty of Partition, as well as a Treaty of Peace—was, in his estimation, all his Signatures at Ghent to the contrary notwithstanding, a mere Treaty of Peace, totally abrogated by the War of 1812.

2. That the same Treaty, was a Treaty sui generis, consisting of two parts; one, of rights appertaining to Sovereignty and Independence; and the other, of special grants and privileges; of which the former were permanent, and the latter abrogated by the War.

3. That the principles assumed, and the argument maintained, by the majority of the Ghent Mission, and to which he had subscribed his name in all the joint Communications of the Mission, as well to the British Plenipotentiaries as to his own Government, were a mass of errors, inconsistencies, and absurdities.

4. That the offer to the British Plenipotentiaries of a right to the British to navigate the Mississippi, was, in the opinion of the majority, and also in his own opinion, permitted by our Instructions, and in no ways violated them.

5. That the same offer was directly contrary to the construction given by the majority to their Instructions, and, as he had always thought, and still thought, contrary to explicit and implicit, express, and unqualified prohibitions, in those Instructions.

6. That the offer of the right to navigate the Mississippi, as an equivalent for the Fisheries, was the offer of an excessive price, for a privilege worth little or nothing.

7. That, extravagant as that offer (to which he signed a Letter declaring that he had no objection) was, it was rejected by the adverse Party; because they thought it an offer of the dead for the living; or, because they hoped to get still more for the worthless privilege; or, because they expected to take and keep Louisiana, and thus get the navigation of the Mississippi for nothing; or, because they were blinded by the unhappy passions incident to War; but that he *foresaw*, that they would HEREAFTER grant all the valuable part of the same worthless privilege for nothing.

8. That there was no sort of relation whatsoever between a privilege for the British to navigate in waters within our jurisdiction, and a privilege for us to fish in waters within British jurisdiction; because one of these privileges had been stipulated in the *third*, and the other in the *eighth* Article, of the Treaty of 1783; and therefore, that it was absurd to offer one as an equivalent for the other.

9. Lastly, that the offer to the British of the right to navigate the Mississippi was pregnant with mischief to the Western Country—to "the unoffending Citizens of an immense tract of Territory, not at all, or but faintly benefited by the fishing privilege, merely to provide for the doubtful accommodation of a few Fishermen, annually decreasing in number, in a remote quarter, and entirely exempt from the danger."

Upon most of these points, so far as argument is concerned, it might, upon the mere statement of Mr. Russell's positions, be left to his ingenuity to refute itself. His first and second points, with regard to the character of the Treaty of 1783, considered as doctrines, are evidently inconsistent with each other. The variation between the Original and Duplicate of his Letter upon the fourth and fifth points, is something more than inconsistency; something more even than selfcontradiction. The whole Letter is a laborious tissue of misrepresentation of every part of its subject; of the conduct and sentiments of his Colleagues who constituted the majority of the Mission; and of his own conduct and sentiments in opposition to them. It substantially charges them with deliberate and wanton violation, in the face of his solemn warning, of the positive and unequivocal Instructions of their Government, for the sake of sacrificing the interest, the peace, the comfortable existence of the whole Western Country, to the doubtful accommodation of a few Eastern Fishermen, and in support of a Claim to which they had not the shadow of a right.

I say it is a tissue of misrepresentations—of the subject, of the conduct and sentiments of his Colleagues, and of his own conduct in opposition to them.

1. Of the subject. Mr. Russell represents the offer of an Article, granting to the British the right of navigating the Mississippi, as an equivalent for the grant of a fishing privilege in British jurisdiction, as if it had been a separate and insulated proposal of new grants, in a distinct Article, without reference to the state of the Negotiation at the time when it was made, to the occasion upon which it was made, and to the considerations by which it was induced. Mr. Russell represents the Article as if offered under circumstances, when it was by both Parties acknowledged that the British had no Claim to Territory, to the Mississippi. This is a direct and positive perversion of the whole statement of the subject.

Mr. Russell represents the offer of a right to navigate the Mississippi, and of access to it from the British Territories as general and unqualified; as giving access to British Traders and British Emissaries to every part of the Western Country, and to intercourse with all our Indians. The proposal was, of a limited access from a single spot of the British Territory, to the river, for the purpose of navigating the river with merchandise, upon which the duties of import should have been first paid.

In consequence of these misrepresentations, Mr. Russell brings in British Smugglers, British Emissaries, and all the horrors of Indian Warfare, upon the Western Country, as necessary inferences from a proposal, not that which was made, but that into which it is distorted by his misrepresentations.

2. Of the conduct and sentiments of his Colleagues.

Mr. Russell represents his Colleagues as having deliberately, and against his declared opinion, violated both the letter and the spirit of their most explicit and implicit, express and unequivocal, Instructions from their own Government. He charges them, also, with having violated their own construction of their Instructions.

It is true that, in another reading of the same Letter, purporting to have been written on the same day, he acquits them entirely of all violation of their Instructions, and declares he had always been of that opinion.

Mr. Russell ascribes to his Colleagues opinions which they never entertained, arguments which they never advanced, and doctrines which they not only would disclaim with indignation, but diametrically opposite to those which they did maintain. He imputes to them the opinion that the Independence of The United States was derived only from the Treaty of Peace of 1783, and that all the rights stipulated by it, in favour of the People of The United States, were mere grants from the Crown of England. This was the British doctrine, which Mr. Russell well knew his Colleagues rejected with disdain, but which he himself countenances by maintaining the British side of the argument, that the fishing liberty, stipulated in the Treaty of 1783, was abrogated *ipso facto*, by the War of 1812.

He imputes to them, as an inconsistency with their other imputed opinion, that they rested their Claim to the fishing privilege upon prescription; and this notwithstanding all the light of learning with which he had irradiated them, from the lucid sources of "jus merce facultatis;" of "ultra memoriam hominis;" of "nullum tempus occurrit regi;" and of the imprescriptible character of Fisheries. Of all this not one word was said at Ghent. The majority never asserted the right of the fishing privilege, as resting upon the right of prescription; nor had they ever the benefit of Mr. Russell's learned labours to prove that it was not applicable to the subject.

3. Of his own conduct and sentiments, in opposition to those of the majority of his Colleagues.

The parallel passages from the Original and Duplicate of his Letter remove all necessity for further proof of this. But that is not all. Throughout the Letter, Mr. Russell holds himself forth as having been the intrepid and inflexible asserter and supporter of the rights of the West, against the majority of his Colleagues; as having, by a painful. struggle, obtained a conquest over his early prejudices and local partialities, and enlarged his intellectual faculties and patriotism, to become the champion and vindicator of the interests of the West. Of all this, nothing was made known to his Colleagues of the majority at Ghent. The Article to which this Letter conjures up such formidable objections was drawn up and proposed to the Mission by a distinguished Citizen of the Western Country. It was opposed by another Citizen from the same Section of the Union. Of the five Members of the Mission, Mr. Russell was the person who took the least part in the discussion. He neither objected that it was contrary to our Instructions, nor depreciated the value of the Fisheries; nor painted the dangers of British Smugglers and Emissaries, or the horrors of Indian Warfare, as impending over the unoffending Inhabitants of the Western Country from the measure. He gave, it may be, a silent vote against proposing the Article; and, when it was determined by the majority to propose it, concurred in proposing it; was present at the Conferences with the British Plenipotentiaries when it was proposed to and discussed with them, and heard from them the reasons which induced them to reject it, which reasons did not embrace one of those which he has so severely tasked his sagacity to devise for them; but, plainly and simply, because they said it was clogged with conditions which made it of no value to them, or, at least, not of value to induce them to concede that our fishing liberties, within British jurisdiction, should continue, in return : and he afterwards signed a Letter to the British Plenipotentiaries, together with all the other Members of the Mission, declaring that they had no objection to the Article, considering it as merely declaratory.

If Mr. Russell had entertained at Ghent the sentiments relating to this measure, disclosed in the Duplicate, or even those avowed in the Original of his Letter, he is to account for it to his conscience and his Country, that he ever assented to it at all. He was not under the slightest obligation to assent to it. As an act of the majority, it would have been equally valid without his concurrence or signature as with it. More than one Member of the Mission, and on more than one

occasion, signified his determination to decline signing the Treaty, if particular measures, proposed by the British Plenipotentiaries, should be acceded to by the majority. A refusal by any one Member to concur in any measure upon which a majority were agreed, would at least have induced the majority to re-consider their vote, and in all probability to have cancelled it. In a case of such transcendent importance as this, of high interests, generous policy, humane and tender sympathies, wantonly to be sacrificed, in defiance of the most express and unqualified Instructions, to the paltry purpose of accommodating a few Fishermen, destitute of all claim of right, how could Mr. Russell sit patiently in Conference with the British Plenipotentiaries, and join in the offer of it to them? How could he subscribe his name to a Letter declaring he had no objection to it? Had Mr. Russell dissented from this measure of the majority, and they had still persisted in it, he would doubtless have reported to his own Government the reasons of his dissent; his Colleagues of the majority would in like manner have reported theirs; and the responsibility of each party would have rested. as it ought, upon their respective acts. To concur individually in the measure; to sign all the Papers approving it; and then secretly to write to the Government a Letter of censure, reproach, and misrepresentation, against it and those who proposed it-was indeed a shorter and easier process.

Mr. Russell, therefore, did not entertain or express at Ghent, the opinions disclosed in his Letter from Paris, and has been as unfortunate in the representation of his own conduct and sentiments, as in that of the subject of his Letter, and in that of the sentiments and conduct of his Colleagues.

But there is a point of view more important than any regard to his conduct and sentiments, in which his Letter is yet to be considered. If there were any force in his argument against the measures, or any correctness in his statements against his Colleagues, it is proper they should be sifted and examined.

Let us, therefore, examine the proposed Article in both its parts:--first, as relates to the fishing liberty for us; and secondly, to the Navigation of the Mississippi by the British. And, in order to ascertain the propriety of the principles assumed, and of the measures adopted by the American Commissioners, as now in question, let us premise the state of things as they existed, and the circumstances under which this proposal was offered.

By the IIId Article of the Treaty of 1783, it was agreed, that the People of The United States should *continue* to enjoy the Fisheries of Newfoundland and the Bay of St. Lawrence, and at all other places in the Sea, where the inhabitants of both Countries *used at any time theretofore to fish*; and, also, and that they should have certain fishing liberties, on all the fishing Coast within the British jurisdiction of Nova

Scotia, Magdalen Islands, and Labrador. The title by which The United States held those fishing rights and liberties was the same. It was the possessory use of the right, or, in Mr. Russell's more learned phrase, of the "jus merce facultatis," at any time-theretofore as British Subjects, and the acknowledgment by Great Britain of its continuance in the People of The United States after the Treaty of separation. It was a National right; and, therefore, as much a right, though not so immediate an interest, to the People of Ohio and Kentucky, aye and to the People of Louisiana, after they became a part of the People of The United States, as it was to the People of Massachusetts and Maine. The latter had always used it, since they had been British Colonists, and the Coasts had been in British Dominions. But, as the Settlement of the Colonies themselves had not been of time immemorial, it was not, and never was pretended to be, a title by prescription.

Such was the title of The United States to the Fisheries—prior possession, and acknowledgment by the Treaty of 1783.

The Commissioners at Ghent had received from the Secretary of State a Letter of Instruction, dated 25th of June, 1814, containing the following passage:

"Information has been received from a Quarter deserving of attention, that the late events in France have produced such an effect on the British Government, as to make it probable that a demand will be made at Gothenburg, to surrender our right to the Fisheries, to abandon all trade beyond the Cape of Good Hope, and to cede Louisiana to Spain. We cannot believe that such a demand will be made; should it be, you will of course, treat it as it deserves. These rights must not be brought into discussion. If insisted on, your Negotiations will cease."

Now, it is very true that a majority of the Commissioners did construe these Instructions to mean, that the right to the Fisheries was not to be surrendered. They did not subtilize, and refine, and inquire, whether they could not surrender a part, and yet not bring the right into discussion; whether we might not give up a liberty, and yet retain a right; or whether it was an argument, or an agreement, that was forbidden. They understood, that the Fisheries were not to be surrendered.

The demand made by the British Government was first advanced in an artful and ensnaring form. It was by assuming the principle that the right had been forfeited by the War, and by notifying the American Commissioners, as they did at the first Conference, "that the British Government did not intend to grant to The United States, gratuitously, the privileges formerly granted by Treaty to them, of fishing within the limits of the British Sovereignty, and of using the Shores of the British Territories for purposes connected with the

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Fisheries." Now to obtain the surrender of thus all that the British Plenipotentiaries could po the American Commissioners should acquiesce the Treaty of 1783 was abrogated by the War. ciple would have been surrender of the right. make any thing of his argument, would have as and comforted himself with the reflection, tha been brought into discussion, the Instructions violated.

But, however clearly he expresses this opin however painfully he endeavours to fortify it b did disclose it to the same extent at Ghent. Th was possible to meet the notification of the B without surrendering the rights which it jeopar the principle upon which it was founded. This the principle, that the Treaty of Independenc class of Treaties, and the right in question of th not abrogated by a subsequent War; that the tention of the British Government not to renew affect the right of The United States, which had the War; and that, considering it as still in fo needed no new grant from Great Britain to reviv to confirm it.

This principle I willingly admit was assumed American Commissioners at my suggestion. 1 indispensably necessary to meet the insidious for demand of surrender had been put forth; bu maintainable on the most enlarged, humane, an of international Law. It was asserted and mainta Plenipotentiaries at Ghent; and if, in the judg it suffered the fishing liberty to be brought into did not surrender the right.

It was not acceded to by the British Plenipot adhered to its asserted principle; and the Treat out settling the interest involved in it. Since th Original of Mr. Russell's Letter, of the 11th Feb ten, the principle asserted by the American Pleni has been still asserted and maintained through Negotiations with Great Britain, and has passe of no inferior ability. It has terminated in a new rangement of the great interest connected with it admission of the principle asserted by the Amer at Ghent; by that Convention of 20th October, ing to the *Duplicate* of Mr. Russell's Letter, he

1815, even while writing his learned dissertation against the Right which he had been instructed not to surrender, and the only principle by which it could be defended.

At this time, and after all the controversy through which the American principle was destined to pass, and has passed, I, without hesitation, reassert, in the face of my Country, the principle, which, in defence of the fishing liberties of this Nation, was, at my suggestion, asserted by the American Plenipotentiaries at Ghent.

I deem this reassertion of it the more important, because, by the publication at this time of Mr. Russell's Letter, that Plenipotentiary has not only disclaimed all his share in the first assertion of it, but has brought to bear all the faculties of his mind against it, while the American side of the argument, and the reasons by which it has been supported against arguments coinciding much with those of his Letter, but advanced by British reasoners, are not before the Publick. The principle is yet important to great interests, and to the future welfare of this Country.

When first suggested, it obtained the unanimous assent of the American Mission. In their Note of 10th November, 1814, to the British Plenipotentiaries, which accompanied their first Projet of a Treaty, they said, " in answer to the declaration made by the British Plenipotentiaries respecting the Fisheries, the Undersigned, referring to what passed in the Conference of the 9th August, can only state, that they are not authorized to bring into discussion any of the Rights or Liberties which The United States have heretofore enjoyed in relation thereto. From their nature, and from the peculiar character of the Treaty of 1783, by which they were recognized, no further Stipulation has been deemed necessary by the Government of The United States. to entitle them to the full enjoyment of all of them." This paragraph was drawn up, and proposed to the Mission by the Member with whom Mr. Russell concurred in objecting to the proposal of an Article confirmative of the fishing Liberties and Navigation of the Mississippi, and as a substitute for it. The Mission unanimously accepted it: and the fishing liberties being thus secured from surrender, no Article relating to them or to the Mississippi was inserted in the Projet sent to the British Mission.

But one of the objects of the Negotiation was to settle the Boundary between The United States and the British Dominions, from the North-west corner of the Lake of the Woods westward. That Boundary, by the Treaty of 1783, had been stipulated to be, "from the most Northwestern point of the Lake of the Woods on a *due west* course to the River Mississippi; and thence, down the middle of the Mississippi, to the 31st degree of North Latitude;" while, by the 8th Article of the same Treaty, it had been stipulated, that "the Navigation of the River Mississippi, from its source to the Ocean, should forever remain free and open to the Subjects of Great Britain and the Citizens of The United States."

The Right of Great Britain and of The United States, at the time of the Treaty of 1783, to make this Stipulation with regard to the Navigation of the Mississippi, might be, and afterwards was, questioned by Spain, then a Possessor also of Territories upon the same River, and indeed of both its banks from its mouth, to a higher latitude than that thus stipulated as the Boundary of The United States. But, as, between Great Britain and The United States, there could, at the time of the conclusion of the Treaty of 1783, be no possible question of the right of both to make the Stipulation, the Boundary Line itself being in substance a concession of Territory to the River, and down its middle to latitude 31, which Great Britain was undoubtedly competent to make, and The United States to receive. Now, The United States having received the Cession and the Boundary, with the right to navigate the River, with the express condition that the Navigation of the River should forever remain free and open to British Subjects, and having expressly assented to that condition, without considering it as infringing upon any Right of Spain; they could not, consistently with good faith, by acquiring afterwards the Right of Spain, allege that this acquisition absolved them from the obligation of the prior engagement with Great Britain. There is, indeed, in Mr. Russell's Letter, a hesitating argument to that effect; the odious character of which is but fiimsily veiled by its subtlety. The United States had always insisted upon their right of navigating the Mississippi, by force of the Article of the Treaty of 1783, and had obtained the acknowledgment of that Right from Spain herself, many Years before they acquired her Territorial Right by the purchase of Louisiana. With what front then could an American Negotiator have said, after the latter period, to a British Minister :- You have no right to the Navigation of the Mississippi, for although, on receiving from you a part of the River, we expressly stipulated that you should forever enjoy a right to its Navigation, yet that engagement was a fraud upon the Rights of Spain; and although, long before we had acquired these Rights of Spain, she had acknowledged our right to navigate the River, founded upon this very Stipulation of which you now claim the benefit, yet I will now not acknowledge your right founded on the same Stipulation. Spain, no Party to the Compact between you and me, after controverting it as infringing upon her Rights, finally acceded to its beneficial application to us, as compatible with those Rights. But we, who made the Compact with you, having now acquired the adverse Rights of Spain, will not allow you the beneficial use of our own Compact. We first swindled and then bullied Spain out of her Rights, by this VIIIth Article of the Treaty of 1783; and now, having acquired ourselves those Rights, we plead them for holding our engagement with you for a dead letter.

This, and nothing more or less than this, is the substance of Mr. Russell's argument to show, that *perhaps* The United States were, by the acquisition of Louisiana, absolved from the obligation of the VIIIth Article of the Treaty of 1783, even before the War of 1812.

But, says Mr. Russell, the Treaty of 1783 was made, under a belief of both Parties, that it would leave Great Britain with a portion of Territory upon the Mississippi, and *therefore* entitled to claim the right of navigating the River. But the Boundary Line of the Treaty of 1783, was a line from the North-westernmost point of the Lake of the Woods, due West to the Mississippi. And after the Treaty of 1783, but before the War of 1812, it had been found that a line due West, from the North-west corner of the Lake of the Woods, did not strike the Mississippi. Therefore, continues Mr. Russell, Great Britain could claim no *territorial* right to the navigation of the River; and therefore had no longer any claim to the benefit of the VIIIth Article of the Treaty of 1783.

To this it may be replied : First, that the British claim of right to navigate the Mississippi, was not founded solely on the Territory which it was believed they would retain upon that River, by the Boundary West from the Lake of the Woods. The VIIIth Article of the Treaty of 1783, was a separate and a distinct Article, stipulating the right of both Nations to navigate the River, without any reference to Boundary or to Territory. But the Boundary, the Territory, and the right to navigate the River, were all, in that Treaty, cessions from Great Britain to The United States. And, had it even been the intention of both Parties, that Britain should cede the whole of her Territories on the Mississippi, it was yet competent to her to reserve the right of navigating the River for her Subjects, in common with the People of The United States, and competent for The United States to accept the cession, subject to that reservation. They did so, by the VIIIth Article of the Treaty. And in this point of view, the British Right of navigating the River, within the American Territory, was precisely similar to the American liberty of fishing within the British Territorial jurisdiction, reserved by the IIId Article of the same Treaty.

But, secondly, the discovery that a line due West, from the Northwesternmost corner of the Lake of the Woods, would not strike the Mississippi, had not deprived Great Britain of all claim to Territory upon that River, at the time of the Negotiation at Ghent. The line described in the Treaty was, from the North-westernmost point of the Lake of the Woods, " on a *due West* course to the River *Mississippi*." When it was found that the line *due West* did not touch the Mississippi, this Boundary was annulled by the fact. It remained an unsettled Boundary, to be adjusted by a new Agreement. For this adjustment, the moral obligation of the Parties was to adopt such a Line as should approximate as near as possible to the inter agreeing upon the line for which it was to be taining this line, if The United States were e the words " on a due West course," Britain the benefit of the words " to the River Mis mands stood on the same grounds. Before abortive attempts had been made by the Pa dary. The first was by the Treaty of 1794, jectured, but not ascertained, that the line would not intersect the Mississippi. By the I of 1794, it was agreed that a joint survey sh the fact; and that, if, on the result of that that the West line would not intersect the proceed, " by amicable Negotiation, to regu that Quarter, according to justice and mutua formity to the intent of the Treaty of 1783 made. The second attempt to adjust the l signed on the 12th of May, 1803, by Mr. Ki the Vth Article of which, after reciting the a line drawn due West from the Lake of the Mississippi, provided that, instead of the of The United States, in that Quarter, shou the shortest line which could be drawn bett the Lake of the Woods, and the nearest sour This Convention not having been ratified, ment had been made in the Negotiatic Pinkney, of 1806 and 1807; at which an and agreed to, that the line should be fi point of the Lake of the Woods, to the 49 from that point, due West, along and with the respective Territories extend in that Qu was coupled another, as follows :

"It is agreed by The United States, shall have, at all times, free access from I tories, by land or inland navigation, int The United States, to the River Mississip of His Majesty's said Subjects, in order navigation of that River, as secured to t between His Majesty and The United 1 Article of the Treaty of Amity, Commer And it is further agreed, that His Maj manner, and at all times, have free access falling into the Western side of the Rive gation of the said River."

This Negotiation was suspended, by

try, and was not afterwards resumed. But the following observations upon the 2 Articles, contained in a Letter from Mr. Madison to Messrs. Monroe and Pinkney, of 30th July, 1807, show how far Mr. Jefferson, then President of The United States, had authorized those Commissioners to accede to them.

"Access by land or inland navigation from the British Territories, through the Territory of The United States to the River Mississippi, is not to be allowed to British Subjects, with their goods or effects, unless such articles shall have paid all the duties, and be within all the Custom-house Regulations, applicable to goods and effects of Citizens of The United States. An access through the Territory of The United States to the Waters running into the Western side of the Mississippi, is under no modification whatever to be stipulated to British Subjects."

Such, then, was the state of things in relation to this interest in question, at the time when the War of 1812 broke out; and at the Negotiation of Ghent, the same question of Boundary again occurred for adjustment. The right of the British to a line from the Lake of the Woods to the Mississippi, had never been renounced : and, at the last Negotiation between the Parties, 4 Years after The United States had acquired Louisiana, and with it all the Spanish rights upon the Mississippi, the British Government, in assenting to take the 49th parallel of Latitude, as a substitute for the line to the Mississippi, had expressly re-stipulated for the free Navigation of the River, and free access to it from our Territories; to both of which Messrs. Monroe and Pinkney had been explicitly authorized to accede.

Under this state of things, it had never been admitted by the British, nor could we maintain against them by argument, even that the Mississippi River was within our *exclusive* jurisdiction : for so long as they had a right by Treaty to a Line of Boundary to that River, and consequently to Territory upon it, they also had jurisdiction upon it; nor, consequently, could the Instructions of 15th April, 1813, had they even been still in full force, have restricted the American Commissioners from making or receiving a proposition, for continuing to the British the right of navigating the River, which they had enjoyed, without ever using it, from the time of the Treaty of 1783, when The United States had received, by cession from them, the right of enjoying it jointly with them.

Bearing in mind this state of things, we are also to remember, that, in the Conference of 19th August, 1814, and in the Letter of that date, from the British to the American Plenipotentiaries, (see Wait's State Papers, Vol. IX. pp. 334 and 338,) they had claimed a new North-western Boundary Line from *Lake Superior* to the Mississippi, and the free navigation of that River. To this the American Commissioners had answered on the 24th of August, 1814: The Under-

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signed perceive that the British Government "propose, without purpose specifically alleged, to draw the Boundary Line Westward, not from the Lake of the Woods, as it now is, but from Lake Superior:" and they objected to it, as demanding a cession of Territory.

The British Plenipotentiaries, on the 4th September, 1814, replied:

"As the necessity for fixing some Boundary for the North-western Frontier has been mutually acknowledged, a proposal for a discussion on that subject cannot be considered as a demand for a cession of Territory, unless The United States are prepared to assert that there is no limit to their Territories in that direction, and that, availing themselves of the geographical error upon which that part of the Treaty of 1783 was founded, they will acknowledge no Boundary whatever; then, unquestionably, any proposition to fix one, be it what it may, must be considered as demanding a large cession of Territory from The United States.

"Is the American Government prepared to assert such an unlimited right, so contrary to the evident intention of the Treaty itself? Or, is His Majesty's Government to understand that the American Plenipotentiaries are willing to acknowledge the Boundary from the Lake of the Woods to the Mississippi, (the arrangement made by a Convention in 1803, but not ratified,) as that by which their Government is ready to abide?

"The British Plenipotentiaries are instructed to accept favourably such a proposition, or to discuss any other Line of Boundary which may be submitted for consideration."

I stop here for a moment to observe how instinctively, if the expression may be allowed, both the Parties in this Correspondence recur to the Treaty of 1783, with a consciousness that it was yet in full force, as an appeal for either in support of its Claims. The expression in the above American Note, applied to the Boundary, "as it now is;" the reference of the British Note to the geographical error in the Treaty of 1783, and their willingness to discuss the arrangement of 1803, (the shortest Line from the Lake of the Woods to the Mississippi,) both acknowledge the Treaty of 1783 as the basis of all proposition and all argument, and as being yet in force for every thing which should not be otherwise provided for in the new Treaty.

In their Note of 21st October, 1814, the British Commissioners said:

"On the subject of the Fisheries, the Undersigned expressed with so much frankness, at the Conference already referred to, the views of their Government, that they consider any further observations on that topic as unnecessary at the present time.

"On the question of the Boundary between the Dominions of His Majesty and those of The United States, the Undersigned are led to expect, from the discussion which this subject has already undergone, that the North-western Boundary, from the Lake of the Woods to the Mississippi, (the intended arrangement of 1803,) will be admitted without objection."

Thus stood the Parties and the subject, when, on the 10th of November, 1814, the American Plenipotentiaries sent the first Projet of a Treaty to the British Commissioners. It contained no Article relating either to the Fisheries or to the Mississippi; but, in the Note which accompanied it, to meet the notification twice given on the part of the British Government, that they did not intend to grant, without equivalent, the liberty of fishing within the British Jurisdiction, the counter-notification, already noticed, was introduced, informing them that the American Government did not consider the fishing liberties as forfeited by the War, and that they would remain in full force without needing any new grant to confirm them. At this stage of the Negotiation, therefore, the American Plenipotentiaries did actually pursue the first of those three other ways of proceeding, which Mr. Russell, in the Postscript to the Original of his Letter of 11th February, 1815, says they might have taken, and to which he adds that he would have assented, namely, to contend for the continuance of the Fishing Privilege, notwithstanding the War, without saying any thing about the navigation of the Mississippi. It cannot but be surprising to find Mr. Russell, within 3 months after these events, writing privately to the Secretary of State, stating this as a course other than that which we had pursued, and that he would have assented to it if we had; when it was the very course that we did pursue, and he had assented to it. We did contend, not for the indestructibility, as Mr. Russell terms it, of the Treaty of 1783, but that, from its peculiar character, it was not abrogated by the mere occurrence of War. We never maintained that the Treaty of 1783 was indestructible, or imperishable, but that the Rights, Liberties, and Boundaries, acknowledged by it as belonging to us, were not abrogated by mere War. We never doubted, for example, that we might be compelled to stipulate a new Boundary; but that would have been, not as a consequence of mere War, but the effect of conquest, resulting from War. The difference between our principle and that of the British, was, that they, considering the Rights acknowledged as belonging to us by the Treaty, as mere grants, held them as annulled by War alone; while we, viewing them as Rights existing before the Treaty, and only acknowledged by it, could not admit them to be forfeited without our own assent. Britain might have recovered them by conquest; but that could not be consummated without our acquiescence, tacit or expressed. Mr. Russell, who assented to our principle, and asserted it with us, now says he always thought the British principle was the true one. If the American Mission, at that trying time, had acted upon it, he never would have prophesied the Convention of October, 1818.

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The 8th Article of the Projet of a Treaty, sent by the American Commissioners on the 10th of November, offered the Boundary which had been proposed in 1807, a Line North or South to Latitude 49, and Westward, on that parallel, as far as the Territories of the two Countries extended; and said nothing about the Mississippi. But when, on the 26th of November, the British Plenipotentiaries returned the Projet, with their proposed Amendments, they accepted the 49th parallel, Westward, from the Lake of the Woods, for the Boundary, but with the following addition to the Article: "And it is further agreed, the Subjects of His Britannick Majesty shall at all times have access, from His Britannick Majesty's Territories, by land or inland navigation, into the aforesaid Territories of The United States to the River Mississippi, with their goods, effects, and merchandise, and that His Britannick Majesty's Subjects shall have and enjoy the free navigation of the said River."

It was to meet this demand that, at the Conference of 1st December, the American Plenipotentiaries proposed to strike out all those words, and to substitute the Amendment contained in the Protocol of that Conference, already communicated to Congress. It was thus that the relation which Mr. Russell, within 3 months afterwards, so singularly professess not to perceive between the Fishing liberties and the Mississippi navigation, not only naturally arose, but forced itself upon the American Plenipotentiaries. They had saved the Fishing liberties from surrender, as they had been specially instructed to do, by asserting that the Treaty of 1783 had not been abrogated, ipso facto, by the War. Two days before receiving this Counter-projet. they had received from Washington a fresh Instruction, expressly authorizing them to conclude a Treaty on the basis of the status ante bellum, including, of course, the Fishing liberty on one side, and the navigation of the Mississippi on the other. They could not, therefore, consistently with those Instructions, either reject this British demand, or abandon to surrender the Fisheries. They offered, therefore, the Amendment containing the renewed acknowledgment of both; and they said to the British Plenipotentiaries-We have told you that we consider all the rights, secured to us by the Treaty of 1783, as still in force. What we demand, if you assent to it, we must yield in return. If, as we say, the Treaty of 1783 is yet in force, you have the right of navigating the Mississippi, and we have the Fishing rights and liberties unimpaired. If, as you say, the Treaty is abrogated, how can you claim the right of navigating the Mississippi? You must admit the one, or not demand the other. We offer you the alternative of a new stipulated admission of both, or a total omission of both. We offer you in application the choice of our principle or of your own.

The British Commissioners took the proposal for reference to their

Government, by whom it was immediately rejected. But, to show how anxious they were to obtain from us the surrender of our Fishing liberties, and how cheaply they valued the right of navigating the Mississippi, as one of the last expedients of Negotiation, they offered us an Article agreeing that, after the Peace, the Parties would further negotiate " respecting the terms, conditions, and regulations, under which the Inhabitants of The United States" should again enjoy the Fishing liberties " in consideration of a fair equivalent, to be agreed upon between His Majesty and the said United States, and granted by the said United States for such liberty aforesaid;" and a reciprocal Stipulation with regard to the British Right of navigating the Mississippi. As the Parties after the Peace would have been just as competent further to negotiate on these points, if so disposed, without this Article as with it, its only effect would have been a mutual surrender, on the American side, of the Fishing liberties, and on the British side, of the right to navigate the Mississippi; with this difference, that we should have surrendered, in direct violation of our Instructions, a real, existing, practical Liberty, which, even in the War of our Independence, had been deemed of the highest importance, and at its close had been, with infinite difficulty, secured; a Liberty, of which that portion of the Union, whom it immediately concerns, had been, from the time of the Treaty of 1783, in the constant, real, and useful possession; while the British would have surrendered absolutely nothing -a right which, by inference from their own principle, was abrogated by the War; a right which, under the Treaty of 1783, they had enjoyed for 30 years, without ever using it, and which, in all human probability, never would have been of more beneficial use to the British Nation, than would be to the People of The United States, the right of navigating the Bridgewater Canal, or the Danube.

There was certainly an inconsistency on the part of the British Government, in claiming a right to navigate the Mississippi, while asserting that the Treaty of 1783 was abrogated by the War: and when pressed by us to say on what principle they claimed it without offering for it an equivalent, they said the equivalent was, their acceptance of the 49th parallel of Latitude for the North-western Boundary, instead of the Line, to which they were entitled by the Treaty of 1783, to the Mississippi. As they gave up the Line to the river, they said they had a right to reserve its Navigation, and access to it for that purpose. They had said the same thing to Messrs. Monroe and Pinkney in 1807; and the principle had been assented to by them, with the subsequent sanction of President Jefferson. Still the whole argument leaned upon the continuing validity of the Treaty of 1783; for the Boundary Line, as well as the Mississippi Navigation, was null and void, if that Treaty was abrogated. We replied to them, that, although we were willing to agree to the 49th parallel of Latitude for

the Boundary, and thought it of mutual interest that the line should be fixed, we were yet not tenacious of it: we could not agree to their Article of mutual surrender, with a pledge of future Negotiation; but we would consent to omit the Boundary Article itself, and leave the whole subject for future adjustment. And to this they finally agreed.

The advantage of this to us was, that we came out of the War, without having surrendered the Fishing liberties, as they had been enjoyed before, and stipulated at the Treaty of 1783. We were still free to maintain, and we did, after the conclusion of the Peace, effectively maintain, the existence of the right, notwithstanding the intervening War. The British Government still insisted that the Treaty of 1783 was abrogated by the War: but when called upon to show, why then they treated The United States as an Independent Nation, and why in the Treaty of Ghent they had agreed to four several Commissions to ascertain the Boundaries, " according to the true intent and meaning of that same Treaty of 1783, they finally answered, that they considered our Independence, and the Boundaries, as existing facts, like those of other Nations, without reference to their origin. This left nothing but a dispute about words; for we applied the same principle to the Fishing liberties of the IIId Article, which they conceded with regard to the acknowledgment of Independence and to the They considered the whole Treaty of 1783 as a British Boundaries. grant. We considered it as a British acknowledgment. They never drew the nice distinction, attempted by Mr. Russell, between a perishable and imperishable part of the Treaty, or admitted that it consisted of rights which they could not, and of privileges which they could, resume without our consent. By their principle, they might have resumed the whole: and when they notified to us at Ghent, that they did not intend to grant us again the Fishing liberties within their exclusive jurisdiction, but that they meant to leave us the right of Fishing in the open Sea, they gave us distinctly enough to understand that they were treating us with magnanimity, in not resuming the whole. There was in truth no difference in the principle. And Mr. Russell, in consulting his Vattel, to find that Fishing rights were jura merce facultatis, and therefore imprescriptible, ought to have seen what that Writer very explicitly says, not that they were rights which could not be acquired by long usage, but rights which could not be lost by non usage. He ought also to have seen, what Vattel no less clearly lays down, that, although a Nation may appropriate to itself a Fishery upon its own Coasts and within its own jurisdiction, yet, " if it has once acknowledged the common right of other Nations to come and fish there, it can no longer exclude them from it; it has left that Fishery in its primitive freedom, at least with respect to those who have been in possession of it." And he cites the Herring Fishery on

the Coast of England, as being common to them with other Nations, because they had not appropriated it to themselves, from the beginning.

In perusing the Letter of Mr. Russell, whether Original or Duplicate, I cannot but reflect with gratitude to Providence upon the slender thread by which the rights of this Nation to the Fisheries were in fact suspended at the Negotiation of Ghent. Positive and precise as our Instructions were, not to surrender them, if Mr. Russell had disclosed at Ghent the opinions avowed in either version of his Letter, if he had so broadly asserted, and so pertinaciously maintained his conviction of, the utter worthlessness of the Fisheries, in comparison with the exclusion of the British from a mere phantom of right to navigate the Mississippi, which they had always enjoyed without use; without benefit to themselves or injury to us; if he had so learnedly disserted to prove that the Treaty of 1783 was totally and absolutely abrogated by the War; if he had so thoroughly inverted the real state of the Question, and painted it in such glowing colours as a sacrifice of deep real interests of the West, to a shallow, imaginary interest of the East; if, with that perseverence which is the test of sincerity, he had refused to sign the proposal determined upon by the majority of his Col leagues, and given them notice that he should transmit to his Government the vindication of himself and his motives for differing from them; and, above all, if another mind could have been found in the Mission, capable of concurring with him in those views, it would at least have required of the majority an inflexibility of fortitude, beyond that of any trial by which they were visited to have persevered in their proposal. Had they concurred with him in his opinion of the total abrogation of the Treaty of 1783, by the mere fact of the War, the Fisheries in the Gulf of St. Lawrence, on the Coast of Labrador, and to an indefinite extent from the Island of Newfoundland, were lost to The United States forever, or at least till the indignant energy of the Nation should have recovered, by conquest, the rights thus surrendered to usurpation. In notifying to us that the British Government intended not to renew the grant of the Fisheries within British jurisdiction, they had not said what extent they meant to give to these terms. They had said they did not mean to extend it to the right of the Fisheries, generally, or in the open Seas, enjoyed by all other Nations. (See Letter of the American Commissioners to the Secretary of State, of 12th August, 1814. Wait's State Papers, Vol. 9, p. 321.) But there was not wanting historical exposition of what Great Britain understood by her exclusive jurisdiction as applied to these Fisheries. In the XIIth Article of the Treaty of Utrecht, by which Nova Scotia or Acadia had been ceded by France to Great Britain, the Cession had been made, "in such ample manner and form, that the Subjects of the Most Christian King shall hereafter be excluded from all kind of

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fishing in the said Seas, Bays, and other Places on the Coasts of Nova Scotia; that is to say, on those which lie towards the East, within 30 LEAGUES, beginning from the Island commonly called Sable, inclusively, and thence along towards the South-west.

By the XIIIth Article of the same Treaty, French Subjects were excluded from fishing on any other part of the Coast of the Island of Newfoundland, than from Cape Bonavista Northward, and then Westward to Point Riche. By the XVth Article of the Treaty of Utrecht, between Great Britain and Spain, certain rights of Fishing at the Island of Newfoundland, had been reserved to the Guipuscoans, and other Subjects of Spain; but in the XVIIIth Article of the Treaty of Peace between Great Britain and Spain, of 1763, His Catholick Majesty had desisted, " as well for himself as for his Successors, from all pretension which he might have formed in favour of the Guipuscoans and other his Subjects, to the right of fishing IN THE NEIGHBOURHOOD of the Island of Newfoundland." In these several cases, it is apparent that Great Britain had asserted and maintained an exclusive and proprietary jurisdiction over the whole Fishing Grounds of the Grand Bank, as well as on the Coast of North America, and in the Gulf of St. Lawrence. Nor are we without subsequent indications of what she would have considered as her exclusive jurisdiction, if a majority of the American Commission at Ghent had been as ready as Mr. Russell declares himself to have been, to subscribe to her doctrine, that all our Fishing liberties had lost, by the War, every vestige of right. For, in the Summer of 1815, the Year after the conclusion of the Peace, her armed Vessels on the American Coast warned all American Fishing Vessels not to approach within 60 MILES of the shores.

It was this incident which led to the Negotiation which terminated in the Convention of 20th October, 1818. In that Instrument The United States have renounced forever that part of the Fishing liberties which they had enjoyed or claimed in certain parts of the exclusive jurisdiction of British Provinces, and within 3 marine miles of the shores. This privilege, without being of much use to our Fishermen, had been found very inconvenient to the British: and, in return, we have acquired an enlarged liberty, both of Fishing and drying Fish, within the other parts of the British jurisdiction, forever. The first Article of this Convention affords a signal testimonial of the correctness of the principle assumed by the American Plenipotentiaries at Ghent; for, by accepting the express renunciation of The United States, of a small portion of the privilege in question, and by confirming and enlarging all the remainder of the privilege forever, the British Government have implicitly acknowledged that the liberties of the IIId Article of the Treaty of 1783, had not been abrogated by the War, and have given the final stroke to the opposite doctrine of Mr. Russell. That words of perpetuity in a Treaty cannot give that character to the engagements it contains, is not indeed a new discovery in diplomatick history; but that truism has as little concern with this question, as the annulment of our Treaty of 1778 with France, so aptly applied to it in his Letter. It is not, therefore, the word *forever*, in this Convention, which will secure to our Fishermen, for all time, the liberties stipulated and recognized in it; but it was introduced by our Negotiators, and admitted by those of Great Britain, as a warning that we shall never consider the liberties secured to us by it, as abrogated by mere War. They may, if they please, in case of a War, consider the Convention as abrogated, but the privileges as existing, without reference to their origin. But they and we, I trust, are forever admonished against the stratagem of demanding a surrender, in the form of notifying a forfeiture. They and we are aware, forever, that nothing but *our own renunciation* can deprive us of the right.

The IId Article of this same Convention affords a demonstration equally decisive, how utterly insignificant and worthless, in the estimation of the British Government, was this direfully dreaded navigation of the Mississippi. The Article gives us the 49th parallel of Latitude for the Boundary, and neither the navigation of the River, nor access to it, was even asked in return.

These are conclusive facts-facts appealing not to the prejudices or the jealousies, but to the sound sense and sober judgment of Men. Without yielding at all to Mr. Russell, in my "trust in God and the valour of the West," I have an equal trust in the same Divine Being, as connected with the justice of the West. I have the most perfect and undoubting reliance, that to the clear-sighted intelligence of the Western Country, the gorgons, and hydras, and chimeras dire, of Mr. Russell's imagination, raised by incantation from the Waters of the Mississippi, will sink as they rose, and be seen no more. Without professing to sacrifice any of those ties of duty and allegiance, which bind me to the interests of my native State, I cannot allow Mr. Russell's claim to a special ardour for the welfare of the West, to be superior to my own, or to that of the deceased, or of the living Colleague, with whom I concurred, without mental reservation, in the measure subscribed to, and denounced by Mr. Russell. We were all the Ministers of the whole Union; and sure I am, that every Member of the majority would have spurned with equal disdain the idea of sacrificing the interest of any one part of the Union to that of any other, and the uncandid purpose of awakening suspicions at the source of their common authority here, against the patriotism and integrity of any one of his Colleagues.

I shall conclude with a passing notice of the 3 alternatives, which, in the Postscript to the Original of his Letter of 11th February, 1815, he says, we might have taken, instead of that which, as he alleges, we, against his will, did do. We had, says he, three other ways of proceeding :

"First, to contend for the indestructibility of the Treaty of 1783, thence inferring the continuance of the Fishing privilege, without saying any thing about the navigation of the Mississippi, which would have reserved our right of contesting this navigation, on the grounds I have mentioned, specially applicable to it. Secondly, to have considered the Treaty at an end, and offered a reasonable equivalent, wherever it might be found, for the Fishing privilege. Thirdly, to have made this liberty a sine quâ non of Peace, as embraced by the principle of status ante bellum."

"To either of these Propositions" (he adds,) "I would have assented. But I could not consent to grant or revive the British right to the navigation of the Mississippi."

He could not consent! He did consent: see his name subscribed to the Letter from the American to the British Plenipotentiaries of 12th December, 1814, accompanying the Message of 25th February last.

It is, indeed, painful to remark here, and throughout this Letter of Mr. Russell, how little solicitude there is discoverable, to preserve even the appearance of any coincidence between his real sentiments and his professions: half his Letter is an argument in form to prove, that the Treaty of 1783 was abrogated by the War; yet, he says he would have assented to contend for its indestructibility, so long as it applied only to the defence of the Fisheries, reserving his special grounds of objection to its being applied to the navigation of the Mississippi. I have shewn, that the indestructibility of the Treaty of 1783 never was asserted by any of the American Commissioners; but, that the principle that it had not been abrogated by the War, and that none of the rights stipulated and recognized in it, as belonging to the People of The United States, could be abrogated, but by their own renunciation, was at first assumed in defence of the Fisheries only, and without saying any thing of the Mississippi. When, therefore, the demand for the navigation of the Mississippi came from the British Plenipotentiaries, Mr. Russell's special objections to the application of our principle, in favour of our demand, might have been urged. But what were these special objections? I have shewn, that they were our own wrong-fraud and extortion upon Spain, to justify perfidy to Great Britain. Mr. Russell never did allege these objections at Ghent, and, if he had, a majority of the American Mission, would, assuredly, have been ashamed to allege them to the British Government.

The second way of proceeding, to which Mr. Russell says he would have assented, was to consider the Treaty of 1783 at an end, and offer for the Fishing privilege, a reasonable equivalent, wherever it might be

found; and where would he have found it? He will not affirm that we had authority to offer any equivalent whatever; we had been specially instructed not to surrender them. He says he would have surrendered, and purchased them at a reasonable price again.

The third substitute, to which he says he would have assented, is the strangest of all. He says he would have made it a sine quâ non of Peace, as embraced by the principle of status ante bellum.

A sine quâ non for the status ante bellum! And yet he could not consent to grant or revive the British Right to the navigation of the Mississippi, in order to procure or preserve the Fishing liberty; when the status ante bellum would have given them not only the whole Treaty of 1783, but the permanent Articles of the Treaty of 1794; not only the navigation of the Mississippi, but unrestrained access to our Territories and intercourse with our Indians.

I have shown that the most aggravated portion of Mr. Russell's charge against his Colleagues of the majority, that of wilful violation of positive and unequivocal Instructions, by a senseless offer to the British Plenipotentiaries, sacrificing an important Western to a trifling Eastern interest, is not only utterly destitute of foundation, but that it was not even made, nay, more, that it was distinctly contradicted by the Letter really written by Mr. Russell at Paris, on the 11th of February, 1815. Into Mr. Russell's motive for introducing it into the Duplicate of that Letter, delivered by himself at the Department of State, to be communicated to the House as the Letter called for by their Resolution, I shall not attempt to penetrate ; having, as I trust, equally shown that the charges implied in the real Letter are as groundless as their aggravations in the Duplicate. The professions of unfeigned respect for the integrity, talents, and judgment, of those Colleagues whose conduct is, in the same Letter, represented as so weak. absurd, and treacherous, I can, for my own part, neither accept nor reciprocate. To have been compelled to speak, as in these Remarks I have done, of a Person distinguished by the favour of his Country, and with whom I had been associated in a Service of high interest to this Union, has been among the most painful incidents of my life. In the defence of myself and my Colleagues, against imputations so groundless in themselves, at first so secretly set forth, and now so wantonly promulgated before the Legislative Assembly of the Nation. it has been impossible entirely to separate the language of self-vindication from that of reproach. With Mr. Russell I can also rejoice, that the Proposal offered on the 1st of December, 1814, was rejected by the British Government, not because I believe it now, more than I did then, liable to any of the dangers and mischiefs so glaring in the vaticinations of Mr. Russell, but because both the interests to which it relates have since been adjusted in a manner still more satisfactory to The United States. I rejoice, too, that this adjustment has taken

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place before the publication of Mr. Russell's Letter could have any possible influence in defeating or retarding it. The Convention of 20th October, 1818, is the refutation of all the doctrines of Mr. Russell's Letter, to which there can be no reply. It has adjusted the Fishing interest upon the principle asserted by the American Mission at Ghent, but disclaimed by Mr. Russell. It has given us the Boundary of Latitude 49, from the Lake of the Woods Westward, and it has proved the total indifference of the British Government to the right of navigating the Mississippi, by their abandonment of their last claim to it, without asking an equivalent for its renunciation.

With regard to the magnitude of the Fishing interest which was at stake during the Negotiation at Ghent, I believe the views disclosed in Mr. Russell's Letter as incorrect as the principles upon which he would have surrendered it. The notification of exclusion was from all Fisheries within exclusive British jurisdiction. I have shown that, historically, Great Britain had asserted and maintained exclusive proprietary jurisdiction over the whole. Had we tamely acquiesced in her principle of forfeiture without renunciation, we should soon have found that her principle of exclusion embraced the whole. That a Citizen of Massachusetts, acquainted with his Colonial history, with the share that his Countrymen had had in the conquest of a great part of these Fisheries, with the deep aud anxious interest in them taken by France, by Spain, by Great Britain, for Centuries before the American Revolution; acquainted with the Negotiations of which they had been the knot, and the Wars of which they had been the prize, between the 3 most Maritime Nations of modern Europe; acquainted with the profound sensibility of the whole American Union, during the Revolutionary War, to this interest, and with the inflexible energies by which it had been secured at its close; acquainted with the indissoluble links of attachment between it and the Navigation, the Navy, the Maritime defence, the national spirit and hardy enterprise of this great Republick; that such a Citizen, stimulated to the discharge of duty by a fresh Instruction from his Government, given at the most trying period of the War upon the very first rumour of an intention, on the part of Great Britain, to demand its surrender, not to surrender it, sooner to break off the Negotiation than surrender it; that such a Citizen, with the dying words of Lawrence, "don't give up the Ship," still vibrating on his ear, should describe this interest "as totally unnecessary for us for subsistence or occupation," and affording, "in no honest way, either commercial facility or political advantage," as "the doubtful accommodation of a few Fishermen annually decreasing in number," is as strange and unaccountable to me as that he should deliberately sit down, 2 months after the Treaty was concluded, and write to his Government a cold-blooded dissertation to prove that there was nothing, absolutely nothing, in the principle upon which he and his Colleagues had rested its future defence, and that he considered the Fishing liberty "to be entirely at an end, without a new Stipulation for its revival."

Such were not the sentiments of the majority of the American Commissioners at Ghent; such were particularly, not the sentiments of the Writer of these remarks. He reflects, with extreme satisfaction. upon that deep and earnest regard for this interest, manifested at that time by the Executive Government of The United States, in the positive and unqualified Instruction of 25th June, 1814, to the Commissioners, on no consideration whatever to surrender the Fisheries. He rejoices that this Instruction was implicitly obeyed; that the Nation issued from the War with all its rights and liberties unimpaired, preserved as well from the artifices of Diplomacy, as from the force of preponderating power upon their element, the Seas; and he trusts that the history of this transaction, in all its details, from the Instruction not to surrender the Fisheries, to the conclusion of the Convention of 20th October, 1818, will give solemn warning to the Statesmen of this Union, in their conflicts with Foreign Powers, through all future time, never to consider any of the liberties of this Nation as abrogated by a War, or capable of being extinguished by any other agency than our own express renunciation.

JOHN QUINCY ADAMS.

CONVENTION between Denmark and Sweden, relative to the Liquidation of the Danish-Norwegian Debt.—Signed at Copenhagen, 8th November 1822. (Translation.)

Au Nom de la Très Sainte et Indivisible Trinité.

SA Majesté le Roi de Dannemarc, et Sa Majesté le Roi de Suède et de Norvège, ayant jugé à propos de convenir d'un Arrangement pour effectuer par anticipation le payement de la quotepart à la Dette de l'ancienne Monarchie Danoise, que d'après les Stipulations de la Convention, conclue à Stockholm le 1 Septembre, 1819, la Norvège aura à fournir; les Hautes Parties Contractantes ont respectivement nommé des Plénipotentiaires pour traiter de cet objet; savoir, Sa Majesté le Roi de Dannemarc, le Sieur Niels Rosenkrantz, etc, et Sa Majesté le Roi de Suède et de Norvège, le Sieur Paul Chrétien Holst; lesquels, après avoir échangé leurs Pleins Pouvoirs respectifs, trouvés en bonne et due forme, se sont ce jourd'hui accordés sur les points suivans:

ART. I. Sa Majesté le Roi de Suède et de Norvège, en sa qualité de Roi de ce dernier Royaume, s'éngage avant l'expiration de 6 mois, à compter depuis la date de cette Convention, à faire payer dans la Ville de Copenhague a celui ou ceux, que Sa Majesté le Roi de Danne-

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marc autorisera pour cet effet, la somme de 1,700,000 Rixdalers de Banque de Hambourg, (ou espèces à 9[‡] pièces par marc fin, poids de Cologne.)

En payant cette somme le Royaume de Norvège est censé avoir acquitté les sommes qu'en vertu de la Convention de Stockholm du l Septembre, 1819, le dit Royaume est chargé de fournir au Dannemarc depuis le 1 Janvier, 1823, jusqu'au l Juillet 1829, tant à titre de payemens successifs sur le Capital qu'à celui d'intérêts.

II. A la reception de la somme susdite de 1,700,000 Rxds de Banque de Hambourg, Sa Majesté le Roi de Dannemarc s'engage à faire remettre à celui ou ceux, qui pour cet effet se trouveront munis de Pleins Pouvoirs de la part de Sa Majesté le Roi de Suède et de Norvège, aussi bien les 7 obligations, chacune valable pour la somme de 300,000 Ecus de Banque de Hambourg, qui à la suite de la Convention de Stockholm du I Septembre, 1819, ont été émises par le Département des Finances du Royaume de Norvège, mais dont les termes de payement ne sont pas encore échûs, après les avoir fait munir de la quittance réquise, que les Coupons représentans les intérêts annuels et appartenans aux dites obligations; bien entendu cependant, qu'aucune de ces obligations ou de ces Coupons ne sera à délivrer avant que, conformément aux termes du I. Article de cette Conention, la susdite somme de 1,700,000 Rixds de Banque de Hambourg, n'ait été payéeà Sa Majesté le Roi de Dannemarc ; jusqu' à quel terme resteront en pleine vigueur, en autant qu'ils ne sont déjà remplis, les engagemens pris par la Convention de Stockholm du 1 Septembre, 1819, par rapport à la participation du Royaume de Norvège aux Dettes d'Etat du Royaume de Dannemarc.

III. Cette Convention sera ratifiée, et les Ratifications en seront échangées à Copenhague, dans l'espace de 20 Jours, à compter du jour de la signature, ou plutôt si faire se peut.

En foi de quoi, les Soussignés, en vertu de leurs Pleins Pouvoirs respectifs, ont signé la présente Convention, et y ont apposé les empreintes de leurs Cachets.

Fait à Copenhague, le 8 Novembre, 1822. (L. S.) N. ROSENKRANTZ. (L. S.) P. C. HOLST.

CONSTITUTION PROVISOIRE de l'Hellénie.—Donné à Epidaure, le 13 Janvier, 1822. (Traduction.)

Au nom de la Très Sainte et Indivisible Trinité !

La Nation Hellène s'étant affranchie par de grands sacrifices du joug de l'odieuse tyrannie Ottomane, qu'Elle ne pouvait supporter plus longtems, proclame aujourd'hui, par l'organe de Ses Représentants Légitimes, réunis en Assemblée Nationale, en présence de Dieu et des hommes, son existence politique et son Indépendance.

Donné à Epidaure, le 1 (13) Janvier, 1822. L'an1. de l'Indépendance.

CONSTITUTION PROVISOIRE (LOI ORGANIQUE) DE L'HELLENIE.

TITRE I.

SECTION I.—De la Religion.

ART. 1. LA Religion dominante dans l'Hellénie, est celle de l'Eglise Orthodoxe du Christ dans l'Orient. Néanmoins le Gouvernement Hellénique tolère toute autre Religion, et permet le libre exercice de tous les Cultes.

SECTION II.—Des droits civils des Habitants de l'Hellénie.

II. Tous les hommes nés et domiciliés en Hellénie, qui croient en Jesus-Christ sont Hellènes, (Grecs) et doivent jouir de tous les droits civils sans exception.

III. Tous les Hellènes sont égaux devant la Loi, sans exception ou distinction des personnes.

IV. Tout Etranger qui viendra habiter ou demeurer passagèrement dans l'Hellénie, sera soumis à la Loi aussi bien que les régnicoles.

V. Le Gouvernement s'occupera avec une attention particulière de la Loi, pour la naturalisation de tout Etranger qui voudrait devenir Hellène.

VI. Tous les Hellènes sont également admissibles à toutes dignités, places et emplois publics; c'est la capacité personnelle qui peut seule les faire accorder.

VII. La propriété, l'honneur, et la sureté de chaque Hellène sont placés sous la protection des Loix.

VIII. Les Contributions seront reparties dans la proportion de la fortune de chacun, nul impot ne pourra être levé sans une Loi préalable et expresse.

TITRE II.

SECTION III.-De la formation du Gouvernement.

1X. Le Gouvernement se compose de deux Corps: le Pouvoir Législatif, et le Pouvoir Exécutif.

X. Ces deux Corps procédent par leur concours mutuel à l'établissement des Loix, de manière que les Décisions ou Décrets du Corps Législatif, n'auront force de Loi qu'après avoir été ratifiés par le Pouvoir Exécutif, et les Projets de Loi que celui-ci proposera, ne seront acceptés et ne pourront être mis en vigueur qu'après avoir été approuvés par le Corps Législatif.

XI. Le Corps Législatif est formé de Représentants ou Députés fondés de pouvoirs, et élus par chacun des Districts de l'Hellénie.

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XII. Le nombre des Représentants ou Députés restera indéterminé jusqu'à ce qu'il soit fixé par une Loi d'élection.

XIII. Il sera rendu par le Gouvernement une Loi Provisoire concernant l'élection des Députés. Cette Loi devra nécessairement être fondée sur les 2 bases suivantes :

XIV. Les Députés devront être Hellènes.

XV. Ils devront être agés de 30 ans accomplis.

XVI. Sont admissibles et seront reçus au Corps Législatif, tous les Députés des Parties libres de l'Hellénie, vérification faite de la qualité et des pouvoirs de ceux qui s'y présenteront.

XVII. Le Corps Législatif aura un Président et une Vice-Président, qui seront élus à la pluralité des suffrages; leurs fonctions seront de la durée d'une Année.

XVIII. Il nommera de la même manière et pour une Anneé aussi, un Premier et Second Secrétaire avec les Employés nécessaires.

XIX. La Session du Corps Législatif est d'un An, à compter du jour de sa formation.

XX. Le Pouvoir Exécutif sera composé de 5 Membres, qui devront être élus hors du sein du Corps Législatif, par une Assemblée expresse, convoquée par une Loi spéciale, relative à cette élection.

XXI. Il aura son Président et son Vice-Président, également pour une Année, qui seront nommés en conformité de la Loi précitée.

XXII. Le Pouvoir Exécutif nommera 8 Ministres, dont le 1 sera: l'Archichancelier d'Etat, ayant en même-tems le Département des Affaires Etrangères; les 7 autres sont: 2. Le Ministre de l'Intérieur; 3. Le Ministre des Finances; 4. Le Ministre de la Justice; 5. Le Ministre de la Guerre; 6. Le Ministre de la Marine; 7. Le Ministre des Cultes; 8. Le Ministre de la Police.

XXIII. Le Pouvoir Exécutif nommera tous les Agens intérieurs et extérieurs du Gouvernement.

XXIV. La Session du Pouvoir Exécutif est d'une seule Année, à compter du jour de son installation.

TITRE III.

SECTION IV.-Du Corps législatif ou délibérant.

XXV. Vû les urgentes circonstances dans lesquelles se trouve la Patrie, le Corps Législatif poursuivra ses travaux toute cette Année-ci sans-interruption.

XXVI. Le Président préside aux Séances journalières ; il en fixe les heures, et lui seul a la faculté de les lever.

XXVII. Il a aussi le droit d'inviter au besoin le Pouvoir Exécutif à une Assemblée extraordinaire.

XXVIII. En l'absence du Président, le Vice-Président remplit ses fonctions. XXIX. Le Corps Législatif ne peut délibérer sans la présence des deux tiers de ses Membres.

XXX. Les décisions du Corps Législatif sont prises à la pluralité des suffrages.

XXXI. Lorsqu'il y a parité de suffrages, elle est résolue par la voix prépondérante du Président.

XXXII. Les Actes et les Décrets du Corps Législatif sont signés par le Président, et contresignés par le Premier Secrétaire.

XXXIII. Le Président transmet les Décrets du Corps Législatif, au Pouvoir Exécutif, et c'est la sanction de ce dernier qui leur donne force de Loi.

XXXIV. Dans le cas où le Pouvoir Exécutif refusera sa sanction, ou qu'il proposera des amendements, le Décret sera renvoyé au Corps Législatif, en l'accompagnant d'un exposé des motifs du refus ou des amendements, pour être discuté de nouveau. Lorsqu'après cette seconde discussion le Corps Législatif représentera le même Décret au Pouvoir Exécutif, et que ce dernier refusera encore son consentement, le Décret sera définitivement rejeté, et considéré comme non-avenu.

XXXV. Le Corps Législatif accueillera des Pétitions sur toute espèce d'affaires, et les examinera avec soin.

XXXVI. Tous les 3 mois le Corps Législatif formera dans son sein, autant de Comités qu'il y a de Ministères.

XXXVII. Le Président renverra à chacun de ces Comités les affaires concernant directement la branche qui lui sera attribuée, et chacun d'eux mettra la dernière main aux Projets de Loi y relatifs.

XXXVIII. Tout Membre du Corps Législatif a le droit de proposer par écrit des Projets de Loi, par l'entremise du Président, qui renverra ces Projets aux Comités respectifs.

XXXIX. Le Corps Législatif accueille tout Projet de Loi qui lui est proposé par le Pouvoir Exécutif; il l'adopte, le modifie, ou le rejette.

XL. Les Déclarations de Guerre et les Traités de Paix devront être soumis à la sanction du Corps Législatif; de même que toute espèce quelconque de Traité ou de Convention que le Pouvoir Exécutif voudrait conclure avec d'autres Puissances, devra être préalablement approuvée par le Corps Législatif; à l'exception cependant des Armistices de peu de jours.

XLI. Le Corps Législatif discute au commencement de chaque Année le Budget approximatif des recettes et dépenses, que le Pouvoir Exécutif soumet à son examen; et à la fin de la même Année, il vérifie sur les originaux les Comptes détaillés des sommes touchées et dépensées. Néanmoins, pour cette première Année, le Corps Législatif devra, sans aucun délai, fournir au Pouvoir Exécutif les fonds qu'exigeront les besoins de l'Etat, quoiqu'en raison de l'institution récente du Gouvernement, et de la difficulté de faire une juste supputation des dépenses, le Pouvoir Exécutif ne puisse pas dresser un Budget approximatif. Mais à la fin de l'Année le Pouvoir Exécutif devra présenter le Compte détaillé des sommes to uchées et dépensées.

XLII. Le Corps Législatif prononce sur les avancements Militaires que lui propose le Pouvoir Exécutif.

XLIII. Il accorde sur la proposition du Pouvoir Exécutif les Récompenses pour les services rendus à la Patrie.

XLIV. Le Corps Législatif réglera le nouveau système Monétaire, et le Pouvoir Exécutif fera frapper les monnaies au nom de la Nation.

XLV. Il est absolument interdit au Corps Législatif de consentir à une transaction quelconque, qui aurait pour but l'affaiblissement de l'Existence Politique de la Nation, et si jamais l'on découvre que le Pouvoir Exécutif s'est engagé dans de semblables transactions, le Corps Législatif est obligé de dénoncer le Président du Pouvoir Exécutif à la Nation, et de le proclamer déchu de ses fonctions.

XI.VI. Le Journaliste pourra assister aux Assemblées Ordinaires et Extraordinaires du Corps Législatif, excepté les Comités secrets, qui seront formés chaque fois que 5 Membres du Corps l'exigeront.

SECTION V.-Des Fonctions des deux Secrétaires du Corps Législatif.

XLVII. Le Premier Secrétaire du Corps Législatif rédigera les Procès-verbaux, les Décisions et les Décrets des Assemblées, et en tiendra un Régistre exact.

XLVIII. Il reçoit du Président et transmet au Pouvoir Exécutif tous les Décrets et autres Actes du Corps Législatif.

XLIX. En l'absence du Premier Secrétaire le Second remplit ses fonctions.

SECTION VI.-Des Accusations par devant le Corps Législatif.

L. Si un ou plusieurs des Membres du Corps Législatif sont accusés de Crime d'Etat, il sera nommé une Commission composée de 7 Membres de ce Corps, qui après avoir décidé s'il y a lieu à accusation, rapportera son opinion par écrit. Dans le cas où les deux tiers de l'Assemblée s'accordent à reconnaître l'Accusé coupable, il sera déclaré, par le Président, déchu de sa dignité de Représentant, et traduit comme simple Citoyen devant le Tribunal Suprême de l'Hellénie, qui appliquera la Loi au fait déclaré.

LI. Aucun des Membres du Corps Législatif ne pourra être emprisonné avant que sa déchéance n'ait été prononcée.

LII. Si quelqu'un des Membres du Pouvoir Exécutif est accusé de Crime d'Etat, devant le Corps Législatif, il sera nommé une Commission de 9 Membres de ce Corps, qui, après avoir décidé s'il y a lieu à accusation, rapportera son opinion par écrit. Dans le cas où les quatrecinquièmes de l'Assemblée s'accordent à déclarer l'Accusé coupable, le Président prononcera sa déchéance, et il sera traduit comme un simple Citoyen, devant le Tribunal Suprême de l'Hellénie, qui appliquera la Loi au fait déclaré.

LIII. Si un ou plusieurs des 8 Ministres sont accusés de Crime d'Etat, devant le Corps Législatif, on procédera à leur égard comme envers les Membres de ce Corps. (Vid. Art. L.)

TITRE IV.

SECTION VII.-Du Pouvoir Exécutif.

LIV. Le Pouvoir Exécutif pris en Corps est inviolable.

LV. Si le Corps entier du Pouvoir Exécutif commet un Crime en contravention à la Loi, le Président est d'abord dénoncé et puni conformément à l'Article XLV. et après l'élection d'un nouveau Président, les Membres restants seront mis, chacun séparément, en état d'accusation, jugés et punis suivant l'Article LII.

LVI. Le Pouvoir Exécutif fait exécuter les Lois par l'organe des différents Ministères.

LVII. Il sanctionne, amende ou rejette les Décrets qui lui sont proposés par le Corps Législatif, suivant l'Article XXXIV.

LVIII. Il présente des Projets de Loi au Corps Législatif qui y mettra la dernière main, en les discutant avec un ou plusieurs des Ministres, parmi lesquels doit se trouver celui dans le Département duquel rentre la Loi en discussion.

LIX. Les Actes et les Décrets du Gouvernement sont signés par le Président du Pouvoir Exécutif, contresignés par l'Archichancelier d'Etat, et scellés du Sceau du Gouvernement.

LX. Les Forces de Terre et de Mer sont placées sous la direction du Pouvoir Exécutif.

LXI. Le Pouvoir Exécutif a le droit de publier des Ordonnances, et de prendre des Mesures particulières pour l'exécution des Lois antérieurement publiées sur les affaires générales.

LXII. Dans toutes les affaires qui concernent l'administration de la Police, et la sûreté générale de l'Etat, le Pouvoir Exécutif est autorisé à prendre toute espèce de Mesures extraordinaires; toutefois il est obligé d'en instruire sur-le-champ le Corps Législatif.

LXIII. Le Pouvoir Exécutif a le droit de faire des Emprunts dans l'Intérieur et à l'Etranger, ainsi que d'hypothéquer les biens nationaux; le tout avec le consentement du Corps Législatif.

LXIV. Il a également le droit d'aliéner, avec l'approbation du Corps I.égislatif, une partie des biens nationaux, en proportion des besoins de l'Etat.

LXV. Il nomme les 8 Ministres des différentes branches de l'Administration Publique, et désigne à chacun d'eux les fonctions de son Ministère, sans permettre que l'un empiète sur les attributions des autres.

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LXVI. Les Ministres sont responsables de tous les actes de leur Département; ils ne peuvent exécuter aucun Acte ou Décret du Pouvoir Exécutif, qui ne serait pas conforme aux droits et aux devoirs déterminés par la présente Loi organique.

LXVII. Le Pouvoir Exécutif nomme les Ambassadeurs et Agens Diplomatiques auprès des Puissances Etrangères.

LXVIII. Il est tenu d'informer exactement le Corps Législatif des relations de l'Hellénie avec les Puissances Etrangères, ainsi que de la situation des affaires de l'Intérieur.

LXIX. Il a le droit de destituer les Ministres et tout autre Fonctionnaire à sa nomination.

LXX. Il convoque le Corps Législatif en Assemblée Extraordinaire, chaque fois que besoin sera.

LXXI. Dans le cas d'une Conspiration contre l'Etat ou le Gouvernement, le Pouvoir Exécutif est autorisé à prendre telles Mesures extraordinaires qu'exigera l'urgence du cas, sans distinction des Personnes.

LXXII. Dans le cas ci-dessus, il a la faculté de faire des levées provisoires de Troupes si besoin en est; mais il devra aussitôt en informer le Corps Législatif afin qu'elles soient approuvées par ce dernier.

LXXIII. Il est tenu de représenter, dans l'espace de 2 jours, par écrit et en détail, au Corps Législatif, les raisons pour lesquelles il a été obligé de prendre des Mesures extraordinaires.

LXXIV. Le Pouvoir Exécutif, en vertu de ce qu'il a la direction des Forces de Terre et de Mer, peut, en tems de Guerre, recourir à des Mesures extraordinaires, afin de s'assurer les moyens de pourvoir aux vivres, vêtements, provisions, logements, en un mot à tout ce qui est nécessaire à la défense nationale, tant sur Terre que sur Mer.

LXXV. Il soumettra à l'approbation du Corps Législatif un Projet de Loi, pour instituer des marques d'honneur ou décorations en récompense des services rendus à la Patrie.

LXXVI. Il a le droit de correspondre avec les Puissances Etrangères, et celui d'établir des relations de Commerce avec elles, mais il ne peut faire des Déclarations de Guerre, ni conclure des Traités ou des Conventions d'aucune espèce, sans l'approbation du Corps Législatif.

LXXVII. Il peut convenir d'un Armistice de peu de jours, mais il est obligé d'en donner avis au Corps Législatif. (Vid. Art. XL.)

LXXVIII. Il est tenu de présenter au Corps Législatif, au commencement de chaque année, le Budget approximatif des Recettes et Dépenses de l'Etat, et à la fin de la même Année les Comptes détaillés des sommes touchées et dépensées. Ces Etats de Dépenses et Recettes sont dressés par le Ministère des Finances, et appuyés des Pièces justificatives fournies par les autres Ministères. Néanmoins, pour cette première Année, on agira conformément à l'Art. XLI.

LXXIX. Les décisions du Pouvoir Exécutif sont prises à la pluralité des voix.

LXXX. Le Pouvoir Exécutif ne peut, sous aucun prétexte ni dans aucune circonstance, faire des entreprises de Commerce, ni s'engager dans des transactions qui tendraient à la destruction de l'existence politique de la Nation. Le cas échéant il sera procédé contre le Président, d'après l'Article XLV.

LXXXI. Il proposera au Corps Législatif un Projet de Loi pour régler l'uniforme national des Troupes de terre et de mer, et le costume des Ministres et autres Employés Civils.

LXXXII. Il présentera également un Projet de Loi pour fixer la solde des Armées de terre et de mer, ainsi que le traitement des Fonctionnaires Publics de toutes les classes, sur un pied analogue à la situation présente de la Patrie.

SECTION VIII.—Mode de poursuite contre les Membres du Conseil.

LXXXIII. Aussitôt qu'un Membre du Pouvoir Exécutif est accusé, et que l'accusation est jugée admissible, ce Membre est déchu de sa dignité, et son procès sera instruit suivant l'Article LII.

LXXXIV. Aucun des Membres du Pouvoir Exécutif ne peut être emprisonné tant que sa déchéance n'aura pas été prononcée. Toutes les fois que dans les délibérations du Pouvoir Exécutif, il résultera, par l'absence ou la démission d'un de ses Membres, une égalité numérique de votes, et qu'ainsi les opinions seront balancées, la parité des suffrages sera résolue par la voix prépondérante du Président.

LXXXV. Du moment où l'accusation contre un Fonctionnaire Public aura été jugée admissible, il sera considéré de fait comme déchu de son poste, et son Procès sera instruit suivant l'Article L.

LXXXVI. Le Pouvoir Exécutif peut nommer au besoin, pour la punition du Crime de trahison contre la Patrie, une Commission Spéciale et Extraordinaire, dans le lieu de la résidence du Gouvernement central de l'Hellénie, dont les attributions seront de juger sans appel, et d'absoudre ou de condamner les prévenus, jusqu'à l'Institution de l'Ordre Judiciaire de l'Hellénie.

TITRE V.

SECTION IX.—Du Pouvoir Judiciaire.

LXXXVII. Le Pouvoir Judiciaire est indépendant des deux autres Pouvoirs, (Législatif et Exécutif.)

LXXXVIII. Il est composé de 11 Membres, élus par le Gouvernement, qui nomment eux mêmes leur Président.

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LXXXIX. La Justice est rendue par des Tribunaux. Une Loi réglera avec soin leur institution.

XC. Le ressort et la résidence de chaque Tribunal, aussi bien que le mode de procédure, seront déterminés par une Loi expresse.

XCI. La Loi concernant l'Institution des Tribunaux, aura pour base les 5 Articles suivants :

XCII. (a.) Il sera établi un Tribunal Suprême de l'Hellénie dans le lieu de la résidence du Gouvernement Général, qui jugera définitivement et sans appel les Crimes de haute trahison, et les attentats contre la sûreté de l'Etat.

XCIII. (b.) Dans le Chef-lieu de chaque Province où siègent les Administrations Centrales, telles que les Sénats, les Aréopages, &c. seront établis des Tribunaux Centraux Speciaux à l'instar du Tribunal Suprême de l'Hellénie. On pourra appeler des Jugemens de ces Tribunaux au Tribunal Suprême.

XCIV. (c.) Au Chef-lieu de chaque District, il sera établi un Tribunal Inférieur du quel on pourra appeler aux Tribunaux Centraux Spéciaux; cependant les Tribunaux des Districts ne pourront pas connaître des délits politiques.

XCV. (d.) Il sera nommé dans chaque Commune ou Village un Juge de Paix, qui connaîtra des differends n'excedant point la valeur de 100 piastres, et s'appliquera à terminer par la voie de la conciliation toutes les contestations qui pourraient s'élever.

XCVI. (e.) Les Juges de Paix des Communes peuvent être accusés devant les Tribunaux des Districts; ceux ci devant les Tribunaux Centraux Spéciaux; et ces derniers devant le Tribunal Suprême de l'Hellénie.

XCVII. Le Pouvoir Exécutif nommera une Commission formée des Personages les plus distingués et les plus sages de l'Hellénie, dont la vertu soit bien connue, aux fins de rédiger des Codes de Loix Civiles, Criminelles, et de Commerce, lesquelles, ainsi que toute autre Loi, seront soumises à l'approbation et la Ratification des deux Corps, Législatif et Exécutif.

XCVIII. Jusqu'à la promulgation des dits Codes, la Procédure Civile et Criminelle sera basée sur les Lois de nos plus célèbres Empereurs Chrétiens, et sur celles qui auront été portées provisoirement par les deux Corps, Législatif et Exécutif. Pour ce qui concerne les Affaires Commerciales, le Code de Commerce de la France sera seul en vigueur dans l'Hellénie.

XCIX. La torture est abolie pour toujours, ainsi que la peine de la confiscation des biens.

C. Dès que l'Institution du Pouvoir Judiciaire sera complétée, nul Habitant de l'Hellénie ne pourra être emprisonné, qu'en vertu d'un Ordre du Tribunal compétent; à moins qu'il n'ait été saisi, en flagrant délit.

ADDITIONS.

CI. Les Sénats (Conseils des Anciens), l'Aréopage, et tout autre Tribunal Central ou Spécial de l'Hellénie, constitués antérieurement à la présente Assemblée Nationale, sont entièrement soumis aux décisions supérieures du Gouvernement.

CII. Le Siège Provisoire du Gouvernement est fixé à Corinthe; s'il devenait nécessaire de le transférer ailleurs, cette mesure sera délibérée en commun par les deux Pouvoirs, Exécutif et Législatif.

CIII. Le Sceau du Gouvernement portera l'empreinte qui caractérise le Gouvernement même :---Minerve, avec le symbole de la prudence.

CIV. Les couleurs de la Cocarde Nationale, et celle des Drapeaux et Pavillons de terre et de mer sont azur et blanc.

CV. Le Pouvoir Exécutif fixera la forme des Etendards et de la Cocarde Nationale.

CVI. Les Marques d'honneur ou décorations destinées à servir de récompense seront reglées par une Loi expresse.

CVII. Le Gouvernement est tenu de pourvoir à la subsistance des Veuves et Orphelins des Hellènes, morts pour la défense de la Patrie.

CVIII. Le Gouvernement est dans l'obligation de recompenser les Services Militaires, ainsi que les Services et les Vertus Civils.

CIX. La restauration de l'Hellénie étant achevée, le Gouvernement sera tenu de récompenser tous ceux qui auront contribué à la régénération de la Patrie, par des sacrifices pécuniaires, et accorder des gratifications à ceux, que des efforts généreux pour ce noble objet auront plongés dans l'infortune.

CX. La présente Constitution ou Loi organique sera imprimée et promulguée dans toute l'Hellénie. L'Original en sera conservé dans les Archives du Corps Législatif.

A Epidaure, le 1 Janvier, 1822. An I de l'Indépendance.

A. MAVROCORDATO,

Président de l'Assemblée Nationale.

[Suivent les Signatures de tous les Membres présens.]

PROCLAMATION d'Indépendance de l'Assemblée Nationale Hellénique.—Epidaure, le 27 Janvier, 1822. (Traduction.)

DESCENDANS des Peuples sages et généreux de l'Hellénie; Contemporains des Nations éclairées et civilisées de l'Europe; Spectateurs du bien être dont elles jouissent à l'ombre de l'égide impénétrable des Loix; il nous était devenu impossible de souffrir plus longtemps

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sans lâcheté et sans bassesse, le joug cruel que la Puissance Ottomane faisait peser sur nos têtes depuis plus de quatre siècles; Puissance, qui, sans écouter la raison, ne counait d'âutre Loi que sa volonté, règle et dispose toute chose despotiquement et selon son caprice. Après un si long esclavage, nous nous sommes décidés à prendre les armes pour nous venger, nous et notre Patrie, d'une affreuse tyrannie, inique dans son principe; tyrannie sans exemple, et à laquelle on ne pourrait comparer celle d'aucune autre domination.

La Guerre que nous soutenons contre les Turcs n'est point une Guerre de faction ni de sédition; elle n'a point pour but l'avantage d'une seule portion du Peuple Hellène; c'est une Guerre Nationale, une Guerre sacrée, une Guerre qui n'a pour objet que de reconquérir les droits de la Liberté individuelle, nos propriétés et notre honneur ; droits dont jouissent aujourd'hui les Peuples civilisés de l'Europe, nos voisins; droits dont la tyrannie cruelle et inouïe des Ottomans voulait nous priver, nous seuls, et dont elle s'efforçait d'étouffer le souvenir dans nos cœurs. Serions-nous donc des êtres moins raisonnables que les autres Peuples, pour rester privés de ces droits? serions-nous d'une nature si vile et si abjecte pour qu'on pût nous regarder comme indigues d'en jouir, et nous condamner à rester écrasés sous un éternel esclavage, et soumis, comme des bêtes de somme ou des automates, aux caprices déraisonnables d'un cruel tyran, venu comme un brigand abhorré de Contrées lointaines pour nous envahir? Ces droits la nature les a profondement gravés dans le cœur de tous les hommes; les Loix d'accord avec la nature les ont si bien consacrées, que non-seulement trois et quatre siècles, mais encore des milliers et des millions de siècles ne pourraient les anéantir; la force et la violence ont pu les comprimer et les paralyser pour un tems: la force peut encore les relever et les faire renaître dans toute leur vigueur, tels qu'ils étaient autrefois, et pendant des siècles; ces droits enfin que nous n'avons cessé de défendre les armes à la main, dans l'Hellénie. autant que le moment et les circonstances le permettaient.

Appuyés sur la base de nos droits naturels, et désirant nous assimiler au reste des Chrétiens d'Europe, nos frères, nous avons commencé la Guerre contre les Turcs, ou plutôt, réunissant toutes nos Forces isolées, nous nous sommes formés en un seul Corps d'Armée; fermement résolus de parvenir à notre but, et de nous gouverner par des Loix sages, ou d'être entièrement anéantis, jugeant indigne de nous, descendans des Peuples glorieux de l'Hellénie, de vivre désormais dans un semblable esclavage, plutôt fait pour des animaux sans raison que pour des êtres pensants. Dix mois se sont écoulés depuis que nous avons commencé cette Guerre Nationale, le Dieu Tout-puissant nous a secourus; et bien que nous ne fussions pas suffisamment préparés à une aussi grande entreprise, nos armes ont été partout victorieuses, malgré les puissans obstacles que nous avons trouvés, et

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que nous trouvons encore partout. Nous avons eu contre nous des circonstances hérissées de difficultés, et actuellement nous nous efforcons encore de les applanir; il ne doit donc point paraître étonnant que dès le principe nous n'ayons pas encore pû parvenir à proclamer notre Indépendance, à prendre rang parmi les Peuples civilisés de la terre, et à marcher de front avec eux. Avant d'avoir établi notre Indépendance, il nous était impossible de nous occuper de notre existence politique. Que ces motifs justifient aux yeux des Nations le retard que nous y avons apporté, et nous consolent de l'anarchie où nous nous trouvions.

Maintenant que les circonstances difficiles commencent à s'anplanir, nous avons résolu, au plutôt nous avons été dans la nécessité d'organiser la Constitution Politique de l'Hellénie, et principalement pour le Continent Oriental et Occidental de l'Hellénie, pour le Péloponnèse, les Iles, &c. &c. Comme il s'agit de régler les bases particulières d'après lesquelles chacune des Provinces et des Iles ci-désignées, doit être gouvernée, il était nécessaire de constituer un autre Gouvernement Provisoire Général, pour toutes les affaires intérieures et extérieures de l'Hellénie. Afin d'établir cette règle et cette organisation, chacune de ces Provinces et de ces Iles, a envoyé des Représentans, munis de Pleins-pouvoirs, et ceux-ci, réunis en Assemblée Nationale, après avoir examiné les Affaires Publiques, et y avoir mûrement réfléchi, ont arrêté une Constitution provisoire, d'après laquelle l'Hellénie entière doit dorénavant être administrée. Cette Constitution étant basée sur la justice et sur de bonnes Loix, et de plus, étant formée par le consentement général des Hellènes, tous les Peuples habitans de l'Hellénie, doivent la reconnaitre comme Constitution unique, légitime et Nationale, et se conduire en conséquence.

Le Gouvernement est composé de deux Corps, le Pouvoir Exécutif, et le Corps Législatif, par lesquels sera formé le Pouvoir Judiciaire qui sera néanmoins indépendant de l'un et de l'autre.

Voilà ce qu'annonce l'Assemblée Nationale à l'Hellénie toute entière; il ne lui reste plus qu'à déclarer qu'elle a rempli sa tâche, et qu'aujourd'hui elle se dissout, mais la tâche et le devoir du Peuple Hellène sont désormais de se montrer soumis aux Loix, et à ceux qui sont chargés de le faire exécuter. Hellènes! Vous venez de déclarer que vous ne vouliez plus d'esclavage, et chaque jour les Tyrans disparaissent du milieu de vous. Maintenant la concorde et une entière soumission au Gouvernement peuvent seules affermir votre Indépendance. Que le bras du Très-haut élève les petits et les grands de l'Hellénie entière, dans l'immensité de Sa Sagesse, afin qu'ils se pénètrent de la reconnaissance qu'ils Lui doivent; que les Chefs guidés par la Providence, et les Peuples conduits par leur piété, consolident

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l'inappréciable bonheur de notre commune Patrie. Ainsi-soit-il, Ainsisoit-il.

A Epidaure, le 15 Janvier, 1822, l'an I de l'Indépendance.

A. MAVROCORDATO, Président de l'Assemblée Nationale. [Suivent les Signatures de tous les Membres présens.]

CONVENTION relative à l'Occupation Militaire du Royaume des Deux Siciles, conclue avec participation de Sa Majesté l'Empereur de Russie, Roi de Pologne, et de Sa Majesté le Roi de Prusse, entre Sa Majesté l'Empereur d'Autriche et Sa Majesté le Roi du Royaume des Deux Siciles.—Signée à Naples, le 18 Octobre, 1821.

Au Nom de la Très Sainte et Indivisible Trinité !

L'ENTRETIEN de l'Armeé Autrichienne, qui, au nom et sous la solidarité des trois Cours d'Autriche, de Russie et de Prusse, a été mise à la disposition de Leur Allié, Sa Majesté le Roi du Royaume des Deux Siciles, étant, en conformité des Résolutions arrêtées à Laybach, le 2 Février, 1821, à la charge du Royaume des Deux Siciles, à dater de l'époque du passage du Po, et pendant la durée de l'Occupation, fixée à 3 années, et tout ce qui se rapporte à cette garantie temporaire devant être déterminé d'après les principes et les formes, observées lors de l'Occupation Militaire qui a eu lieu à l'égard de la France, dans l'intervalle de l'année, 1815 à l'année 1819, et être fixé, de la participation des Cours de Russie et de Prusse, dans une Convention entre Sa Majesté Impériale et Royale Apostolique, et Sa Majesté Sicilienne ; Leurs dites Majestés, voulant régler en conséquence cet objet, ont nommé des Plénipotentiaires pour discuter, arrêter, et signer, les Clauses d'une Convention ; savoir, d'une part ;

Sa Majesté l'Empereur d'Autriche, le Très-Illustre et Très-Excellent Seigneur, Adam Comte de Ficquelmont, Son Chambellan Actuel, Commandeur de l'Ordre Impérial de Léopold, Chevalier de la Couronne de Fer de la Seconde Classe, etc. etc. Son Général-Major et Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sadite Majesté Sicilienne;

Sa Majesté Impériale de toutes les Russies, le Très-Illustre et Très Excellent Seigneur, Pierre d'Oubril, Son Conseiller d'Etat actuel, et Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sadite Majesté Sicilienne, Chevalier des Ordres de Ste. Anne de Russie de la Première Classe, et de St. Wladimir de la Troisième, Grand' Croix de l'Ordre de St. Stanislas de Pologne de la Première Classe, et Chevalier de celui de St. Jean de Jérusalem;

Et Sa Majesté le Roi de Prusse, le Très-Illustre et Très-Excel-

lent Seigneur, le Comte de Waldbourg-Truchsess, Son Major-Général et Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Sardaigne ;

Et d'autre part; Sa Majesté le Roi du Royaume des Deux Siciles, le 'Très-Illustre et Très-Excellent Seigneur, Thomas de Somma, Marquis de Circello, Chevalier de l'Ordre Royal de St. Janvier, et Grand' Croix de celui de St. Ferdinand et du Mérite, Chevalier de l'Ordre de la Toison d'Or, et Grand'Croix des Ordres de Charles III. d'Espagne et de St. Etienne de Hongrie, Son Gentilhomme de la Chambre, Lieutenant-Général de Ses Armées et Son Conseiller d'Etat, chargé du Portefeuille du Ministère des Affaires Etrangères, etc.;

Lesquels, après s'être communiqués leurs Pleins Pouvoirs, trouvés en bonne et du forme, sont convenus des Articles suivans:

ART. I. La situation politique du Royaume des Deux Siciles ne permettant pas encore de réduire l'état de l'Armée d'Occupation au point, où il pourra l'être quand le Gouvernement sera réorganisé dans toutes ses parties, et quand l'Etat Militaire de Sa Majesté Sicilienne aura été mis sur pied, tel qu'il a été déterminé par le Décret Royal du 1 Juillet, 1821, la diminution ne pourra être que successive, et aura lieu dans les termes suivans.

II. Comme il est à présumer, que pour la fin du mois de Novembre, le Gouvernement se trouvera constitué selon l'Acte organique, publié par Décret de Sa Majcsté Sicilienne le 26 Mai, 1821, l'Armée d'Occupation sera réduite à cette époque du 30 Novembre, pour les Provinces en deça du Phare, à 42,000 hommes ; dont 35,000 d'Infanterie, et 7,000 Chevaux.

III. Sa Majesté Sicilienne s'étant engagée par la Convention du 22 Mai, 1821, relative à l'Occupation de la Sicile, à faire relever les Troupes Autrichiennes qui s'y trouvent, par les troupes Napolitaines, aussitôt que leur nouvelle formation aura fait assez de progrès pour le permettre, ce Corps de troupes Autrichiennes quittera alors la Sicile, pour rentrer dans les Etats de Sa Majesté Impériale et Royale Apostolique.

IV. L'évacuation de la Sicile s'opérera successivement à mesure que Sa Majesté Sicilienne y enverra des Troupes nouvellement formées, et l'évacuation totale aura lieu, lorsque le nombre des Troupes Napolitaines, destinées à remplacer celles de l'Autriche, sera monté à 5,000 ou 6,000 hommes.

Trois mois après le départ de la Sicile des dernières Troupes de Sa Majesté Impériale et Royale Apostolique, le Corps Autrichien de 42,000 hommes, stationné dans le Royaume de Naples, sera réduit à 30,000 hommes; la réduction des différentes armes se faisant dans la proportion de leur nombre.

V. Quand l'Armée Napolitaine aura été mise sur pied d'après le

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Décret Royal du 1 Juillet, 1821, en y comprenant les 3 Régimens Etrangers qui doivent en faire partie, le Corps d'Occupation sera réduit à 25,000 hommes, et cette diminution formera le minimum du Corps d'Occupation pendant les 3 années que l'Occupation doit durer.

VI. Le Gouvernement Napolitain payera par mois à la Caisse Militaire de l'Armée, le 1^{er} de chaque mois, la somme désignée ci-après pour la solde et l'entretien de l'Armée.

Pour 42,000 hommes par mois, la somme de 576,000 florins d'Allemagne, en argent sonnant, le florin calculé à 60 grani.

Il fournira par jour 42,000 rations de bouche, et 11,500 rations de fourrage, comme maximum des rations exigibles; le nombre des rations journalières se déterminant d'ailleurs d'après l'état effectif.

VII. Jusqu'au moment où le Corps d'Occupation sera réduit au nombre de 42,000 hommes, le Gouvernement Napolitain payera, de la même manière et dans la même proportion, l'excédant de ce nombre, tant en argent qu'en fourniture de vivres.

VIII. De même, à mesure que ce nombre sera successivement réduit, les sommes que le Gouvernement Napolitain versera à la Caisse de Guerre, et les autres fournitures seront diminuées dans la même proportion de la réduction.

IX. Les rations de bouche, et les rations de fourrage se composent des objets indiqués au Tarif, arrêté et signé ce même jour.

On se conformera en tout aux clauses, déterminées par ce Tarif, pour régulariser le service.

X. Les fraix de casernement, logemens militaires, hôpitaux et tous les autres objets et compétences, réglés et déterminés par le Tarif, sont à la charge du Gouvernement Napolitain.

XI. L'entretien de l'Armée d'Occupation devant être à la charge du Royaume des Deux Siciles à dater de l'époque du passage du Pô, le remboursement des avances, qu'a faites la Cour d'Autriche depuis le I de Février, se fera par le Gouvernement Napolitain dans l'espace de 6 mois, à dater du mois d'Août.

Le 'montant de ces avances sera constaté par la liquidation qui en sera faite entre les Administrations Autrichienne et Napolitaine, mais afin que Sa Majesté Impériale et Royale Apostolique ne soit pas dans le cas d'en attendre trop longtems le remboursement, Sa Majesté Sicilienne fera payer au Trésor Impérial à Vienne des avances dans les termes suivans:

500,000 florins pour la quote du 31 Août;

700,000 florins dans chacun des mois de Septembre, d'Octobre, et de Novembre; et

1,400,000 florins dans le mois de Janvier;

Ce qui forme la somme de 4,000,000 de florins de Convention, qui

sera ajoutée aux sommes qu'a déjà payées le Trésor Napolitain, pour l'entretien de l'Armée Autrichienne, et dont l'ensemble formera l'objet de la liquidation à faire, pour l'espace de tems depuis le l Février jusqu'au jour, où la présente Convention sera mise en vigueur.

XII. Tous les fraix occasionnés par les mouvemens d'évacuation, soit par mer, jusqu'à Trieste, Venise, ou Livourne, soit par terre de ce dernier point, ou des Frontières de Naples, jusqu'au Pô, seront à la charge du Gouvernement Napolitain.

Les transports et marches s'effectueront d'après des arrangemens concertés entre les deux Gouvernemens, et si celui d'Autriche étoit dans le cas de faire des avances pour cet objet, elles lui seront remboursées 30 jours après qu'il en aura fourni les tableaux au Ministère de Sa Majesté Sicilienne.

Le Gouvernement Napolitain remboursera de même, et dans les mêmes termes, les avances que le Gouvernement Autrichien sera dans le cas de faire, pour la marche depuis le Pô des détachemens de complettement qui rejoindront l'Armée d'Occupation pour la tenir au complet stipulé.

XIII. Après le mouvement total d'évacuation, les malades, qui n'auroient pû être transportés, seront reçus dans les Hôpitaux Militaires Napolitains, traités, et transportés, après leur guerison, dans les Etats Autrichiens aux fraix du Gouvernement Napolitain.

XIV. Les Stipulations de la présente Convention seront mises en vigueur, quant à l'entretien de l'Armée d'Occupation, à dater du premier Décembre de cette Année.

XV. La présente Convention sera ratifiée par Leurs Majestés Impériales d'Autriche et de Russie, et par Leurs Majestés le Roi de Prusse et le Roi du Royaume des Deux Siciles. Les Ratifications en seront échangées à Naples, dans l'espace de 2 mois, à dater du jour de la signature, ou plutôt si faire se pourra.

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

Fait à Naples, le 18 Octobre, 1821.

(L.S.) LE COMTE DE FICQUELMONT.

(L.S.) PIERRE D'OUBRIL.

(L.S.) LE COMTE DE WALDBOURG TRUCHSESS.

(L.S.) LE MARQUIS DE CIRCELLO.

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[Les Ratifications ont été échangées à Naples, le 8 Janvier, 1822.]

AUSTRIA AND PARMA.

CONVENTION between Austria and Parma, respecting the Garrison of the Fortress of Placentia.—Signed at Placentia, 14th March, 1822.

Le Traité conclu à Paris le 10 Juin, 1817, entre les Cours d'Autriche, d'Espagne, de France, de la Grande Brétagne, de Prusse, et de Russie, et nommément l'Article V. du dit Traité assurant à Sa Majesté Impériale et Royale Apostolique, ainsi qu'à ses Héritiers et Successeurs, le droit de Garnison dans la Ville de Plaisance, Sa Majesté Madame l'Archiduchesse, Duchesse Régnante de Parme, Plaisance et Guastalle, et Sa Majesté l'Empereur et Roi, également animés du désir de stipuler un juste dédommagement des charges provenantes du sejour d'une Garnison Impériale et Royale à Plaisance, et de l'entretien de cette Place Forte en état de défence, tant pour le Gouvernement Ducal, que pour ses Sujets, et voulant, d'un commun accord, fixer plus particulièrement les Droits de Sa Majesté Impériale et Royale Apostolique dans la dite Place, ont fait choix de Plénipotentiaires pour discuter, arrêter et signer une Convention, qui pût remplir l'objet de leur commune sollicitude.

En conséquence de quoi les dites Majestés ont nommé, savoir, d'une part;

Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohême, I.e Sieur Ferdinand Comte Bubna de Lititz, Chambellan et Conseiller Intime Actuel, Grand Croix de l'Ordre de Léopold, Chevalier de celui de Marie Thérèse, Chevalier des Ordres de St. Alexandre Newsky et de Ste. Anne de la Première Classe, Chevalier de l'Ordre de l'Annonciade, et Grand Croix de celui des SS. Maurice et Lazare, Chevalier de l'Ordre de l'Aigle Rouge de la Première Classe, et Grand Croix de l'Ordre Constantinien de St. Georges de Parme, Lieutenant-Général, Colonel Propriétaire du 4^e Régiment de Dragons, Commandant-Général en Lombardie, et Général-en-Chef de l'Armée en Haute Italie : de l'autre;

Sa Majesté Madame l'Archiduchesse, Duchesse Régnante de Parme, Plaisance et Guastalle, le Sieur Adam Comte de Neipperg, Grand Croix de l'Ordre Constantinien de St. Georges de Parme, Commandeur de l'Ordre Militaire de Marie Thérèse, Grand Croix des Ordres de l'Epée de Suède, de Ste. Anne de Russie, des SS. Mauriee et Lazare de Sardaigne, de St. Ferdinand et du Mérite des Deux Siciles, Chevalier de l'Ordre de St. Georges de Russie de la 4^e Classe, Chambellan, Conseiller Intime Actuel, Propriétaire d'un Régiment de Houssards, et Lieutenant-Général au Service de Sa Majesté Impériale et Royale Apostolique, Chevalier d'Honneur de Sa Majesté Madame l'Archiduchesse, Duchesse de Parme, etc. Commandant-en-Chef de ses Troupes, Président du Département Militaire, et chargé de celui des Relations Extérieures : et le Sieur Gaëtan Comte Nasalli, Conseiller

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d'Etat de sa dite Majesté, et son Délégué du District de Plaisance, Chevalier de l'Ordre Constantinien de St. Georges de Parme.

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

ART. I. Il dépendra de Sa Majesté l'Empereur de fixer le nombre des Troupes, qu'Elle jugera convenable pour servir de garnison à la Ville de Plaisance, et conséquemment d'en augmenter, ou d'en diminuer la force, selon que les circonstances pourraient l'exiger. Elle nommera un Commandant de Place, ainsi que des Officiers adjointes qui cependant n'influeront en rien l'Administration Civile de Plaisance.

II. Dans le cas que des circonstances rendissent nécessaire de déclarer la Ville de Plaisance en état de siége, l'action des Autorités Ducales viendraient momentanément à cesser. Il est néanmoins réservé au Gouvernement des Duchés, de nommer dans ce cas, un Commissaire, qui, sous la dépendance du Commandant de Place Autrichien, serait chargé de l'Administration Civile durant le temps que la Ville resterait en état de siége.

III. Le Gouvernement de Parme est autorisé à tenir à Plaisance conjointement à la Garnison Autrichienne, un certain nombre de ses propres Troupes, qui n'excédera pas celui, dont il sera convenu de temps en temps avec le Général-en-Chef des Troupes Impériales et Royales en Lombardie.

Le Gouvernement des Duchés est également en droit de nommer des Officiers de Place, qui, ainsi que les Troupes Ducales, seront dépendans, quant à ce qui concerne le service de garnison, du Commandant de Place Impérial et Royal.

IV. La Solde des Troupes Autrichiennes en garnison à Plaisance, ainsi que leurs besoins en pain, fourrages, éclairage et chauffage, etc. seront entièrement et uniquement à la charge du Trésor Impérial et Royal. Quant à ce qui concerne les fournitures à faire aux Troupes Impériales, qui traverseraient les Etats Ducaux, il est convenu de s'en rapporter à la Convention déjà existante à cet effet.

V. Le Gouvernement de Parme s'engage à remettre au Gouvernement Autrichien à perpétuité, et sans indemnité, tous les Bâtimens destinés au logement de la Garnison Impériale, ainsi que ceux qui servent de dépôts de vivres, d'artillerie, et d'autre provisions quelconques, avec leurs ameublemens et tous les ustensiles, tels qu'ils se trouvent aujourd'hui. En conséquence de quoi, leur entretien futur sera entièrement à la charge du Trésor Impérial et Royal. Si dans des circonstances extraordinaires, les Bâtimens Militaires, indiqués dans le Tableau A. joint à la présente Convention, ne suffisaient pas à loger la Garnison Impérial, la Ville serait tenue à pourvoir au logement du restant de la Troupe, ayant pour cela le droit de perception du dénier de nuit, selon les réglemens existans dans les Etats Autrichiens.

VI. Les Officiers qui ne seront pas logés dans les casernes, auront droit à des logemens meublés dans les maisons particulières, selon les réglemens de compétence introduits dans le Royaume Lombard Vénitien, que présente le Tableau ci-joint B. La Commune de Plaisance recevra à la fin de chaque mois, comme indemnité, de la part du Gouvernement Autrichien, le remboursement des loyers, d'après le Tarif C. en vigueur dans les Villes de Province de la Lombardie, bien entendu, que selon la hausse ou la baisse des dits loyers en Lombardie, les retributions à la Ville de Plaisance seraient augmentées ou diminuées dans la même proportion.

VII. L'importance généralement reconuue de la Ville de Plaisance pour le système de défense de toute l'Italie, ayant engagé Sa Majesté Impériale et Royale Apostolique à ordonner le rétablissement et l'armement de cette Place entièrement aux frais du Trésor Impérial, Sa Majesté Madame l'Archiduchesse, désirant de son côté contribuer au commun avantage de tous les Etats d'Italie, consent :

(a.) A ce que tous les ouvrages de Fortification de Plaisance, avec les terrains y appartenans, soient mis irrévocablement à la libre disposition de la direction du génie Autrichien, sans qu'il soit permis à Personne de bâtir sur l'Esplanade des édifices quelconques, qui gêneraient les moyens de défense de cette Place.

(b.) Que dans le cas, que l'on eût besoin de terrains, outre ceux indiqués ci-dessus pour la construction de nouveaux ouvrages de Fortification, la cession en serait faite à la direction Impériale et Royale du génie ; à charge au Gouvernement Autrichien, d'en payer aux Propriétaires la valeur fixée par une Commission Mixte, nommée particulièrement à cet effet.

(c.) Enfin, que l'on prête toute aide et assistance aux Officiers du génie Autrichien chargés des travaux de Fortification, en leur adjoignant les Ouvriers, et fournissant les matériaux nécessaires aux prix usités dans le Pays.

VIII. Quant aux Terrains employés à l'extension des Ouvrages de la Place dans le courant de l'Année 1820, et nommément ceux dont on se servit pour construire les retranchemens derrière le *Rifiutino*, et le ruisseau *de la Fodesta*, situés sur le Territoire et appartenans à des Sujets Parmésans, il est également convenu de les faire estimer par une Commission Mixte d'une manière impartiale, après quoi le Trésor Impérial en remboursera la valeur aux Propriétaires.

IX. Ce qui concerne les Terrains faisans partie des Ouvrages de la Forteresse, et les Bâtimens cédés au Gouvernement Autrichien d'après l'Article V. de la présente Convention, il est stipulé, que le Gouvernement des Duchés ne percevra sur ces objets aucun impôt foncier ou autre.

Il renonce de même à perpétuité à toute rétribution de Port, impôt de douanes et d'accises, etc. pour tous les transports de vivres, d'équipement, de munition, d'ameublements de caserne et d'autres objets et matériaux nécessaires pour le rétablissement des Ouvrages existans et la construction de nouveaux. Il consent en fin à ce que tous le Corps de Troupes, et tout Militaire Autrichien voyageant isolément, passent le Pont du Pô, sans payer le droit de passage ni pour eux, ni pour leurs chevaux, voitures et bagages, le Gouvernement de Sa Majesté l'Empereur s'engageant de son côté à employer toutes les mesures propres à empêcher la défraudation du Trésor Ducal.

X. Les Stipulations de la présente Convention seront mises en vigueur le ler du mois qui suivra celui pendant lequel on en aura échangé les Ratifications.

XI. La présente Convention sera ratifiée dans l'espace de 2 mois, à dater du jour de la signature, ou plutôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention, et y ont apposé le Cachet de leurs Armes.

Fait à Plaisance, le 14 Mars, 1822.

(L.S.) LE COMTE BUBNA, (L.S.) LE COMTE DE NEIPPERG, Lieutenant-Général. Lieutenant-Général.

(L.S.) LE COMTE NASALLI, Délégué.

(A.) Tableau de toutes les Casernes et autres Bâtimens Militaires à remettre à la libre disposition du Gouvernement Autrichien, en conformité de l'Article V. de la présente Convention.

Les Casernes et autre	s Bâtimens dans la Cittadelle.
Caserne	San Sisto.
	Farnese.
_	Benedettine.
-	Carmine.
	San Bartolommeo.
-	San Bernardo.
-	Santa Franca.
Ecurie	Vasara.
<u> </u>	Darmstadt.
	San Lorenzo.
	San Sepolcro.
Boulangerie	San Giovanni.
Magasin	Farnese. Benedettine. Carmine. San Bartolommeo. San Bernardo. Santa Franca. Marmstadt. San Lorenzo. San Sepolcro. San Sepolcro. San Giovanni. Marmstadtalena. Santa Maddalena. Sant' Agostino.
<u> </u>	Santa Maddalena.
	Sant' Agostino.
Dépôt d'Artillerie	Rampari di Fodesta.
Plaisance ce 14 Mars, 1	
(L.S.) LE COMTE BUBNA	, (L.S.) LE COMTE DE NEIPPERG,
Lieutenant-Général.	
	(L.S.) LE COMTE NASALLI, Délégué.

(B.)—Tableau de Compétence des Logemens et Meubles pour Messieurs les Généraux et Officiers Autrichiens en Garnison à Plaisance.

AUSTRIA AND PARMA.

(L. 8.) LE COMTE DE NEIPPERG, Lieutenant-Général. (L. 8.) LE COMTE NABALLI, Délégué.

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AUSTRIA AND PARMA.

1 (1 (3 m)) m)			1	PAR MOIS.											
		94	11		Indemnité			té	TOTAL.						
n in the second			Loyer.			pour les Meubles.			Monnaie d'Italie.			Monnaie de Convention.			
t Bourd to			Livres.	Ce	ent.	Livres.	Ce	ent.	Livres.	Ce	ent.	Flor.	K	ar.	
Lieutenant-Général	-	-	150	-	-	50	-	- 1	200	2	-	76	55	13	
Général Major -	-	-	100	-	-	33	33	1	133	38	1	51	16	늡	
Colonel	-	-	50	-	-	16	66	12	66	66	1	25	38	1	
Lieutenant Colonel	-	-	45	-	-	15	-	-	60	-	-	23	4	1	
Major	-	-	40	-	-	18	33	13	53	33	13	20	30	10	
Capitaine, Capitaine -	Lieut	t	18	-	-	9	-	-	27	-	-	10	23	1	
Premier Lieutenant, Lieutenant, Ensei Aumônier -	gne,	et	12	-	-	6	-	-	18	-	-	6	55	12	
Auditeur, Chirurgien et Quartier-Maitre	Maj	or,	18	-	-	9	-	-	27	-	-	10	23	1	

(C.) TARIF du Loyer des Logemens pour Messieurs les Généraux et Officiers Autrichiens en Garnison à Plaisance.

Plaisance, ce 14 Mars, 1822.

(L.S.) LE COMTE BUBNA, Lieutenant-Général. (L.S.) LE COMTE DE NEIPPERG, Lieutenant-Général.

(L.S.) LE COMTE NASALLI, Délégué.

MESSAGE from the President of The United States to Congress, on the Subject of the Duties, discriminating between imported rolled and hammered Iron.—1st May, 1822.

To the House of Representatives of The United States :

I TRANSMIT, herewith, to Congress, Copies of Letters received at the Department of State from the Minister of Great Britain, on the subject of the Duties discriminating between imported rolled and hammered Iron.

I recommend them particularly, to the consideration of Congress, believing, that, although there may be ground for controversy with regard to the application of the Engagements of the Treaty to the Case, yet a liberal construction of those Engagements would be compatible at once with a conciliatory and a judicious policy.

JAMES MONROE.

Washington, 1st May, 1822.

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(1.)—Mr. Bagot to the Secretary Washingto

I HAVE the honour to call your attention of an Act of The United States' Congress, April last, entitled "An act to regulate the Tonnage," which appears to have originated in of the real nature of one of the principal Britain, and which has had an operation not the British Manufacturer, but contrary, as it sh and intent of the IId Article of the Commercia

By the IId Article of the Commercial Britain and The United States, it is stipul duties shall be imposed on the Importation to any Articles the growth, produce, or manufact Majesty's Territories in Europe, than are or s like Articles, being the growth, produce, or ma Foreign Countries." By the Act of The United referred, it is, among other things, enacted, in the tion, that upon Importation into The United s bolts, except Iron manufactured by rolling, sl cents per cwt., and that in bars and bolts, w rolling, and anchors, it shall pay a duty of 150

It was probably not known that the bar a tured in Great Britain is, in the last process, rol article, both in Sweden and in Russia, instead the same process, hammered; but when the into bar or bolt, whether by rolling or hammerin same progress of manufacture, and is, in every the same purposes of use and ulterior manufactu is, to all intents, "a like Article." But, by duties which have been imposed, it seems to hav rolled bar and bolt Iron is in a state of man of hammered Iron, and you will observe, tha strengthened by the circumstance of its being which are in a state of complete and finished worth £ 35 per ton in the British market; whilst only worth £ 11 per ton.

It may be assumed, that, whenever duties Foreign Article in a graduated scale proportioned state, it is intended that the duty should be reg alone, and not by the process by which it is b Iron, in a certain state of manufacture, is to be tain duty; the means of bringing it to that sti mering or rolling, is not to be had in consideration effect would be to force each Nation to use exact

SIR,

and, what certainly could never have been intended, to check and punish the application of ingenuity and improvement.

Considering, therefore, that the bar and bolt Iron manufactured in Great Britain, is, according to the true spirit and intent of the IId Article of the Treaty of Commerce, in every respect, " a like Article" with that manufactured in Sweden and Russia, it is hoped that such measures will be taken by the Government of The United States, as will allow of its admission to Importation at the same rate of duty. and will place the British manufacturer in that state of equality in respect to Foreign Nations, as may accord with the undoubted intention of the late Treaty of Commerce between the two Countries.

I have the honour to be, &c,

The Hon. James Monroe.

CHARLES BAGOT.

(2.)-Mr. Antrobus to the Secretary of State.

SIR.

Washington, 22d November, 1819.

I HAVE the honour to inform you, that I have been instructed by His Majesty's Government, again to bring under your notice the difference of duties levied in the Ports of this Country, on British and other Foreign Iron, in bars and bolts.

It is stipulated by the Commercial Convention between Great Britain and The United States, that Articles, the growth, produce, and manufacture of Great Britain, shall pay no higher duties, on Importation into The United States, than like Articles, the growth, produce, and manufacture of any other Foreign Countries.

Mr. Bagot, in a Letter of the 18th of November, 1816, addressed to Mr. Monroe, at that time Secretary for the Department of State, to which I beg leave to refer you, has clearly pointed out that Iron, manufactured in Great Britain by rolling, ought to be considered a like Article to Iron, manufactured by hammering, both in Sweden and Russia; and I feel confident it is only necessary to call your attention to this similarity in the state of the manufacture of British and other Foreign Iron, in bars and bolts, to decide the Government of The United States to adopt measures for the admission to Importation of this Article, on terms more consistent with the spirit of the Treaty of Commerce existing between the two Nations.

I have the honour to be, &c.

The Hon. John Q. Adams. G. CRAWFURD ANTROBUS.

(3.)-Mr. Antrobus to the Secretary of State.

Washington, 1st May, 1820.

SIR, In the month of November of the year 1816, Mr. Bagot had the honour of addressing to Mr. Monroe, at that time Secretary of State, a Note, calling his attention to a provision of an Act of Congress, passed on the 27th of April, of that year, entitled "An Act to re-

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gulate the duties on Imports and Tonnage," imposing, on the Importation into The United States of Iron, in bars and bolts, manufactured by rolling, a duty equal to that paid on anchors, whereas by it Iron in bars and bolts, manufactured by hammering, was subject to a lower duty.

On the 22d November last, I had the honour to address a Note to you on the same subject, requesting the adoption, by the American Government, of such measures as would give to the British Merchant the advantages secured to him by the IId Article of the Treaty of Commerce between Great Britain and The United States, namely, " that no higher duties shall be imposed on the Importation into The United States of any articles, the growth, produce, or manufacture of His Britannick Majesty's Territories in Europe, than are, or shall be, payable on the like articles, being the growth, produce, or manufacture of any other Foreign Countries."

As it is understood that the modification of the Tariff, thus sought for, can only be effected by an Act of the Legislature, and, as it is believed that the present Session of that Body is now drawing to a close, I take the liberty of again bringing this matter under your notice, and of expressing a hope that the present high rate of duty on the Importation of rolled Iron will no longer be allowed to exist, to the prejudice of the British Manufacturer, and, it should seem, contrary to the spirit of the Commercial Treaty. I have the honour to be, &c. The Hon. J. Q. Adams. G. CRAWFURD ANTROBUS.

(4.)—Mr. Stratford Canning to the Secretary of State. Washington, 31st March, 1821.

SIR,

It is in obedience to Instructions which I have lately received from His Majesty's Government, that I have the honour to recal your attention to a subject of considerable interest, on which Mr. Bagot and Mr. Antrobus have already had occasion, respectively, to open a Correspondence with your Office; I mean, the discrimination established by Congress in the duties on imported Iron, manufactured by rolling or hammering.

I abstain for the present from troubling you with any additional argument in support of the general principles asserted by Mr. Bagot; but as there is reason to suppose that some erroneous notions have prevailed with respect to the process of rolling Iron, as employed in the British manufactories, it is confidently hoped that an authentick statement of the real process will suffice, to remove any objections which the Government of The United States may still entertain to an equalization of the duties in question.

The pig Iron is first purified, or refined, in what is called a finery; during which stage of the process, it loses in weight about $2\frac{1}{2}$ cwt. per ton. The metal thus refined is taken to the *puddling furnace*, from which, after it has undergone the operation of *puddling*, it is conveyed in balls, each weighing about 60lbs. to the *slabbing rolls*, and there rolled into a *slab* or *rough bar*.

This bar is then divided into several pieces, which are placed in piles of 3 or 4 pieces together, and, after being again heated in a *reverberating furnace*, are rolled into what is called a *merchant bar*.

In these two stages there is a further waste of about 5 cwt. in the ton.

The metal, after being refined in the puddling furnace, is sometimes placed under a *helve*, or iron hammer of 3 or 4 tons weight, and shingled or hammered into what is termed a *half bloom*, which is subsequently cut into pieces and rolled into a merchant bar, in the same way as the piled slabs. The quality of the manufactured metal, and the cost of the operation, are very nearly the same in both cases.

To these facts, which are derived on authority to all appearance unquestionable, from the principal Iron manufactories in England, it may be added, that even the pig Iron employed there, is probably of a superior quality, owing to the great care with which the dross is drawn off from the ore.

Persuaded that the preceding statement will receive at your hands an attentive and liberal consideration, I beg, Sir, that you will accept the assurances with which I have the honour to be, &c.

The Hon. J. Q. Adams. STRATFORD CANNING.

(5.)—Mr. Stratford Canning to the Scoretary of State. Washington, 26th November, 1821.

SIR, ON the 31st of March I did myself the honour of writing to you, with reference to the discriminating duties laid by Congress on imported rolled and hammered Iron. It is under the special Instructions of my Government that I now return to a subject which has been repeatedly pressed upon your notice, in full persuasion that, sooner or later, the Legislature of The United States would recognize the propriety and justice of repealing the exceptionable Duty.

I do not feel myself at liberty to draw any inference unfavourable to this expectation, from the silence with which you received my former Letter. I abstained on that occasion from going at large into the merits of the question, conceiving that an exposition of certain facts, capable of being verified, would be sufficient, until the Meeting of Congress should furnish a fit occasion for examining the whole subject in a more complete and deliberate manner.

You will remember, Sir, that the facts which I then stated, and to which I again solicit your attention, were calculated chiefly to remove the erroneous impressions entertained by some Persons in this Country, with respect to the real nature of British rolled Iron, and the process

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of that manufacture. It had been asserted, that in rolling Iron according to the practice of Great Britain, the metal was only twice heated, and so rapidly converted into bars, as not to allow of its acquiring those qualities which are supposed to be imparted to it by the more laborious operation of hammering. It now appears, from the testimony of many respectable Individuals acquainted with this important branch of industry, that the Iron is heated no less than 3 times, that it is refined with such effect as to lose $7\frac{1}{2}$ cwt. per ton in passing from the state of *pig iron* to that of *merchant bars*, and further, that it is cut into pieces after the first rolling, and piled so as to cross the grain when again heated and rolled.

In the qualities of rolled, as in those of hammered Iron, there may be an occasional difference resulting from the nature of the ores employed in its composition. The British Iron-Masters use a great variety of ores, the different mixtures and combinations of which have, doubtless, a considerable effect in producing a better or an inferior article. But to suppose that any difference is made in the quality or manufacture of British Iron, when destined for the Foreign Market, other than when it is kept for Home consumption, is an error which cannot be met with too distinct and positive a denial.

This notion, groundless as it is, has, however, been brought forward, with others equally erroneous, to prevent an equalization of the duties on imported Iron. It has even been alleged that while rolled Iron is exported from Great Britain for the use of Foreign Countries, the British import large quantities of hammered Iron from the North of Europe for their own use; and that, in ship building, this latter article, owing to its superior quality, is indispensable.

In reply to these assertions, I appeal, with confidence, to the Accounts of British and Foreign bar Iron employed in Great Britain, at three successive periods within the last 16 years. In 1806, in 1814, and in 1820, the respective quantities of the former were 101,877, 137,365, and 136,642; and those of foreign bar Iron were 27,411, 11,635, and 6,242. To confirm the results suggested by this Statement, it may be added, that in Ireland, where a strong prejudice is known to have once prevailed in favour of Foreign Iron, the consumption, which, in 1807, was 5,690 of British, and 3,229 of Foreign, was, in the Year 1820, 474 of the latter, and no less than 13,073 of the former.

For the manufacture of Steel, and for that alone, the Baltic Iron has some advantage over British, and whatever quantity of it is imported into Great Britain, is either converted into Steel, in which way it is at present almost exclusively used, or re-exported to those Countries, where the nature and properties of British rolled Iron are as yet imperfectly understood.

Concerning the particular point of Ship Building, the Abstract which follows, of the respective quantities of British and Foreign Iron, employed at different times by His Majesty's Navy Board, must, of itself, carry conviction to every impartial mind.

Years. F	s. Foreign.	
1806	457	1343
1810	289	1668
1815	82	1743
1820	51	1824

The truth is, that, except for making Steel, any superior fitness for which is clearly an accident of nature, and not the effect of hammering, English bar Iron is at least equal to that of Sweden and Russia. It is used throughout Great Britain in the most important constructions, in her manufactories, dock yards, and military establishments. It is prepared exactly in the same manner for exportation as for domestic consumption. It is never finished by a single rolling, except at a very few works, where the metal has been previously formed by hammering. It rarely happens, indeed, that the Iron Master knows, at the time of manufacturing, for which market the Iron is destined; and when he is apprized of this circumstance, a sense of his own interest, the interest of the trade, would alone restrain him from sending an inferior manufacture to the Foreign Market.

It is, in short, the greatest of delusions to imagine that the consumers of Iron are interested in giving a preference to the process of hammering over that of rolling. The Baltic Manufacturers have, doubtless, their reasons for adhering to their former practice; but so far from their deriving any claim to superiority from that circumstance, it is well known to Persons familiar with the trade, that their Iron would be improved rather than deteriorated by the application of the rolling machine. This being the case, it would be absurd to defend the discriminating duty, on the ground of its preventing the manufacture of rolled Iron in the Northern Countries of Europe.

Even in the counter statements which have been made upon this subject, it is admitted, not only that the ores of England may be equal to those of other Countries, but also that the process of rolling only requires to be repeated in order to place it upon a level with that of hammering. Allow me, Sir, to remark, in reference to this admission, that in the present state of your legislative enactments, the British Iron imported into The United States might pass under the roller any number of times, without being relieved, on that account, from the pressure of which I complain.

The difference of value, or cost, at which the rolled and hammered Iron may be prepared for sale, can surely present no argument in favour of the discriminating duties. That difference, whatever it may be, is a natural result of labour-saving machinery; it is the just reward of ingenuity employed with success in the service of Mankind. Science and inventive genius are peculiar to no soil, all Nations have an in-

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terest in their progress, and to grudge them a fair remuneration, would be no less unworthy of the character, than foreign to the views, of an enlightened Legislature.

I have now, Sir, replied, and I trust, conclusively, to such parts of the explanatory statement which you communicated to Mr. Antrobus, in your Letter, dated the 31st of May, 1820, as were grounded, how justly I leave to your candour, on the principle of expediency. It remains for me to take a more comprehensive view of the case, as involving, in my belief, a breach of agreement, unintentional no doubt, but not, therefore, less prejudicial to His Majesty as a Contracting Party, nor calling the less for a seasonable amendment.

By the IId Article of the Convention of Commerce, subsisting between the two Countries, it is declared, that " no higher or other duties shall be imposed on the importation into The United States of any articles the growth, produce, or manufacture, of His Britannick Majesty's Territories in Europe, than are, or shall be, payable on the like articles, being the growth, produce, or manufacture, of any other Foreign Country." To secure certain stipulated advantages, reciprocally to both the Contracting Parties, is the general object of the Convention; to secure to the produce and manufactures of Great Britain, a fair unshackled competition in the Markets of The United States with all articles of a similar nature imported from other Foreign Countries, is the plain indisputable object of this particular clause. But how can these objects be considered as fully or adequately effected. while British bar Iron is made to pay, on its importation into The United States, double the amount of duty levied on the same article when imported from Sweden and Russia? I am aware of the distinction which has been drawn between rolled and hammered Iron, and of the assertion founded on that distinction, that so long as all importations of hammered, and all importations of rolled Iron, are subject, respectively, to the same rate of duty, Great Britain has no right to complain. But Great Britain being the sole exporter of rolled Iron. the discriminating duties do in fact operate to her prejudice, and, in point of principle, it will not be difficult to shew that the articles in question are truly and essentially like articles, such as cannot, with any colour of reason, be excluded from the benefit of the Treaty.

You will readily admit, Sir, that *like articles*, in the sense of the Convention, must necessarily be such as are similar to each other in their leading characteristic properties. On any other supposition, the clause in question is an idle form of words, and, contrary to the very end and purpose of the Treaty, a door would be opened to arbitrary interpretation in one of its principal provisions. Now, the process or mechanical operation by which an article is manufactured, can surely never be reckoned among its properties. Any difference of use, or quality, resulting from the mode of manufacture, may indeed constitute a fair ground of distinction; but there is every reason to believe that no such difference exists in the present instance. It has been shewn, on the contrary, that, for all the ulterior purposes to which bar Iron, as such, is applicable, the rolled is equally good with the hammered; that both the one and the other are sent to market in the same stage of manufacture, and that the only difference between them is one of a retrospective nature, not affecting the identity of their present state, but relating solely to the process by which they were brought to the same point.

To borrow an illustration from language—two words of similar meaning, in common acceptation, would surely not be deemed the less synonimous because they might be traced to different roots, or had passed through different modes of formation.

I further intreat you, Sir, to observe with what facility the same distinction may be extended to other articles of commerce. Even the chief staple of your Southern States might, upon the same principle, be discriminated in British Ports from the Cotton of Brazil or the Levant, for no other reason than because it had been prepared by Mr. Whitney's ingenious and useful machinery. Examples, bearing upon either Party, might easily be multiplied; I have taken this because it is the most obvious. In fact, the same natural productions are common to so many different Countries, while the means of improving them are varied according to the vast diversity of local resources, that even of those articles which barely rank as manufactures, few might not be brought within range of the same distinction which is now applied, unwarrantably, I think, to bar Iron. That a latitude of interpretation, thus tending to nullify one of the principal clauses of the Treaty, should have been contemplated by those who framed it, is utterly inconceivable. Yet this, Sir, is the conclusion to which we must come, if it be admitted that rolled and hammered bar Iron are not like articles; an admission which, taking the fair and natural meaning of that phrase, would surely be equivalent to saying that what is bar Iron when hammered, is not bar Iron when rolled.

It is with regret, Sir, that I have found it necessary to take up so much of your time on this subject; but I feel persuaded that you will appreciate its importance, and that it will receive from the American Government an early and equitable revisal, to the end of relieving, by Law, the importations of British rolled Iron from the present discriminating duty, and thereby fulfilling the obligations of the Commercial Treaty.

I embrace this opportunity, Sir, to repeat, &c. The Hon. J. Q. Adams. STRATFORD CANNING.

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CONVENTION entre La Sardaigne et L'Autriche, La Russie, et La Prusse; pour l'Occupation d'une Ligne Militaire dans les Etats de Sa Majesté Sarde.—Conclue à Novare, le 24 Juillet, 1821.

SA Majesté le Roi de Sardaigne ayant, à la suite des événemens qui ont momentanément troublé l'ordre dans ses Etats, témoigné à ses Augustes Alliés, que, toujours constant dans la volonté de contribuer au maintien de la tranquillité générale, et de donner à ses Hauts et Puissans Alliés tous les gages de sécurité qui peuvent l'assurer à l'Europe, Il désirait voir un Corps d'Armée Allié occuper une ligne militaire dans ses Etats; que, trouvant, dans le fond de sa conscience, la nécessité de cette Occupation, comme le seul moyen de tranquilliser les bons, de contenir les perturbateurs, et de rassurer l'Europe, Il y trouvait également le devoir de faire en sorte que cette Occupation eût lieu de la manière la moins onéreuse pour ses Peuples, sur qui n'ont cessé de péser les charges d'une réorganisation dispendieuse; qu'enfin, sa confiance dans ses Augustes Alliés étant entière et égale vis-à-vis de chacun d'eux, Il ne pouvait cependant se dispenser de leur faire remarquer qu'un Corps d'Armée Autrichien, en raison de la position limitrophe du Royaume Lombardo-Vénitien, pourrait, en moindre nombre et par conséquent à moindres frais, remplir l'objet en question pour une époque déterminée, laquelle serait fixée en même tems que tout ce qui serait réglé pour assurer l'Indépendance du Roi et de son Gouvernement;

Et Leurs Majestés Impériales et Royales l'Empereur d'Autriche, l'Empereur de Russie, et le Roi de Prusse, ayant à cœur de prouver à Sa Majesté le Roi de Sardaigne le vif et sincère intérêt qui les anime pour son Auguste Personne, le bien de Sa Monarchie, et celui de l'Europe, dont cette Monarchie forme une partie si intéressante, Leurs dites Majestés ont accueilli cette communication avec l'empressement de l'amitié, et ont fait choix, sans délai, de Plénipotentiaires pour discuter, arrêter, et signer, avec celui de Sa Majesté Sarde, les Stipulations d'une Convention qui pût remplir l'objet de leur commune sollicitude ;

En conséquence, Elles ont nommé d'une part, savoir ;

Sa Majesté le Roi de Sardaigne, le Sieur Victor Comte De la Tour, Chevalier de l'Ordre Suprême de l'Annonciade, Chevalier Grand'Croix des Ordres des Ss. Maurice et Lazare, de Léopold d'Autriche, de St. Alexandre Newski de Russie, et de St. Louis de France, Commandeur de l'Ordre de Savoye, Général de Cavalerie et Gouverneur de la Division de Novare: et de l'autre,

Sa Majesté Impériale et Royale Apostolique, le Sieur Ferdinand Comte Bubna de Littitz, Son Conseiller intime actuel et Cham-

bellan, Grand'Croix de l'Ordre de Léopold, Chevalier de celui de Marie Thérèse, Chevalier des Ordres de St. Alexandre Newski et de Ste. Anne de la Première Classe, Chevalier de l'Ordre de l'Annonciade, et Grand'Croix de celui des Ss. Maurice et Lazare, Chevalier de l'Ordre de l'Aigle Rouge de la Première Classe, et Grand'Croix de l'Ordre Constantinien de St. Georges de Parme, Lieutenant Général, Colonel Propriétaire du quatrième Régiment de Dragons, Commandant Général en Lombardie, et Général en Chef de l'Armée en Haute Italie; et

Le Sieur François Baron de Binder de Kriegelstein, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Sardaigne, Grand'Croix de l'Ordre des Ss. Maurice et Lazare, et de plusieurs autres :

Sa Majesté l'Empereur de toutes les Russies, Roi de Pologne, le Sieur Georges Comte de Mocenigo, Son Conseiller Privé, Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Sardaigne, Chevalier de l'Ordre de St. Alexandre Newski, Grand'Croix de ceux de St. Wladimir de la Seconde et de Ste. Anne de la Première Classe, Grand'Croix de l'Ordre de Léopold d'Autriche et Bailli de celui de St. Jean de Jerusalem :

Et Sa Majesté le Roi de Prusse, le Sieur Georges Fréderic Petitpierre, son Chargé d'Aflaires à la Cour de Sardaigne :

Lesquels, après avoir échangé leurs Pleins-pouvoirs, trouvés en bonne et dûe forme, sont convenus des Stipulations suivantes.

ART. I. La force du Corps d'Armée Autrichien destiné à occuper une Ligne Militaire dans les Etats de Sa Majesté le Roi de Sardaigne, au nom et sous la solidarité des Puissances Alliées, est de 12,000 hommes, savoir, 8 Bataillons d'Infanterie de Ligne, 1 Bataillon de Chasseurs, 2 Régimens de Hussards et 3 Batteries d'Artillerie.

Ce Corps, dépendant, pour son organisation intérieure et sa discipline, de l'Armée Autrichienne du Nord de l'Italie dont il fait partie, est, comme Corps Auxiliaire, à la disposition de Sa Majesté le Roi de Sardaigne.

Son renouvellement, en tout ou en partie, dans la proportion du nombre convenu, est reservé au Général en Chef Autrichien qui le commande. Il formera, autant que possible, 1 Corps entièrement séparé. Uniquement destiné, au reste, à maintenir, concurremment avec les Forces de Sa Majesté Sarde, le repos intérieur de la Monarchie, il n'aura aucune jurisdiction sur la partie du Pays qu'il occupe, et ne gênera en rien l'action des Autorités Civiles et Militaires établies par le Souverain, aux quelles, en cas de requisition de leur part, il prêtera main forte.

Dans le cas, où des circonstances imprévues obligeraient Sa Majesté Sarde à demander un renfort pour ce Corps, le Commandant Général en Lombardie est autorisé à le fournir, sans recourir aux

Ordres de son Gouvernment. Il est entendu que ce renfort ne pourrait séjourner dans les Etats de Sa Majesté qu'autant qu'Elle le jugerait nécessaire, et que pendant ce tems il serait entretenu sur le même pied que le Corps d'Occupation.

II. Le Corps Auxiliaire Autrichien occupera la Ligne Militaire suivante, savoir, Stradella, Voghera, Tortone, Alexandrie, Valence, Casal et Verceil.

Ses lignes de communication seront établies par Pavie et Buffalora.

Si, toute fois, Sa Majesté le Roi de Sardaigne, jugeait convenable de transporter sur des points de sa Monarchie situés hors de cette ligne, une partie du Corps Auxiliaire, le Commandant Général Autrichien ferait sur le champ les dispositions nécessaires pour remplir les intentions du Roi, et satisfaire par des mesures convenables à l'objet que les Ordres de Sa Majésté auraient en vue.

III. L'entretien de ce Corps, devant être fourni par le Gouvernement Sarde, il y sera pourvu de la manière suivante:

Le logement, le chauffage, l'éclairage, les vivres et les fourrages, doivent être fournis en nature. Il est convenu que le nombre total des rations ne pourra être porté au-delà de 13,000 pour hommes, et de 4,000, pour chevaux, et qu'elles seront délivrées suivant le Tarif annexé à la présente Convention.

Quant à la solde, l'équipement, l'habillement et autres objets accessoires, le Gouvernement Sarde subviendra à cette dépense, moyennant le payement d'une somme de 300,000 francs par mois, à dater du jour de la signature de la Convention, laquelle somme sera payée dans la première quinzaine de chaque mois.

IV. Sa Majesté Impériale et Royale Apostolique renonçant au remboursement des frais de mobilisation des Corps envoyés au secours de Sa Majesté le Roi de Sardaigne, des Commissaires Autrichiens et Sardes seront nommés incessamment pour procéder à la liquidation de l'arriéré des dépenses d'entretien de ces Corps, depuis leur entrée sur le Territoire Piémontais, jusqu'au jour de la signature de la présente Convention. Ils prendront pour base de leur travail les tableaux authentiques, conformes aux réglemens Autrichiens, qui leur seront soumis, et la force des Corps sera calculée sur leur état numérique effectif aux différentes époques. Ils conviendront également des termes de payement de l'arriéré, lequel, toutefois, devra être effectué en entier dans l'espace de 14 mois, à dater du jour de la signature de la présente Convention.

V. Toutes les Lettres concernant le service intérieur des Corps et la Correspondance avec les Autorités Sardes, et qui seront munies du Cachet Officiel, seront reçues aux Bureaux de Postes ordinaires et transmises sans payement.

Les Estaffettes et la Correspondance particulière des Militaires

seront payées d'apres le Tarif ordinaire. Les Courriers et Voyageurs militaires ou autres, payeront exactement les chevaux et autres retributions de poste.

VI. Pour prévenir tout abus qui pourrait s'introduire au détriment des réglemens de Douane, les objets d'habillement et d'équipement et autres articles nécessaires destinés au Corps Auxiliaire Autrichien, ne pourront être importés sans être munis d'un Certificat d'Origine, et sans être annoncés par les Commandans des différens Corps au Général en Chef Autrichien, qui en donnera avis au Gouvernement Sarde, lequel fera parvenir des ordres en conséquence aux Employés de l'Administration des Douanes.

Les objets destinés à l'habillement, etc. du Corps Auxiliaire jouiront d'une libre entrée moyennant l'exhibition de certificats valables. Les Militaires qui réjoindront leurs Corps ou quitteront le Piémont, seront exempts de tout payement aux Douanes pour les objets qui servent à leur usage personnel ou à celui des Troupes.

VII. Des Commissaires Autrichiens et Sardes résideront auprès des Autorités Supérieures Militaires réciproques, pour applanir les difficultés qui pourraient s'élever sur des objets de détail pendant la durée de l'Occupation.

VIII. Les Hautes Parties Contractantes désirant également que la durée de l'Occupation n'excède pas le terme nécessaire pour la réorganisation de la Monarchie Sarde, et la consolidation de son Gouvernement, il est provisoirement convenu que cette Occupation durera jusqu'au mois de Septembre 1822, époque où les Souverains Alliés réunis à Florence, prendront en considération, avec Sa Majesté Sarde, la situation du Royaume, pour prolonger ultérieurement d'une commun accord, ou faire cesser l'Occupation d'une Ligne Militaire par un Corps Auxiliaire.

IX. La présente Convention sera ratifiée dans l'espace de 3 mois, à dater du jour de la signature, ou plus tôt si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs ont signé la présente Convention, et y ont apposé le Cachet de leurs Armes.

Fait à Novare, le 24 Juillet, 1821.

(L.S.) DE LA TOUR.

(L.S.) COMTE BUBNA.
(L.S.) BINDER.
(L.S.) C. G. MOCENIGO.
(L.S.) PETIT PIERRE.

TARIF annexé à la Convention rélative au Corps d'Armée Autrichien stationné en Piémont.

PAIN, VIVRES, FOURRAGES, LOGEMENT, CHAUFFAGE, ECLAIRAGE.

Portion ordinaire du Soldat.— Pain ration composée de 31 onces ‡, moitié farine de seigle, moitié farine froment bleutées de son; la première au 6 p. 3, et la seconde au 2 p. 3.

Vivres, ration composée de $\frac{1}{2}$ pfunt de viande égal à 9 onces environ de Piémont; $\frac{1}{2}$ pfunt riz égal à 4 onces $\frac{1}{2}$, ou $\frac{1}{2}$ pfunt farine de froment, égal à 9 onces de Piémont environ, ou $\frac{1}{2}$ maad de légumes secs égal à 6 onces de Piémont environ.

En alternant les distributions comme il suit : un jour farine de froment, un jour riz, un jour haricots ou autre légumes secs, et ainsi successivement.

Demi maas de vin égal à un bocal de Piémont environ.

Un loth de sel égal à 26 d'once.

Fourrages, ration composée de $\frac{1}{3}$ metzen d'avoine égal à 2 coups $\frac{1}{4}$ mesure de Piémont; 3 pfunt paille pour litière correspondant à 4 livres $\frac{1}{2}$ de Piémont, (le fumier sera consigné à la Personne qui fonrnit la paille comme correspectif de la fourniture). 8 pfunt foin correspondant à 12 livres de Piémont; le tout en poids et mesure de Piémont.

Dans le cas où un Corps serait en marche, la ration pendant ce temps serait de 10 pfunt au lieu de 8.

La ration au poids de 10 pfunt sera également distribuée aux chevaux du train, et à tous ceux appartenant aux armes, qui, d'après les réglemens Autrichiens, jouissent de cette compétence.

Casernement.—Outre les locaux pour le casernement on fournira un lit complet chaque 2 hommes, avec la paille, bois et huile dans la proportion ci-après ;

Paille No. 20 pfunt correspondant à 30 livres chaque homme et pour 3 mois:

Bois, en été § de bûche chaque lit.*

En hiver 1 bûche 1 chaque lit.†

Huile 1 de livre en été, le double en hiver.

Hôpitaux.—On fournira les locaux et les lits nécessaires pour ce service, et il sera payé à chaque soldat recouvré à l'Hôpital une somme de 9 karantani par jour correspondant à 39 centimes outre la solde et rations journalières, pour faire face à son traitement. Moyennant la rétribution de 39 centimes il est convenu que toutes les autres fournitures d'Hôpital comme ustensiles, etc. sont à la charge de l'Administration Impériale.

La rétribution dont il est parlé plus haut, sera acquittée mensuellement sur l'exhibition des états légaux d'entrée et de sortie des hôpitaux, et sous l'observance de toute autre formalité, qui sera jugée convenable par les deux Gouvernemens.

Un nombre de lits correspondant à celui qui sera fourni aux hôpitaux devra être déduit de la fourniture journalière qui se fait dans les quartiers, ainsi que pour la paille, le bois, et le huile.

Logement des Officiers.—On leur fournira les chambres meublées décemment, avec le linge nécessaire pour le lit; toute autre fourniture sera à leur charge, conservant cependant la compétence du bois ac-

* Depuis le 1 Avril à tout Octobre.

† Depuis le 1 Novembre à tout Mars.

cordée à MM. les Officiers Subalternes par les Réglemens Autrichiens pour les 5 mois d'hiver.

Transports Militaires.—Cette fourniture aura lieu lorsqu'il s'agira de transporter des malades aux hôpitaux; elle sera aussi accordée, conformément aux réglemens Autrichiens, pour le transport des bagages des hommes, qui y ont droit, dans les cas prévus par les réglemens sus-mentionnés. Les Officiers et Individus jouissant des fourrages sur le pied de guerre pourront aussi jouir de ces transports dans les cas de maladie, ou de marches doublées forcées pour cause de service.

Toute autre transport d'argent, de munitions, d'habillement, d'effets, d'armement, et autres, devra se faire avec les chariots propres de l'Armée Autrichienne; le Gouvernement Sarde ne devant pas en fournir d'autre espèce, pas même moyennant payement.

Tabac.—Le tabac à fumer se trouvant parmi les besoins de première nécessité du Soldat, qui est hors d'état de se le procurer avec sa solde au prix commun, l'Administration Royale Sarde fera distribuer aux Troupes Impériales, stationnées en Piémont, par le moyen de ses magasins établis dans les Provinces, à l'appui des Fa bisogno des Commandants des Corps, ou détachemens, visés par les Commissaires des Guerres Autrichiens, et moyennant prompt payement, la quantité qui sera pour cela nécessaire et qui est calculée à un pfunt Viennois égal à 1 livre et $\frac{1}{2}$ de Piémont par homme et par mois, au même prix que cette denrée est fournie aux Troupes Impériales dans les Etats Autrichiens, c'est à dire de 12 karantani, correspondant à 52 centimes par un pfunt de Vienne égal à 1 livre et $\frac{1}{2}$ de Piémont.

Comptabilité.—Pour ce qui concerne le mode de liquidation des différentes fournitures, la délivrance des quittances, l'observance des Tarifs, et tout autre objet de comptabilité en général, il est convenu qu'on se réfère à ce qui est prescrit à cet égard par la Convention du 13 Avril dernier, et aux Articles Additionnels à cette même Convention, stipulés le 26 du même mois.

Fait à Novare, le 24 Juillet, 1821. (L.S.) DE LA TOUR.

(L.S.) COMTE BUBNA.
(L.S.) BINDER.
(L.S.) C. G. MOCENIGO.

(L.S.) PETIT PIERRE.

N. B. Les Ratifications de cette Convention ont été échangées entre l'Autriche et La Sardaigne, à Milan, le 16 Septembre, 1821.

SPEECH of the Grand Duke of Baden, on the Opening of the Assembly of the States.—Stutgardt, the 28th March, 1822. (Translation.)

My Noble Lords and dear Friends,

In opening to-day, for the second time, the Assembly of the States of my beloved and faithful People, I enjoy the tranquillizing conviction, that the measures on which I have decided subsequently to the last Assembly, will afford to you the most sure guarantee that the welfare of the Nation is invariably the sole object of my endeavours. It is with sorrow that I look on the general distress, which, in despite of its natural advantages, still afflicts our Country-a distress, however, that has its origin in circumstances unfortunately out of the sphere of human calculation. But we may still hope, and that with confidence, that this state of things will improve, slowly perhaps, but yet progressively. In the mean time, let us be grateful to that Providence, which, amid the agitations of this tempestuous period, has bestowed on our Country, and, consequently, on Baden also, a repose which millions of Men are coveting, and by which we are enabled to devote ourselves to objects and arrangements which, unattainable in times of peace, promise us a happier futurity. I have directed that there be laid before you, all which with reference thereto has been already done, and what is in progress. You will therein perceive the steps which I have taken to liberate our Commerce in the Interior of the Confederation from the shackles impeding its activity and progress: they are attested by the Negotiations at Darmstadt, as also by those of the Central Commission of Navigation sitting at Mayence.

We have also at last succeeded in discovering, in the Interior of the State, an indispensable article of consumption; which hitherto we could only procure from Abroad; in saving considerable future disbursements, and supplying a very urgent want by the produce of our own soil. Every means will be attempted to diminish gradually the burthens which, pressing on my good and faithful People, are so onerous to my paternal heart; and none of those will be neglected, through which I might hope to augment their welfare. Ties of affectionate amity have reunited my Protestant Subjects of the two different persuasions. Reassembled around one and the same Altar, they offer up conjointly to Heaven their prayers for Prince and Country. My Catholick Subjects are objects of the same solicitude and attachment on my part. I have caused the Negotiations previously commenced with the Head of their Church to be continued with the greatest activity; and I am most happy to announce that the progress of them has been satisfactory : the basis is already settled, and the speedy termination of them will, under every point of view, make manifest my

paternal solicitude. An Archiepiscopal See will be established in the. Country. From the new Measures introduced to regulate the Corporations, which I shall cause to be submitted to'you, I anticipate the most satisfactory results for the internal administration of the Grand Dutchy. In the other Laws which will be referred to your consideration you will recognize, not only the anxious accomplishment of many of the desires which you have manifested, but also, and especially, the diligence employed by me to give additional activity to the spirit of our Constitution.

Proceed, my Noble Lords and beloved Friends, in faithfully discharging the exalted duties to which you have been summoned; confiding in the views of my Administration, even as I repose my confidence in you; and labouring with true German loyalty, in order that the beautiful bonds of this reciprocal trust may be cemented still more firmly, and be preserved by a genuine publick spirit superior to all private interest, for the permanent welfare and advantage of our beloved Country; and rely invariably upon the most efficacious co-operation on my part, and upon my affection and benevolence.

DISCOURS prononcé par Sa Majesté le Roi de Bavière, d. l'Ouverture de la Session des Etats.—Le 26 Janvier, 1822. (Traduction.)

Messieurs les Senateurs et Deputes, chers et fideles Etats du Royaume.

FIDELE à l'assurance donnée par la Charte Constitutionnelle je me rends au milieu de vous, plein de confiance dans les lumières et les bonnes intentions des deux Chambres, pour ouvrir la seconde période de vos travaux constitutionnels. J'ai employé tous mes soins à ce que l'espace qui s'est écoulé entre votre première et cette présente Session, fut employé par mes Ministres à s'occuper principalement des objets qui ont été ajournés d'après l'expérience acquise; savoir, des nouvelles institutions et dispositions légales, des règlemens que réclame avant tout l'appui que l'on doit à la Loi, et des vœux que vous-mêmes avez formés comme étant convenables aux temps et aux choses: l'organisation générale des Conseils Provinciaux, vous a prouvé tout récemment que mes efforts constans tendent à connaître par des organes immédiats, la situation intérieure des différentes parties de mon Royaume, et à ce que cette connaissance parvînt jusqu'à mon Trône avec sûreté et sans aucune altération. Mes Ministres vous présenteront divers Projets de Loi qui auront la plus grande influence sur le bienêtre de mon Peuple, et qui doivent alléger les charges qu'il a à supporter. Plusieurs ont pour but de faciliter et d'assurer le crédit particulier, et d'écarter quelques obstacles qui gênent la culture et 2 U

l'industrie. On vous communiquera un Code complet de Lois Criminelles, rédigé par la Commission nommée à cet effet. Un Code de Lois qui statue sur ce que l'homme a de plus cher, la vie, la liberté et la propriété, exige d'abord un examen public, puis ensuite une discussion tranquille et suivie qu'on ne peut attendre d'une Assemblée qui doit délibérer sur des objets plus pressans; c'est pourquoi je me réserve de convoquer une Assemblée Extraordinaire de mes chers et fidèles Etats, qui alors auront à s'occuper exclusivement des différens Codes de Législations. En attendant, ils pourront au moyen de la présente Communication, se familiariser avec l'esprit de la Législation dans ses principes et dans ses dispositions particulières, afin de pouvoir être suffisamment préparés à une discussion mûre et digne de son objet. Les Projets de Loi qui vont leur être soumis, leur offriront l'occasion de déployer utilement leur zèle patriotique.

J'ai achevé ce que je vous avais annoncé dans mon premier Discours, relativement à la discipline ecclésiastique; un Concordat a été conclu avec la Cour de Rome, et ce Concordat doit devenir Loi de l'Etat. Mais les droits généraux et particuliers de tous mes Sujets des autres Communions légalement établies dans mon Royaume, leur sont confirmés et garantis, en tout ce qui a rapport à la Religion, aux propriétés et aux établissemens Ecclésiastiques, et jamais je ne consentirai à aucun empiétement inconstitutionnel sur les droits assurés à chacune de ces Communions.

Mon Ministre des Finances mettra sous vos yeux les renseignemens prescrits par la Constitution. Il est dans ma ferme volonté que les Comptes qui sont de votre ressort vous soient présentés d'une manière claire et précise. Si l'état du Royaume vous laisse ainsi qu'à moi quelques améliorations à désirer, vous en accuserez l'action trop lente des temps passés, et les circonstances défavorables des temps présens, mais en même temps vous jouirez avec reconnaissance des biens que notre Etat doit à son Gouvernement Constitutionnel, principalement dans tout ce qui a rapport au Crédit public.

Avec les sentimens que je vous ai témoignés, je m'abandonne à la ferme confiance que, comme des hommes pénétrés de respect pour le Trône qui est au milieu de vous, et d'amour pour la Patrie, au nom de laquelle vous êtes ici rassemblés, vous marcherez avec moi dans les voies constitutionnelles, et qu'ainsi vous honorerez la haute vocation à laquelle vous êtes appelés. CORRESPONDENCE between Great Britain and The Ottoman Porte, relative to Greece, and the Relations between Russia and Turkey.

December, 1821, to August, 1822.

(1.)—The Reis Effendi to Viscount Strangford.

(Traduction.) Constantinople, 2 Décembre, 1821. COMMUNICATION ayant été faite à tous les Ministres de la Sublime-Porte, ainsi qu'à chacun des Membres du Conseil, du contenu des deux Pièces renfermant les Instructions que le très-distingué Ambassadeur Extraordinaire de la Cour d'Angleterre, auprès de la Porte-Ottomane, Lord Strangford, notre Ami, a données à son Dragoman, lesquelles Pièces, présentées précédemment et en dernier lieu à la Sublime-Porte, ont confirmé tout-à-fait les Communications faites par le très-distingué Ministre d'Autriche, Le Comte de Lützow, notre Ami, dans la Conférence qui vient d'avoir lieu avec lui, où l'on a agité les Points qui sont actuellement en discussion entre la Sublime-Porte et la Cour de Russie, et ont contenu quelques autres Représentations, et le resultat de cette Conférence ayant été aussi communiqué auxdits Ministres et Membres du Conseil, le tout est parvenu à leur connaissance.

Il est superflu de dire qu'il est aussi peu nécessaire de donner des preuves de la bonne opinion que la Sublime-Porte a de tout temps eue de la Cour d'Angleterre, sa plus grande et sa plus affectionnée Amie, de sa confiance en elle, et de l'amitié sincère et non équivoque qui subsiste réciproquement entre les deux Illustres Cours, qu'il l'est de déclarer que la Sublime Porte a également en vue, d'accord avec les Puissances Amies, la continuation de la tranquillité générale; qu'elle n'a d'autre but que celui-là; qu'elle ne voudra jamais commettre l'action détestable de violer les Traités, et de commencer la Guerre la première, et que son attention et ses soins scrupuleux à remplir exactement et à la lettre les Traités conclus envers la Cour de Russie sont constans et prouvés.

Cependant, tandis qu'il est nécessaire qu'en revanche la Russie, de son côté, observe d'abord, avant l'exécution de tout autre Article, celui de l'extradition des Transfuges (premier point de discussion, mais qui n'est sujet à aucune interprétation, et qui, vu la cause de la rébellion, ne doit absolument essuyer aucun retard), on signifie que, dans les circonstances actuelles, elle ne peut pas, (quel qu'en soit le motif,) rendre les Transfuges que la Sublime-Porte lui demande en vertu des Traités, considérant cette extradition comme essentielle au rétablissement de la tranquillité. Quant à la Nation Grecque, formant des projets imaginaires de se créer une Patrie, et de se rendre indépendante, elle a commencé par se soulever d'abord dans les deux Principautés, puis dans quelques autres endroits de l'Empire Ottoman ; et comme jusqu'à ce moment-ci elle lève l'Etendard de la Révolte, et fait la Guerre, par-ci, par-là, la Sublime-Porte, dans le seul but de maintenir

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le bon ordre dans ses Etats, et de rétablir la tranquillité publique, procède à la punition des Rebelles, suivant l'impulsion de la nécessité, et d'après ce que les droits de la Souveraineté et l'intérêt de ses affaires intérieures exigent. Dans cet état de choses, il y a beaucoup d'inconvéniens à retirer les Troupes Ottomanes de la Valachie et de la Moldavie, à nommer et à y envoyer des Princes; car ces Provinces seraient alors l'asile et de répaire aux Rebelles et aux Brigands.

Quoi qu'il en soit, il parait qu'en mettant cette prétention en avant, le but de la Russie est de s'acquérir du rélief en Europe, en faisant faire ce qu'elle veut. Mais le fait est que, pour la Sublime-Porte, le point en question est sujet (et cela est clair comme le jour) à toutes sortes d'inconvéniens, soit sous les Rapports civils et nationaux, soit sous ceux de la Loi et de la Religion. C'est peut-être même une chose qui, comme on l'a déjà vu par les Communications que la Sublime-Porte a faites par le passé et en dernier lieu, peut conduire à troubler de nouveau cette même tranquillité qu'on cherche à rétablir, et à porter atteinte à son autorité et à ses droits.

La Sublime-Porte s'empresse donc de déclarer sincèrement à ses Amis qui veulent la tranquillité générale, et qui reconnaissent pour juste ce qui est juste, la raison évidente qu'elle a pour différer son consentement à ce point, du moins dans ce moment-ci, puisqu'enfin on annonce que la Russie ne peut pas actuellement rendre les Transfuges, quel qu'en soit le motif, tout ce que la Porte peut faire, et cela uniquement dans la vue de conserver sa Paix avec la Russie, et par égard aux représentations bienveillantes que la Cour d'Angleterre vient de faire à ce sujet, c'est d'ajourner sa juste prétention sur les Transfuges.

Mais, quant au point d'évacuer les deux Provinces, et d'y envoyer des Princes, comme les Grecs se sont soulevés voulant disent-ils délivrer la Grèce; qu'ils se sont révoltés en divers Endroits, et qu'ils sont encore aujourd'hui en état de révolte; et comme la première Rebellion a éclaté au milieu de la Valachie et de la Moldavie, il est impossible pour le moment, c'est-à dire tant que la révolte des Grecs n'est point appaisée, soit par la punition, soit par la soumission des Rebelles, et par leur recours à la clémence de la Sublime-Porte, étant que celle-ei n'aura pas été convaincue qu'il n'y a plus rien à appréhender de leur part, de nommer deux Individus d'entre eux Princes, et de confier à leurs mains l'administration de deux riches et fertiles Provinces faisant partie des Etats héréditaires de Sa Majesté Impériale.

- Personne ne doit révoquer en doute que la Cour de Russie, en persistant dans sa demande sur un point tel que celui-ci, (point tout-àfait incompatible avec les Règlemens intérieurs de la Sublime-Porte, ce qui est clair comme le jour), ne fasse une chose contraire au Droit des Gens et des Gouvernemens.

On peut donc modifier cette affaire en dernier ressort de la manière suivante ; savoir : que, jusqu'à ce que la Rébellion cesse, la SublimePorte fasse garder les deux Provinces par les Officiers qu'elle y a établis, seulement avec le nombre de Troupes suffisant pour protéger le Pays contre les Brigands, sans que la moindre molestation, la moindre vexation, ne soient faites aux Habitans et aux Rajas, qu'elle fasse gérer les affaires qui compétent aux Principautés, ainsi que cela se pratique aujourd'hui par les *Caïmacams*, qui sont aussi Grecs, et que, pour à présent, l'évacuation des Provinces et la nomination des Princes soient différées.

Quant à l'affaire des Eglises, qui est un des points en discussion, aussitôt que la Révolte sera appaisée, on consentira, tout comme la Loi le permet, à la réparation et réédification de celles qui existaient autrefois, et qui en quelque manière que ce soit auront été endommagées.

Pour ce qui regarde le libre exercice de la Religion Chrétienne, comme par le passé, la Sublime-Porte n'a, en aucun temps, rien dit contre cet exercice.

Les punitions que la Sublime Porte exécute aujourd'hui se bornent aux seuls Individus pris en Rébellion ouverte, et il est connu que l'on continue de protéger ceux qui n'ont pas élevé l'Etendard de la Révolte. Dès le moment que la Rébellion aura cessé, ces punitions cesseront aussi. On met encore, comme on l'a toujours fait, le plus grand soin à distinguer le Coupable de l'Innocent; au point que, quoique l'on sache que la conjuration des Grecs est générale, s'attachant toutefois aux apparences, on ne dit absolument rien à ceux d'entre eux qui n'ont point élevé l'Etendard de la Révolte; ils sont même protégés comme autrefois. Tout cela étant généralement connu, et Son Excellence l'Ambassadeur susmentionné convenant de la vérité de tous ces faits, il est superflu de les répéter ici.

On aime à croire que, de la même manière que tous les Amis de la Sublime Porte, (en écoutant avec un esprit de modération ses justes réponses sur les points ci-dessus, qu'elle a prouvé être toutes fondées sur la justice, et toutes conformes aux droits, à l'équité et à la vérité,) avoueront sans hésiter de les avoir trouvées telles, la Cour de Russie, de son côté, aura aussi égard à ce qui est de droit et de justice.

Dans cet espoir, la Sublime-Porte prie la Cour d'Angleterre, dont la bienveillance envers les deux Parties n'est pas douteuse, qu'en mettant en œuvre ce que son amitié sincère et la justice exigent, elle veuille employer ses bons offices à l'effet d'applanir finalement, les différends existant entre la Sublime-Porte et la Cour de Russie, de la manière ci-dessus.

C'est à cette fin que la présente Note Officielle a été rédigée et remise à Son Excellence l'Ambassadeur, susmentionné, notre Ami, ce 7 Rebiul-evvel 1237.

S. E. Le Vicomte Strangford.

(2.)-The Reis Effendi to Viscount Strangford.

(Traduction.)

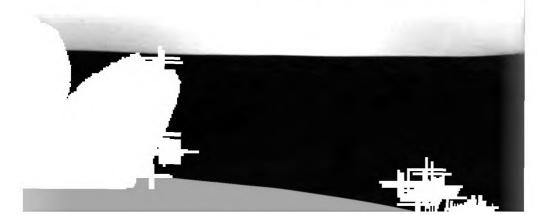
Constantinople, le 28 Février, 1822.

L'ATTENTION scrupuleuse que la Sublime Porte a de tout temps mise à remplir de fait et à la lettre tous les Traités et toutes les Stipulations qu'elle a conclus avec la Cour de Russie, a été evidemment démontrée, et dans la Note Officielle qu'elle a remise à Monsieur l'Ambassadeur Extraordinaire de la Cour d'Angleterre, residant à Constantinople, le très distingué Lord Strangford, notre ami, en date du 7 Rebiul-evvel dernier, (renfermant sa réponse aux points connus qui sont les principaux sujets en contestation de la part de la Cour de Russie), et dans l'exposé fait dans la Conférence qui fut tenue alors avec Monsieur l'Ambassadeur.

Il est également évident et certain que, partageant les sentimens des autres Puissances, quant à la continuation de la tranquillité générale, que tout le monde désire et tâche de maintenir, la Sublime-Porte ne fera jamais l'action détestable de violer les Traités de son chef, et de commencer la Guerre.

C'est donc également par suite de son extrême attachement à ce systême salutaire, et par égard aux Communications amicales des Cours qui sont ses Amies sincères, que la Sublime-Porte a non-seulement promis qu'au retour de la tranquillité publique, elle permettra (autant que la Loi l'autorise) la réparation des Eglises qui ont été démolies; que la Religion Chrétienne sera exercée comme par le passé, et que l'on mettra toujours la même attention à distinguer les Innocens des Coupables; points faisant partie des discussions; mais elle a aussi réitérément représenté aux Amis qui ont agité ces questions avec elle, et cela de manière à ne leur laisser aucun doute là-dessus, que comme on a déclaré que la Russie (quel qu'en soit le motif) ne pouvait pas rendre les Transfuges en question, tandis que cette extradition pouvait être exigée en vertu des Traités, et qu'elle aurait immanquablement produit une entière confiance entre les deux Cours; et commé, en conséquence de l'opiniâtreté de la Nation Grecque qui persistait dans la révolte, la Sublime Porte n'était point sûre d'elle, et qu'il lui était impossible d'évacuer entièrement la Valachie et la Moldavie avant le rétablissement de la sûreté et de la tranquillité, et de procéder d'abord à la nomination des Princes, et cela à cause de plusieurs inconvéniens réels qu'il y avait à le faire, soit secrets, soit publics.

Enfin, la Sublime Porte a déclaré par écrit et verbalement, d'une manière détaillée, que, voulant faire en sorte de conserver sa Paix avec la Russie, tout ce qu'elle pouvait faire, c'était d'ajourner sa juste prétention sur l'extradition des Transfuges, mais que quant à l'évacuation des deux Provinces, et au choix et à la nomination des Princes, il était indispensable de laisser ces deux points en suspens (avec les modifications cependant qu'on y avait apportées) jusqu'au rétablissement de la sûreté et de la tranquillité, et Monsieur l'Ambassadeur



même avait confessé tacitement et de bouche que la raison était du côté de la Sublime Porte.

Une Traduction de la Note Officielle que Monsieur l'Ambassadeur, notre Ami, a presentée le 8 Février, ainsi que les Communications qu'il a faites dans la Conférence qui a été tenue avec lui subséquemment, ont été mises sous les yeux de tous les Ministres de la Sublime Porte, et de tous les Membres du Conseil. Les Communications de Monsieur l'Ambassadeur portant en substance, que le système adopté aujourd'hui par les Puissances amies tend au maintien de la tranquillité générale, qui dépend de l'exécution scrupuleuse des Traités conclus entre les Puissances; que tout Gouvernement qui ne remplit pas ses Traités trouble par-là cette tranquillité générale, en s'opposant au système de l'Europe, et toutes les Puissances lui en demanderont raison; que, comme la Sublime Porte n'a pas (comme on aime à dire) rempli ses Traités à l'égard des deux Provinces, la Russie déclarera la Guerre, et les Puissances Amies regarderont la Sublime Porte comme s'étant opposée au système de la tranquillité générale, et Monsieur l'Ambassadeur demande à la Sublime Porte, à ce sujet, une réponse catégorique, quelque qu'elle puisse être.

Le Ministre Ottoman rapporte donc ici, dans leur ordre successif, les réponses justes et sincères de la Sublime-Porte, chacune desquelles est une réponse suffisante.

En premier lieu, la Sublime-Porte est à même de prouver, par l'exposé qu'elle va faire, que se trouvant, par un sentiment naturel, d'accord avec les Cours Alliées, et ayant le même but que celui qu'elles se proposent, savoir : l'exécution des Traités et le maintien de la tranquillité générale, peut-être même qu'elle a surpassé et qu'elle surpasse encore la Cour de Russie à cet égard.

Et, si cette Cour prend pour une infraction des Traités la non évacuation entière des deux Principautés dans ce moment-ci (évacuation qui, ne pouvant pas se faire entièrement à cause des inconvéniens qui existent, est un des points en discussion), la Sublime Porte, mettant de côté ses demandes fondées, dont elle parlera plus bas, dit d'abord qu'il n'y a rien dans l'affaire des Provinces qui puisse être qualifié d'infraction de Traités.

Elle ne dit point: "Je ne veux pas du tout évacuer les Provinces, je ne veux jamais nommer les Princes;" mais elle est obligée, bien malgré elle, de prendre des mesures pour obtenir le rétablissement de cette même tranquillité qui est conforme aux désirs et aux vœux de tout le monde, et de suspendre l'exécution du point en question, jusqu'au retour de la sûreté dont le rétablissement est attendu bientôt.

La Sublime Porte a déjà plus d'une fois représenté à ses Amis doués de sagesse et de modération, les nombreux inconvéniens et le mal qu'il y a, et dont l'existence, tant intérieurement qu'extérieurement, est réelle et évidente, à accélérer l'exécution dudit point; ainsi que les

justes motifs qui l'en dispensent; en ajoutant qu'au moment même du retour de la tranquillité qu'on attend très-prochainement, elle s'empressera de remplir ses Engagemens.

La Sublime Porte ne nie aucunement le droit que les Traités donnent à la Cour de Russie, d'intercéder en faveur des Rajas des deux Provinces; mais, lorsqu'on considère qu'une Rébellion, telle qu'on n'en a jamais vue, éclatant d'abord dans lesdites Provinces de la manière que l'on sait, se propage bientôt dans toute l'étendue des Etats Ottomans, trouble la tranquillité intérieure de l'Empire, jette la Nation Musulmane dans la plus grande agitation; que se hâter d'évacuer les deux Provinces et nommer des Princes, c'est donner plus de consistance à cette Rébellion ; qu'il n'y a aucune Stipulation portant que, même en cas d'une pareille sédition, et de troubles semblables, les Troupes Ottomanes ne doivent pas s'arrêter dans les deux Provinces, et la nomination aux Principautés ne doit pas être différée jusqu'à ce que la Rébellion soit appaisée ; et que la Sublime Porte fait connaître maintenant ses nombreuses excuses à cet égard : faut-il, lorsqu'on considère tout ceci, prendre sa demande amicale d'un court délai pour exécuter le point dont il s'agit, au retour de la sûreté, qu'on attend trèsprochainement, avec l'aide de Dieu, pour une violation de Traité? Ou bien, ne faut-il pas que, jugeant par-là des bonnes intentions qu'elle ne cesse d'avoir pour la Paix générale, ce point soit approuvé et accepté avec discrétion, et de la part de la Cour de Russie, et de celle des autres Puissances Amies? Cette particularité est remise à Monsieur l'Ambassadeur, notre Ami, afin qu'il la pèse dans la balance de sa sagacité et de son équité.

Une partie des différentes raisons et des excuses que la Sublime Porte s'est vue obligée d'alléguer et de déployer dans cette affaire, est consignée dans sa Note précédente, et les détails se trouvent dans le Protocole de la dernière Conférence; ainsi on se dispense (pour éviter la prolixité) de les répéter dans la présente Note.

En second lieu, dans le cas même que, d'après l'exposé de Monsieur l'Ambassadeur, le but principal de la Cour de Russie dans la demande qu'elle fait à l'égard des deux Principautés, serait uniquement d'accélérer l'exécution des Traités ; il faut en effet que les Puissances Contractantes tâchent de remplir à la lettre, et suivant toute la justice, chaque Article de leurs Traités respectifs ; mais il est clair en même temps qu'on ne peut en aucune manière concilier la conduite du Gouvernement qui, tout en cherchant à faire observer les Stipulations qui sont conformes à ses intérêts, diffère et évite de remplir celles dont l'exécution exigée par l'autre Partie, en vertu des Traités (et cela sans raison et sous des prétextes donnés dans quelque but) avec le principe de l'exécution impartiale des Traités.

Suivant le système adopté par les Cours de l'Europe, de faire observer tous les Traités conclus entre les Gouvernemens pour la tran-

quillité générale, il est facile de prévoir, si elles pèsent les droits des deux Puissances dans la balance de la justice et de la discrétion, à laquelle des deux Parties elles devaient en demander raison.

Bien que depuis la Paix qu'elle a conclue avec la Cour de Russie à Bucharest, la Sublime Porte ait scrupuleusement observé tous les Articles qu'elle devait remplir ; cependant la Cour de Russie n'a pas exécuté certaines Stipulations, et surtout le VI Article, qui stipule expressément (ainsi que cela est dit au III Article du Traité Préliminaire qu'excepté la Frontière de la Rivière du Pruth, les Frontières du côté de l'Asie et celles de quelques autres endroits étant rétablies sur l'ancien pied et telles qu'elles étaient avant la Guerre), la Cour de Russie doit rendre à la Sublime Porte, dans leur état actuel, les Forteresses et Places qui se trouvent dans les anciennes limites, et qui, par suite de la Guerre, ont été occupées par les Russes; et consigner de même les Villes, les Bourgs, les Villages et les Habitations, avec toutes leurs Dépendances.

Mais, sans que la Russie ait jusqu'ici évacué les Frontières de l'Asie, quoiqu'elle dût le faire dans le terme fixé, et quoique ce point n'admette la moindre discussion, les Ministres de Russie qui sont venus à Constantinople, ont toujours mis en avant des discussions auxquelles la Sublime Porte a répondu d'une manière conforme à la justice et à la vérité, par différentes Notes Officielles, en justifiant pleinement ses demandes.

Le délai donc, mis jusqu'à ce moment-ci à évacuer les Frontières de l'Asie (point exigé avec fondement), ne provient-il pas uniquement du peu de disposition, dans la Cour de Russie, à remplir les Traités ?

La Sublime Porte a sans cesse demandé d'une manière amicale l'exécution de cette Stipulation, et elle annonce et déclare sincèrement qu'elle ne pourra jamais garder le silence sur cet Article; et il est superflu de dire jusqu'à quel point le droit de la Sublime Porte est fondé, en examinant ici la conduite de la Cour de Russie à cet égard.

Or, de la longanimité et de la patience de la Sublime Porte jusqu'à présent, dans l'espoir que peut-être avec le temps la Cour de Russie finirait par observer le principe qu'il fallait exécuter les Traités, ne doit-on pas inférer que la Sublime Porte met plus de soin qu'aucune autre Puissance à maintenir la tranquillité générale ?

Vu qu'aujourd'hui l'on met en avant que les Cours Alliées et amies ont pris la tâche de faire que les Traités de toutes les Puissances soient en vigueur, et vu que lorsque la Sublime Porte se voit dans la nécessité de suspendre l'exécution de ce qui est stipulé concernant les deux Provinces, jusqu'au retour de la tranquillité qu'on a lieu d'espérer et d'attendre incessamment (laquelle fera cesser les excuses réelles et évidentes qui empêchent la Sublime Porte de le faire à present), son intention étant bornée à cet événement désiré, la Cour de Russie la

presse et l'y oblige, la Sublime Porte n'est-elle pas forcée aussi de mettre en avant, avec raison, l'affaire de l'Asie, dont l'exécution est différée sans motif depuis la conclusion de la Paix ? Ces particularités bien fondées sont également rapportées à la sagesse consommée des amis doués de droiture et de justice.

Aux réponses que le Ministère Ottoman a données à ce que la Cour de Russie dit, touchant son exactitude à remplir les Traités, il est obligé d'ajouter ce qui suit : Le IIme Article du Traité de Cainardgé, conclu entre la Sublime Porte et la Cour de Russie, lequel regarde l'extradition des Transfuges, stipule expressément que, dans le cas que, parmi les Sujets respectifs, soit Musulmans, soit Chrétiens, il s'en trouvera qui, ayant commis quelque délit, se seront réfugiés auprès de l'une des Puissances Contractantes, dans quelque intention que ce puisse être, sur la demande qui en sera faite, de pareils Individus seront rendus sans délai. Cependant, lorsque le ci-devant Prince de Moldavie, Michel, ce méchant, le Premier Complice d'Ypsilanti, qui, venu de la Russie, a été le moteur de cette grande Rébellion, a passé en dernier lieu en Russie, avec ses Adhérens, la Cour de Russie les a accueillis, et les a pris sous sa protection.

Se fondant sur les Traités, et dans l'intention de faire disparaître le danger qui s'oppose actuellement à la nomination des Princes, la Sublime Porte a demandé et réclamé avec justice leur extradition, et elle a donné des explications sur le pour et le contre. De longues discussions s'en sont suivies, ce qui n'a pu qu'augmenter le danger susmentionné. En attendant, la Cour de Russie, parlant de générosité (chose qu'on ne trouve pas dans les Articles du Traité), a pris les Transfuges sous sa protection.

Or, le fait est que quand même, ainsi que Monsieur l'Ambassadeur l'a notifié dans sa Conférence, l'éloignement desdits Transfuges des Frontières, et leur demeure dans quelque endroit comme Caradgià, seraient opérés par la Cour de Russie, dès que leur extradition n'a pas eu lieu, l'union des Grecs qui se sont réunis en Nation générale, et embrassant chacun des Individus de cette Nation qui se trouvent dans toutes les parties de l'Empire Ottoman, la nouvelle de cette Confédération ayant couru dans tout l'univers, et le bruit s'étant généralement répandu que la Cour de Russie paraissait les protéger; voilà les motifs du retard qu'a éprouvé jusqu'ici le rétablissement de la tranquillité générale, et de la parfaite sûreté que l'on désire.

L'acte de la Cour de Russie, de persister là-dessus, est-il conforme aux désirs que les Traités soient exécutés, la tranquillité générale conservée ?

Et la Sublime Porte en consentant, malgré les inconvéniens cidessus, à mettre pour à présent cette quéstion de côté, comme cela est déclaré dans la Note précédente, a-t-elle donné une forte preuve



de son attention soigneuse pour son amitié avec la Cour de Russie, et pour la tranquillité générale qui forme les vœux de tout le monde, ou non?

Voilà encore de ces points que l'on remet au discernement et à la confirmation des véritables Amis qui ont en partage la sagacité et la discrétion.

En 3me lieu, Monsieur l'Ambassadeur a dit que l'opinion de l'Europe se réduit à ceci : Qu'une fois les Stipulations concernant les deux Provinces exécutées, il ne sera pas plus tôt publié que la Paix entre la Sublime Porte et la Cour de Russie a été raffermie, que la révolte des Grecs s'apaisera d'elle-même.

Cette opinion est contraire aux considérations de la Sublime Porte qui connaît de science certaine, et voit clairement dans l'évacuation des deux Provinces et dans la nomination des Hospodars, aujourd'hui que la Rébellion des Grecs n'est pas encore réprimée, les conséquences à craindre et les préjudices sur lesquels elle s'est déjà expliquée.

En effet, la Rébellion ayant éclaté dans une époque où les Hospodars des deux Provinces étaient à leurs places, maintenant cette rébellion s'apaisera-t-elle simplement en évacuant les Provinces et en nommant des Princes, ou bien prendra-t-elle plus de consistance, comme si elle ne faisait que commencer, et les Rebelles acquérant plus de force, et enhardis plus que jamais, se livreront-ils, d'après l'esprit qui les anime, à de nouveaux actes de révolte ?

Cette remarque, qui doit frapper tout homme éclairé, a été développée d'une manière détaillée dans la Conférence, pour servir de réponse à ce que M. l'Ambassadeur avoit avancé.

Si la Cour de Russie cherchait à consolider ses relations pacifiques avec la Porte Ottomane, par l'exécution des points que celle-ci a demandés, savoir : l'évacuation des Frontières de la Sublime Porte en Asie, et l'extradition des Transfuges, c'est alors qu'il serait porté un coup terrible à la Rébellion des Grecs, qui verraient les bonnes intentions que la Cour de Russie eut témoigné en faveur de la Sublime Porte, en exécutant ses engagemens.

Mais, quant à l'exécution d'un point tel que celui qui concerne les deux Provinces, cette exécution, dont les conséquences seront exclusivement en faveur des Grecs et contre la Sublime Porte, fera-t-elle cesser cette Rébellion opiniâtre, ou bien l'augmentera-t-elle davantage ? Cela aussi n'admet point de doute.

Enfin, c'est une chose généralement reconnue, que la médiation entre deux Gouvernemens consiste à péser justement les prétentions des deux Parties, et non à prendre la défense de l'une et à contraindre l'autre.

Le Ministère Ottoman croit donc devoir donner aux Communications faites comme ci-dessus, par M. l'Ambassadeur, notre Ami, au nom de toutes les Cours Amies, la réponse suivante fondée sur la raison :

Si le véritable but que les Cours Alliées et Amies se proposent, est la pleine exécution des Traités existans entre les Puissances, c'est là le principe aussi de la Sublime-Porte elle-même. Et si l'objet de leurs vœux salutaires est le maintien de la tranquillité générale parmi les Nations, le Gouvernement Ottoman déclare qu'il y est plus porté qu'aucune autre Puissance; et ce qu'il avance a été démontré par un grand nombre de preuves qu'il en a données dans les temps passés.

La Sublime-Porte, pour prouver encore la sincérité est les bonnes intentions qu'elle professe, soit dans les discussions concernant les deux Provinces, soit au sujet du raffermissement de la Paix avec la Cour de Russie, qu'elle regarde toujours comme étant en paix et en amitié avec elle, donne ici le résumé suivant:

Les excuses valables et les inconvéniens qu'il y a (inconvéniens qui affectent visiblement l'état de la Nation) à évacuer, dès ce moment, les deux Provinces et à élire et nommer publiquement des Princes, existent réellement.

Le nombre des Troupes Ottomanes qui sont actuellement dans les Provinces n'est rien moins que suffisant à pouvoir s'opposer, en cas de besoin, aux Troupes de quelque Puissance que ce puisse être; et il y a dans la circonstance même que le nombre en est très-petit, une preuve évidente qu'elles ne sont là que pour défendre le Pays contre les Rébelles qui, tant au dedans qu'au dehors, ne cherchent qu'une occasion favorable, et qu'il n'y a dans leur demeure dans les deux Provinces aucune vue cachée.

Les deux Provinces étant une propriété de la Sublime-Porte, il est clair qu'elle est obligée de les maintenir en état de sûreté.

Enfin, il est positif que la Sublime-Porte, ainsi qu'il est dit dans sa Note précédente, terminera cette affaire dès l'instant qu'une parfaite sûreté sera rétablie, ce qu'avec l'aide du Tout-Puissant on espère et on attend très-incessamment.

Et comme il est requis et exigé qu'en toute occasion les Habitans et les Pauvres desdits Pays soient protégés et défendus d'une manière convenable, on a retiré dernièrement la plus grande partie des Troupes, de l'Artillerie et des munitions, et dorénavant on s'occupera de même à diminuer et à réduire, autant que possible, le nombre des Troupes.

Aucune espèce de violence, la moindre vexation ne sera faite aux Habitans et aux Rajas des Provinces, d'après les ordres rigoureux publiés par des Commandans Suprêmes, émanés consécutivement.

En considération des Stipulations conclues avec la Cour de Russie, la Sublime-Porte fera gérer, comme cela se pratique aujourd'hui, les affaires qui compètent aux deux Principautés par les Caïmacams nommés parmi les Grecs.

Enfin, comme il n'y a pas d'autre mesure qui puisse contribuer à la Paix générale et à produire une parfaite tranquillité que celle de différer pour un très-court espace de temps encore l'évacuation totale

des deux Provinces, et la nomination des Hospodars, jusqu'au rétablissement de la tranquillité et de la sûreté qui forment les vœux de tout l'Univers, et qu'on espère et attend dans peu de jours, la Sublime Porte se flatte que tant laCour de Russie, que les autres Gouvernemens Amis, qui sont aussi les Amis bienveillans des deux Parties, voudront bien admettre et agréer ses excuses avec justice et équité, et qu'ils approuveront le délai qu'elle met et l'arrangement qu'elle a fait.

Au reste, quant à la proposition faite d'envoyer de part et d'autre des Commissaires dans les deux Provinces, la Sublime Porte considère la Cour de Russie comme une amie qui est en paix avec elle, comme cela a été dit plus haut. La Sublime Porte regarde donc toutes les Stipulations de ses Traités conclus avec la Russie (et actuellement subsistans, soit concernant les deux Provinces, soit ayant rapport à d'autres points) comme étant en vigueur: et les points même qui n'ont pas été jusqu'ici exécutés par la Russie, sont considérés comme devant l'être par la suite, par un effet des bonnes intentions de cette Puissance. Il n'y a donc rien de nouveau à discuter qui puisse motiver la nomination des Commissaires.

Il est superflu d'ajouter et de déclarer que lorsque le Ministre et les Conseils de Russie, qui ont quitté le Pays de leur propre volonté, voudront retourner pour y résider comme par le passé, ils n'y trouveront ni obstacle ni empêchement, et qu'on ne manquera pas de les recevoir et de les traiter d'une manière honorable.

Sur les Communications que M. l'Ambassadeur, notre Ami, a faites au nom de toutes les Cours Alliées, la Sublime Porte a jugé nécessaire, d'après la pure et parfaite amitié qu'elle professe envers tous ses affectionnés et bienveillans Amis, de leur représenter et déclarer, conformément à ses principes fondés sur la vérité et la sincérité, et à la conduite basée sur la droiture et la loyauté, ses pures et véritables intentions tant secrètes que publiques, ses droites et salutaires considérations, qui ne sauraient admettre la moindre objection, et ses droits clairs et incontestables.

C'est à cette fin que la présente Note Officielle a été rédigée et remise à M. l'Ambassadeur, notre Ami. Le 7 Gemaziul-ahir, 1237. S. E. Le Vicomte Strangford.

(3)-The Reis Effendi to Viscount Strangford.

(Traduction.) LA Sublime Porte a reçu la Note Officielle que l'Ambassadeur Extraordinaire de la Cour d'Angleterre, résidant auprès de la Porte Ottomane, le très-distingué Lord Strangford, notre Ami, lui a présentée, en date du 30 Mars dernier, touchant les deux Principautés; et, en lisant la Traduction qui en a été faite, Elle en a parfaitement saisi le contenu et le sens.

Il est superflu de dire jusqu'à quel point la Sublime Porte a de

tout tems voué une attention scrupuleuse à n amitié parfaite avec la Cour de Russie, ainsi c tinuation de la Paix du monde, et de la tranqu lité et sa droiture dans ses rélations sincères e tables et loyaux amis, sont également connus

C'est en vertu de ces principes que la Sub maintenant par la présente Note Officielle, sa plir toutes les promesses qu'Elle a faites, et tou a pris, tant dans la Conférence tenu en derni Provinces, que dans la Note Officielle su savoir, de satisfaire aux obligations à sa cha le retour de la tranquillité, qui ne tardera pa de plus, qu'Elle a déjà actuellement commen prendre des mesures tendantes à les mettre, cution; et cela dans un très-court espace de

Pour montrer donc et prouver à toute l occasion, sa grande attention et son empre première à remplir les Traités, la Sublime très-sérieusement des moyens de rétablir u les deux Provinces, et Elle a préalablement sures nécessaires.

Cependant des considérations d'une ha des inconvéniens momentanés, que présen pire, ne permettent point que la connoissan publique dès à present.

Dans l'intervalle, la Sublime Porte amis vrais et bienveillans des deux Partie vraiment et réellement à faire tout ce dont conformant au systême d'administration considérant aussi l'importance de la chose elles, la Sublime Porte pourra enfin, p qu'Elle a prises, mettre fin à cette affaire. maintenant d'une manière amicale.

Quant aux actes de violence qu'on di habitans des deux Provinces, bien que l'en ordres que la Sublime Porte, (qui n'a ja a donnés tant par le passé qu'en dernier effet, cependant, Elle vient de donner enc plus rigoureux au Commandant du reste c

C'est pour communiquer tout cela Ami, que la présente Note Officielle a ét

La Sublime Porte saisit cette occa l'Ambassadeur les assurances, &c. Ce S. E. Le Vicomte Strangford.

(4.)—The Reis Effendi to Viscount Strangford. (Traduction.) Constantinople, le 16 Juillet, 1822.

La Sublime Porte a déclaré dans une Note qu'elle a présentée il y a quelque tems à M. l'Ambassadeur de la Cour d'Angleterre, résidant près la Porte Ottomane, le très-distingué Lord Strangford, notre Ami, qu'en conséquence du grand soin qu'Elle a de tout tems mis à conserver la Paix, et une amitie sincère et parfaite avec la Cour de Russie, et à maintenir la Paix et la tranquillité générale, et d'après son attention scrupuleuse à remplir les Stipulations et les Traités, (surpassant même les autres sur ce point,) Elle avoit commencé à prendre des mesures pour l'exécution, dans un court espace de tems, de ses promesses touchant les deux Provinces.

Mettant la plus grande confiance dans les communications amicales que M. l'Ambassadeur, notre Ami, nous a faites à ce sujet, tant par le passé qu'en dernier lieu; considérant que l'époque de l'exécution des promesses faites à l'égard des deux Provinces est pour ainsi dire arrivée, comme celle de l'exécution à laquelle on s'attend de la part de la Russie, des Articles concernant l'extradition des Transfuges et l'évacuation des Frontières de l'Asie, Articles qui n'ont besoin d'aucune discussion, ni d'aucune interprétation, dont l'exécution n'a été que différée, et la non-exécution jusqu'ici est évidemment la principale cause que la Révolte générale n'a pas été appaisée; enfin, vû que par la persévérance de la Nation Grecque, comme tout le Monde sait, dans une Révolte ouverte, et dans leur perversité, les Individus de cette Nation, qui n'ont pas même pris part à la Révolte, ne sont nullement propres, et ne méritent en aucune manière, suivant les principes des Gouvernemens, d'occuper encore des Postes; la Sublime Porte iront d'élire et de nommer, d'entre les Boyards, natifs de Moldavie et de Valachie, comme cela se pratiquoit dans l'ancien tems, savoir Jovan (Jean) Stourdja Logotheti, Boyard natif de Moldavie, Prince de Moldavie, et Ligori (Grégoire) Ghika Bano, Boyard natif de Valachie, Prince de Valachie.

Mais comme d'un côté, l'étiquette a observer vis-à-vis des Hospodars dans cette Résidence Impériale exige un nombreux cortège, et de grandes cérémonies, et que de l'autre, ils sont venus ici à la legère, si l'on vouloit observer le cérémonial il se passeroit quelque tems. Ainsi mettant le cérémonial de côté, on fera partir les Hospodars accompagnés de deux *Mehmandars*, directement pour Silistrie. Là Son Excellence Mehemmed Selim Pasha, Gouverneur Général de cette Ville et des Rives du Danube, publiera leur nomination, et les révêtira de la robe d'honneur; et tout le reste s'y fera. Quand, après cela, ils auront formé leur Cour, on les enverra aux Chefs-lieux de leurs Gouvernemens.

Telles étant les dispositions de la Sublime Porte, c'est pour en faire

part amicalement à M. l'Ambassa Note Officielle lui est remise.

La Sublime Porte saisit cette l'Ambassadeur les assurances, &c. S. E. Le Vicomte Strangford.

> (5.)—Viscount Strangfe Pal

L'AMBASSADEUR d'Angleterre de tion de la Sublime Porte, sur un c portance pour les intérêts des Négo

A différentes reprises, déjà l'. d'adresser à Son Excellence le Reis des Créances que les Anglais ont à 1 qui ont pris la fuite au commenceme

Le Département du Defterdariat, a toujours répondu que la question les Lois Musulmanes, et que ces permettaient pas à la Sublime Porte Grecs, sans que les Propriétaires fus présentés par des Procureurs.

Or, il est de notoriété publique, été induits à s'expatrier, que par la p publique avait généralement répandu la Révolte, lorsque la distinction ent n'était pas bien établie encore, et qu paraissaient criminels aux yeux d'une

Il est également notoire que ces (le crime, (et que l'Ambassadeur ne c ont pris la fuite pour se soustraire à sont principalement réfugiés en Pay: qu'après le moment où ils oseront r n'y a que la crainte et l'incertitude trouver à leur retour, qui les forcent e d'une autre Puissance.

Pour dissiper ces appréhensions, Pays natal ces malheureuses victimes mettre enfin les Sujets Britanniques à est dû, en poursuivant personnellem Tribunaux compétens, il suffit d'un 1 ce mot se prononce donc! Dès lors e leur Patrie les infortunés que la forc obligés de s'en éloigner momentanémer ses droits sur une partie considérable du Roi de la Grande Bretagne n'auront plus à souffrir les funestes conséquences qui résultent pour leurs intérêts de l'absence prolongée de leurs Débiteurs.

La masse de ces Réclamations s'élève à une somme tellement forte, et la nécessité d'y satisfaire est devenue tellement urgente, que l'Ambassadeur manquerait à son devoir s'il n'invitait la Sublime Porte à adopter le seul moyen qui, dans l'état actuel des choses, peut faire obtenir aux Créanciers Anglais la justice qu'ils ont si long-temps et si vainement sollicitée, en faisant publiquement connaître qu'elles sont les intentions du Gouvernement à l'égard des Débiteurs, et en leur donnant l'assurance formelle que, sans aucun risque pour leurs personnes, ils pourront rentrer dans leur Pays natal, et comparaître. devant les Tribunaux compétens, afin que justice soit rendue à leurs Créanciers.

L'Ambassadeur, en recommandant cette importante proposition à la sagesse et l'équité reconnues de la Sublime Porte, saisit (cette occasion pour avoir l'honneur, etc.

Son Excellence Le Reis Effendi.

STRANGFORD.

DISCOURS de Son Excellence le Ministre des Finances des Pays-Bas, en présentant à la Seconde Chambre des Etats-Généraux les Projets de Loi relatifs au Budjet de 1823. Bruxelles, le 11 Novembre, 1822.

NOBLES ET PUISSANS SEIGNEURS!

Le mode de régler les Dépenses qui appartiennent à la Seconde Partie du Budjet pour l'Année 1823, et la détermination des moyens d'y faire face, sont les objets que le Roi désire que soient soumis à cette honorable Assemblée; Sa Majesté m'a chargé de vous présenter des Projets de Loi qui tendent à cet effet.

Le Roi a encore annoncé à Vos Nobles Puissances d'autres propositions, que, d'après ses Ordres, je viens également vous présenter dans ce moment: Elles sont contenues dans un Projet de Loi, portant institution d'un Syndicat d'Amortissement, et réglant différens intérêts Financiers du Royaume.

Toutes ces mesures ont entre elles un Rapport qui exclut toute division; ce qui m'engage à parler de leur ensemble.

Vos Nobles Puissances se dispenseront volontiers, je le suppose, d'entendre la lecture des différens Projets de Loi; lecture qui, sans utilité, prendrait un temps précieux, qui paraît pouvoir être mieux employé si, dans mon discours, je développe les principales dispositions des Lois, leur but, leur tendance et leurs suites salutaires, afin queVos Nobles Puissances, lorsqu'Elles délibéreront su puissent consulter les éclaircissemens donnés.

J'ai dit, que toutes les mesures proposée port qui exclut toute division: ceci mérite un ment.

Quoi qu'il en soit de la question de savoi moyens que le Budjet pour régler les interêts il a été reconnu possible de comprendre dans tous les besoins actuellement connus; et le conduit au salut de l'Etat et de Son Peuple e à admettre la forme adoptée maintenant p Budjet, qui comprend deux subdivisions.

La première subdivision contient toutes moyennant les Revenus et Impôts ordinaires e nels.

La seconde subdivision contient les Dép couvertes par les moyens que je viens de dé quelles l'intérêt des Contribuables réclame q soient arrêtés, ou auxquelles il convient autre que celle usitée jusqu'à présent.

La première subdivision des Dépenses f. 15,886,388-16; les Dépenses de l'Année la Loi du 28 Décembre 1821, à une somme sulte de cette différence importante que l qui pour l'Année 1822 ont été fixés à l'i pour 1823.

Il convient de développer les détails de

Je dois en premier lieu fixer l'attentic sur la réduction effective des Dépenses :

Celles du Département des Affaires I de f. 7,500; celles du Département de la J l'évaluation de celles pour le Départemen présente une différence en moins de f. 30, ment des Affaires du Culte Catholique de

Le Département pour l'Instruction p et les Colonies, offre une diminution de Dé

Il a été fait une diminution de Dépele Département de la Marine, et à-peu-j partement de la Guerre.

La première subdivision du Budjet a en ce que beaucoup de Dépenses qui y n'y figurent plus, parce qu'elles peuven résulte des charges pour les Habitans.

C'est ici que se fait sentir le rapport Budjet et la Loi sur le Syndicat d'Amo De là, la suppression de tous les traitemens et supplémens extraordinaires, qui antérieurement figuraient aux 2, 3, 5, 9, 10 et 11 Chapitres;

De là surtout, le changement dans la formation du 9 Chapitre, qui comprend le Département des Finances, et dont je parlerai *tantôt plus* spécialement.

Je veux au préalable parcourir encore quelques autres Chapitres, pour indiquer quelques points particuliers.

Au Chapitre 2, les Dépenses pour la Chambre Générale des Comptes ont été plus amplement détaillées qu'auparavant; de sorte qu'il a été satisfait au désir manifesté antérieurement à cet égard par Vos Nobles Puissances.

Les réductions qu'a subies le 5 Chapitre, résultent en partie de la Loi du 2 Août de cette Année, et en partie du nouveau Projet.

Le total des Dépenses aurait encore été inférieur à-peu-près de f. 150,000 à son montant actuel, si cette somme n'ent été nécessaire pour les travaux au Palais à Tervueren, et pour pouvoir à quelques ouvrages indispensables à des Ports de mer et travaux maritimes, qu'il n'est pas au pouvoir de l'homme de prévenir.

Vos Nobles Puissances verront encore, qu'il figure à ce Chapitre un Article, qui antérieurement n'y était porté que pour mémoire, c'est-àdire, les frais d'Administration des Mines: leur exploitation, cette source de prospérité pour quelques Contrées importantes du Royaume, réclame les soins particuliers du Gouvernement, et ces soins donnent nécessairement lieu à des frais. Il est stipulé par la Loi du 21 Avril, 1810, qu'indépendamment des rétributions fixes à payer au Trésor par les propriétaires, ou exploitans des mines, il peut encore leur être imposé une autre charge pécuniaire proportionnée au produit net, et que le montant doit en être déterminé par le Budjet Annal. Le maximum se monte à 5 pour cent.

Pour l'Année 1823, on n'aura besoin que de 2½ pour cent. Moyennant cette redevance, dont l'emploi est réglé par l'Art. 2 de la Loi, les frais seront couverts, de manière que de ce chef les recettes et dépenses se balanceront.

Le 8 Chapitre a été augmenté d'une section, à laquelle se trouvent portées maintenant, au montant de f. 1,300,000, les primes pour soutenir quelques branches d'industrie nationale, et pour servir en général à encourager les fabriques et manufactures, la pêche et l'agriculture.

Quoique la Loi du 12 Juillet, 1821 autorise la marche, qui a été suivie l'Année passée, à l'égard de ces dernières Dépenses, le Roi, acquiesçant au vœu énoncé par cette Assemblée, m'a ordonné de comprendre cet Article dans le Budjet.

Je n'ai plus rien à remarquer quant à la première subdivision des 2×2

Dépenses. Je reviendrai plus tard au Chapitre 9, concernant le Département des Finances.

Les Revenus destinés à y faire face, tels qu'ils ont été portés au Projet de Loi, ne paraissent également exiger que peu d'éclaircissemens; ceux des Domaines, plantations, eaux et forêts n'y ont point été compris, ce qui doit être attribué, en partie, à la Loi du 26 Août, 1822, et principalement au nouveau Projet de Loi, dont je parlerai ci-après. Cependant il a fallu faire mention de cette partie des Domaines, qui, par la Loi du 25 Mai, 1816, a été cédée à Son Altesse Royale le Prince Frédéric des Pays-Bas, et dont les revenus appartiennent aux bénéfices du Trésor.

Comme actuellement une partie de la somme, que la Loi Fondamentale accorde au Roi, est assurée par les revenus des Domaines cédés à la personne de Sa Majesté, on doit comprendre comme bénéfice, dans l'évaluation des Recettes, le montant de ce qui sera de ce chef payé en moins sur la Première Partie du Budjet, et ceci est indiqué par le Projet de Loi.

Les Centièmes Additionnels sont calculés conformément à la Loidu 12 Juillet, 1821, dont l'introduction est fixée au 1 Janvier prochain.

La Seconde subdivision du Budjet des Dépenses pour l'Exercice prochain, qui vous est présenté, s'élève à une somme de f. 9,653,579-74¹/₂, répartie entre les Départemens de l'Intérieur et du Waterstaat, des Finances, de la Marine et de la Guerre.

Tout ceci s'explique complètement par le Projet de Loi, portant institution d'un Syndicat d'Amortissement, et réglant différens intérêts financiers du Royaume. Il sera établi, sous ce nom, à Amsterdam, une Administration, qui remplacera la direction générale de la Caisse d'Amortissement et le Syndicat actuel des Pays-Bas, et à laquelle seront, sauf certaines stipulations, cédés les bénéfices, et seront imposées les obligations de ces deux Corps.

Cette Administration sera en même temps chargée :

1. Du soin de pourvoir aux Dépenses Extraordinaires du Trésor;

2. Du paiement des Pensions Extraordinaires, Rentes Viagères, et autres Dépenses qui s'éteignent successivement ;

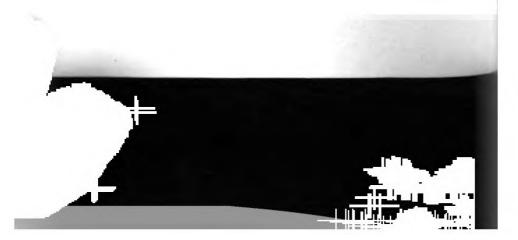
3. De fournir les sommes nécessaires pour l'exécution de la Loi pour l'établissement du Système Monétaire des Pays-Bas;

4. De l'échange de la Dette différée, des billets de sort, et des obligations du Syndicat des Pays-Bas;

5. Du paiement des rentes de la Dette active nationale ;

6. De l'exécution des dispositions législatives, concernant l'amortissement de la Dette.

Ce sont là, Nobles et Puissans Seigneurs, les divisions. du Projet, dont le développement des particularités les plus remarquables fait encore partie de la tâche que j'ai à remplir.



Il est connu à Vos Nobles Puissances, d'après des Propositions et Communications antérieures, qu'il existe encore des besoins extraordinaires, auxquels ils convient de pourvoir par des moyens extraordinaires.

Par la Loi du 2 Août, le Roi, de commun accord avec Vos Nobles Puissances, a pourvu à quelques-uns de ces besoins pour l'Année courante; mais il doit également être pris, tant à l'égard de ceux-là que de quelques autres, des mesures pour l'avenir. La fixation de ces mesures, et la manière dont elles opéreront pendant l'Année 1823, vous sont présentées actuellement.

C'est dans les Domaines de l'Etat qu'on a cru devoir chercher le remède, car, quelle que soit la divergence d'opinions, quant aux détails, le principe même a généralement été approuvé.

Pour atteindre le but proposé, l'Administration des Domaines sera confiée au Syndicat d'Amortissement, qui sera tenu de satisfaire aux obligations suivantes :

(a.) De payer au Trésor, pour l'Année 1823, et ensuite annuellement, une indemnité de f. 190,000, somme à laquelle est évalué le Revenu net des Domaines, cédés par la Loi du 25 Mai, 1816 (Journal Officiel, No. 22), à Son Altesse Royale le Prince Frédéric des Pays-Bas;

(b.) De faire, à commencer par l'Année 1823, ensuite annuellement, les avances nécessaires pour suppléer aux revenus des grandes Communications du Royaumes, à l'effet de supporter le paiement des rentes et les remboursemens assignés sur ces revenus;

(c.) De satisfaire à toutes les obligations imposées aux Domaines, pour autant qu'elles ne viennent à cesser, par suite des dispositions de la présente Loi.

(d.) De fournir au Trésor, dans le cours de 5 Années, à commencer par l'Année 1823, une somme de 30,000,000 de florins au plus, qui pourra être assignée ou employée pour les objets ci-après:

1. Pour l'achèvement des grandes Communications du Royaume, par terre et par eau.

2. Pour couvrir le déficit qui sera reconnu exister à la terminaison du travail, dont la Commission générale de liquidation est chargée, et pour acquitter ce qui pourrait être dû à des Puissances Etrangères, ou à leurs Sujets, du chef de liquidations non encore terminées;

3. Pour la construction extraordinaire de Vaisseaux et Bâtimens de Suerre, en remplacement de ceux péris ou démolis;

4. Pour suppléer au fonds spécial destiné à la Fortification et à l'armement des Frontières méridionales;

5. Pour couvrir le déficit de l'Exercice de l'Année 1822.

Ces dispositions générales ne contiennent cependant que les bases des opérations, et le montant exact de la part de ces 30,000,000 à employer pour chaque espèce de besoin, doit être, au vœu de l'Art. V du Projet, fixé annuellement par la Loi.

La Seconde subdivision du Budjet, qui est présenté à Vos Nobles Puissances, tend à ce but; elle fera voir que, pendant l'Année 1823, il ne faudra que quelques sommes pour pouvoir aux I, III. et IV. Articles.

Au Chapitre concernant le Département de l'Intérieur et du Waterstaat, il a été porté pour les grandes Communications par terre et par eau, une somme de f. 3,442,489-82, dont la répartition se fait connaître par la désignation des travaux auxquels elle est destinée.

Il a été porté au Chapitre du Département de la Marine, f. 1,000,000, et à celui du Département de la guerre il est proposé, pour la Fortification et l'armement des Frontières méridionales du Royaume, une somme de f. 1,500,000.

Ces sommes doivent être prises, par le Syndicat d'Amortissement, sur les Domaines, et pour lui en fournir le moyen, ce Syndicat est autorisé par l'Art. VII du Projet de Loi, à aliener les Domaines jusqu'à concurrence d'un produit net de f. 1,750,000, de lever des fonds sur iceux, et de les rembourser moyennant les prix de vente.

Il serait prématuré et même impossible d'arrêter, dès à présent, les dispositions relativement à cette aliénation ou à cet emprunt; elles doivent nécessairement être proposées par le Syndicat d'Amortissement, après qu'il aura pris connaissance de l'état des choses et mûrement pesé l'objet, ainsi qu'il est dit au Projet de Loi.

Les autres Articles de cette division du Projet ne paraissent pas exiger une adstruction spéciale.

Je passe à l'examen de la Seconde division du Projet de Loi, qui se rapporte à la somme pétitionnée pour le Département des Finances, à la seconde subdivision du Budjet, à laquelle se rattache encore l'Art. VI. de la Première section du 9 Chapitre de la Première subdivision.

A ladite seconde subdivision figure une somme de f. 3,711,089-92 ¹/₂, comme nécessaire en 1823, pour le paiement des Pensions extraordinaires, Rentes viagères et autres Dépenses qui s'éteignent successivement.

D'après le Projet de Loi dont il s'agit, le Syndicat d'Amortissement est chargé de ces paiemens, qui jusqu'à présent ont été portés au Budjet Annal, et couverts moyennant le produit des Impôts et des Centièmes Additionnels; le tout ne coûtera dorenavant au Trésor que f. 2,040,000, tandis que cette mesure aura déjà une influence salutaire sur l'Année suivante.

Cette somme déterminée, sera annuellement portée à la 2 partie du Budjet, et fournie au Syndicat d'Amortissement, à l'effet de pouvoir payer les rentes d'un capital de f. 98,000,000, Dette active portant intérêt, et faire de temps en temps les rachats ou amortissemens nécessaires; à cet effet, il est ouvert au Syndicat d'Amortissement un crédit au montant dudit capital, pour être inscrit au Grand-livre, avec jouissance de rentes à partir du 1 Juillet, 1822.



Il ne pourra cependant être fait usage de ce crédit, que pour autant qu'il sera nécessaire pour suppléer à la différence entre les paiemens, que le Syndicat d'Amortissement doit faire tous les 6 mois au Trésor, et le montant des rentes à échoir tous les sémestres sur ledit capital ou sur le résidu ; la nécessité de la réalisation doit au surplus être prouvée au Roi.

Il ne sera pas nécessaire de démontrer à Vos Nobles Puissances, combien cette mesure allége le Trésor, et combien les Habitans du Royaume seront soulagés si Vos Nobles Puissances adoptent ce Projet. En effet il n'y a que le choix entre deux moyens, savoir : de couvrir ces paiemens, fondés sur des droits acquis, moyennant les impôts, c'est-à-dire, par l'augmentation des Centièmes Additionnels, ou bien en admettant la mesure proposée, que dans d'autres Pays on a tenté aussi avec succès.

La diminution immédiate, et dès le commencement, d'une somme aussi importante que celle fixée ici, procure au Trésor un plus grand avantage qu'il ne pourrait attendre de l'extinction successive des paiemens, tandis que le Syndicat d'Amortissement trouve dans les moyens qui lui sont assignés, (si ces moyens sont bien administrés) la garantie de ses intérêts.

Jusqu'ici j'ai parlé du Budjet de 1823, et de l'influence du Projet de Loi concernant le Syndicat d'Amortissement sur ce Budjet.

Vos Nobles Puissances me permettront de passer actuellement à l'examen des autres parties du projet de Loi, qui, sans être en rapport avec le Budjet de l'Année prochaine, le sont avec ceux des Années suivantes, et dont l'effet utile se fait également sentir ailleurs.

En premier lieu se présente, comme ayant besoin de quelques éclaircissemens, la division qui contient les moyens d'exécution de la Loi sur l'établissement du Système Monétaire des Pays-Bas.

Il ne sera pas, je pense, nécessaire d'entretenir Vos Nobles Puissances du vœu général pour que l'émission de la nouvelle Monnaie des Pays-Bas ait lieu : ce vœu est raisonnable, mais il est plus facile de l'émettre que d'y satisfaire; beaucoup de circonstances influent sur cet objet important, mais ce n'est pas le moment ici de les examiner ni de les juger. Il suffit d'observer, quant à présent, que porter une somme au Budiet Annal, est un moyen peu efficace et d'un effet trop rétréci, pour faire marcher la chose avec célérité et vigueur ; plusieurs Années s'écouleraient encore avant que la Loi pourrait opérer, si l'on continuait sur le pied actuel. Il est nécessaire de mettre une somme assez considérable à la disposition du Gouvernement, et il n'y a pas d'objection assez forte pour combattre ce moyen, pourvu toutefois, que de la manière dont cette somme doit être fournie, il ne résulte pas de nouvelles et fortes charges pour les Contribuables, le but qu'on se propose sera atteint, et tous les préjudices sont prévenus par la proposition de charger le Syndicat d'Amortissement, du paiement des

frais nécessaires pour atteindre le but désiré, et qui sont évalués à une somme de f. 12,000,000. Il sera à cet effet ouvert au Syndicat d'Amortissement un crédit de f. 26,000,000 ou plus, en Dette active portant intérêt, à inscrire au Grand-livre, mais dont il ne pourra cependant être disposé, qu'au fur et à mesure que les fournissemens à faire au Trésor l'exigeront. Il sera par contre fourni par le Trésor au Syndicat d'Amortissement, une somme égale à f. 30,000 pour chaque million de Dette inscrite; bien entendu que l'excédant, que cette somme laissera après que le paiement des rentes aura été couvert, sera immédiatement employé à l'achat de Dette active, qui sera chaque fois amortie au 1 Janvier de l'Année qui suivra celle de l'acquisition, et ces sommes seront portées aux Budjets Annals, à moins qu'elles ne puissent être trouvées par d'autres moyens. La charge étant ainsi répartie entre 37 Années, ne se fera pas beaucoup sentir.

J'arrive aux trois dernières divisions de la Loi sur le Syndicat d'Amortissement, qui traitent de l'échange de la Dette différée, des billets de sort, et des obligations du Syndicat d'Amortissement, des dispositions concernant la Dette active et le mode de paiement des Rentes, ainsi que de l'Amortissement de la Dette Nationale et des dispositions relatives à l'administration et aux comptes du Syndicat d'Amortissement.

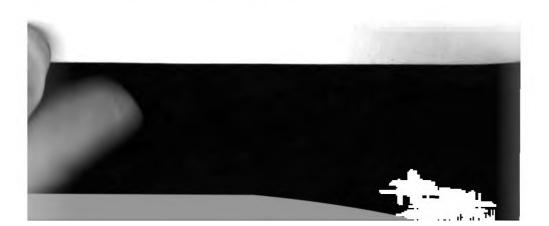
Il n'est pas nécessaire cependant de donner à cet égard des éclaircissemens particuliers. Tout ce qui se trouve mentionné, quant à ces points, dans le Projet présenté maintenant, est connu à Vos Nobles Puissances, par celui qui leur a été transmis par le Message du Roi, du 28 Mai dernier; le nouveau Projet ne dévie en aucun point essentiel de celui présenté à l'époque citée. Même fixation de prix, même mode d'échange, même diminution de Centièmes Additionnels, même amortissement de Dette, même administration, et le tout exprimé dans presque les mêmes termes, se retrouve dans le Projet présenté dans ce moment; et en effet, il n'existe point de motifs pour ne pas conserver en entier la proposition d'alors, qui n'a été retirée que par suite de la conviction, que ses dispositions devaient se trouver en rapport avec des mesures de Finances plus générales.

Je puis donc convenablement m'abstenir d'entrer dans des détails sur un sujet déjà connu.

Cependant quelques particularités méritent qu'il en soit spécialement fait mention.

Le 8 tirage de la Dette différée est proposé pour le 1 Mars 1823, au montant de 5,000,000 de florins, tandis qu'avant cette époque une somme de 5,000,000 de florins, Dette différée, avec les billets de sort y appartenans, sera encore amortie, au moyen du Syndicat d'Amortissement, somme qui ne sera pas comprise dans les tirages suivans, dont traite encore la Loi.

L'observation suivante est plus intéressante encore.



Le Roi n'a pas cessé de travailler avec énergie pour parvenir à l'accomplissement de ses vœux, de pourvoir aux besoins extraordinaires du Trésor sans qu'il en résulte des charges pour les Contribuables; de comprendre parmi ces besoins la charge qui, par la Loi du 2 Août dernier (devenue nécessaire), a été imposée à ses Sujets, et de prévenir en général une augmentation temporaire de Centièmes Additionnels, soit qu'on les porte au Budjet, soit qu'en vertu des Lois en vigueur, ils soient perçus au profit du Syndicat.

Il n'est pas nécessaire que je rappelle, ni à Vos Nobles Puissances, ni à la Nation, ce que le Roi veut contribuer pour réaliser le souhait de son cœur; mais je crois devoir observer que le but du Roi, qui est également le vôtre, Nobles et Puissans Seigneurs, sera complètement atteint par le Projet de Loi, dont j'ai fait connaître les principales parties à Vos Nobles Puissances.

Les Dépenses comprises dans la premiére subdivision de la Seconde Partie du Budjet sont inférieures à celles de l'Année courante; les Centièmes Additionnels portés au Projet de Loi qui détermine les Recettes sont, d'après cela, moins élevés, nonobstant qu'un Article de f. 1,725,000 pour paiement des Rentes, et l'Amortissement des f. 57,500,000, nominalement créés, figurent parmi les Dépenses. Cette réduction des Centièmes Additionnels, sur laquelle je reviens encore une fois, est déjà en elle-même une circonstance qui plaide en faveur du système.

La perspective de pouvoir supprimer les 15 Centièmes Additionnels sur le personnel, et sur les autres droits, est une seconde circonstance très-avantageuse qui résulte de la Loi.

Il est vrai que la possibilité existe, que les 13 Centièmes restans sur les Revenus cités en dernier lieu, devront aussi en partie être perçus après l'Année 1830; mais que l'on prenne en considération, qu'en établissant le calcul pour toute une Année, il se trouvera que les Contribuables seront dégrevés pour ce laps de temps; en premier lieu par une réduction de f. 1,600,000 qui constitue la différence entre les Centièmes Additionnels de 1822 et de 1823, en ajoutant à ceux de 1822 le sixième du produit des Impositions indirectes, qui actuellement sera aussi remplacé par les Centièmes Additionnels; en second lieu, par une somme à-peu-pres de f. 1,900,000 à laquelle on peut évaluer le produit brut de 15 Centièmes Additionnels sur le personnel, et de deux sur les autres Revenus; tandis que, par suite des mesures proposés, la somme de f. 1,725,000 portée parmi les Dépenses, et résultant de la Loi du 2 Août dernier, n'ajoutera même pas aux charges des Contribuables; ces trois sommes, calculées pour une Année entière, équivalent à peu de chose près les 13 Centièmes Additionnels-restans.

Un dégrévement de plus de 5,000,000 par An, dans lequel la Contribution foncière participe pour près de 1,000,000, et auquel on

doit encore ajouter la charge qui résulterait d'un autre mode de pourvoir aux besoins extraordinaires, peut bien balancer la charge d'un peu plus de 5,000,000, qui en supposant qu'à partir de l'Année 1830, le nombre des 13 Centièmes Additionnels ne pourra être réduit, devraient, dans ce cas, être perçus encore pendant 10 Années; cependant la perspective semble promettre, que par suite des opérations du Syndicat d'Amortissement et d'autre Bénéfices accordés par Sa Majesté même, une réduction des 13 Centièmes Additionnels sera possible déjà dès l'Année 1830 restans.

Un autre point principal et intéressant doit encore être touché, c'est-à-dire l'Institution du Syndicat d'Amortissement avec toute l'étendue de son action et de ses moyens.

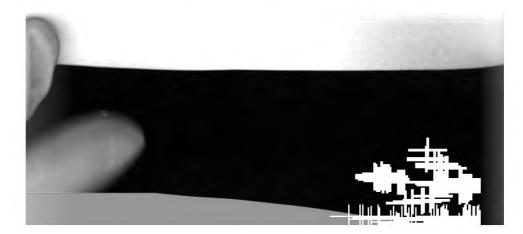
Certainement, je ne me trompe pas en soutenant que cette Institution est utile et agréable à la Nation. Un Corps agissant librement par soi-même, mais cependant placé dans un rapport convenable avec le Gouvernement, et dont la comptabilité est assurée, réunit tant d'avantages, qu'il me paraît mériter l'assentiment de chacun.

Vos Nobles Puissances accepteront surtout, avec empressement, cette Institution, et le mode d'après lequel la mesure, qui vous est proposée actuellement, doit être mise à exécution ; car la coopération des Etats-Généraux en tout ce qui est salutaire à l'Etat (et ceci mérite d'être observé), a été maintenue dans toute son intégrité ; ainsi point de doute que Vos Nobles Puissances donneront une nouvelle preuve de leur amour de la Patrie, en adoptant les Projets de Loi, qui font l'objet de mon Discours.

Il me reste à faire mention des Comptes du Trésor, tant isolément, qu'en rapport avec le Budjet, qui ont, à cette occasion, ordinairement été présentés à Vos Nobles Puissances.

Lorsque l'Année passée, j'eus l'honneur de parler de cet objet dans cette Assemblée, je fixais l'attention de Vos Nobles Puissances sur l'extension donnée aux Comptes qui vous étaient présentés alors, comparativement à ceux remis antérieurement aux Etats-Généraux, et je faisais connaître en même temps, qu'à une occasion ultérieure, on pourrait examiner, si l'ensemble ne serait encore susceptible de plus de clarté.

En effet les Comptes actuels ont reçu une plus grande clarté. Je ne parle pas de ceux proprement dits Comptes de Caisse, qui sont des copies exactes des Livres de la Trésorerie; aussi ce ne sont pas ces Comptes qui ont le plus d'importance pour Vos Nobles Puissances; ceux des Dépenses, en rapport avec le Budjet, sont les pièces qui mettent Vos Nobles Puissances à même de prendre connaissance de l'administration des affaires. Vos Nobles Puissances reconnaîtront, que les pièces à l'appui des Comptes de 1820 et 1821, rédigés sous la date du dernier Decembre, 1821, sont plus détaillés qu'ils ne l'étaient auparavant, et qu'un état particulier présente aussi les Dépenses



liquidées par la Chambre Générale des Comptes sur l'Exercice de 1821, jusqu'au dernier Juin de l'Année courante.

La désignation des objets de dépenses compris dans ces états a encore acquis plus de perfection, et présente la comparaison exacte de €e qui, sur chaque Article des différens Chapitres, a été liquidé en Plus ou en moins que le montant pour lequel ces articles figurent au Budjet; enfin, dans une colonne d'observations, il est fait mention en Sénéral des Crédits ouverts et des Avances faites à quelques Départeens d'Administration Générale, et dont, par conséquent, la liquidation Coit encore se faire à la Chambre Générale des Comptes; ces données Sévérales répandent de nouvelles lumières.

Vos Nobles Puissances trouveront sans doute dans ce qui précède, une nouvelle preuve des efforts de l'Administration pour apporter toujours plus de clarté dans ses Comptes.

Je termine en faisant des vœux, pour que les délibérations de Vos Nobles Puissances puissent, sous la Protection Divine, contribuer au Leur et à la prospérité de la Nation, seul but des efforts constans Roi et de ses propositions salutaires.

(Anexe 1.)-Projet de Loi portant Institution d'un Syndicat Amortissement, et réglant différens Intérêts Financiers du Royaume.

Nous Guillaume, par la Grâce de Dieu, Roi des Pays-Bas, Prince A Nous Guillaume, par la Glace de Luxembourg, etc. etc. etc. etc.

Ayant pris en considération :

Que l'introduction retardée des Impositions arrêtées par la Loi du 12 Juillet, 1821 (Journal Officiel, No. 9) laissera un déficit sur PE Juillet, 1821 (Journal Universette pourvu; ercice 1822, auquel il devra être pourvu;

Qu'il doit être pourvu aux moyens de faire face aux paiemens qui, en Qu'il doit être pourvu aux moyens de lane lace dans l'intérêt général du Royaume, pour d'engagemens contractés dans l'intérêt général du Royaume, liquidation de Créances dues a Nos Pour ertu d'engagemens contractés dans i interet generes dues a Nos raient devoir être faits en liquidation de Créances dues a Nos Suj raient devoir euc. ets, ou à des Etrangers;

Que le fonds spécial, destiné à la Fortification et à l'armement les Frontières Méridionales, n'étant pas suffisant pour couvrir toutes dépenses de cette fortification et de cet armement, aura besoin supplément ;

Que de mêrne il doit être pourvu, d'après les Lois des 28 et 30 vier, 1817 (Journal Officiel, Nos. 8 et 9), à l'accomplissement des vier, 1817 (Journal Officiel, Nos. 8 et 9), a l'accompany gemens contractés par ces Lois, comme aussi il est à désirer que l'appenens contractés par ces Lois, comme aussi il est à désirer que élioration des grands Communications par terre et par eau soit élioration des grands Communications par terre or par de la sinuée, et que de nouvelles Communications soient ouvertes dans interêt de l'industrie;

Que des fonds seront nécessaires pour continuer la construction extraordinaire de Vaisseaux et Bâtimens de Guerre, en remplacement le ceux péris ou démolis;

Que la grand charge des Pensions extraordinaires, Rentes Viagères et autres Paiemens qui s'éteignent successivement, et dont l'origine date, pour la majeure partie, d'une époque antérieure à la fondation du Royaume des Pays-Bas, est susceptible de modifications, qui la rendront moins difficile à supporter pour Nos Sujets;

Que l'exécution de la Loi du 28 Septembre, 1816 (Journal Officiel, No. 46) pour l'établissement du Système Monétaire des Pays-Bas, donnera lieu à des dépenses considérables, dont la charge peut également être allégée ;

Que, vu le cours élevé de la Dette active, ainsi que de celle différée et des Billets de sort y appartenans, les ressources de la Caisse d'Amortissement ne sont guères suffisantes pour assurer à la longue la translation annuelle de la Dette différée à la Dette active, ni l'Amortissement de la Dette différée et des Billets de sort, ordonné par la Loi du 9 Février, 1818;

Que la somme annuelle portée au Budget des Dépenses du Royaume, comme Revenu de ladite Caisse, ne saurait être augmentée sans recourir à de nouvelles charges pour les Habitans en général, qu'une plus forte hausse augmenterait encore ;

Que cependant les engagemens doivent être remplis et les droits acquis respectés religieusement;

Qu'il est donc convenable de recourir à des mesures auxquelles les intéressés participeront volontairement, et qu'ainsi l'offre d'un échange libre et non forcé, au moyen duquel la Dette différée sera convertie en Dette active portant intérêt, paraît mériter une considération spéciale;

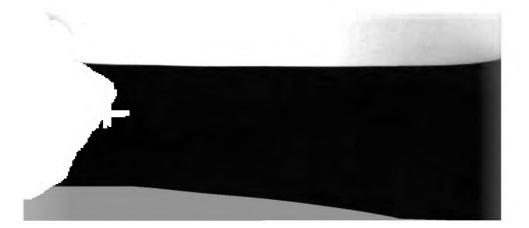
Que, vu la valeur actuelle des obligations du Syndicat, 1^{re} et 2^{me} Série, le tirage et le remboursement de ces obligations n'offrent point de bénéfice aux porteurs, et que cette circonstance présente l'occasion propre à retirer ces effets au profit de l'Etat, en donnant en échange d'autres obligations à intérêt ;

Qu'une réunion de la Caisse d'Amortissement avec le Syndicat actuel des Pays-Bas peut servir à augmenter la confiance publique, et devient encore utile au maniement régulier des affaires;

Qu'enfin, la participation à la Dette Nationale deviendra plus facile et plus générale par l'établissement d'un Livre Auxiliaire de cette Dette à Bruxelles;

Et désirant sincèrement employer, pour ce qui est détaillé cidessus, des moyens qui non-seulement n'augmentent pas les charges de Nos Sujets, mais qui au contraire peuvent donner lieu à une diminution des Centièmes Additionnels, lesquels sans cela devront être perçus sur le pied actuel jusqu'à l'An 1829, au profit du Syndicat des Pays-Bas;

Vu les dispositions de la Loi du 14 Mai, 1814 (Journal Officiel de 1816, No. 14), du 11 Novembre, 1815 (Journal Officiel, No. 37), du



12 Janvier, 1816 (Journal Officiel, No. 4), du 9 Février, 1818 (Journal Officiel, No. 7), du 31 Décembre, 1819 (Journal Officiel, No. 62), du 24 Decembre, 1820 (Journal Officiel, No. 30), et du 2 Août, 1822 (Journal Officiel, No. 24);

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ţ,

A ces causes, Notre Conseil-d'Etat entendu, et de commun accord avec les Etats-Généraux, avons statué, comme Nous statuons par les Présentes :

INSTITUTION D'UN SYNDICAT D'AMORTISSEMENT.

ART. I. La direction générale de la Caisse d'Amortissement et le Syndicat des Pays-Bas, seront remplacés par une nouvelle Administion, sous le nom de Syndicat d'Amortissement, qui sera établi à A msterdam, et sera composé et administré sur le pied du Syndicat actuel des Pays-Bas.

II. Les Fonds actuellement appartenans aux deux Etablissemens Prenommés, passeront sous l'administration du Syndicat d'Amortisseauquel sont également assurés leurs Bénéfices et Revenus, sauf la reduction de la perception des Centièmes Additionnels fixée à PArt. XXXIV.

oblisations imposées à ces deux Etablissemens. Par contre, le Syndicat d'Amortissement sera chargé de toutes les

Manière de pourvoir aux besoins extraordinaires du Trésor.

tion II. Le Syndicat d'Amortissement sera chargé de l'Administrades Domaines de l'Etat.

V. Le Syndicat d'Amortissement sera tenu de satisfaire aux obli Sations suivantes :

Repuis de f. 190,000 somme à laquelle est évalué le ane indemnité de f. 190,000 somme a laquine 1816 (Journal onu net des Domaines, cédés par la Loi du 25 Mai, 1816 (Journal Page iel, No. 22), à Notre bien aimé Fils, le Prince Frédéric des Paj I-Bas.

B) De faire, à commencer par l'Année 1020, et commences contraction des grandes les Avances nécessaires pour suppléer aux Revenus des grandes Revenue à l'effet de supporter le paiement des les Avances nécessaires pour suppléer aux nerveux des munications du Royaume, à l'effet de supporter le paiement des munications du Royaume, à l'effet de support es et les rem boursemens assignés sur ces Revenus.

De satis faire à toutes les Obligations imposées aux Domaines, A autan-ésente Loi. autant qu'elles ne viennent à cesser par suite des dispositions de

d) De fournir au Trésor dans le cours de 0 marces, a le cer par l'Année 1823, une somme de 30,000,000 de Florins au le cer par l'Année 1823, une somme de 30,000,000 de Florins au cer par l'An mée 1823, une somme de 50,000,000 qui pourra être assignée ou employée pour les objets ci-après:

. Pour l'achièvement des grandes Communications du Royaume, My terre et par eau;

2. Pour couvrir le déficit qui sera reconnu exister, à la termi-

naison du travail dont la Commission Générale de Liquidation est chargée, et pour acquitter ce qui pourrait être dû à des Puissances Etrangères, ou à leurs Sujets, du chef de liquidations non encore terminées;

3. Pour la construction extraordinaire de Vaisseaux et Bâtimens de Guerre, en remplacement de ceux péris ou démolis;

4. Pour suppléer au Fonds spécial destiné à la Fortification et à l'armement des Frontières Méridionales;

5. Pour couvrir le Déficit de l'Exercice de l'Année 1822.

V. Il sera annuellement déterminé par une Loi, quelle partie de la somme, énoncée à l'Article précédent, sera versée au Trésor, et jusqu'à concurrence de quel montant, pour chacun des objets dénommés ci-dessus.

VI. En remboursement des avances dont il est fait mention à l'Article IV. litt. b, et de la somme à fournir en vertu des dispositions du même Article, litt. d, l° aux fins y indiquées, il sera cédé au Syndicat d'Amortissement l'excédent des produits des Barrières sur les grandes routes et communications du Royaume actuellement existantes, après que les Négociations fondées sur ces produits auront été remboursées, ainsi que les produits des grandes routes et des canaux, dont la construction a été commencée en 1822, et de ceux dont la construction sera continuée ou entreprise, moyennant les sommes à fournir par le Syndicat d'Amortissement. Le Syndicat conservera la jouissance de ces Revenus jusqu'au moment où le montant intégral des paiemens faits pour ces deux objets aura été restitué sur l'un et l'autre de ces produits.

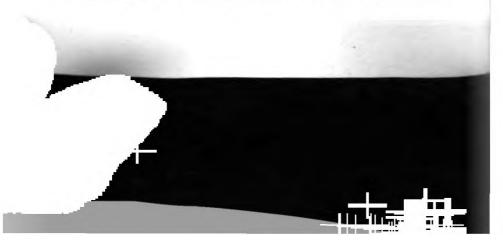
VII. Afin de pouvoir se procurer les Sommes nécessaires pour les payemens dont il est fait mention à l'Article IV. le Syndicat d'Amortissement est autorisé d'aliéner les Domaines qui lui seront cédés, jusqu'à concurrence d'un produit net de f. 1,750,000; de lever des Fonds sur iceux, et de les rembourser moyennant les prix de vente; le tout de la manière qu'il jugera la plus convenable, et qui, sur sa proposition, sera déterminée par Nous.

VIII. Les parcelles de Domaines actuellement exemptes de la contribution foncière y seront soumises en cas de vente, comme tout autre bien.

Les contingens des Provinces et Communes où ces parcelles sont situées, seront proportionnellement augmentés.

Dispositions concernant les Pensions Extraordinaires, Rentes Viagères, et autres Paiemens, qui s'éteignent successivement.

IX. A commencer par le 1 Janvier, 1823, le Syndicat d'Amortissement devra, tous les 6 mois, au 1 Janvier, et au 1 Juillet, mettre le Trésor à même de faire le paiement des Pensions extraordinaires, des Rentes Viagères, et autres Dépenses qui s'éteignent successivement, et



qui jusqu'à présent ont été acquittées sur la Seconde Partie du Budjet des Dépenses de l'Etat, et ce, jusqu'à l'extinction de toutes ces Pensions, Rentes Viagères, et autres Paiemens.

X. Pour mettre le Syndicat d'Amortissement en état de satisfaire aux obligations qui lui sont imposées par l'Article précédent, il lui sera ouvert un crédit en Dette active portant intérêt, d'une somme de f. 68,000,000 Capital nominal, qui sera inscrit au Grand-livre de la Dette active, avec jouissance de Rentes à partir du 1 Juillet, 1822, et qui fera, sous tous les Rapports, partie ordinaire de ladite Dette.

XI. Le Crédit de f. 68,000,000 (Dette active portant intérêt) dont il s'agit, n'étant accordé au Syndicat d'Amortissement que pour satisfaire à l'obligation dont il est fait mention à l'Art. IX. il ne pourra tous les 6 mois réaliser de ce Capital, qu'autant qu'il sera nécessaire pour suppléer à la différence entre les paiemens que le Syndicat d'Amortissement doit faire tous les 6 mois au Trésor, et le moutant des Rentes à échoir tous les semestres sur ledit capital ou sur ce qui en reste. Le Syndicat d'Amortissement Nous fera conster au 1 Mai et au 1 Novembre de chaque Année, de la nécessité de cette réalisation.

XII. Pour trouver les Sommes nécessaires, tant au paiement des Rentes dues sur ledit Capital de f. 68,000,000 qu'à l'achat et à l'Amortissement successif d'un Capital du même montant, il sera fourni Annuellement, à commencer par l'Année 1823, au Syndicat d'Amortissement, une Somme de f. 2,040,000, bien entendu que l'excédent, que cette Somme de f. 2,040,000 laissera après que le paiement des Rentes aura été couvert, sera immédiatement employé à l'achat de Dette active, qui sera chaque fois amortie au l Janvier de l'Année qui suivra celle de l'acquisition.

XIII. Ladite somme de f. 2,040,000 sera portée annuellement, à partir de l'Année 1823, à la Seconde Partie du Budjet des Dépenses de l'Etat, à moins qu'elle ne puisse être trouvée par d'autres moyens.

Moyens pour l'exécution de la Loi pour l'Etablissement du Système Monétaire des Pays-Bas.

XIV. Le Syndicat d'Amortissement devra, dans le cours de l'Année 1823 et Années suivantes, indemniser le Trésor des Dépenses que l'exécution de la Loi du 28 Septembre, 1816, (Journal Officiel, No. 55,) réglant le Système Monetaire des Pays-Bas, occasionnera, et ce, jusqu'à concurrence d'un montant de 12,000,000 auquel ces Dépenses sont évaluées.

XV. Pour mettre le Syndicat d'Amortissement à même d'acquitter l'indemnité ci-dessus, il lui sera ouvert un crédit de f. 26,000,000 au plus, en Dette active portant intérêt, qui ne sera inscrit au Grandlivre, et dont il ne pourra disposer, qu'à fur et à mesure que les remboursemens à faire au Trésor l'exigeront successivement. XVI. Les Capitaux à inscrire a feront sous tous les Rapports par jouissance de rente, à partir du pres l'inscription aura lieu.

XVII. Pour trouver les somme rentes dues sur chacun des Capitaux du Syndicat d'Amortissement, que pment des Capitaux du même monta Syndicat d'Amortissement une som million de Dette inscrite, bien entend laissera, après que le paiement des re diatement employé à l'achat de De amortie au ler Janvier de l'Année qu

XVIII. Les sommes, dont il est cède, seront, à partir de l'Année qui scriptions des Capitaux auront eu l Seconde Partie du Budjet des Dépen puissent être trouvées par d'autres mo

Echange de la Dette Différée, des Bil Syndicat des 1

XIX. Aux Porteurs d'inscriptions tionale différée, et des Certificats de délivrés par des Bureaux d'Administrat y appartenans, comme aussi aux Porteu Pays-Bas, 1 et 2 série, est accordée la contre des obligations du Syndicat d'Au 4¹/₄ pour cent par an.

XX. Chaque inscription ou certific florins, accompagné d'un Billet de sort de pour un capital de 50 florins; ceux (même proportion.

XXI. Afin de faciliter cette conversi pas lesdits effets en proportion égale, l'échange, soit la Dette différée sans Bil sort sans Dette différée : dans ce cas il es de 1000 florins Dette différée une vi tièmes, et à chaque Billet de sort celle d

XXII. Cent florins en obligations seront acceptés dans cet échange pour un

XXIII. Les intérêts des obligations prendront cours à compter du l Octobre tions actuelles du Syndicat des Pays-Bas, apurées jusqu'au 30 Septembre, 1823.

XXIV. Le premier paiement des intérêts des obligations du Syndicat d'Amortissement, se fera le 1 Avril, 1824, et ces interêts seront dorénavant acquittés par semestre au 1 Octobre et au 1 Avril, sur des coupons payables par le Syndicat d'Amortissement, ainsi que pour son compte, par tous les Receveurs-généraux dans les différentes Provinces du Royaume.

XXV. Ces obligations seront délivrées au montant de 100 f, 500 f. ou de 1000 f., au choix des intéressés.

XXVI. Les obligations seront enregistrées et contresignées à la Chambre Générale des Comptes, à l'effet d'en constater l'authenticité, et pour garantie que le maximum, à déterminer ci-après, ne puisse être outrepassé.

XXVII. Ceux qui désirent prendre part à cet échange devront en faire la déclaration dans les 4 mois, à compter du premier jour du mois suivant celui dans lequel la présente Loi sera promulguée; après l'expiration de ce délai, il ne pourra se faire des échanges qu'en vertu d'un Ordre spécial et exprès de notre part.

XXVIII. Tout Tuteur, Curateur, et Administrateur de Mineurs ou d'autres personnes en tutelle; les Régens et Administrateurs d'hospices et autres établissemens de bienfaisance; les Directeurs des Chambres pupillaires encore existantes, ou les Commissaires chargés de liquider et terminer les masses dont lesdites Chambres ont eu l'Administration, comme aussi les Administrations des Communes et autres Administrations Publiques, sont autorisés par la présente à prendre part à la conversion proposée.

XXIX. Le huitième tirage de la Dette différée, qui aura lieu au 1 Mars, 1823, comprendra un montant de 5,000,000 de florins, et avant cette époque il sera en outre amorti par le Syndicat d'Amortissement, 5,000,000 de Dette différée avec les Billets de sort y appartenans, lequel Capital, ainsi amorti, ne sera point compris dans le tirage suivant.

XXX. Conformément à ce qui est stipulé à l'Art. 21. de la Loi du 9 Février, 1818, on continuera en 1824 et ensuite annuellement, le tirage de 5,000,000 de Dette différée, et l'Amortissement d'un autre montant de 5,000,000; de sorte que la Dette différée diminuera annuellement de 10,000,000, et ce, jusqu'à ce que la masse de cette Dette se trouvera entre les mains du Gouvernement : les Billets de sort et la Dette différée, qui par l'échange contre des obligations du Syndicat d'Amortissement, seront devenus la propriété de l'Etat, seront employés en Premier lieu pour le susdit Amortissement.

XXXI. Les Billets de sort, dont l'Etat sera devenu propriétaire au moyen dudit échange, continueront de participer aux tirages annuels, bien entendu cependant que la Dette différée appartenant aux Billets de sort sortis aux tirages, ne sera pas transférée en Dette active, mais sera amortie. XXXII. Il sera tenu Note à la Chambre Générale des Comptes de tous les Billets de sort, des Inscriptions et Certificats de la Dette différée, et des Obligations du Syndicat des Pays-Bas échangés; cette Note fera connaître que ces effets ne peuvent servir qu'aux fins énoncées dans les 2 Articles précédens. Les Inscriptions et Certificats de la Dette différée qui auront été échangés, seront en outre transcrits au Grand-livre de la Dette Nationale, au nom du Syndicat d'Amortissement avec la même Note que dessus.

XXXIII. Les tirages mensuels des obligations du Syndicat des Pays-Bas seront continués conformément aux Lois, jusqu'à ce que le montant en soit ou remboursé, ou rentré au moyen de l'échange susdit dans la possession de l'Administration.

Les obligations du Syndicat des Pays-Bas qui, par leur échange contre des obligations du Syndicat d'Amortissement, seront devenues la propriété de l'Etat, continueront de participer aux tirages : bien entendu cependant, que celles sorties aux tirages seront de suite amorties et transmises à la Chambre Générale des Comptes.

XXXIV. Lorsque les obligations du Syndicat seront devenues propriété de l'Etat, avant le 1 Juillet, 1823, soit en totalité, soit en telle quantité que leur remboursement ne requière plus une forte garantie, la perception de 15 Centièmes Additionnels pour le Syndicat, sera à cette époque, ou bien aussitôt que l'échange aura eu lieu, supprimée totalement quant à la Contribution personnelle, et réduite à 13 Centièmes pour les autres Contributions énoncées dans les Lois des 11 Novembre, 1815, et 9 Février, 1818.

XXXV. Pour mettre le Syndicat d'Amortissement en état de satisfaire aux dispositions contenues dans les Articles XIX. jusques et y compris XXXIV, il est autorisé d'émettre 116,000,000 de florins en obligations, portant un intérêt annuel de $4\frac{1}{2}$ pour cent; laquelle somme comprend le montant présumé de la Dette différée, des Billets de sort, et des obligations du Syndicat des Pays-Bas à changer.

XXXVI. Cependant il ne pourra être émis dudit capital de 116,000,000 de florins, plus qu'il n'est nécessaire pour opérer l'échange prescrit par cette Loi et pour faire les achats de Dette effective, pour la translation des Billets de sort, sortis aux tirages et de la Dette différée non convertie. Il sera donné ouverture à la Chambre Générale des Comptes de ce qui sera nécessaire de ce chef, lors de la présentation des nouvelles obligations à l'enregistrement.

Dispositions concernant la Dette Active et le mode de paiement des Rentes.

XXXVII. A commencer du l Juillet, 1823, le Syndicat d'Amortissement sera chargé du paiement par semestre des Rentes de la Dette Nationale active portant intérêt; à cet effet la somme de f.15,650,000, comprise dans le Budjet décennal pour les Rentes de la

Dette active portant intérêt, sera payée annuellement par le Trésor du Royaume au Syndicat d'Amortissement, et ce par semestre et avant l'échéance des Rentes.

XXXVIII. Afin de procurer aux intéressés dans la Dette Nationale, qui habitent les Provinces lointaines, une occasion plus facile de toucher leurs Rentes, et pour encourager par là la participation à la Dette dans ces parties du Royaume, il en sera créé un Livre Auxiliaire, qui sera établi à Bruxelles, et formera un ensemble avec le Grand-livre tenu à Amsterdam.

Le double de ce Livre Auxiliaire sera tenu à Amsterdam pour contrôle par l'Administration du Grand-livre, le Livre Auxiliaire à Bruxelles sera toujours clos 2 semaines avant le commencement du paiement des Rentes à Amsterdam.

XXXIX. Le paiement des Rentes à Amsterdam commencera toujours au l Janvier, et au l Juillet de chaque Année, et il sera pris des arrangemens pour que ce paiement puisse se terminer pendant la première moitié de chacun de ces mois.

XL. Les Créanciers inscrits au Livre Auxiliaire, pourront, comme ceux qui sont inscrits au Grand-livre à Amsterdam, toucher leurs Rentes échues, près la direction du Grand-livre à Amsterdam; dans le cas où ils ne le préféreraient pas, leurs Rentes seront payées à Bruxelles.

A cet effet le paiement des Rentes à Bruxelles, commencera le 16 du mois, dans lequel les Rentes se paient à Amsterdam, et devra être terminé dans la quinzaine.

Amortissement de la Dette Nationale, et dispositions concernant l'Administration et les Comptes du Syndicat d'Amortissement.

XLI. Indépendamment de l'examen ordinaire et annuel de la Dette Nationale, voulu par l'Art. CXCIX. de la Loi Fondamentale, elle sera plus spécialement prise en considération tous les 10 Ans (à commencer par l'Année 1829) lors de la fixation de la première partie du Budjet des Dépenses de l'Etat pour une période décennale.

XLII. Lors de l'examen annuel de la Dette, il sera remis aux Etats-généraux, à commencer de l'Année 1824, un état du montant de la Dette différée et des Billets de sort, ainsi que des obligations du Syndicat des Pays-Bas, qui auront été converties, et il leur sera donné connaissance des achats de Dette, faits au moyen des deniers disponibles à cet effet, jusqu'à la clôture du Compte du Syndicat d'Amortissement ; en même-temps il sera présenté aux Etats-généraux un aperçu des sommes que le Syndicat d'Amortissement croira pouvoir employer, d'après l'Art. XLVI. de cette Loi, à l'achat de Dette dans l'Année suivante.

XLIII. Il sera ensuite déterminé par une Loi quel montant des 2 Y 2 Fonds disponibles sera employé à l'achat de Dette : cet achat se fera successivement, et autant que possible, par quantités égales, de manière à ce qu'il soit employé dans chaque trimestre le quart de la somme destinée à cette fin.

XLIV. Lors de l'examen décennal spécial de la Dette, il sera déterminé par une Loi si, et jusqu'à quel point, il sera apporté quelque changement aux Revenus assignés au Syndicat d'Amortissement; les Revenus, qui lui seront accordés à cette époque, seront de nouveau arrêtés pour une période décennale et feront partie du Budjet décennal.

XLV. Il sera en même temps déterminé par la Loi, si une partie de la Dette achetée pourra être amortie jusqu'à quelle concurrence; pour ce qui concerne la quantité qui ne sera point amortie, le Syndicat d'Amortissement conservera les mêmes droits que tous les autres Créanciers de l'Etat.

Les Rentes, que le Syndicat d'Amortissement touchera de ce chef, seront employées à faire de nouveaux achats de Dette.

XLVI. Les Membres du Syndicat d'Amortissement seront annuellement convoqués en Assemblée Générale, conformément au mode établi pour le Syndicat des Pays-Bas, d'après la Loi du 11 Novembre, 1815.

Dans cette Assemblée, le Compte sera présenté et provisoirement clos, et on y déterminera la somme qui, dans l'Année suivante, pourrait être employée à l'achat de Dette.

XLVII. Le Syndicat d'Amortissement nous rendra compte du résultat de cette Assemblée Générale, et nous présentera le Compte provisoirement clos.

XLVIII. Le Compte du Syndicat d'Amortissement sera communiqué par Nous, sous le secret convenable, à une Commission de 7 Personnes, qui sera composée ainsi qu'il est prescrit par la Loi du 12 Janvier, 1816, relativement à la Caisse d'Amortissement, des Présidens éventuels des 2 Chambres des Etats-généraux, de 2 Membres du Conseil d'Etat, et de 3 Membres de la Chambre Générale des Comptes, tous les 5 Ans à nommer chaque fois par Nous; ce Compte sera ensuite examiné et clos par les 3 derniers nommés, conformément à l'Art. XIX de l'Instruction pour la Chambre Générale des Comptes, arrêtée par la Loi du 21 Juin, 1820, (Journal Officiel, No. 15.)

XLIX. A commencer par l'Année 1829, et ensuite tous les 10 Ans, l'état de situation du Syndicat d'Amortissement sera communiqué aux Etats-généraux; cet état sera rendu public et chacun pourra en faire l'acquisition.

Mandons et Ordonnons, etc.

(Annexe 2.)—Projet de Loi qui règle la Seconde Partie du Budjet des Dépenses du Royaume, pour l'Année 1823.

Nous, GUILLAUME, par la Grâce de Dieu, Roi des Pays-Bas, Prince d'Orange Nassau, Grand Duc de Luxembourg, 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 1823:

Que, d'après les dispositions arrêtés par la Loi pour l'institution d'un Syndicat d'Amortissement, et pour régler différens intérêts financiers du Royaume, une partie de ces dépenses devant être couverte par des fournissemens au Trésor, sans qu'il en résulte des charges pour les Contribuables, il convient par conséquent, d'établir deux subdivisions dans cette partie du Budjet.

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 1823 comprendra deux subdivisions, arrêtées ainsi qu'il suit:

Première Subdivision.

CHAP. I. Liste Civile	Nihil.
II. La Secrétairerie d'Etat, les grands Cor	ps de l'Etat, et
les Fonctionnaires qui ne font parti partement d'Administration	e d'aucun Dé- 226,200 00
III. Département des Affaires Etrangères	56,500 00
IV. Département de la Justice	3,060,000 00
V. Département de l'Intérieur et du Water-	
staat	817,488 42
VI. Département du Culte Réformé et aut	res excepté le
Culte Catholique	60,000 00
VII. Département du Culte Catholique	69,933 05
VIII. Département pour l'Instruction Public	ue, l'Industrie
Nationale et les Colonies	1,409,998 00
IX. Département des Finances	7,887,723 11
X. Département de la Marine	9,100 00
XI. Département de la Guerre	2,289,445 58
Total	15,886,388 16

Seconde Subdivision.

Florins.

III.	Département des Affaires Etrangères	Nihil.
IV.	Département de la Justice	Nihil.
v.	Département de l'Intérieur et du Water- staat	3,442,489 82
VI.	Département du Culte Réformé et autres,	
	excepté le Culte Catholique	Nihil.
VII.	Département du Culte Catholique	Nihil.
VIII.	Département pour l'Instruction Publi	que, l'Industrie
	Nationale et les Colonies	Nihil.
IX.	Département des Finances	3,711,089 921
Х.	Département de la Marine	1,000,000 00
XI.	Département de la Guerre	1,500,000 00
	Total	9,653,579 741

II. Afin de pourvoir aux besoins imprévus, qui pourraient se présenter dans les cours de l'Année 1823, il est mis à la disposition du Roi un maximum de 1,000,000 de florins, à couvrir, en premier lieu, par le résidu que les dépenses, dont il est fait mention dans la première subdivision de la seconde partie du Budjet, 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.

(Annexe 3.)—Projet de Loi qui détermine les Moyens de faire face aux Dépenses comprises dans la seconde partie du Budjet des Dépenses du Royaume, pour l'Année 1823.

NOUS GUILLAUME, par la Grâce de Dieu, Roi des Pays-Bas, Prince d'Orange-Nassau, Grand Duc de Luxembourg, etc. etc. etc.

A tous ceux qui les présentes verront, salut ! savoir faisons :

Ayant pris en considération que, d'après l'Art. CXXVI de la Lei Fondamentale, les moyens de faire face aux dépenses, qui appartiennent à la second partie du Budjet, ne sont arrêtés que pour un An, et que par conséquent, il convient d'arrêter ces moyens pour l'Année 1823.

Considérant en outre que, par la Loi du 12 Juillet, 1821, (Journal Officiel No. 9,) et par les Lois spéciales, arrêtées successivement, les bases du système d'impôts pour le Royaume ont été fixées, et que par la Loi pour l'Institution d'un Syndicat d'Amortissement et pour régler différens intérêts financiers du Royaume, il a été assuré des fournissemens au Trésor pour couvrir quelques besoins sans qu'il en résulte des charges pour les contribuables.

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 première subdivision de la seconde partie du Budjet pour l'Année 1823, 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 des péages d'eau, les droits de balises et de fanaux, sauf déduction de la somme qui, d'après la Loi du 12 Juillet, 1821, sera reconnue nécessaire pour couvrir les dépenses ordinaires.

(b.) Ce qui sera payé en moins sur le premier Chapitre de la première part du Budjet, Liste Civile, par suite de la Loi du 26 Août, 1822, (Journal Officiel, No. 40.)

(c.) Les Revenus des Domaines cédés par la Loi du 25 Mai, 1816, (Journal Officiel, No. 25,) à notre bien-aimé fils le Prince Frédéric des Pays-Bas.

(d.) Les Loteries.

(e.) Les produits des objets à vendre, les Revenus extraordinaires, et toutes autres recettes éventuelles.

(f.) 15 et $\frac{1}{2}$ Centièmes Additionnels sur toutes les impositions directes et indirectes et les accises, dont la perception est arrêtée par la Loi du 12 Juillet, 1821.

Ces 15 et $\frac{1}{2}$ Centièmes seront remplacés, pour ce qui concerne le droit de Patente, par un 6me de ce droit et du droit de Tonnage à l'intérieur, perçu sur le pied actuel, aussi longtemps que la Loi actuelle sur les Patentes ne sera pas revue et modifiée, et pour ce qui concerne les impositions indirectes, par un 6me des droits d'enregistrement, de timbre, de greffe, d'hypothèque et de succession, perçus sur le pied actuel, aussi longtemps qu'il ne sera point apporté de changement aux Lois actuelles, concernant ces droits.

II. En vertu de la Loi du 21 Avril, 1810, la redevance proportionnelle des Mines est fixée pour l'Année 1823, à 2½ pour cent du produit net. Il en sera tenu un Compte particulièr au Trésor Public, et le montant sera appliqué aux dépenses de l'Administration des Mines, d'après l'Art. XXXIX de ladite Loi.

III. Pour faire face aux dépenses, comprises dans la seconde subdivision de la 2me partie du Budjet pour l'Année 1823, seront employées:

(a.) Une somme de 5,942,089 florins 82 centièmes, à fournir au Trésor par le Syndicat d'Amortissement, sur celle de 30,000,000 de florins, dont le paiement doit être fait aux termes de l'Art. IV, $(\S d.)$ de la Loi pour l'Institution d'un Syndicat d'Amortissement, et pour régler différens intérêts financiers du Royaume.

(6.) Une somme de 3,711,089 florins 92½ centièmes, à fournir également par le Syndicat d'Amortissement, d'après l'Art. IX de la Loi précitée, à l'effet de mettre le Trésor en état de payer les Pensions Extraordinaires, les rentes viagères et autres dépenses qui s'éteignent successivement.

Mandons et Ordonnons, etc.

FUNDAMENTAL Law of the Union of the People of Colombia.—Rosario de Cucuta, 12th July, 1821.

(Translation.)

WE, the Representatives of the People of New Granada and Venezuela, in General Congress assembled;

Having attentively examined the Fundamental Law of the Republick of Colombia, enacted by the Congress of Venezuela, in the City of St. Thomas de Angostura, on the 17th day of the month of December, in the Year of our Lord, 1819, and having also considered;

1. That the Provinces of Venezuela and New Granada, united into one Republick, possess in all their extent the means of raising themselves to the highest pitch of power and prosperity;

2. That in constituting themselves into separate Republicks, however close the bonds may be by which they are united, far from being able to improve so many advantages, they would find it difficult to consolidate their Sovereignty and cause it to be respected;

3. That, intimately convinced of these advantages, all Men of superior talents and enlightened patriotism had urged the Governments of the two Republicks to agree to this Union, which the vicissitudes of the War have hitherto prevented from being carried into effect;

4. Finally, that considerations of such reciprocal interest and evident necessity, have induced the Congress of Venezuela to anticipate this measure, which was virtually pronounced by the constant wishes manifested by both Countries;

Wherefore, in the name and under the auspices of the Supreme Being, we have been induced to decree, and hereby do decree, the solemn Ratification of the Fundamental Law of the Republick of Colombia above-mentioned, in the following terms :--

Art. I. The People of New Granada and Venezuela shall remain united, in one single National Body, under the express Compact that their Government now is, and shall be, for ever hereafter, popular and representative.

II. This new Nation shall be known and called by the title of the Republick of Colombia.

III. The Colombian Nation is, for ever and irrevocably, free and independent of the Spanish Monarchy, as well as of all other Foreign Power and Dominion whatever. Neither is it, nor can it ever be, the patrimony of any Family, or Person.

1V. The Supreme National Power shall, in its exercise, always be divided into the Legislative, Executive, and Judicial.

V. The Territory of the Republick of Colombia shall be that comprehended within the limits of the ancient Captain-Generalship of Venezuela and the Viceroyalty and Captain-Generalship of the new Kingdom of Granada. The settlement of its precise boundaries shall be reserved for a more suitable time.

VI. For the more beneficial Administration of the Republick, the Territory thereof shall be divided into 6, or more, Departments, each having a particular denomination and a subordinate Administration, dependent on the National Government.

VII. The present Congress of Colombia shall frame the Constitution of the Republick, conformably to the bases above set forth, and according to the liberal principles which the wise practice of other Nations has rendered sacred.

VIII. The Debts contracted by the two Countries, separately, are acknowledged *in solidum*, as a National Debt of Colombia; and the whole property of the Republick shall be held answerable for their payment.

IX. The Congress, in such manner as they may deem fit, shall appropriate to the payment thereof, the most productive branches of the Publick Revenue, and shall also create a special Sinking Fund, for the purpose of redeeming the principal, or paying the interest thereon, when the same shall have been ascertained.

X. Under more prosperous circumstances, a new City shall be built, bearing the name of the Liberator, Bolivar, which shall be the Capital of the Republick of Colombia. The plan and situation thereof shall be determined by Congress, on the principle of the same being proportioned to the wants of its extensive Territory, and the important station to which this Country is by nature called.

XI. Until such time as the Congress shall have decreed the Arms and Flag of Colombia, the present Arms of New Granada and the Flag of Venezuela shall continue to be used.

XII. The completion of the establishment of the Republick of Colombia, and the publication of the Constitution, shall be celebrated by the People and the Armies by Festivals and publick rejoicings, and a solemn Festival shall be observed on the day on which the Constitution shall be promulgated.

XIII. A National Festival shall be permanently kept for 3 days, at the time fixed for celebrating the Anniversary:

1. Of the Emancipation and absolute Independence of the People of Colombia.

2. Of their Union, in one single Republick, and the establishment of the Constitution;

3. Of the great triumphs and immortal Victories by which these benefits have been gained and secured.

XIV. The National Festival shall, every Year, be observed on the 25th, 26th, and 27th days of December, when each day shall be consecrated to the special recollection of one of these 3 glorious events, and during the same period, virtue, talents, and services rendered to the Country, shall be rewarded.

The present Fundamental Law of the Union of the People of Colombia, shall be solemnly promulgated in the Towns and Armies, inscribed in the Publick Registers, and deposited in the Archives of all the Municipalities and Corporations, as well ecclesiastical as secular, for which purpose a communication shall be made to the Supreme Executive Power, through the medium of a Deputation.

Done in the Palace of the General Congress of Colombia, in the Town of Rosario de Cúcuta, this 12th day of July, in the Year of our Lord 1821, and the 11th of Independence.

> JOSE IGNACIO MARQUES, President of the Congress. ANTONIO M. BRICENO, Vice-President.

> > [Signatures of 51 Members of Congress.]

MIGUEL SANTAMARIA, Deputy Secretary. FRANCISCO SOTO, Deputy Secretary.

Palace of the Government of Colombia, in the Town of Rosario de Cúcuta, this 18th day of July, 1821-11th Year of Independence.

The above shall be fulfilled and published in this Capital, as the Fundamental Law of the State; and for this purpose let the same be communicated to the Vice-Presidents of the Departments.

> CASTILLO, Vice-President of the Republick. DIEGO B. URBANEJA, Minister of the Interior.

CONSTITUTION of the Republick of Colombia. Rosario de Cucuta, 30th August, 1821.

(Translation.)

In the Name of God, the Author and Legislator of the Universe.

WE, the Representatives of the People of Colombia, in General Congress assembled, complying with the wishes of our Constituents, anxious that the Fundamental Rules of their Union should be fixed, and a Form of Government established capable of ensuring to them the benefits of their liberty, security, property, and equality, as far as is possible, on the part of a Nation, at the commencement of its political career, and still struggling for its Independence, do agree to and enact the following

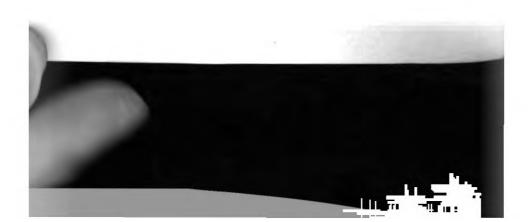
CONSTITUTION.

TITLE I.

OF THE COLOMBIAN NATION AND OF THE COLOMBIANS.

SECTION I.-Of the Colombian Nation.

ART. I. The Colombian Nation is, for ever and irrevocably, free and independent of the Spanish Monarchy, as well as of all other



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Foreign Power and Dominion whatever; and it is not, nor ever shall be, the patrimony of any Family, or Person.

II. The Sovereignty essentially resides in the Nation. The Magistrates and Officers of the Government, invested with any kind of authority, are its Agents or Commissioners, and are responsible to it for their publick conduct.

III. It is the duty of the Nation to protect, by wise and equitable Laws, the liberty, security, property, and equality of all Colombians.

SECTION II.—Of the Colombians.

IV. Are Colombians:

1. All free Men, born in the Territory of Colombia, and their Children.

2. Those who were established in Colombia at the time of her political transformation, provided they continue faithful to the cause of Independence.

3. Those not born in Colombia, who may obtain Letters of Naturalization.

V. The duties of every Colombian are, to live in submission to the Constitution and to the Laws; to respect and obey the Authorities who are their organs; to contribute to the publick expenses; and to be, at all times, ready to serve and defend his Country, by sacrificing in its behalf his property and life, should it be necessary.

TITLE II.

OF THE TERRITORY OF COLOMBIA AND ITS GOVERNMENT.

SECTION I.—Of the Territory of Colombia.

VI. The Territory of Colombia is the same which was formerly comprehended in the ancient Vice-royalty of New Granada and the Captain-Generalship of Venezuela.

VII. The People within that Territory, who are still under the Spanish yoke, at whatsoever time they may be liberated, shall form part of the Republick, with rights and representation equal to those of its existing Members.

VIII. The Territory of the Republick shall be divided into Departments; the Departments into Provinces; the Provinces into Cantons; and the Cantons into Parishes.

SECTION II.—Of the Government of Colombia.

IX. The Government of Colombia is popular representative.

X. The People shall not, of themselves, exercise any other attributes of Sovereignty than that of the Primary Elections, nor shall they deposit the exercise thereof in the bands of any single Person. The Supreme Power, in its administration, shall be divided into the Legislative, Executive, and Judicial.

XI. The power of enacting Laws belongs to the Congress; that of causing them to be executed to the President of the Republick; and that of applying them, in Civil and Criminal Causes, to the Tribunals and the Courts of Justice.

TITLE III.

OF THE PAROCHIAL AND ELECTORAL ASSEMBLIES.

SECTION I.—Of the Parochial Assemblies, and the Returns of their Elections.

XII. In each Parish, whatever may be its Population, a Parochial Assembly shall be held on the last Sunday in July in every fourth Year.

XIII. The Parochial Assembly shall be composed of the Parochial Voters, not deprived of suffrage, inhabiting each Parish, and over it shall preside the Judge or Judges of the Parish, assisted by 4 Witnesses of respectability, enjoying the qualifications of a Parochial Voter.

XIV. The Judges, without waiting for any order, are indispensably bound to convene the same, at the periods above stated, on such day as the Constitution may determine.

XV. To be a Parochial Voter, it is requisite;

1. To be a Colombian.

2. To be married, or above 21 Years of age.

3. To be able to read and write: this condition, however, shall not be indispensable till the Year 1840.

4. To be the Owner of landed property to the clear amount of 100 dollars, or, in the absence thereof, to be in the exercise of some business, trade, profession, or useful industry, such Person being a House-keeper or Shopkeeper, and not dependent upon another, in the character of Journeyman or Servant.

XVI. The qualification of Parochial Voter is lost;

1. By accepting employment from another Government, without permission of the Congress, by holding the same with a salary, or by administering any other trust under that of Colombia.

2. By any Sentence imposing inflictive or degrading punishment, unless the disability be previously removed.

3. By having sold his vote, or bought that of another, for himself or for a third Person, whether it be in the Primary, the Electoral, or in other Assemblies :

XVII. The qualification of Parochial Voter is suspended;

1. In Idiots, Lunaticks, or Madmen.

2. In Bankrupt Debtors, and Vagrants, declared to be such.



3. In Persons under indictment by criminal process, until they have been acquitted, or condemned to a punishment neither inflictive nor degrading.

4. In Debtors to the Publick Revenue, after the term for payment has expired.

XVIII. The business of the Parochial Assemblies is to vote for the **Elector**, or Electors, corresponding to the Canton.

XIX. The Province entitled to 1 Representative only, shall name 10 Electors, the nomination of whom is to be distributed among the Cantons therein contained, in proportion to the Population of each.

XX. The Province entitled to name 2, or more, Representatives, shall have as many Electors as will correspond to the Cantons composing the same, each Canton being bound to choose 1 Elector for every 4,000 Souls, and 1 more for a surplus of 3,000. Every Canton, although its Population may not amount to the aforesaid number, shall nevertheless have one Elector.

XI. To be an Elector it is requisite :

1 - To be a Parochial Voter, not disqualified.

2. To be able to read and write.

S. To be above 25 Years of age, and an Inhabitant of one of the Parishes of the Canton in which the Election is about to take place.

4. To be Owner of a landed property amounting to the clear value of 500 dollars, or in the enjoyment of a Situation yielding an annual income of 300 dollars, or in the possession of property producing an annual income of 300 dollars, to profess some science, or to hold a sciencifick degree.

XII. Each Parochial Voter shall vote for the Elector, or Electors, of the Canton, by publickly announcing the names of the Citizens, respectively, Inhabitants of the same Canton, whom he prefers, which shall be punctually entered, in his own presence, on the Registers kept exclusively for this purpose.

XIII. All doubts or disputes which may arise on the qualifications or forms of the Parochial Votes, as well as all complaints which may occur on the subject of collusion or bribery, shall be decided by the udges and assisting Witnesses, and their decision shall, for the time being, be carried into effect; the right of Appeal to the Municipality of the Canton being nevertheless reserved.

Progress, no one shall be allowed to wear arms.

XV. The Elections shall be open during the term of 8 days, at the expiration of which period, the Assembly shall be held as dissolved; and any further act beyond what is prescribed by the Constitution or the Law, is not only null, but also a crime against the publick peace.

XXVI. As soon as the act of the Elections is terminated, the Judge, or Judges, who may have presided at the Assembly, shall transmit to the Municipality a Return of those elected in the Parishes thereon dependent, folded up in a sealed cover.

XXVII. As soon as all the Returns of the Parochial Assemblies have been received, there shall be a Public Meeting of the Municipality of the Canton, presided over by one of the ordinary Justices of the Peace, or in their absence, by one of the Magistrates. In their presence, the sealed Returns of the Parochial Assemblies shall be opened, when Lists shall be made out of all the Votes, confronted with the same, and afterwards inscribed in a Register.

XXVIII. Those Citizens who may appear to have obtained the greatest number of Votes, shall be declared to have been constitutionally chosen Electors. When any doubt occurs owing to an equality of Votes, the question shall be decided by lot.

XXIX. The Municipality of the Canton shall transmit to that of the Capital of the Province, the result of the Returns it may have established, and shall also give early notice to the Persons appointed, in order that they may attend in the Capital of the Province on the day fixed by the Constitution.

SECTION II.—Of the Electoral or Provincial Assemblies.

XXX. The Electoral Assembly is composed of the Electors named by the Cantons.

XXXI. On the 1st day of October, in every fourth Year, the Electoral Assembly shall meet in the Capital of the Province, and proceed to make all the Elections corresponding to the same, twothirds at least of the Electors being present. At this Meeting the Municipality of the Capital shall preside, till the Assembly has elected a President from among its own Members, who shall be the Person having the greatest number of Votes.

XXXII. Articles XXIV. and XXV. are common to the Electoral Assemblies.

XXXIII. The appointment of Elector shall continue for 4 Years. The vacancies shall be filled, when necessary, by those who follow next in respect of the number of Votes.

XXXIV. The functions of the Electoral Assemblies are, to vote :

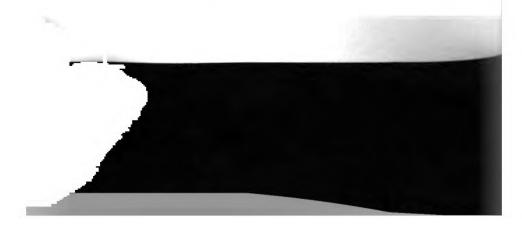
1. For the President of the Republick.

2. For the Vice-President of the same.

3. For the Senators of Department.

4. For the Representative, or Representatives, deputed from the Province.

XXXV. The Votes of these 4 classes of Elections shall be entered in 4 different Registers, and the Electoral Assembly itself shall proceed to the verification of the last Return.



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XXXVI. To be a Representative of a Province it is requisite to have obtained an absolute plurality; that is, one Vote over and above the half of all the Electors who have assisted at the Election.

XXXVII. The Representatives shall be nominated, one by one, in a permanent Sitting, and those shall be declared as elected who have obtained the majority as above stated. If no one should have obtained it, the 2 Persons who have attained the highest numbers shall proceed to a second scrutiny, and he shall be the Representative who receives the plurality of Votes. Cases of equality shall be decided by lot.

XXXVIII. The Elections of a Representative, or Representatives, being in this manner completed, the President of the Electoral Assembly shall, without any delay, notify the Persons nominated, in order that they may assist at the next Meeting, and the Registers shall be transmitted, in a sealed envelope, to the Chamber of Representatives.

XXIX. Under similar formalities, and without proceeding to a scrutiny, the Registers of the Votes for President of the Republick, for Vice-President of the same, and for Senators, shall be transmitted to the Municipality of the Capital of the Department, in order that, when the sealed Returns of all the Provincial Assemblies have been received, the same may be duly forwarded to the Chamber of the Senate, so that the formalities prescribed in Section V. of Title IV. may be carried into effect.

TITLE IV.

OF THE LEGISLATIVE POWER.

SECTION I.-Of the Division, Limits, and Functions of this Power.

KL. The Congress of Colombia shall be divided into two Chambers 5 that of the Senate, and that of the Representatives.

LI. In either of the two, Laws may originate, and each, respectively, may propose to the other amendments, alterations, or additions, for the purpose of being examined, or may refuse consent to a Law proposed, by an absolute negative.

which can originate only in the Chamber of Representatives; but the ordinary right of adding to, amending, or rejecting them is nevertheless reserved to the Senate.

LIII. The Projects or Proposals of Laws which may have been instituted conformably to the rules of debate, shall undergo 3 discussions in distinct Sittings, with the interval of 1 day, at least, between each. without which requisite they shall not be decided upon.

XLIV. In case the Proposal shall be urgent, this latter formality may be dispensed with, provided a discussion and a declaration to this

effect have previously taken place in the Chamber in which the same originated. This declaration and the motives on which it is founded, shall be transferred to the other Chamber, together with the Project of the Law, in order to be examined. Should the latter be of opinion that the urgency is not established, the Project shall be returned for fresh deliberation, under the legal formalities.

XLV. No Project, or Proposal of Law, rejected by one Chamber, shall be again brought forward till the Session of the following Year; but this shall not prevent some of the Articles thereof from forming part of other Propositions which have not been rejected.

XLVI. No Project, or Proposal of Law, constitutionally brought forward, discussed, and carried in both Chambers, shall be held as a Law of the Republick, until it has been signed by the Executive Power. Should the latter not deem the Law expedient, it shall return the Project to the Chamber in which it originated, accompanied with its objections, whether they arise out of any defect in the formalities, or in the substantial parts thereof, within the term of 10 days from the time the same was received.

XLVII. The objections raised by the Executive Power shall be entered on the Journals of the Sittings of the Chamber in which the Law originated. Should the latter not be satisfied, they shall discuss the subject afresh, and in case it should be a second time approved of by a majority of two-thirds of the Members present, it shall be forwarded, together with the objections, to the other Chamber. The Project shall have the force of Law and must be signed by the Executive Power, provided always that, in the latter Chamber, it has also been approved of by two-thirds of the Members present.

XLVIII. If, after the expiration of the 10 days, pointed out in Article XLVI., the Project has not been returned with its objections, it shall have the force of Law and be promulgated as such, unless, in the meanwhile, the Congress should have closed its Sittings, or be in recess, in which case the objections shall be presented to them at their first ensuing Sitting.

XLIX. The sanction of the Executive Power is also necessary in order to give effect to all other Resolutions, Decrees, Statutes, and Legislative Acts of the two Chambers, except such as relate to the suspension or adjournment of their Sittings; Summonses for Meeting; Decrees in which they ask for Reports or give Commissions, in matters appertaining to their own duty; Elections relating to themselves; Decisions respecting the qualifications of Members; Orders issued for the filling up of Vacancies that may occur in the Chambers; Rules for their Debates and internal Regulations; the punishment of their own Members, as well as of those who may be wanting in the respect due to them; together with all other Acts in which the concurrence of both is not deemed necessary.



L. Propositions which have been passed as urgent in the two Chambers, shall be sanctioned or returned by the Executive Power, within 2 days, without any reference being made to the urgency.

LI. In transmitting the Resolutions of one Chamber to the other, as well as to the Executive Power, express mention shall be made of the days on which the subject was discussed, the date of the respective Resolutions, including that of the urgency when it occurs, together with an exposition of the reasons and motives which have given rise to the same. Whenever any one of these requisites is omitted, the Act shall be returned, within the space of 2 days, to the Chamber in which such omission has happened, or to that in which the Act originated, if it has occurred in both.

LII. Whenever a Law is to be sent to the Executive Power for its sanction, the same shall be drawn up in Duplicate in the corresponding form, and read in the two Chambers. Both Originals shall be signed by their respective Presidents and Secretaries, and afterwards presented to the President of the Republick by a Deputation.

LIII. The Law being sanctioned or objected to by the President of the Republick, conformably to Article XLVI, one of the two Originals, together with the Decree thereto appertaining, shall be returned to the Chambers by the Secretary of the Department to which it relates, in order that in both due minutes of it may be taken. This Original shall be preserved in the Archives of the Chamber in which the Law origin ated.

LIV. In the promulgation of Laws the following form shall be invariably made use of: "The Senate and Chamber of Representatives of the Republick of Colombia, in Congress assembled, &c. do Decree, &c.

SECTION II.—Of the special Attributes of the Congress.

L.V. The attributes exclusively belonging to Congress are:

To fix, every Year, the amount of the publick Expenditure, on such Estimates as shall be presented to them by the Executive Power.

prese Vation, and alienation of the National Property.

3. To establish all kinds of Taxes, Duties, and Contributions; to over their expenditure and receive the Accounts thereof from the E secutive Power, as well as from the other publick Functionaries of the Republick.

4. To contract Debts on the credit of Colombia.

5. To establish a National Bank.

6. To determine and render uniform the value, weight, impress and name of the Coin.

7. To fix and render uniform the Weights and Measures.

8. To create Courts of Justice and the inferior Tribunals of the Republick.

9. To decree the creation or suppression of publick Offices, to determine the Salaries thereof, and to diminish or increase them.

10. To establish Rules for Naturalization.

11. To grant Personal Rewards and Remunerations to those who may have rendered great Services to Colombia.

12. To decree publick Honours to the memory of great Men.

13. To decree the levy and organization of the Armies; to determine their force in Peace and War, and to fix the time during which they are to continue serving.

14. To decree the building and equipment of the Navy, and also to increase or diminish it.

15. To form Regulations for the conducting of the Sea and Land Forces.

16. To declare War, on the information which the Executive Power may have communicated.

17. To require of the Executive Power to negociate for Peace.

18. To give their consent and approbation to the Treaties of Peace, Alliance, Friendship, Commerce, Neutrality, and all others, which may be entered into by the Executive Power.

19. To promote, by means of Laws, publick Education, and the progress of the Sciences, Arts, and useful Establishments, and also to grant, for a limited period, exclusive rights, to stimulate and encourage them.

20. To grant general Amnesties, whenever great motives of publick expediency require them.

21. To make choice of the City that is to serve for the Seat of Government, and to change it when they may deem it advisable.

22. To fix the limits of the Departments, Provinces, and Divisions of the Territory of Colombia, as may be most expedient for their better Administration.

23. To allow, or refuse, the passage of Troops belonging to another State, through the Territory of Colombia.

24. To allow, or refuse, the presence of Fleets belonging to another State, in the Ports of Colombia, for more than a month.

25. To grant, during the present War of Independence, to the Executive Power, those Extraordinary Powers which may be deemed indispensably necessary in the places actually the theatre of Military Operations, as well as in those recently liberated from the Enemy; defining them, nevertheless, as clearly as possible, and also restricting the time, which shall not exceed what may be absolutely necessary.

26. To decree all other Laws and Regulations, of whatsoever nature they may be, as well as to alter, amend and annul those already established. The Executive Power shall be allowed to lay before Congress any subject, for consideration; but uever under the form of a Law.



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SECTION III. Of the particular Functions and Prerogatives common to both Chambers, and to the Members thereof.

LVI. Each Chamber has the right of establishing the Regulations to be observed in its Sittings, Debates, and Proceedings. In conformity to them, they may punish any of its Members for an infringement of the same, or who in any other manner may render himself culpable, by imposing such penalties as they shall respectively establish, and even by expelling and declaring them unworthy of obtaining any other Office of trust or honour in the Republick, whenever it shall be so decided by the votes of two-thirds of the Members present.

LVII. Neither Chamber shall be allowed to open its Session without the attendance of an absolute majority of its Members; but, in all cases, the existing number, whatever it may be, shall meet and compel the absent to attend, in such manner, and under such penalties, as the Chambers themselves may think proper to establish.

LVIII. The Session of each Year being opened, the attendance of two-third parts of the Members shall be sufficient for the continuation of the Sittings, provided the said two-thirds are never less than two-thirds of the absolute majority.

LIX. The Chambers shall enjoy the exclusive right of their own internal Regulations, in the Hall of their Sittings, and elsewhere, in every thing that may tend to the free exercise of their own attributes. In pursuance of this right they shall be allowed to punish, or cause to be pursished, with such Penalties as they may think proper to establish, every one wanting in the respect that is due to them, who may threaten to conspire against the Body or the immunity of any of its Members, or who may in any other manner disobey, or thwart their orders and proceedings.

LX. The Sittings of both Chambers shall be publick; but they may be secret whenever they may deem it necessary.

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I. The Proceedings of each Chamber shall regularly appear from the Journal in which their Debates and Resolutions are entered, which shall be published, from time to time, except such things as ought to be kept secret, as may be determined by them respectively; and, henever it shall be so required by a fifth part of the Members present, the votes of each Member, on any Motion or Resolution, shall be recorded.

LX II. Each Chamber shall elect, from among its own Members, a President and Vice-President, whose duties shall be annual, from one ordinary Session till the next; and also a Secretary, from within or without the Chamber. They shall moreover nominate the Clerks and Officers deemed necessary for the performance of the respective duties, appointing for them adequate Salaries.

LXIII. The communications between the two Chambers and the

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Executive Power, or between themselves, shall be made through the medium of the respective Presidents, or by means of Deputations.

LXIV. The Senators and Representatives hold their respective character, for the Nation, and not on behalf of the Department or Province which names them; it shall not be lawful for them to receive orders or particular Instructions from the Electoral Assemblies, which shall only be allowed to forward Petitions to them.

LXV. From serving as Senators or Representatives are excluded, the President and Vice-President of the Republick, the Ministers of the High Court of Justice, the Secretaries of State, the Intendants, the Governors, and other publick Functionaries, who may be prohibited by Law; the rest shall be allowed to serve as such, provided they suspend the personal exercise of their duties, during the period of the Session. Whenever a Senator or Representative is appointed to another publick Situation, it depends on his own choice whether he accept or refuse it.

LXVI. The Members of Congress shall enjoy perfect immunity in their Persons and Property, during the Session, and whilst they are going to Congress, or returning to their Homes, except in cases of treason, or other grievous crime against social order; and they shall not be responsible for Speeches pronounced or sentiments expressed in the Chambers, to any Authority, or at any period of time.

LXVII. The Senators and Representatives shall receive from the National Treasury, a compensation, to be determined by Law, and calculated according to the time they may have occupied, from their coming to the Place of Assembly, to that of returning to their Homes at the close of the Session.

SECTION IV.—Of the time, duration, and Place of the Sittings of Congress.

LXVIII. The Congress shall, without fail, meet in every Year, and uniformly open its Ordinary Session on the 2d of January.

LXIX. Each Ordinary Session of the Congress shall last 90 days. In case it be necessary, the Session may be prolonged as far as 30 days beyond that period.

LXX. The 2 Chambers shall meet in the same Parish, and whilst they are assembled, neither of them shall be allowed to suspend its sittings for more than 2 days, nor appoint to meet in any other Place than the one previously fixed upon, unless by mutual consent; but, having agreed on the change, should they differ as to time and place, the Executive Power shall have the right to interpose, by fixing a middle term between the 2 extremes in dispute.

SECTION V.-Of the Scrutiny and Elections relating to Congress.

LXXI. In the years in which the Elections take place, the Congress shall meet in the Chamber of the Senate; in their presence the sealed



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Returns of the Elections for President and Vice-President of the Republick, as well as for the Senators of the Department, shall be opened, and lists made out of all the Votes of the Electoral Assemblies, the same being entered in a Register corresponding to each class of Elections. The Returns shall be publickly ascertained by 4 Members of Congress and the Secretaries.

LXXII. To be President of the Republick, it is requisite to have two third parts of the votes of the Electors who were present at the **Provincial Assemblies.** He, therefore, shall be declared President, who has obtained this Majority.

LXXIII. Whenever the aforesaid Majority is not established, the Congress shall ascertain the 3 who may have obtained most Votes, and proceed to elect one from among them. The Person who, in this Election, obtains the Votes of the two third parts of the Members present shall be President of the Republick.

LXXIV. If, in summing up the latter Votes, no one should appear to have been elected, the Congress shall then confine their Votes to the 2 who may have obtained the greatest number of Votes on the preceding division.

LXXV. The Election of President shall take place in a single Sitting, which shall be a permanent one.

LXXVI. The Vice-President shall be elected under the same formalities as the President.

LXXVII. The Congress shall declare those to be Senators who may have obtained an absolute majority of Votes of the Electors of each Department assisting at the Election.

XXVIII. Should the aforesaid Majority not appear to be in favour of any one or more Persons, the Congress shall select those who have an equal number; and should there not be any such, they shall select three times the number of Members required, from amongst those who have received most Votes. Having made this selection, they shall then proceed to elect from among the latter, one by one, those who are to be nominated. When, in the division, no Election is made, the formalities prescribed in Article LXXIV. shall be observed.

from XXIX. In cases of doubt, on account of an equality resulting the Elections, the same shall be decided by lot.

XXX. When the Seat of Senator or Representative is vacant, in consequence of death, resignation, expulsion, or other cause, the Vacancy shall be filled up by the Congress choosing one from among the Three who, on the Registers of the Electoral Assemblies, have obtained the greatest number of votes; but, if this number should not appear to be established on the Registers, the respective Chamber shall issue Orders for a nother Person to be named, in the manner prescribed in this Constitution. The time of serving of the Person so named shall last only till the ensuing Ordinary Election.

LXXXI. Should the same Person be nominated, both for the Department in which he was born, and for that in which he resides, or for the Province in which he was born, and for that in which he resides, the nomination for his Native Place shall prevail.

LXXXII. The Congress shall send a notification to those who may be returned as elected to the Situations of President, Vice-President, and Senators, in order that they may attend to take possession of their Places on the day appointed.

LXXXIII. For the first time, the present Congress shall nominate the President and Vice-President of the Republick, as well as the Senators.

SECTION VI.-Of the Chamber of Representatives.

LXXXIV. The Chamber of Representatives shall be composed of the Deputies nominated by all the Provinces of the Republick, agreeably to the present Constitution.

LXXXV. Each Province shall elect one Representative for every 30,000 souls of the Population it may contain; but if, after the calculation of the latter has been made, there should remain a surplus of 15,000 souls, another Representative shall be allowed for it; and every Province, whatever may be its Population, shall nominate at least one Representative. The present Congress, by means of a Decree, shall determine the number of Representatives which each Province is to nominate, until a new census is made of the Population.

LXXXVI. This proportion of one for every 30,000 shall continue to be the rule for the Representation until the number of Representatives amounts to 100; and, although the Population should increase, the number shall not, on that account, be augmented, but the proportion shall be raised till one Representative corresponds to each 40,000 souls. The proportion of one for every 40,000 souls shall then continue until the Representatives amount to 150, when, as in the preceding case, the proportion shall be advanced to 50,000 for one.

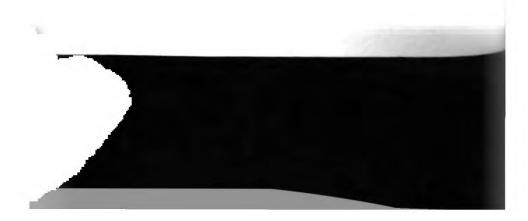
LXXXVII. No Person shall be a Representative who, besides the qualifications for an Elector:

1. Is not a Native of, or a Resident in, the Province which elects him.

2. Has not resided 2 Years in the Territory of the Republick, immediately previous to the Election. This provision shall not exclude Persons absent in the Service of the Republick, or with the permission of the Government; nor shall it affect Prisoners, Exiles, or Fugitives, who have fled from the Country, on account of their attachment, or of Services rendered, to the Cause of Independence.

3. Does not possess a real estate to the full amount of 2,000 dollars, or an annual rent or income of 500 dollars, or who does not profess some science.

LXXXVIII. Persons not born in Colombia, in order to be Re-



presentatives, must have resided in the Republick 8 Years, and possess real property to the amount of 10,000 dollars; except such Persons as were born in any other part of the Territory of America, which, in the Year 1810, was a Dependency on Spain, and has not since been united to any other Foreign Nation: for this class a residence of 4 Years, and the possession of real property to the amount of 5,000 dollars, shall suffice.

LXXXIX. The Chamber of Representatives has the exclusive right of accusation, before the Senate, against the President of the Republick, the Vice-President, and the Ministers of the High Court of Justice, in all cases of acts evidently contrary to the interests of the Republick, to the duties of their Offices, or of grievous Offences against social order.

XC. The other Publick Functionaries of Colombia are, in like manmer, subject to the superintendence of the Chamber of Representatives ; and it shall be lawful for the latter to accuse them, before the Senate, of neglect in the discharge of their duties, or other grievous Offernces. This right, however, does not take away or diminish that belonging to other Functionaries and Tribunals, to watch over the observance of the Laws, and to try, dismiss, and punish, in conformity there to, those respectively under their jurisdiction.

 \mathbf{X} CI. The duration of the functions of a Representative shall be for 4 Years.

X CII. To the Chamber of Representatives belongs the power of passing judgment on the validity of Elections, that of determining the qualifications of the respective Members, and of decreeing their admission, together with the settling of all doubts arising on these points.

SECTION VII.—Of the Chamber of Senators.

CIII. The Senate of Colombia is composed of the Senators nominated by the Departments of the Republick, conformably to the present Constitution. Each Department shall have 4 Senators.

Years. The duration of the functions of a Senator shall be for 8 into 2 classes: those of the first shall vacate their seats at the end of the 4 ch, and those of the second at the end of the 8th Year; so that, at the end of every 4 Years, an Election of one half of them shall take place. On the present occasion, the Chamber, at its first Meeting, shall determine, by lot, the 2 Senators of each Department, whose functions are to expire at the end of the first period.

ACV. To be a Senator, besides possessing the qualifications of an Elector, it is requisite:

1. To be 30 Years of age.

2. To be a Native of, and a Resident in, the Department in which the Election is held.

3. To have resided 3 Years in the Territory of the Republick, immediately previous to the Election; under such exceptions as are enumerated in Article LXXXVII.

4. To be possessed of a real property to the clear amount of 4,000 dollars; or, in defect thereof, an Annual Rent or Income of 500 dollars, or to profess some science.

XCVI. Persons not born in Colombia cannot be Senators, without a previous residence of 12 Years, and a real property to the amount of 16,000 dollars; with the exception of those who are Natives of any part of the Territory of America, which, in the Year 1810, was a Dependency on Spain, and has not since been united to any Foreign Nation; for whom a residence of 6 Years, and a real property to the amount of 8,000 dollars, will suffice.

XCVII. It is one of the special attributes of the Senate to exercise the natural power of a Court of Justice, in hearing, trying, and passing sentence on the Functionaries of the Republick, accused by the Chamber of Representatives, in the cases mentioned in Articles LXXXIX and XC.

XCVIII. In those cases in which the Senate exercises the functions of a Court of Justice, the Chamber of Representatives shall choose one of its own Members to perform the Office of Accuser, who shall proceed according to the orders and instructions he may receive from the Chamber.

XCIX. The Senate shall itself proceed in the Trial, or by means of a Committee of its own Members, reserving the sentence, which the Chamber itself is bound to pronounce.

C. Whenever an Accusation lodged before the Senate has been admitted to discussion, the Accused is thereby suspended from his Office, and the Authority to whom the same corresponds, shall in the mean time fill up the vacancy.

CI. In Trials of this description, no one can be condemned without the votes of two-thirds of the Senators present.

CII. The Resolutions of the Senate, in these cases, can have no further extent than that of depriving the Person convicted, of his Place, and declaring him incapable of obtaining any other honourable, lucrative, or confidential Appointment in Colombia : the guilty, nevertheless, shall remain liable to indictment, trial, sentence, and punishment, according to Law.

CIII. In such cases as the Senate may deem proper, the President of the High Court of Justice, or some of its Members, shall assist in Trials of the said description, in order to counsel and interpret points connected with the Law.



CIV. The Decrees, Rules, and Sentences which the Senate may ordain and pronounce in Trials of this kind, shall be executed without the sanction of the Executive Power.

TITLE V.

OF THE EXECUTIVE POWER.

SECTION I.-Of the Nature and Duration of this Power.

CV. The Executive Power of the Republick shall be lodged in the hands of one Person, under the title of President of the Republick of Colombia.

CVI. To be President, it is necessary to be a Citizen of Colombia by birth, and to possess all the other qualifications requisite for a Senator.

CVII. The duration of the Presidency shall be for 4 Years; and no one shall be re-elected thereto more than once, without an interval.

CVIII. There shall be a Vice-President, who shall exercise the functions of President, in the case of his death, deprivation of office, or resignation, till a Successor be named, which shall take place at the next Meeting of the Electoral Assemblies. He shall also assume the said functions, in cases of absence, sickness, or any other temporary disability, on the part of the President.

CIX. The Vice-President of the Republick shall possess the same qualifications as the President.

CX. The President of the Senate shall supply the temporary vacancies of President and Vice-President of the Republick; but when they are permanent, arrangements shall be immediately made to fill them up, conformably to the present Constitution.

OXI. The time of exercising the Office of President and Vice-President, nominated at other than the constitutional periods, shall only last till the next ordinary Meeting of the Constitutional Assemblies.

CXII. The President and Vice-President shall receive for their services such salaries as the Law may assign to them; which it shall not be lawful to increase or diminish during their Employment.

SECTION II.-Of the Functions, Duties, and Prerogatives of the President of the Republick.

of the Republick. The preservation of order and tranquillity in the interior, as well as of security in whatever regards the exterior, is specially confided to him.

CXIV. It is his duty to promulgate and command the execution and observance of the Laws, Decrees, Statutes, and Acts of the Congress, when, agreeably to Section I. of Title IV. of the present Constitution,

they have the force of such; and he shall issue the Decrees, Regulations, and Instructions, necessary for the execution of the same.

CXV. He convenes the Congress at the periods appointed by the present Constitution, as well as in extraordinary cases, when any important occurrence requires it.

CXVI. It is his duty to issue all the necessary Orders, for the Constitutional Elections, at the proper periods.

CXVII. He holds the supreme command of the Sea and Land Forces throughout the whole Territory of the Republick, and is exclusively charged with their direction; but it shall not be lawful for him to command them in person, unless with the previous consent and approbation of the Congress.

CXVIII. When, in conformity to the preceding Article, the President commands the Forces of the Republick, or any part thereof, in person, the functions of the Executive Power shall, by this circumstance alone, devolve upon the Vice-President.

CXIX. He declares War, in the name of the Republick, after Congress shall have decreed the same, and he also takes all the preparatory measures.

CXX. He concludes Treaties of Peace, Alliance, Friendship, Armistice, Commerce, Neutrality, and all others, with Foreign Princes, Nations, or People: but, without the consent and approbation of Congress, it shall not be lawful for him to give or refuse his Ratification to those which have been signed by the Plenipotentiaries.

CXXI. With the previous consent and approbation of the Senate, he nominates all Ministers and Diplomatic Agents, as well as Military Officers, above and inclusive of the rank of Colonel.

CXXII. During the recesses of the Senate, it shall be lawful for him to confer the aforesaid Commissions, when the appointment thereof is urgent, and until, at the next ordinary or extraordinary Meeting, they shall be confirmed by the Senate, agreeably to the preceding Article.

CXXIII. It also devolves on him to nominate to all other Civil and Military Employments, which the Constitution or the Law has not reserved for any other Authority.

CXXIV. It is his duty to see that justice is duly and promptly administered, by the Tribunals and Courts of Law of the Republick, and that their Sentences are pronounced and executed.

CXXV. He is also authorized to suspend such Publick Functionaries as are exceptionable on account of incapacity, or such as may have betrayed the trust confided to them; but he shall, at the same time, transmit information thereof to the Tribunal to whom the case in question belongs, inclosing therewith the Proceedings, or Documents which gave rise to the measure, in order that a Trial may take place conformably to the Laws.



CXXVI. It shall not be lawful for him to deprive any Individual of his liberty, or impose any punishment upon him. In case the well-being and security of the Republick require the arrest of any Person, the President shall be allowed to issue orders to that effect; provided that, within 48 hours, he cause the Person so arrested to be delivered over to the competent Tribunal, or Judge.

CXXVII. In favour of humanity, he shall be empowered, when a motive sufficiently weighty requires it, to commute Capital Punishments, in concert with the Judges who have taken cognizance of the Proceedings instituted, whether it be at his own suggestion, or that of the latter.

CXXVIII. In cases of interior Commotion and armed Revolt, threatening the security of the Republick, as well as in those of exterior and sudden Invasion, he shall be empowered, with the previous consent and approbation of the Congress, to direct all the extraordinary Measures which the urgency of the case may require, and which may not be comprehended within the natural sphere of his attributes. Should the Congress not be assembled, he shall have the same power to act of himself; but he shall convene it without the least delay, in order to proceed according to their opinions. This extraordinary authority shall be entirely confined to the places and times when it may be indispensably necessary.

C XXIX. The President of the Republick, at the Opening of the Annual Sesssion of the Congress, shall lay before both Chambers a Report of the Political and Military State of the Nation, and of its Revenue, Expences, and Resources; and shall also point out the improvements and reforms which may be introduced into each branch.

CXXX. He shall also give to each Chamber all the information which they may require; withholding, however, such as it may not be expedient at the time to make publick, provided the same be not contary to what he may have actually given.

CXXXI. The President of the Republick, so long as he holds his Office, can be accused and tried only before the Senate, in the cases mentioned in Article LXXXIX.

CXXXII. The President shall not be allowed to depart from the Territory of the Republick, during his Presidency, nor within one Year after wards, without permission of the Congress.

SECTION III .- Of the Council of Government.

C XXXIII. The President of the Republick shall have a Council of Government, which shall be composed of the Vice-President of the Republick, of one Minister of the High Court of Justice, named by himself, and of the Secretaries of State.

CXXXIV. The President shall hear the opinion of this Council, in all the cases described in Articles XLVI, CXIX, CXX, CXXI, CXXII, CXXIII, CXXV, CXXVII, and CXXVIII, as well as on all other important matters which may occur, or may appear to him of importance; but he shall not be bound to abide by their Opinions.

CXXXV. The Council shall keep a Journal of all its Opinions, and every Year transmit to the Senate an exact Copy of the same, excepting only upon secret matters, so long as this secrecy may be becessary.

SECTION IV .- Of the Secretaries of State.

CXXXVI. Five Secretaries of State shall be nominated for the management of publick business; viz. for Foreign Affairs, the Interior, Finance, the Navy, and War. It shall be lawful for the Executive Power to unite, temporarily, two Departments into one.

CXXXVII. It shall be lawful for Congress to make such alterations in the above number, as experience may suggest, or circumstances require; and by a particular Regulation, which the Executive Power shall draw up and submit for its approbation, the Affairs appertaining to each Department shall be properly distinguished.

CXXXVIII. Each Secretary is the regular and indispensable organ through which the Executive Power issues its orders to the Authorities subject to it. Any Order not authorized by the respective Secretary, shall not be executed by any Tribunal, or Person, publick or private.

CXXXIX. It is the duty of the Secretaries of State, with the concurrence of the Executive Power, to give to each Chamber all the information required of them, in writing or verbally, in their respective Departments, withholding only that which it may not be expedient to make public.

TITLE VI.

OF THE JUDICIAL POWER.

SECTION I.—Of the Attributes of the High Court of Justice, and the Election and duration in Office of its Members.

CXL. The High Court of Justice of Colombia shall be composed of at least 5 Members.

CXLI. To be a Member of the High Court of Justice, it is requisite:

1. To enjoy the rights of an Elector.

2. To be an Advocate, not disqualified.

3. To be above 30 Years of age.

CXLII. The Members of the High Court of Justice shall be proposed to the Chamber of Representatives, in a triple list, by the President of the Republick. The latter shall reduce the same to 2 lists, and present them to the Senate, in order that they may select the Persons who are to compose the Bench. The same regulation shall be observed whenever, in consequence of death, dismissal, or resignation, it may be necessary to renew the High Court, or to appoint to Vacancies of its Members. If, however, Congress be not assembled, the Executive Power shall provisionally appoint to the vacant Seats until the Election be made in the form above described. On the present occasion, they shall be nominated by the existing Congress.

CXLIII. To the High Court of Justice belongs the cognizance:

1. Of Differences relating to Ambassadors, Ministers, Consuls, and **Diplomatick** Agents.

2. Of Controversies arising out of Treaties and Negotiations entered into by the Executive Power.

3. Of Disputes relating to jurisdiction, which have arisen, or may arise, in the Superior Tribunals.

CXLIV. The Law shall determine the stage, form, and cases, in which the Court shall take cognizance of the affairs above mentioned, as well as of all other Civil and Criminal matters which are to be submitted to it.

CXLV. The Members of the High Court of Justice shall retain their Seats so long as their good behaviour warrants their retention.

CXLVI. At fixed periods, to be determined by Law, they shall, for their services, receive such Salaries, as may be assigned to them.

SECTION II.—Of the Superior Courts of Justice, and Inferior Tribunals.

CXLVII. For the more prompt and convenient administration of Justice, the Congress shall establish, throughout the whole Republick, the Superior Courts which they may deem necessary, or existing circumstances may permit, assigning to each the Territory to which their respective jurisdiction shall extend, and the Place of its residence.

CXLVIII. The Members of the Superior Courts shall be nominated by the Executive Power from amongst three Persons proposed by the High Court of Justice. Their duration in Office shall be the same as that determined in Article CXLV.

CXLIX. The Inferior Courts of Law, shall, for the present, continue under such regulations as shall be determined by a particular Law until Congress shall reform the Administration of Justice.

TITLE VII.

OF THE INTERIOR ORGANIZATION OF THE REPUBLICK.

SECTION I.-Of the Administration of the Departments.

CL. The Congress shall divide the Territory of the Republick into 6, or more Departments, for their more easy and adequate administration.

CLI. The political direction of each Department shall be placed in the hands of a Magistrate, with the title of Intendant, subject to the

President of the Republick, to whom he shall act as the natural and immediate Agent. The Law shall determine his powers.

CLII. The Intendants shall be nominated by the President of the Republick, conformably to the Regulations prescribed in Articles CXXI and CXXII. Their duration in office shall be for 3 Years.

SECTION II.-Of the Administration of the Provinces and Cantons.

CLIII. In each Province there shall be a Governor, entrusted with the immediate direction of it, under the orders of the Intendant of the Department, and with such powers as the Law shall determine. His period of service and mode of nomination shall be the same as those of the Intendants.

CLIV. The Intendant of the Department shall be the Governor of the Province in whose Capital he may reside.

CLV. The present Corporations and Municipalities of the Cantons shall continue. Congress shall regulate their number, limits, and attributes, as well as every thing that may conduce to their better administration.

TITLE VIII.

GENERAL REGULATIONS.

CLVI. All Colombians have the right of freely recording, printing, and publishing their thoughts and opinions, without the necessity of any examination, revision, or censorship, previous to publication. Those, however, who commit any abuse of this inestimable privilege, shall incur the punishments which they have deserved, conformably to the Laws.

CLVII. The freedom possessed by every Citizen to demand his rights before the Depositaries of the Publick Authority, with due moderation and respect, shall at no time be impeded or restrained. All, on the contrary, agreeably to the Laws, shall find a ready and secure remedy for the injuries and losses they may experience in their Persons, property, honour, and reputation.

CLVIII. Every Man shall be presumed innocent, until he has been declared guilty, agreeably to Law. If, previous to this declaration, it may be deemed expedient to arrest and confine him, no harsh measures shall be employed, which are not indispensably necessary for the security of his Person.

CLIX. In Criminal matters, no Colombian shall be arrested until after a summary information shall have been laid of the Offence for which, agreeably to Law, he may have incurred the penalty of corporal punishment.

CLX. When taken in the commission of crime, any Offender may be arrested, and all Persons are authorized to seize and convey him to the presence of a Judge, in order that the provisions of the preceding Article may be immediately carried into effect.

CLXI. In order to the arrest of any Citizen, are required :

1. An Order of Arrest, signed by the Authority to whom the Law has confided this power.

2. That the Order should express the grounds for the commitment.

3. That he receive a notice thereof, and a copy of the same.

CLXII. No Governor or Keeper of a Prison shall admit or detain in confinement, any Person until he shall have received the Order of Arrest or Commitment alluded to in the preceding Article.

CLXIII. It shall not be lawful for the Governor or Gaoler to prohibit the Prisoner from having intercourse with any Person whatsoever, unless in cases where the Order of Commitment contains a clause enjoining close custody. The latter shall not last more than 3 days, and no fetters or other restraint shall be resorted to, unless expressly directed by the Judge.

CLXIV. Are guilty of, and subject to punishment for, arbitrary detention:

1. Persons who, without legal power, shall arrest, or cause, or command to be arrested, any Person whatsoever.

2: Persons who, possessing the said power, abuse it, by arresting, or commanding to be arrested, or detained in confinement, any Person, not within the Cases determined by Law, or contrary to the forms therein prescribed, or in places not publickly and legally known as Prisons.

3. Governors and Gaolers who contravene the provisions contained in Articles CLXII and CLXIII.

CLXV. Whenever the grounds of arrest, detention, or confinement, have ceased, the Prisoner shall be set at liberty. He may also obtain his enlargement, by giving bail in any stage of the proceedings, should it appear that he is not liable to corporal punishment. At the time of recording the information against the Accused, which at farthest shall take place within the third day, all the Documents and Attestations of the Witnesses, together with their names, shall be read to him in full, and, should he be unacquainted with their Persons, every information shall be given to him, in order that he may ascertain what is necessary respecting them.

CLXVI. No one can be tried by Special Commission, nor by any other than the Tribunal to which the case corresponds, in virtue of the Law.

CLXVII. No one can be tried, much less punished, unless by virtue of a Law anterior to his crime, or act, nor until after he has been heard or legally cited; moreover, no one shall be admitted, or compelled by oath, or any other constraint, to give testimony against himself in a criminal case; neither shall those reciprocally bear witness against each other, who are of kin, either by ascent or descent, or relatives, as far as the fourth civil degree of consanguinity, and the second of affinity.

CLXVIII. All maltreatment, in aggravation of the punishment determined by Law, is a crime.

CLXIX. It shall not be lawful to enter forcibly the House of a Colombian, unless in the Cases determined by Law, and under the responsibility of the Judge who issues the Order.

CLXX. The private Papers of the Citizens, as well as their epistolary Correspondence, are inviolable, and it shall not be lawful to register, intercept, or examine them, unless in the Cases expressly prescribed by the Law.

CLXXI. All Judges and Tribunals shall be bound to pronounce their Sentences, by quoting the Law, or the grounds applicable to the Case in question.

CLXXII. In no Trial shall there be more than 3 Appeals, and the Judges, who have presided at one, shall never be allowed to assist, in a revision of the same Suit.

CLXXIII. The infamy attaching to certain Crimes shall never affect the Family or Children of the Delinquent.

CLXXIV. No Colombian, unless employed in the Navy, or Militia, in actual service, shall be subject to Military Laws, or suffer any punishment awarded by them.

CLXXV. One of the first cares of the Congress shall be to introduce, in certain kinds of Suits, the Trial by Jury ; until, the advantages of that Institution being practically made known, it may be extended to all Criminal and Civil Cases to which it is usually applied in other Nations, with all the forms adapted to this mode of procedure.

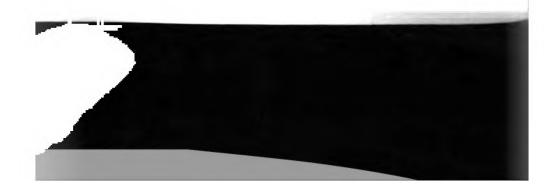
CLXXVI. The Military, in time of Peace, cannot be quartered or lodged in the Houses of other Citizens, without the consent of the Owners; nor, in time of War, unless by order of the Civil Magistrates, conformably to Law.

CLXXVII. No one shall be deprived of the least portion of his property, nor shall the latter be applied to publick uses, without his own consent, or that of the Legislative Body. Whenever any publick exigency, legally proved, requires that the property of any Citizen should be applied to similar purposes, the condition of a just compensation must be presupposed.

CLXXVIII. No article of manufacture, cultivation, industry, or commerce, shall be prohibited to Colombians, excepting those which are so at present, for the support of the Republick, but which shall be declared free, so soon as it shall be judged fit and proper by Congress.

CLXXIX. The founding of *Mayorasgos* (Rights of Primogeniture) and every description of Entail is prohibited.

CLXXX. No gold, silver, or paper, or other equivalent for money,



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shall be taken out of the Publick Treasury, except for the objects and purposes designated by Law; and a Statement and regular Account shall be annually published of the Receipt and Expenditure of the Publick Revenue, for the information of the Nation.

CLXXXI. All Titles of Honour, granted by the Spanish Government, shall henceforward be abolished; and it shall not be lawful for Congress to grant any Titles of Nobility, or Honorary or Hereditary Distinctions, nor create any Situation or Office whatsoever, of which the pay or emoluments are intended to last longer than the good behaviour of those who hold them.

CLXXXII. No Person holding a Situation of trust or honour under the authority of Colombia, shall receive any present, title, or emolument, from any King, Prince, or Foreign State, without the consent of Congress.

CLXXXIII. All Foreigners, of whatsoever Nation they may be, shall be admitted into Colombia; in their persons and property they shall enjoy the same security as the Citizens thereof, so long as they respect the Laws of the Republick.

CLXXXIV. Those Persons, not born in Colombia, who, during the War of Independence, may have served one or more Campaigns with honour to themselves, or have rendered important services to the Republick, shall be placed on a level with the Natives of the Country, in respect of their eligibility to Employments which do not require them to be Citizens of Colombia by birth, provided they possess the necessary qualifications.

TITLE IX.

OF THE OATH OF PUBLICK FUNCTIONARIES.

CLXXXV. No Publick Functionary of the Republick shall be allowed to exercise his functions, without having previously taken an Oath to sustain and defend the Constitution, and faithfully and strictly to fulfil the duties of his Office.

CLXXXVI. The President and Vice-President of the Republick shall take this Oath in presence of the Congress, which shall be administered by the President of the Senate. The President of the Senate, of the Chamber of Representatives, and of the High Court of Justice, shall take the same in presence of their respective Bodies, and it shall be administered to the Members thereof, by the respective Presidents.

CLXXXVII. The Secretaries of State, the Ministers of the Superior Courts of Justice, the Intendants of Departments, the Governors of Provinces, the Generals of the Army, and the other principal Authorities, shall take the Oath before the President of the Republick, or in the presence of the Person to whom he may confide the performance of this duty.

TITLE X.

OF THE OBSERVANCE OF THE ANCIENT LAWS, AND THE INTERPRETATION AND AMENDMENT OF THE PRESENT CONSTITUTION.

CLXXXVIII. The Laws hitherto prevailing are hereby declared to be in their full force and vigour, in all matters and cases not directly or indirectly opposed to the present Constitution, nor to those Decrees and Laws which the Congress may enact.

CLXXXIX. It shall be lawful for the Congress to resolve any doubt that may occur as to the meaning of any of the Articles of the present Constitution.

CXC. At any time, should two-thirds of both the Chambers deem it expedient to alter and amend any of the Articles of the present Constitution, it shall be lawful for the Congress to propose the same for consideration, provided that one half, at least, of the Members of the Chamber which proposes the Amendment shall have been renewed, and if the same be then ratified by two-thirds of each, agreeably to the formalities prescribed in Title IV, Section I, the same shall be valid and form part of the Constitution; but the bases established in Title I, Section I, as well as in Title II, Section II, can at no time be altered.

CXCI. When all, or the greatest part of that portion of the Territory of the Republick, which is now under the power of Spain, shall be so liberated as to be able to contribute, through the medium of its Representatives, to the perfection of the edifice of our social happiness, and when an experience of 10, or more Years shall have discovered all the inconveniences or advantages of the present Constitution, a grand Convention of Colombia shall be assembled by Congress, and authorized to examine and amend the same in all its parts.

Done in the first General Congress of Colombia, and signed by all the Deputies present, in the Town of Rosario de Cúcuta, this 30th day of August, in the Year of our Lord 1821, and 11th of Independence.

> Dr. MIGUEL PENA, President of the Congress. RAFAEL, Bishop of Merida de Maracaibo, Vice-President of the Congress. [Signatures of 56 Members of Congress.] FRANCISCO SOTO, Deputy Secretary. MIGUEL SANTAMARIA, Deputy Secretary. ANTONIO JOSE CARO, Deputy Secretary.

Palace of the Government of Colombia, in Rosario de Cúcuta, this 6th day of October, 1821.—11th Year of Independence.

Let the same be kept, fulfilled, and circulated. Given, signed by

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COLOMBIA:

my hand, sealed with the Provisional Seal of the Republick, and countersigned by the Ministers Secretaries of State.

(L.S.) SIMON BOLIVAR.

PEDRO BRICENO MENDEZ, Minister of Marine and War. PEDRO GUAL, Minister of Finance and of Foreign Relations. DIEGO B. URBANEJA, Minister of the Interior and of Justice.

DECREE respecting the publication, &c. of the Constitution of Colombia. - 20th September, 1821. (Translation.)

The General Congress of the Republick of Colombia,

DESIROUS that the Constitution by them decreed and sanctioned on the 30th of last August, should be published and received by all Subjects of the Republick, with that solemnity which the importance of the object requires;

Have thought proper to decree and hereby do decree;

1. An Original Copy of the Constitution, signed by all the Members present, shall be presented to the Executive Power, by a Deputation, composed of the Vice-President of the Congress and 5 of its Members.

2. The Executive Power shall affix at the bottom of it their Decree for the observance of the same, and order it to be printed, published, and circulated throughout the whole Territory of the Republick.

3. As soon as the Constitution shall have been received in each Town, the Judge or principal Authority of the Place shall appoint the 2 days on which the Publication and solemn reception of the Constitution are to take place, and announce the same to the Publick, at the same time ordering the whole of the Inhabitants to attend on the days appointed.

4. On the first day, the solemn publication of the Constitution shall be performed in the presence of all the Authorities, and the Civil, Ecclesiastical, and Military Functionaries in the Place, and with all the decorum, formality, and pomp, which the circumstances of each Town will permit. The whole of it shall be read in a loud voice in the most publick place, and the promulgation thereof being finished, the bells shall ring, salutes from the Artillery be fired, where this can be be done, and the ceremony attended with other demonstrations of publick rejoicing.

5. On the following day, all the Inhabitants shall attend at the parochial or principal Church, where a solemn Mass shall be celebrated, as an act of thanksgiving; and the Curate, or some other Ecclesiastic, shall pronounce a short exhortation, suitable to the object. After the Mass is ended, at the invitation of the principal political Magistrate, the Persons present shall, with one voice, take an Oath to maintain the Constitution, under the following form: "You swear by God and the Holy Evangelists, to obey, maintain, and support the Constitution of the Republick of Colombia, sanctioned by the first General Congress on the 30th day of August, 1821." To which the Persons present shall answer, *this we swear*; after which a *Te Deum* shall be performed.

6. The Heads of Departments, and Tribunals, of whatever class they may be, Governors, Justices, Municipalities, Very Reverend Archbishops and Bishops, Prelates, Ecclesiastical Chapters, Universities, Religious Communities, and all other Bodies, Publick Functionaries, and Officers, throughout the whole of the Republick, shall, at a proper time, take the Oath aforesaid, under the form above expressed, if they do not exercise jurisdiction or authority; and those who do exercise the same, under the following form: "You swear by God and the Holy Evangelists, to obey, keep, and maintain, and cause to be obeyed, kept, and maintained, the Constitution," &c. as in the preceding Article. In all the Cathedrals, Universities, Colleges, and Religious Communities, a Mass of thanksgiving shall be celebrated, together with a *Te Deum*, after the respective Bodies and Communities shall have taken the Oath before the Chiefs.

7. Wherever Military Divisions exist, the respective Chiefs shall appoint the days they may think proper, after the Constitution shall have been received, in order that, the Troops being drawn out in line, the same may be published in their presence : the whole shall then be read in a loud voice; and immediately afterwards the Commander, Officers, and Troops, shall take the Oath in front of the Banners of the Republick, in the form expressed in Article 5.

8. Of all the Publick Acts ordained by the present Law, a certified report shall be immediately transmitted to the Executive Power, which shall be authorized to demand those which may not have been forwarded to them in due time, and corresponding notice thereof shall also be given in the Gazettes.

9. The 2 days above specified shall be solemnized in all the Towns and Divisions of the Army, by festivals and publick rejoicings, in honour of the Fundamental Law and the Constitution, as is especially enjoined in the XIIth Article of the former.

The above shall be communicated to the Executive Power for publication, and in order to a due compliance therewith.

Done in the Palace of the General Congress of Colombia, in the Town of Rosario de Cúcuta, this 20th day of September, 1821.—11th Year of Independence.

> VICENTE AZUERO, President of the Congress. MIGUEL SANTAMARIA, Deputy Secretary. FRANCISCO SOTO, Deputy Secretary. ANTONIO JOSE CARO, Deputy Secretary.



Palace of the Government of Colombia, in Rosario de Cúcuta, this 6th day of October, 1821. Let the same be executed, published, and circulated, together with the Constitution of the State, in order that the Authorities may carry into effect the publication thereof, conformably to the provisions of the present Decree.

SIMON BOLIVAR.

By the Liberator-President. DIEGO B. URBANEJA, Minister of the Interior.

DECREE of the Prince Regent, for the Installation of the Council of Representatives General of the Provinces of Brazil.—1st June, 1822. (Translation.)

THE Salvation of the State urgently requiring the immediate Installation of the Council of Representatives General of the Provinces of Brazil, which I ordered to be created by my Royal Decree of the 16th February of the present Year, I am pleased to order those already elected, and here resident, to be convoked for Tomorrow, notwithstanding that those of one of the Provinces are wanting for the literal execution of the said Decree.

Jozé Bonifacio de Andrada e Silva, of my Council of State, and Councillor of His Most Faithful Majesty, Don John the VIth, and my Minister and Secretary of State for the Affairs of the Kingdom of Brazil and for Foreign Affairs, will so understand it and cause it to be executed.

Palace, 1st of June, 1822.

[With the Initials of the Prince Regent.] JOZE BONIFACIO DE ANDRADA E SILVA.

SPEECH of the Prince Regent to the Representatives General of Brazil, assembled in Council.—2nd June, 1822. (Translation.)

ILLUSTRIOUS AND WORTHY REPRESENTATIVES,

THE representations from San Paulo, Rio de Janeiro and Minas Geraes, in which I was requested to remain in Brazil, also solicited the creation of a Council of State. I resolved to establish one, in the Form directed in my Royal Decree of the 16th February last, which Form was required by the 3 Provinces legally represented.

I cannot describe the pleasure my soul felt, when those representations reached my Royal Presence, for then I knew that the wish of the People was not only useful, but necessary, to uphold the integrity of the Monarchy in general, but more especially of the Great Brazil, whose Son I am. My pleasure increased still more when I saw that the ideas of the People coincided with my pure, sincere, and cordial intentions; and, being desirous not to delay the benefits which such a measure promised, I ordered in the before mentioned Decree that, immediately that the Representatives of the 3 Provinces should be assembled, the Council should enter upon the exercise of its functions: this cannot however be carried into execution literally, the People having manifested, most unequivocally, their wish for a General Constituent and Legislative Assembly, as has been communicated to me by their Magistracies. Being, therefore, unwilling to delay, even for a single moment, and still less to fail in any thing that the People desire, the more especially as their wishes are so reasonable, and of such deep interest, not only to Brazil, but to the whole Monarchy; I am convinced that it is my duty to instal my Council of State from this moment, notwithstanding that the Representatives of the 3 Provinces are not assembled; in order that I might learn from such illustrious, worthy, and liberal Representatives, their opinion relative to our political situation, it being a matter that belongs to them as entirely popular, and of such great importance to the salvation of our Country, whilst threatened by Factions.

It would be indecorous towards myself, as well as injurious to the Illustrious Representatives, to point out to them their duties: but if, without offence, however slight, to any one, I may be permitted to offer one single recommendation, I entreat them to advocate the cause of Brazil, in the manner they have lately sworn to, even should it be to my prejudice, (which I trust will never happen,) since for my Nation I am ready to sacrifice my Life, which is as nothing compared with the salvation of our Country.

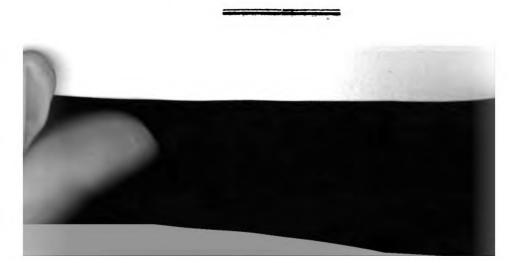
For the reasons laid before you, you will perceive the necessity which exists for this immediate Installation, upon which depends the honour, the glory, the salvation, of our Country, which is in the greatest danger.

Illustrious Representatives, these are the sentiments which rule my soul, and also those that will govern yours: count upon me, not only as an intrepid Warrior, who for his Country will encounter all and every danger, but also as vour Friend, the Friend of the liberties of the People, and of the great, the fertile, and the most rich Brazil, by which I have been so much honoured, and am beloved.

Do not believe, Illustrious Representatives, that what I have said is the result of deep thought, concealed in studied and deceitful words: No; it proceeds from my love for the Country, expressed in the language of the heart. Believe me.

THE PRINCE REGENT.

On the 2d of June, 1822.



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DECREE of the Prince Regent, convoking a General Constituent and Legislative Assembly for Brazil.—3d June, 1822. (Translation.)

THE General Representatives of some of the Provinces of Brazil, already assembled in this City, and different Magistracies and People of other Cities, having represented to me how necessary and urgent it has become, for the maintenance of the integrity of the Portuguese Monarchy, and the Proper dignity of Brazil, to convoke a Luso-Brazilian Assembly, which, being invested with that portion of the Sovereignty essentially inherent in the People of this great and rich Continent, shall settle the bases whereon is to be established the Independence which Nature has designed for it, and which it has already possessed, and its union with all the other integral Parts of the great Portuguese Family, which is so cordially desired ; and, acknowledging on my part, the truth and the force of the reasons that have been expounded to me, and seeing no other mode of assuring the felicity of this Kingdom, of maintaining a just equality of rights between it and Portugal, without disturbing the peace which is so necessary to both, and so fitting to two Nations that are Brothers; I am pleased, with the advice of my Council of State, to order the convocation of a General Constituent and Legislative Assembly, to be composed of Deputies of the Provinces of Brazil, elected according to the Instructions to be settled in the Council, and which shall be published without delay.

Jose Bonifacio de Andrada e Silva, of my Council of State, and Councillor of His Most Faithful Majesty, Lord Don John the VIth, and my Minister and Secretary of State for the Kingdom of Brazil and Foreign Affairs, will so understand it, and cause it to be carried into effect with the necessary Orders.

Palace, 3d June, 1822.

[With the initials of His Royal Highness the Prince Regent.] JOSE BONIFACIO DE ANDRADA E SILVA.

MANIFESTO of the Constitutional Prince Regent, and Perpetual Defender of Brazil, to the People, relative to the Independence of Brazil.—1st August, 1822.

BRAZILIANS !

(Translation.)

THE time for deceiving Mankind is at an end. The Governments that still wish to found their power upon the pretended ignorance of the People, or upon ancient errors and abuses, will see the colossus of their greatness fall from the fragile base on which it was built in other times. From not thinking in this manner, it has happened, that the Cortes of Lisbon have driven the Provinces of the South of Brazil to shake off the yoke that was preparing for them. From not thinking in this manner, it is, that I now see all Brazil united around me, requiring of me the defence of its Rights, and the maintenance of its Liberty and Independence. It behaves me therefore to speak the truth to you, Brazilians !--Listen to me, then.

The Congress of Lisbon having arrogated to itself the tyrannical right to impose an article of new belief, founded upon a partial and promissory oath, upon Brazil, which could in no way involve the approbation of its own ruin, compelled it to examine that assumed authority, and to recognize the injustice of such unbecoming pretensions. This examination, which their insulted reason recommended and required, proved to the Brazilians that Portugal, destroying all established forms, changing all the ancient and respectable Institutions of the Monarchy, passing the sponge of moral oblivion over all its relations, and reconstituting itself anew, could not compel them to accept a dishonourable and degrading system, without attacking those very principles whereon was founded their Revolution, and the right to change their Political Institutions; without destroying that basis on which were established their new Rights, the inalienable Rights of Mankind, without embarrassing the march of reason and of justice, whose Laws are derived from the very nature of things, but never from the private caprices of Individuals.

The Southern Provinces of Brazil, uniting therefore together, and assuming the majestick attitude of a People, which distinguishes amongst its rights those of liberty and its own happiness, cast their eyes upon me, the Son of their King, and their friend; and, looking at this rich and great portion of our Globe in its true point of view; and knowing the talents of its Inhabitants, and the immense resources of its soil; I saw with pain the erroneous and tyrannical proceedings of those who so falsely and prematurely had taken the name of Fathers of the Country, attempting to be not only Representatives of the People of Portugal, but Sovereigns of all the vast Portuguese Monarchy; and I judged it unworthy of me, and of the great King whose Son and Delegate I am, to disregard the wishes of those faithful Subjects, who, repressing perhaps Republican desires and propensities, have turned from the fascinating example of some neighbouring People, and have deposited in me all their hopes; thereby to preserve Royalty in this great American Continent, and the acknowledged rights of the August House of Braganza.

I acceded to their generous and sincere wishes, and have remained in Brazil, making our good King acquainted with this my firm resolution; in the persuasion that this step would be for the Cortes of Lisbon the thermometer of the disposition of Brazil, of her well-understood dignity, and of the new elevation of her sentiments; that it would make them stop in the career they had begun, and return to the path of justice, from which they had departed. Thus reason commanded; but the wild views of egotism continued to stifle its voice, and



precepts, and discord pointed out new deceits: then, as was to have been expected, the resentment and indignation of the leagued Provinces were aroused, and, as if by a sort of magick, all ideas and sentiments, converged towards the same point, were directed to one single end. Without the noise of arms, without the cries of anarchy, they requested of me, as the guarantee of their precious liberty and national honour, the speedy Installation of a General Constituent and Legislative Assembly in Brazil. Much did I desire to defer that moment, to see whether the vanity of the Cortes of Lisbon would give way to the voice of reason, of justice, and of their own interest; but the Order issued by them, and transmitted to the Portuguese Consuls, to prohibit the clearing out of Arms and Ammunition for Brazil, was a signal for War, and an actual commencement of hostilities.

This Kingdom, which had already declared Me its perpetual Defender, then insisted that I should provide in the most prompt and energetick manner for its security, honour, and prosperity. Had I failed in my resolution, I should have broken, on the one hand, my sacred promises, and, on the other, who could have been able to stay the evils of Anarchy, the dismemberment of the Provinces, and the frenzy of Democracy?

What an obstinate struggle between the inveterate and bloody Parties, between a thousand successive and opposing Factions! To whom would have belonged the gold and diamonds of our inexhaustible Mines,—those mighty Rivers which are the strength of States,—that prodigious fertility the inestimable fountain of riches and prosperity? Who could have calmed so many dissentient Parties; who would have civilized our wide spread Population, separated by so many Rivers, or rather Seas? Who would then communicate with our Indians, in the centre of their impenetrable Forests, across the highest and most inaccessible Mountains? Certainly, Brazilians, Brazil would have been torn in pieces; this great Work of beneficent Nature, which is the envy and admiration of the Nations of the World, and the benevolent intentions of Providence, would be defeated, or at least retarded, for many Years.

I was responsible for all these evils, for the blood that was about to be spilled, and for the victims that would infallibly be sacrificed to the passions, and to private interests. I formed my resolution, therefore; I took the part which the People desired; and I directed the Assembly of Brazil to be convoked, in order to cement the Political Independence of this Kingdom, without, however, breaking the ties of Portuguese Fraternity; harmonizing, with decorum and justice, the United Kingdom of Portugal, Brazil, and Algarve, and preserving under the same Chief two Families, separated by immense Seas, who can only live united by bonds founded on an equality of rights and reciprocal interests.

Brazilians! it is unnecessary to remind you of all the evils to

which you were subject, which impelled you to the Representation made to me by the Magistracy and People of this City, on the 23rd of May, and which gave rise to my Royal Decree of the 3d of June, of the present Year: but the respect we owe to Mankind, requires that we explain the reasons of your proceedings, and of my conduct. The history of the acts of the Congress of Lisbon towards Brazil presents a tissue of incessant injustice and unreasonableness. Their object was to paralyze the prosperity of Brazil, to consume its vitality, and to reduce it to such a state of inanition and weakness, that its ruin and subjugation should be inevitable. That the World may be convinced of this truth, it is only necessary to enter upon the simple exposition of the following facts.

The Congress of Lisbon legislated for Brazil without waiting for its Representatives, thus setting aside the Sovereignty of the majority of the Nation.

It denied to it a delegation of the Executive Power, of which it stood so much in need, in order to develope all the force of which it is susceptible, considering the great distance that separates it from Portugal; leaving it without Laws suitable to its climate and local circumstances, and without available resources for its urgent necessities.

It refused to it a centre of union and strength, for the purpose of weakening it, previously inciting the Provinces to separate from that which they had already happily established within themselves.

It decreed Governments to it, without stability and union; with 3 centres of differing action, insubordinate, rival, and contradictory; destroying by these means its character of a Kingdom, and undermining the basis of its future greatness and prosperity; leaving to it nothing but the elements of disorder and anarchy.

It excluded, de facto, all Brazilians from every honourable Employment, and filled your Cities with European Troops, commanded by rude, cruel, and immoral Chiefs.

It received with enthusiasm, and lavished praises upon, all those Monsters who had inflicted painful wounds in your hearts, or promised to continue to inflict them.

It laid violent hands upon the resources belonging to the Bank of Brazil, which was overburthened with an enormous National Debt, but with which the Congress never troubled itself; although the Credit of the Bank was intimately connected with the Publick Credit of Brazil and with its prosperity.

It opened Negociations with Foreign States for the alienation of portions of your Territory, in order to weaken and to subjugate you.

It disarmed your Fortresses, emptied your Arsenals, left your Ports without defence, and called all your Navy to the Ports of Portugal. It drained your Treasuries by repeated drafts. for the expenses of Troops who came, without your consent, for the purpose of spilling your blood, and of destroying you; at the same time that it prohibited



to you the introduction of Foreign arms and ammunition wherewith you might defend yourselves and support your liberty.

It presented a **Project** of Commercial relations, which, under the false and chimerical appearance of reciprocity and equality, monopolized your riches, and shut your Ports to Foreigners; thus destroying your agriculture and industry, and again reducing the Inhabitants of Brazil to the condition of Dependents and Colonists.

It treated from the beginning, and still continues to treat, with unworthy degradation and contempt, the Representatives of Brazil, when they have the courage to insist upon their Rights, and even (who would believe it) threatened you with giving liberty to the Blacks, and arming them against their Masters.

To complete this long narrative of appalling injustice;—when, for the first time, the sound of your just indignation was heard in the Congress, they doubly increased their mockery; endeavouring to exculpate themselves, under the plea of your desire and concurrence.

The delegation of the Executive "Power, which the Congress rejected as Anti-Constitutional, is now offered to us by a Commission from that Congress, and with such liberality, that, instead of one centre of power, which we alone wanted, they wish to give you two or more. What unheard of generosity! But who does not see that its object is to destroy your strength and integrity, to arm Province against Province—Brothers against Brothers?

Let us awake, therefore, generous Inhabitants of this vast and powerful Empire; the great step of your Independence and happiness, so many times foretold by the great Politicians of Europe, has been taken. You are already a Sovereign People; you have already entered into the great Society of Independent Nations, to which you had every right. Honour and National dignity, the desire to be prosperous, the voice of Nature itself, require, that Colonies cease to be Colonies, when they arrive at a state of maturity, and although treated as Colonies, you really were not so; but, in fact, a Kingdom. Moreover, the same right which Portugal had, to overthrow its ancient Institutions and reconstitute itself, you possess, with much greater reason, who inhabit a vast and extensive Country, with a Population (although more scattered) already greater than that of Portugal, and which will go on increasing with the rapidity that distinguishes the fall of heavy bodies through the air. If Portugal deny you this right, let it renounce the right which it advances itself, to have its new Constitution acknowledged by Foreign Nations, who thereupon might allege just motives for interfering in its domestick concerns, and for violating the attributes of the Sovereignty and Independence of Nations.

What then remains for you to do, Brazilians? It remains for you to be all united, in interest, in love, and in hope; to cause the August Assembly of Brazil to enter upon the exercise of its functions, in order that, guided by reason and prudence, you may avoid the shoals which, BRAZIL.

during the sea of Revolution, France, Spain, and even Portugal, unfortunately encountered; that you may with a sure and wise hand, arrange the division of the powers; found the Code of your Legislation in sound philosophy, and apply it to your peculiar circumstances.

Do not doubt, Brazilians, that your Representatives, when occupied, not in overcoming contentions, but in settling rights, will support yours, which have been trodden underfoot and disregarded for 3 Centuries; they will consecrate the true principles of the Brazilian Representative Monarchy; they will declare Lord Don John the Vlth, my August Father, of whose love you are in the highest degree possessed, King of this fine Country; they will sever all the heads of the hydra of anarchy and despotism; they will impose the necessary responsibility upon all Publick Functionaries; and the legitimate and just will of the Nation will never more see its majestick flight constantly impeded.

Firm in the invariable principle of not sanctioning abuses, from which at each step others arise, your Representatives will spread light and new order through the impenetrable chaos which now conceals the Publick Revenue, the Administrative Economy, and the Civil and Criminal Laws. They will have the courage to believe that ideas, which are useful and necessary for the welfare of our species, are not destined solely to ornament the pages of books; and that the perfectibility, granted to Man by the Creator and Supreme Being, should not meet with impediments, but should contribute towards the social order, and the happiness of Nations.

They will give you a Code of Laws suitable to the nature of your local circumstances, of your population, interests, and relations, the execution of which will be entrusted to Judges of integrity, who will administer gratuitous justice, and expunge from your Books the litigious proceedings, founded upon ancient, obscure, inept, complicated, and contradictory Laws. They will give you a Penal Code dictated by reason and humanity, in the place of those absurd and sanguinary Laws, of which you have hitherto been the suffering victims. You will have a system of taxation which will give encouragement to the toils of agriculture, the labours of industry, the dangers of navigation, and the freedom of commerce: a clear and harmonious system, which will facilitate the employment and circulation of capital, and remove the hundred mysterious keys that locked the dark labyrinth of the Finances, and which did not allow the Citizens to distinguish a trace of the use which was made of the National Income.

Brave Soldiers, you will also have a Military Code, which, by forming an Army of disciplined Citizens, will unite the valour that defends the Country, with the civic virtues which are its protection and security.

Cultivators of literature and the sciences, who are almost always disliked, or contemned, by despotism, you will have the path open and clear for the acquisition of glory and honour: virtue and merit will be



found united, to adorn the sanctuary of the Country, without finding the avenues to the Throne, which have hitherto been open only to hyprocrisy, and to imposture, shut against them by intrigue.

Citizens of all classes, Brazilian Youth, you will have a Code of Publick National Instruction, which will cause the talents of this blessed Climate to germinate, and to vegetate vigorously, and will place our Constitution under the safeguard of future generations; which exist in spreading throughout the Country a liberal education, and communicating thereby to its Members the instruction necessary to promote the felicity of the Great Brazilian Nation.

Behold, Inhabitants of Brazil, the perspective of glory and of greatness which is before you : be not alarmed at the imperfections of your actual situation. The torrent of civilization has already begun to pour impetuously from the Deserts of California, to the Streights of A Constitution, with lawful liberty, are the inexhaustible Magellan. sources of wonders; they will form the bridge over which all that is good, in old and convulsed Europe, will pass to our Continent. Fear Europe, which acknowledged the Independence not Foreign Nations. of the United States of America, and remained neutral during the struggle of the Spanish Colonies, cannot fail to acknowledge that of Brazil, which, with so much justice, and so many means and resources at hand, has determined also to enter into the great Family. of Nations. We will never involve ourselves in their internal affairs, and they, on their part, will not seek to disturb the Peace and free Commerce we shall offer to them, guaranteed by the Representative Government we are about to establish.

Let no cry be heard amongst you but that of Union. From the Amazons to the Plata, let no other echo resound but Independence. Let all our Provinces combine to form the mysterious faggot which no force can break. Let all old prejudices disappear for ever, and let the love of the general good be substituted for that of any one Province, or of any one City. Regard not injuries, calumnies, and invectives, which obscure Libellers send forth against you, against me, and against our liberal system. Recollect that, had they praised you, Brazil would have been lost. Let them say that our attempts are against Portugal, against the Mother Country, against our Benefactors : by preserving our Rights, by punishing by our Laws, by consolidating our Liberty, we wish to save Portugal from a new class of Tyrants.

Regard not their cry that we are rebelling against our King. He knows that we love him, as a Citizen King, and wish to rescue him from the insulting state of captivity to which they have reduced him, by tearing the mask of hypocrisy from infamous Demagogues, and marking with true Liberalism the just limits of Political Powers. They may still endeavour to persuade the World, that we are breaking all the ties of Union with our European Brethren. It is not so. We wish to establish them upon a solid basis, free from the influence of BRAZIL.

a Party, which has shamefully disregarded our Rights, and has openly betrayed itself, by so many acts that can no longer be concealed, which are tyrannical and domineering, to our dishonour and prejudice, and weaken and destroy irremediably that moral power so necessary in a Congress, which depends for its support upon Publick opinion and justice.

Illustrious Men of Bahia! the generous but unfortunate portion of Brazil, on whose soil those famished and pestiferous Harpies have taken the fastest hold! How deeply your lot grieves me! How much do I lament that I could not long since contribute to the drying up of your tears, and assuaging your despair! Bahians, whose emblem is bravery; drive from your bosom those Monsters who live upon your blood; fear them not: your delay is their strength. They are no longer Portuguese. Expel them, and unite yourselves with us whose arms are open to receive you.

Brave Miners, intrepid Pernambucans, Defenders of Brazilian Liberty, fly to the succour of your neighbouring Brethren. It is not the Cause of a Province, but the Cause of Brazil, that is defended in the first-born of Cabral. Destroy this nest of Wolves in disguise, who still support the sanguinary caprices of the factious Party. Pernambucans! call to mind the burning piles of Bonito and the scenes of the Recife! Spare, however, and love as Brethren, all pacifick Portuguese, who respect our Rights, and are anxious for our and their own happiness.

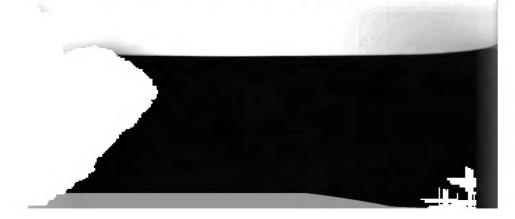
Inhabitants of Ceará, of Maranham, of the rich Pará, and of the fertile and beautiful Provinces of the North; come to form and sign the Act of our Emancipation, that we may immediately assume our rank in the great Political Association. Brazilians in general! Friends! Let us all unite—I am your Compatriot—I am your Defender—Let us regard as the only reward of our toils, the honour, the glory, the prosperity of Brazil. Pursuing this path you will always find me in your front, and in the place of the greatest danger. Be assured that my happiness depends upon your happiness. It is my glory to rule over brave and a free People. Shew me the example of your virtues and of your union.—I will be worthy of you.

Palace of Rio de Janeiro, 1st of August, 1822.

THE PRINCE REGENT.

DECREE of the Prince Regent and Perpetual Defender of Brazil, respecting the Measures to be taken, in the event of the arrival of Troops from Portugal.—1st August, 1822. (Translation.)

HAVING been confirmed, by the unanimous consent and free-will of the People of Brazil, in the dignity and power of Regent of this vast Empire, with which the King, my August Father has charged me; a



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dignity whereof the Cortes of Lisbon, without hearing all the Deputies of Brazil, have attempted to despoil me, as is notorious; and having, moreover, accepted the title and charge of Perpetual Defender of this Kingdom, which the same People have so generously and loyally conferred upon me: It behoves me, therefore, in the discharge of my sacred duties, and in acknowledgment of so much love and fidelity, to take all the Measures which are indispensable for the salvation of this the greatest part of the Portuguese Monarchy, which has been entrusted to me, and whose Rights I have sworn to preserve inviolate, against all attack. And, as the Cortes of Lisbon continue to pursue the erroneous, and in every light unjust, system, of recolonizing Brazil, even by force of arms, notwithstanding that it has already declared its Political Independence, and that a General Constituent and Legislative Assembly has been already legally convoked, by my Royal Decree of the 3d June last, at the general request of all the Magistracies,-thus proceeding with a formality which was not observed in Portugal, where the Convocation of the Congress was in its origin the act solely of secret and factious Clubs: And considering, also, that His Majesty the King, Lord Don John the VIth, whose name and authority the Cortes employ for their sinister ends, is a Prisoner in that Kingdom, without his own proper will, and without that liberty of action which is given to the Executive Power in Constitutional Monarchies: I order, after having heard my Council of State, to all the Provisional Juntas of Government, the Governors at Arms, Military Commandants, and all the Constituted Authorities, to whom the execution of this Decree belongs, as follows :

I. That all Troops shall be considered as Enemies who may be sent to Brazil from Portugal, or any other Quarter, without my previous consent, under whatever pretext it may be; as well as all the Crews and Persons on board of the Ships in which the said Troops may be transported, if they attempt to land: the commercial and amicable relations between the two Kingdoms remaining free, for the preservation of the Political Union which I so much desire to maintain.

II. That if they arrive with peaceful intentions, they shall immediately return, remaining however on board, without communication, until they shall be furnished with all the supplies and assistance necessary for that purpose.

III. That in case the said Troops should not obey these Orders, and should attempt to land, they shall be driven back, by force of arms, by all the Military Corps of the first and second Line, and even by the People en masse; putting into execution every possible means, if it be necessary, to burn the Ships, and to sink the Boats for disembarkation.

IV. That if, notwithstanding these efforts, it shall happen that such Troops succeed in effecting a disembarkation, in any Port, or Place of Brazil, all the Inhabitants shall retire into the interior, carrying with them into the woods and mountains all their provisions and cattle, and whatever might be useful to the Invaders. And the Troops of the Country shall carry on against them an active warfare of Posts and Guerillas, avoiding every occasion of general Battle, until they succeed in freeing themselves from the Enemy.

V. That, from this moment, it is the duty of all Military and Civil Authorities to whom it may belong, to fortify all the Ports of Brazil, in which a Landing might be effected, under the most strict and rigorous responsibility.

VI. That if, by accident, any of the Provinces of Brazil should not be supplied with the necessary Ammunition and Ordnance for the Fortifications, the abovementioned Authorities will represent to this Court what they require, in order that they may be furnished therewith from hence, or they will immediately acquaint the nearest Province thereof, which shall be bound to give them all the succour necessary for the due fulfilment of such important duties.

The Civil and Military Authorities to whom the execution of this my Royal Decree belongs, will so execute and cause it to be executed, with all zeal, energy, and promptitude, under the responsibility of rendering themselves guilty of Treason should they neglect so to fulfil it.

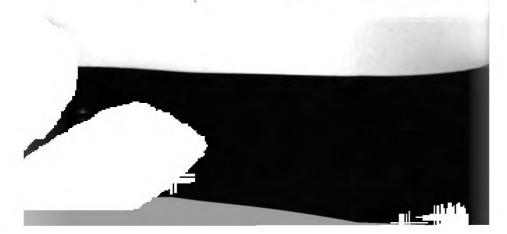
Palace of Rio de Janeiro, 1st of August, 1822.

[With the Initials of His Royal Highness the Prince Regent] LUIZ PEREIRA DA NOBREGA DE SOUZA COUTINHO.

MANIFESTO of the Prince Regent of Brazil to Friendly Governments and Nations, relative to the Independence of Brazil.—6th August, 1822. Translation.)

I, AND the People who have recognized me as their Prince Regent, being desirous to preserve our Political and Commercial Relations with Governments and Nations, the Friends of this Kingdom, and of continuing to merit that approbation and esteem which the Brazilian character deserves from them, it behoves me to lay before them succinctly, but truly, the series of facts and motives that have induced me to accede to the general will of the People of Brazil, who have proclaimed in the face of the Universe its Political Independence, and their wish, as a Sister Kingdom, and as a great and powerful Nation, to preserve, pure and inviolate, their imprescriptible rights, which Portugal has constantly attacked, and now attacks more than ever, since the so-much-praised political regeneration of the Monarchy by the Cortes of Lisbon.

When this rich and vast Brazilian Region first accidentally presented itself to the eyes of the adventurous Cabral, avarice and religious proselytism, and the incitements to discovery and Colonization, immediately induced him to possess himself of it as a Conquest; and by Laws of



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blood, dictated by bad passions, and sordid interests, the Portuguese tyranny was established. The uncivilized Native, and the European Colonist, were obliged to tread the same path of wretchedness and slavery. If they dug into the bowels of their Mountains to extract from them their gold, absurd Laws, and the Quinto Tax quickly came to disgust them in their hardly commenced labours; at the same time that the Portuguese Government, with insatiable voracity, devoured the treasures which beneficent Nature supplied, causing the unfortunate Mines to be encumbered with the weight of the most odious of tributes, the Capitation Tax. They wished that the Brazilians should pay even for the air they breathed, and the ground on which they walked. If the industry of a few enterprizing Men endeavoured to give a new form to the productions of their soil, wherewith to cover the nakedness of their Children, tyrannical Laws prevented it, and punished their praiseworthy efforts. The Europeans have always studied to keep this fine Region in the most rigid and abject dependence upon the Mother Country, because they considered it necessary, for the security of their dominion, to obstruct or impoverish the perennial fountain of its riches. If the activity of a Colonist, offered to his Fellow-citizens from time to time some new branch of rural economy, by the introduction of exotick, useful, and valuable plants, onerous Imposts soon came to destroy such happy undertakings. If adventurous Men had the courage to change the course of the streams, in order thereby to obtain diamonds from the earth, they were immediately prevented by the cruel Agents of Monopoly, and punished by inexorable Laws. If the superfluity of its productions invited and called for an exchange for Foreign productions, Brazil, deprived of the Markets of Nations, and consequently of competition in them, which rendered its purchases dear, and its sales cheap, had no alternative but to send them to the Ports of the Mother Country, and thus more and more to stimulate the sordid desire of wealth, and preponderance of its Tyrants. If, finally, the Brazilian, to whom bountiful Nature has given talents of no ordinary kind, were desirous of being instructed in the arts and sciences, the better to understand his rights, or to know how to avail himself of the natural gifts with which Providence has endowed his Country, it was necessary that he should go for that purpose to Portugal, which scarcely possessed any such information, and from whence, in many instances, he was not permitted to return.

Such was the fate of Brazil for nearly 3 Centuries; such the narrow policy that Portugal, always illiberal in its views, always avaricious and tyrannical, adopted to consolidate its dominion, and maintain its factitious splendour. Colonists and Natives, Conquered and Conquerors, their Children and their Children's Children, all were confounded; all were subjected to one general anathema. And, as the

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ambition of power, and the thirst of gold, are ever insatiable and without bounds, Portugal did not cease constantly to send hither merciless Bashaws, corrupt Magistrates, and shoals of Fiscal Agents of every description, who, in the excess of their passions and avarice, destroyed the ties of morality, publick as well as private; despoiled the scanty produce of the toil and labour of the Inhabitants, and tore out the entrails of Brazil, which nourished and enriched them, in order that the People, reduced to utter despair, like submissive Mussulmans, should go in pilgrimage to the new Mecca, to purchase, with rich gifts and offerings, a life which, however obscure and languid, should be at least supportable and tranquil. If Brazil resisted this torrent of ills, if it improved in the midst of such shameful oppression, it was owing to its strong and animated Sons, to whom Nature has given a gigantic form; it was owing to the beneficence of that kind Mother, who gave them continually renewed vigour to overcome, as trifles, those physical and moral obstacles which their ungrateful Parents and Brothers had purposely opposed to their increase and prosperity.

Nevertheless Brazil, still suffering under the recollection of her past misfortunes, being naturally good and generous, received with inexpressible gladness the August Person of the Lord Don John the VIth, and all the Royal Family. She did still more, she opened her hospitable arms to the Nobility and People who emigrated, in consequence of the invasion of Portugal by the Despot of Europe. She contentedly took upon her the burthen of the Throne of my August Father; she preserved with splendour the diadem that encircled his forehead; she furnished with generosity and profusion the expences of a new and embarrassed Court; and, moreover, notwithstanding the great distance, and without any particular interest of her own, but solely on account of the simple ties of fraternity, she likewise contributed to the expences of the War which Portugal so gloriously maintained against its Invaders.

And what has Brazil received in return for so many sacrifices? A continuation of the old, and an increase of the new abuses, introduced partly by imbecility, and partly by immorality and crime. Such a state of things called loudly for a prompt reform of the Government, for which the Brazilians were fully qualified, by their advancement in knowledge, and by the rights, of which they could not be deprived, belonging to them, as Men, forming the greater as well as the richer portion of the Portuguese Nation ; favoured of Nature, by their centrical and geographical position in the midst of the Globe, by their extensive Ports and Harbours, and by the natural riches of their soil. Nevertheless, sentiments of excessive loyalty, and extreme love for their Brethren of Portugal, silenced their complaints, induced them to suppress their anxious wishes, and caused them to yield the glorious palm to their Fathers and Brothers of Europe. When the cry for the political regeneration of the Monarchy arose in Portugal, the People of Brazil, relying upon the inviolability of their rights, and incapable of suspecting their Brethren of different sentiments or less generosity, gave up to those ungrateful Men the defence of their most sacred interests, and the care of their complete reconstitution; and, with perfect confidence, they tranquilly reposed upon the brink of the most dreadful precipice. Trusting every thing to the wisdom and justice of the Lisbon Congress, Brazil expected to receive from it all that of right belonged to her. How far was she then from presuming that the same Congress was capable of so basely betraying her hopes and interests;—interests so closely connected with the general interests of the Nation !

Brazil now knows the error into which she had fallen; and, had not the Brazilians been moved by that generous enthusiasm which often mistakes a transient light for the true light of reason, they would have seen, in the first Manifesto which Portugal addressed to the Powers of Europe, that one of the concealed objects of the pretended regeneration, consisted in the crafty re-establishment of the old Colonial System, without which Portugal has always believed, and still believes, that she cannot be rich and powerful. Brazil did not foresee that her Deputies, in going to a strange and distant Country, would have to contend against the inveterate prejudices and caprices of the Metropolis, and, wholly deprived of the support of Friends and Relatives, would inevitably fall into the state of nullity in which we have beheld them : but it was necessary to go through the severe lessons of experience to discover the delusion of her mistaken hopes !

But the Brazilians deserve to be excused, for their candid and generous minds must have had great difficulty in believing that the boasted regeneration of the Monarchy was to begin with the re-establishment of the odious Colonial System. It was very difficult, and indeed almost impossible, to reconcile this absurd and tyrannical plan, with the lights and liberality so loudly proclaimed by the Portuguese Congress. It was still more incredible, that there should be Men so bold and senseless as to dare, (as I shall hereafter describe) to attribute to the wish and orders of my August Father, the King Lord Don John the VIth, to whom Brazil owes her rank of Kingdom, the idea of destroying at one blow the finest deed that is to immortalize him in the History of the Universe. So great an attempt at deception is certainly not to be credited ; facts however speak for themselves; against manifest truth, there can be no sophistry.

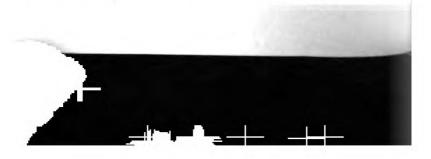
So long as my August Father was not forced, by secret and perfidious means, to abandon the shores of Janeiro, again unfortunately to inhabit those of the old Tagus, the Congress of Lisbon affected to entertain sentiments of fraternal equality, and enlightened principles of reciprocal justice, towards Brazil, declaring formally, in the XXIst

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Article of the Bases of the Constitution, that the Fundamental Law, which was about to be organized and promulgated, would only be applicable to this Kingdom, in the event of its Deputies, after they were assembled, declaring such to be the will of the People whom they represented; but what was the alarm of those People, when they found, in contradiction to that Article, and in contempt of their inalienable Rights, a fractional part of the General Congress, deciding upon their dearest interests? when they saw the dominant Party in that incomplete and imperfect Congress, legislating upon subjects of transcendant importance, and peculiarly relating to Brazil, in the absence of perhaps two-thirds of its Representatives.

That dominant Party which, even to this day, and without restraint, insults the understanding and probity of the sensible and upright Men who are to be found in the Cortes, has tried all the means of a dark and infernal policy, to deceive credulous Brazil, with an apparent fraternity which never dwelt in their hearts, and has insidiously profited by the errors of the governing Junta of Bahia (which it secretly promoted), to break the sacred bonds which unite all the Provinces of Brazil under my legitimate and paternal Regency. How could the Congress recognize in that factious Junta a legitimate authority, to sever the political ties of the Province, and to separate it from the centre of the System to which it was bound, and this too after the Oath of my August Father to the Constitution promised to the whole of the Monarchy ?- What right had that Congress, whose National Representation was then limited to Portugal alone, afterwards to sanction such illegal and criminal acts, of the most fatal consequences to the United Kingdom? And what were the advantages which Bahia was to have derived from them ?- the vain and ridiculous name of a Province of Portugal; and, what is worse, the evils of civil war and anarchy, with which it is now overwhelmed, in consequence of the fault of its former Government, (which was sold to the Demagogues of Lisbon,) and of some other unenlightened Men with anarchical and republican ideas. Will it be said, that Bahia, as a Province of the poor debased Kingdom of Portugal, if it could so maintain itself, would be in a better condition than as one of the first Provinces of the vast and powerful Empire of Brazil? But the views of the Congress were different. Brazil was no longer to be a Kingdom; she was to descend from her rank, and to retrograde in the political order of the Universe, to receive new chains, and to humble herself, like a Slave, at the feet of Portugal.

But we must not stop here.—Let us examine the progressive march of the Congress. They authorized and established anarchical Provincial Governments, independent of each other, but subject to Portugal. They destroyed the responsibility, and the mutual harmony, of the Civil, Military, and Financial Powers, without leaving



the People any resource for their inevitable evils, unless they sought it on the other side of the vast Ocean,—a resource equally useless and illusive. The Congress saw, that they were destroying the majestick architecture of the Brazilian Empire; that they were about to separate its parts, to engage them in continual strife, to annihilate its strength, and even to convert its Provinces into so many hostile Republicks. But the misfortunes of Brazil were of little importance; momentary advantages satisfied them for the time being, and they would not have hesitated to cut down the tree at its base, like the Savages of Louisiana, provided they could for once gather its fruit.

The representations and efforts of the governing Junta, and of the Deputies of Pernambuco, to free themselves from the European bayonets, to which that Province was indebted for her lamentable intestine dissensions, were unavailing. It was then that Brazil began to tear asunder the thick veil which covered her eyes; she perceived the object for which these Troops were destined; she examined into the causes of the reception which had been given to the propositions of the few Deputies she had in the Portuguese Congress; she gradually lost the hope of any amelioration or reform from the deliberations of that Congress; and she at length saw that the justice of her Rights, and the voice and patriotism of her Deputies, were alike disregarded.

But this was not all. The Cortes of Lisbon well knew that Brazil was oppressed by the immense Debt due from the Treasury to her National Bank, and that, should the latter fail, innumerable Families would be ruined, or reduced to utter indigence: this matter was, therefore, of the utmost importance; notwithstanding which it never bestowed the slightest attention to the credit of that Bank, but it rather appeared to seek, with the greatest anxiety, to give a death blow to it, by drawing from Brazil the Surplus of the Provincial Revenues, which ought to have been paid into the Publick and Central Treasury, and it even deprived the Bank of the management of the Contracts, which the King, my August Father, had entrusted to it, for liquidating this sacred Debt.

At length the fatal Decrees for my return to Europe, and for the total abolition of the Tribunals of Rio de Janeiro, whilst those of Portugal were to continue to exist, reached Brazil. Then, at once, vanished every hope, even that of preserving a Delegation of the Executive Power, which should be the common centre of union and strength between all the Provinces of this most extensive Country; for, without this common centre to give regularity, and an impulse, to all the movements of the social compact, in vain would Nature have profusely granted all that depended upon her, for the rapid advancement and developement of its strength and future prosperity. A vigorous and Constitutional Government was alone capable of clearing the way for the progress of civilization, and the increase of the wealth of Brazil; to defend it from its external Enemies, and repress the internal machinations of ill-disposed and ambitious Men, who might dare to

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attack the liberty, and private property, of Individuals, and the peace and publick security of the State in general, or of any of the Provinces in particular. Without this common centre, I repeat it again, all the relations of friendship and commerce between this Kingdom and Portugal, and Foreign Countries, would be subject to a thousand collisions and obstacles; and, instead of our riches increasing under a solid and adequate system of publick economy, we should see them on the contrary, languish, decline, and probably disappear altogether. Without such a centre of strength and union, in fact, the Brazilians would be unable to preserve their natural Frontiers and Limits, and would lose, what the Congress is now darkly intriguing to effect, all that they have gained at the cost of so much blood and treasure, and, what is worse, with the loss of their National honour and glory, and of their great and legitimate political and commercial interests. But, happily for us, outraged justice and sound policy raised one universal cry, and the execution of those mischievous Decrees was suspended.

The People of this Kingdom were filled with further indignation, when they saw the contempt with which the well-deserving Citizens of Brazil were treated ; for in the various Lists of Diplomatists, Ministers of State, Councillors and Military Governors, there appeared not the name of a single Brazilian. The sinister ends for which these new Bashaws were appointed, with the pompous title of Governors of Arms, are now manifest. It is sufficient to notice :- the uniform conduct pursued by them in our Provinces, in opposition to the dignity and liberty of Brazil; the consideration shewn by the Cortes to their Reports; the influence they exercised in civil and political matters, totally unconnected with Military employment; the condescension with which the Cortes received the felicitations of the Fratricidal Troops expelled from Pernambuco; the approbation, lately expressed, by the Ruling Party in the Congress, of the revolting proceedings of General Avilez, which produced the height of evil and suffering, and even caused the premature death of my beloved Son, the Prince Don John; and, lastly, the disregard and ridicule evinced, with respect to the sanguinary scenes of Bahia, perpetrated by the infamous Madeira, who has been reinforced with fresh Troops, in spite of the Protests of the Deputies of Brazil ;-all this bears evidence, that, after the liberty of the Provinces was overthrown; the cries of their just Claims stifled; the patriotism and honour of their Citizens denounced as Anti-constitutional; these Disorganizers intended only to establish, under the deceitful words of Union and Fraternity, a complete Military Despotism, by which they hoped to crush us.

No just Government, no civilized Nation, can fail to perceive, that Brazil, deprived of an Executive Power; bereft of her requisite Tribunals; compelled to encounter distance and danger, in order to solicit favour and justice in Portugal; the surplus of the Revenues of her Provinces consumed by Lisbon; her rank as a Kingdom anni-

hilated; and herself ruled by bayonets sent from Portugal;-that nothing was left for her, but to be obliterated for ever from the list of Nations, and free States, and to be once more reduced to her old condition of a Colony, with a restricted Commerce. But it did not suit the Congress to make known, in the face of the civilized World, their hidden and abominable Projects: they therefore again dissembled, and appointed Commissioners, charged to investigate the Political and Commercial Affairs of this Kingdom. The Reports of those Commissioners are before the World, and shew beyond contradiction all the machiavelism and hyprocrisy of the Cortes of Lisbon, which can impose only upon ignorant Men, and give fresh hopes to the secret Enemies who exist amongst us. These false and wicked Politicians now tell us, that the Congress is desirous to be made acquainted with the wishes of Brazil, and that it always desired to be just in its determinations: if this be true, why have the Cortes of Lisbon hitherto rejected every thing that has been proposed by the few Deputies whom we have there? The Special Commission, charged with the Political Affairs of this Kingdom, had already in its possession the Representations of many of our Provinces, and Magistracies, petitioning for the repeal of the Decree respecting the organization of the Provincial Governments, and for my continuance in this Kingdom as Prince Regent. What however has the Commission done? It did not attend to those Representations; but merely proposed my temporary stay in Rio de Janeiro, and without my exercising the attributes that ought to belong to me as the Delegate of the Executive Power. The People were clamorous for a single centre of that Power, in order to avoid the dismemberment of Brazil into isolated and rival parts. What did the Commission? It was machiavelian enough to propose, that two or more Centres should be given to Brazil, and even, that those Provinces which wished it should communicate directly with Portugal.

Our Deputies in the Cortes have repeatedly raised their voices in favour of Brazil, but they were drowned in the clamours of the hired Mob in the Galleries. To their reclamations, it was always replied, either that they were contrary to the Articles of the Constitution already decreed, or contrary to the internal regulations of the Cortes, or that they could not repeal that which had been already decided, or finally, it was contemptuously observed that there were no Deputies of Provinces, but that all were Deputies of the Nation, and that a majority of votes could alone avail ;- a false and unheard-of principle of publick right, although very useful to those who bore the sway, and who. shielded by the majority of European votes, rendered those of the Brazilians null, and were thus able to enslave Brazil at their pleasure. The Letter addressed to me by the Government of St. Paulo was laid before the Congress, and also, shortly afterwards, the unanimous wish of the Deputation sent to me by the Government, Magistracy, and Clergy of that Capital. All was, however, in vain. The

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Junta of that Government was insulted, accused of being rebellious, and as deserving to be proceeded against criminally. At last, through the medium of the free press, Brazilian Writers made manifest to the World, the injustice and errors of the Congress, and, as the reward of their loyalty and patriotism, they were accused, in the machiavelian Report of the Commission, of being venal, and of being inspired only by the genius of evil.

It is impossible that Brazil can throw the veil of eternal oblivion over so many insults and atrocities; and it is equally impossible that she can ever again place confidence in the Cortes of Lisbon, seeing herself, on every occasion, treated by them with contempt, torn by a Civil War, commenced by those iniquitous People, and even threatened with the horrible scenes of Haiti, which our furious Enemies so much desire to revive.

Is it not an actual commencement of Hostilities on the part of that Government, to prohibit Foreign Nations, with whom we are carrying on a free Commerce, from sending us Naval and Military Stores? Can we suffer that Portugal should offer to cede to France, part of the Province of Pará, on condition that that Power should assist her with Ships and Troops, by which she might be the better enabled to fetter our hands and extinguish our Rights? Can the high-minded Brazilians forget that a similar proposal, and for the same object, was made to England, accompanied by an offer to render the Treaty of Commerce of 1810 perpetual, and to give to that Country even still greater advantages? To such an extent have the ill will and bad policy of the Cortes proceeded !

The Congress of Lisbon, moreover, sparing no endeavour to oppress and enslave us, have scattered abroad a band of secret Emissaries, who employ all the resources of cunning and perfidy to mislead the Publick mind, to disturb good order, and to foment disunion and anarchy in Brazil. Convinced of the just hatred which this Nation bears towards despotism, those perfidious Emissaries, in order to pervert publick opinion, unceasingly asperse the most pure and just actions of my Government, and have the daring temerity to impute to me the desire of entirely separating Brazil from Portugal, and of reviving the ancient system of arbitrary power. Useless however is their attempt to disunite the Inhabitants of this Kingdom : the honourable Europeans who dwell in the same land with us, will not be ungrateful to the Country that has adopted them for its children, and which has honoured and enriched them.

Not satisfied with this series of perfidy and atrocity, the factious of the Cortes have dared to insinuate that a great part of these disastrons measures have emanated from the Executive Power: as if the character of the King, of the Benefactor of Brazil, were capable of such machiavelian perfidy; as if Brazil, and the whole World, did not know that the Lord Don John the VIth, my August Father, is actually



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a State Prisoner, under complete restraint, and without that free will, which a true Monarch ought to possess, who enjoys the attributes belonging to his station, and which no Legitimate Constitution, however strict and distrustful, ought to withhold: it is known to all Europe, and to the whole World, that, amongst his Ministers, some are in a similar situation with himself, and that others are the creatures and partisans of the ruling Faction.

The persecutions and injustice of the Congress towards Brazil, doubtless, owe their existence to Parties, divided amongst themselves, but united against us. Some wish to force Brazil to separate herself from Portugal, in order thereby to give a death blow to the Constitutional System; others wish the same thing, because they are desirous of uniting themselves to Spain. It is not surprising, therefore, that in Portugal they should unblushingly write, and endeavour to prove, that that Kingdom will gain by the loss of Brazil.

Blinded with pride, or carried away by revenge and egotism, the Cortes would decide, with two strokes of the pen, a question of the greatest importance to the great Lusitanian Family; by establishing, without consulting the general wish of the Portuguese of both Hemispheres, the Seat of the Monarchy in Portugal, as if that smallest part of the Portuguese Territory, with its stationary and slender Population, should be the political and commercial centre of the whole Nation. If in States which are widely separated by Nature, but are united under the same Chief, it is requisite that the vital principle of their movements and energy should exist in the most central and powerful part of the great social body, in order that an impulse may be communicated throughout its whole extent, with the greatest speed and vigour, Brazil certainly possesses the incontestable right to have within herself the Seat of the Executive Power. In fact, this rich and vast Country, whose extended Coasts reach from 2 degrees on the other side of the Equator down to the River Plate, and are bathed by the Atlantick, is placed almost in the centre of the Globe, on the shores of the Great Canal, upon which passes the Commerce of Nations, and which is the bond that connects the 4 Quarters of the World. Brazil has; on its left, Europe, and the most considerable part of America; in its front, Africa; on its right, the rest of America, and Asia, with the immense Archipelago of Australia; and, in its rear, the Pacifick Ocean, with the Streights of Magellan and Cape Horn close at hand.

Who does not know that it is next to impossible to impart new life and energy to People grown old and feeble? Who does not know, at this time, that the good days of Portugal are passed, and that it is from Brazil alone that that small portion of the Monarchy can hope for certain support and renewed strength to recover her ancient virility? But Brazil will certainly be unable to afford her that succour, should senseless Men succeed in impairing its strength, in disuniting it, and in effecting its ruin.



Amidst such great and such as atrocity, what should be the cond that the Cortes of Lisbon are ignor Certainly not; for there are Men, selves, who, although evil disposed Brazil to suffer, and to content hers ble manner, a remedy for her mis hearts? Does she not see that, thou the despotism would continue? S and dishonourable, would precipit of misery; and, Brazil once lost, tl

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Placed by Providence in the min as the Heir and Legitimate Delega it is the first of my duties, not onl the Brazilian People, but also for I shall one day be called to gov obligations, I assented to the wisl me not to abandon them; and, c resolutions, I consulted the general Procurators General to be named vinces, to counsel me in the affairs mon interests. To give them a ne afterwards accepted the title and d Kingdom, which the People have seeing the urgency of the moment Brazil, which desired to be in sat **Constituent and Legislative Asse** permanent happiness. I thus cont who consider my August Father a and subject to the caprice of that Cortes of Lisbon, from whom it w sures, suited to the destinies of of the whole Portuguese Nation.

I should be ungrateful to the my promises, and unworthy of the Kingdom of Portugal, Brazil, and ferent manner. I protest, at the saof all friendly and allied Nations, of union and fraternity, which are one single, political, and well orgwhen the due and just union of King, as Supreme Chief of the E: assured, I will defend the legitim Brazil, which I hope will be sour even at the expence of my blood,

I have thus explained, with

vernments and Nations, to whom I have addressed myself in this Manifesto, the causes of the final resolution of the People of this Kingdom. If the King, Lord Don John the VIth, my august Father, were still in Brazil, and in the enjoyment of his liberty, and Legitimate Authority, he would doubtless concur in the sentiments of this loyal and generous People; and the immortal Founder of this Kingdom, who, in February 1821, convoked the Brazilian Cortes in Rio de Janeiro, would not have failed to convoke them, upon this occasion, in the same manner that I have done. But, as our King is a prisoner and a captive, to me it belongs to rescue him from the ignominious situation to which he has been reduced by the factious of Lisbon ; to me it belongs, as his Delegate and Heir, to save not only Brazil, but the whole Portuguese Nation.

My firm resolution, and that of the Two Nations which I govern, has been lawfully promulgated. I hope that the wise and impartial Men of the whole World, and that the Governments and Nations, friendly to Brazil, will render justice to such upright and noble sentiments. I invite them to continue to maintain with the Kingdom of Brazil the relations of mutual interest and amity. I shall be ready to receive their Ministers, and Diplomatic Agents, and to send them mine, so long as the captivity of the King, my August Father, shall last. The Ports of Brazil shall continue to be open to all pacifick and friendly Nations, for the licit Commerce which the Laws do not prohibit. European Colonists, who may emigrate hither, may rely upon the most perfect protection in this rich and hospitable Country. Learned Men, Artists, Capitalists, and Enterprizing Individuals, will also find friendship and a good reception. And, as Brazil knows how to respect the Rights of other Nations, and of Legitimate Governments, she hopes, as a just return, that her inalienable Rights will also be by them respected and acknowledged, and that she may not find herself, in the contrary case, under the painful necessity of acting at variance with the dictates of her generous heart.

Palace of Rio de Janeiro, 6th August, 1822.

PRINCE REGENT.

MEMORIAL of the Minister for Foreign Affairs of Spain to the Cortes.—1st March, 1822. (Translation.)

It is an honour and the greatest pleasure for me to inform the Cortes of the Kingdom, that the political relations of Spain with Foreign Powers in general continue of a friendly nature.

The Ratifications of the Treaty of Friendship, and for the arrangement of differences, and boundaries, concluded on the 22d of February, 1819, between His Majest y and the United States of America, were exchanged in Washington on the 22d of February, 1821. In compliance with what is stipulated in the IVth Article of the said Treaty, the King has appointed the Commission for Spanish Boundaries, which, in concert with that chosen by the Government of The United States, is to mark out the line of demarkation between the Territory of the Two Powers. The Spanish Commissioners charged with delivering over East and West Florida, within the period fixed by the VIIth Article of the Treaty, have met with some vexatious proceedings on the part of the American Authorities named by those Provinces. The King hopes that the Government of The United States will readily be induced to give the satisfaction which has been demanded, for a proceeding so little in unison with the relations of good friendship which subsist between the Two Powers, thereby confirming the expectation which His Majesty has cherished that the conclusion of the late Treaty will bind more closely the ties of amity which unite the two Nations.

We continue at Peace with the Governments of Barbary. The Regency of Algiers has recently renewed its ancient pretensions, and the Dey has laid claim, in strong terms, through the medium of a Letter which he addressed directly to His Majesty, to a sum of about 1,500,000 dollars, which he states to be due to him from Spain. An Expedition has been ordered to Algiers, consisting of 2 Ships of the National Fleet, which, accompanied by a portion of the Naval Forces of Holland, cruizing in the Mediterranean, are expected to bring about a happy issue to the friendly overture which the Spanish Government has made to the Dey. His Majesty has reason to hope that the Regency of Algiers will not object to a measure, dictated by justice, and recommended by mutual convenience to the two Governments.

With regard to the intestine dissensions which convulse the Empire of Morocco, His Majesty has determined to observe the strictest neutrality, without favouring either of the two Contending Parties, which, with alternate success, dispute the command of the Empire.

The Government of the Swiss Cantons has not evinced any opposition to the Measure decreed by the Cortes, for disbanding the Swiss Regiments which were in the Service of Spain, although the period has not expired which was fixed upon by the Capitulation of 1804. The Helvetic Government energetically demands the Indemnifications stipulated by the said Contract, in favour of the Individuals disbanded, and that of His Majesty hopes to conclude the transaction in a friendly manner, and satisfactorily to both Parties.

Our Minister at the Court of Russia has been recognized by His Imperial Majesty. By this measure the Diplomatick Relations of Spain with Russia are established, and we proceed in harmony with the Cabinet of St. Petersburgh.

The insalubrity of the climate of Sierra Leone has rendered it necessary to withdraw from that station the Spanish Individuals of the Mixed Commission established there, who are charged with the fulfil-



ment of the Treaty relative to the traffick in Negroes. The heart of His Majesty being affected by benevolence, and desirous of fulfilling his Engagements with scrupulous punctuality, our Minister in London has been authorized to treat with the British Government, in concert with the Portuguese Representative at that Court, concerning the removal of the Mixed Commission to some other more healthy spot, in order at the same time to promote the health of the Commissioners, and the important object entrusted to them.

Portugal having adopted Political Institutions so analogous to those happily established in Spain, a just expectation was entertained that the auspicious moment had arrived when a period would be put to the differences subsisting between the two Nations. The steps taken by the Portuguese Government have convinced His Majesty, to his profound grief, that his desire of founding, on the mutual interests of the Two Powers, the most cordial friendship with the Portuguese Monarchy, appear not to be met by corresponding sentiments, which is manifest from the conduct pursued by the Portuguese Government, and the events which have unhappily occurred.

When it was ascertained at the Court of Rio de Janeiro, that the Constitution framed by the Deputies to the Cortes assembled at Lisbon, had been sworn to in Portugal, and that the King had likewise taken the oath to the same, the Portuguese Government formed the design of completing the aggression upon the Spanish Provinces of the River Plate, by putting in motion the springs of an artful policy, by which the Inhabitants of those Provinces were convened illegally at Monte Video, in order that they might, as they actually did, decide upon their separation from the Spanish Monarchy, and upon their incorporation with that of Portugal. To carry into effect the contemplated plan without opposition, this Assembly proceeded solemnly to recognize the Independence of the Insurgent Government of Buenos Ayres, and, having appointed a public Agent thereto, it engaged that the Individual about to be nominated in the same character by that Government, should be recognized at Lisbon.

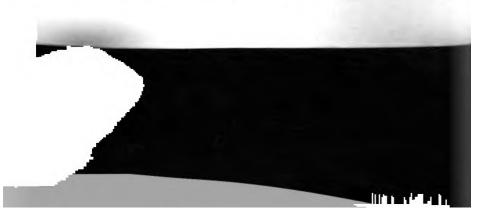
No sooner was the Court transferred from Rio de Janeiro to Lisbon, than the King's Government protested, and remonstrated energetically against a proceeding alike extraordinary and unexpected; trusting that the Government of His Most Faithful Majesty would disapprove of the steps taken in a matter of so much importance, not only from being convinced of its injustice and invalidity, but in order at least to place itself upon a level with the policy adopted by other Powers, relative to the emancipation from Spain, attempted by the Revolutionary Governments of some of our Ultramarine Provinces. Notwithstanding these just considerations, His Majesty has seen his reasonable expectations disappointed; since the Portuguese Government, far from redressing the well-founded complaints and reclamations of Spain, has, by answers, couched in specious terms, excited an apprehension that it purposes to sanction the proceedings which have taken place in Brazil.

The serious attention of His Majesty's Government has also been justly directed to the solemn declaration, put forth by His Most Faithful Majesty's Ministers, that there is not any Treaty at present subsisting between Portugal and Spain, inasmuch as the Treaties which were in force between the 2 Powers, were rendered null and void from the period of the French invasion of that Kingdom. As a consequence of that declaration, the Portuguese Government has paid no regard to certain Articles of the Treaties, to which we have appealed, in support of reclamations, presented with a view to obtain the surrender of seditious Individuals, who have taken refuge in that Kingdom ; and the factious Barcia and Ciceron have, pursuant to a late Resolution of the Cortes at Lisbon, been ordered to be set at liberty.

Notwithstanding the state of our relations with Portugal, His Majesty is not without hopes that the amicable negotiations which are in progress, for arranging the pending differences in a conciliatory manner, will terminate favourably with the Portuguese Government. The King cannot persuade himself that it will undervalue the interest which both Powers have, in drawing closer the ties of the most sincere friendship and good understanding, or that it will be insensible to the salutary influence of this firm and cordial union, upon the liberal principles promulgated in both Countries, or to the prudence of not hazarding an appeal to the honour and dignity of the Spanish People, who, when so called upon, would act with that decision and heroism which belong to their character.

Our relations of friendship and harmony with the Court of France have not suffered the slightest alteration. The yellow fever which last Year afflicted some of the Provinces of Spain, and especially Catalonia, induced the French Government to place a Military Sanitary Cordon on the Frontier, which, although it has occasioned some impediments to the communications and mercantile relations between the two Countries, has afforded no ground for complaint; considering the right which belongs to every Nation to provide, above all things, for its own preservation. It was natural to expect that the Cordon would have been withdrawn, when it was known that the contagion had ceased, but this not being the case, perhaps from fear of a return of the malady, various complaints on that point have been addressed to the French Government, and our Minister in Paris has been instructed to insist strongly upon the subject, and to demand the necessary explanations.

His Majesty's Government, having ascertained the escape to France of some Spaniards, whose impotent attempts to overthrow the Constitutional System were attended with the disastrous result which might have been expected, have solicited of, and have been assured by, His MostChristianMajesty, that these factious Men shall be removed into the interior, and distributed in different points. The French Government



requested the adoption of a similar measure on the part of Spain, by the ordering the retirement from our Frontier of a few Individuals of that Nation who excited apprehensions in France; and His Majesty was happy in acceding to that request, founded as it was on principles of mutual convenience. The late occurrences in Navarre drew some seditious Spaniards to the vicinity of our Frontiers, with the view, no doubt, of aiding the movements of the Factious. His Majesty immediately directed our Minister Plenipotentiary in Paris to demand that they should be sent into the Interior, and the French Government issued the necessary orders for that purpose. The King has also ordered his Minister in France to signify to the Government of His Most Christian Majesty, his hope that no succours will be furnished to the factious Refugees in that Country, and that it will take the proper measures of precaution, to prevent the importation into Spain, of arms or ammunition, destined for the use of the seditious. The abuse made, and still making, by some of the French Journals, of their liberty of the press, to attack our wise Institutions, and to give an unfavourable idea of the affairs of Spain, has also furnished a motive for addressing reclamations to the French Government. That Government has promised to take them into consideration, excusing itself, however, from the adoption of energetic measures for correcting such abuses, by intimating that the power which it exercises over the press is confined, principally, to the internal concerns of the Kingdom, and that it would not be an easy matter to restrain the indignation excited in the minds of the Censors and Journalists in France, by the grievous insults to which the publick Functionaries in that Country are frequently exposed, on the part of the Newspaper Writers of Spain.

In order to put an end to the frequent disputes that have occurred between the Inhabitants of the Frontiers of Spain and France, arising chiefly from the use of the pasture grounds, and to settle the doubtful demarkation of the Boundaries between the two Powers, the French Government has suggested that it would be necessary and mutually expedient to fix precisely the respective limits, by means of Engineers to be appointed for that purpose. The demarkation of the course of the River Reus, as respects the Province of Catalonia, has been completed.

The sad result which has attended the efforts made in the Kingdoms of Naples and Sardinia, to preserve the Constitutional System which they had proclaimed, has reduced our relations with these Powers to a passive state.

We continue to maintain a good understanding with the Court of Rome. His Holiness has yielded to several requests of the Spanish Government, which were demanded by our Political Institutions; and others of a like nature, and necessary for the welfare of the Nation, are at present the subject of active Communications between the two Governments.

Such is the compendium of our Political Relations with Foreign

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Powers. The anxiety of His Majesty is invariably to preserve for Spain the inestimable blessings of Peace; to maintain her in the rank which belongs to her among Nations, on account of the repeated proofs of heroism which she has given; and to make it evident that, whilst she religiously respects the rights of other Powers, she will never allow her own to be infringed; and that she will not suffer any attempt to be made against her Political Institutions, which form the delight of all Spaniards who are intimately united with their Constitutional King.

FRANCISCO MARTINEZ DE LA ROSA. Madrid, 1st March, 1822.

MESSAGE of the President of The United States to Congress, relative to the Recognition of the Independence of the Spanish American Colonies.—26th April, 1822.

To the Senate of The United States.

Washington, 26th April, 1822. I TRANSMIT to the Senate, agreeably to their Resolution of yesterday, a Report from the Secretary of State, with Copies of the Papers requested by that Resolution, in relation to the Recognition of the South American Provinces. JAMES MONROE.

Department of State, 25th April, 1822.

THE Secretary of State, to whom has been referred a Resolution of the Senate, of this day, requesting the President to communicate to the Senate any information he may have, proper to be disclosed, from our Minister at Madrid, or from the Spanish Minister resident in this Country, concerning the views of Spain relative to the Recognition of the Independence of the South American Colonies, and of the Dictamen of the Spanish Cortes, has the honour to submit to the President, Copies of the Papers particularly referred to.

JOHN QUINCY ADAMS.

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(1.)-Don Joaquin de Anduaga to the Secretary of State.-(Translation.) SIR, Washington, 9th March, 1822.

IN the National Intelligencer of this day, I have seen the Message sent by the President to the House of Representatives, in which he proposes the Recognition, by The United States, of the Insurgent Governments of Spanish America. How great my surprise was, may be easily judged by any one acquainted with the conduct of Spain to-

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wards this Republick, and who knows the immense sacrifices she has made to preserve her friendship. In fact, who could think, that, in return for the cession of her most important Provinces in this Hemisphere; for the forgetting of the plunder of her commerce by American Citizens; for the privileges granted to their Navy; and for as great proofs of friendship as one Nation can give to another, this Executive would propose that the Insurrection of the Ultra Marine Possessions of Spain should be countenanced? And, moreover, will not his astonishment he augmented to see that this Power is desirous to give the destructive example of sanctioning the Rebellion of Provinces, which have received no offence from the Mother Country, to those to whom she has granted a participation of a Free Constitution, and to whom she has extended all the rights and prerogatives of Spanish Citizens? In vain will a parallel be attempted to be drawn between the emancipation of this Republick, and that which the Spanish Rebels attempt; and history is sufficient to prove, that if a harassed and persecuted Province has a right to break its chains, others, loaded with benefits, elevated to the high rank of Freemen, ought only to bless and embrace more closely the protecting Country which has bestowed such favours upon them.

But even admitting that morality ought to yield to policy, what is the present state of Spanish America, and what are its Governments, to entitle them to Recognition? Buenos Ayres is sunk in the most complete anarchy, and each day sees new Despots produced, who disappear the next. Peru, conquered by a Rebel Army, has near the gates of its Capital another Spanish Army, aided by part of the Inhabitants. In Chili, an Individual suppresses the sentiments of the Inhabitants, and his violence presages a sudden change. On the Coast of Firma, also, the Spanish Banners wave, and the Insurgent Generals are occupied in quarrelling with their own Compatriots, who prefer taking the part of a Free Power, to that of being the Slave of an Adventurer. In Mexico, too, there is no Government, and the result of the questions which the Chiefs commanding there have put to Spain is not known. Where, then, are those Governments which ought to be recognized? Where the pledges of their stability? Where the proof that those Provinces will not return to a union with Spain, when so many of their Inhabitants desire it? And, in fine, where the right of The United States to sanction and declare legitimate a rebellion, without cause, and the event of which is not even decided ?

I do not think it necessary to prove; that if the state of Spanish America were such as it is represented in the Message; that if the existence of its Governments were certain and established; that if the impossibility of its re-union with Spain were indisputable; and that if the justice of its Recognition were evident; the Powers of Europe, interested in gaining the friendship of Countries so important for their commerce, would have been negligent in availing themselves of it. But, seeing how distant is the prospect even of this result, faithful to the ties which unite them with Spain, they should await the issue of the Contest, and abstain from doing a gratuitous injury to a friendly Government, the advantages of which are doubtful, and the odium certain. Such will be that which Spain will receive from The United States, in case the Recognition proposed in the Message should take effect; and posterity will be no less likely to wonder, that the Power which has received the greatest proofs of the friendship of Spain, should be the one delighted with being the first to take a step, which could have only been expected from one that had been injured.

Although I could enlarge upon this unpleasant subject, I think it useless to do so, because the sentiments which the Message ought to excite in the breast of every Spaniard, can be no secret to you. Those which the King of Spain will experience, at receiving a notification so unexpected, will be, doubtless, very disagreeable; and, at the same time that I hasten to communicate it to His Majesty, I think it my duty to protest, as I do solemnly protest, against the Recognition of the Governments mentioned, of the Insurgent Spanish Provinces of America, by The United States; declaring that it can in no way, now, or at any time, lessen or invalidate, in the least, the right of Spain to the said Provinces, or to employ whatever means may be in her power to reunite them to the rest of her Dominions.

I pray you, Sir, to be pleased to lay this Protest before the President; and I flatter myself, that, convinced of the solid reasons which have dictated it, he will suspend the measure which he has proposed to Congress, and that he will give to His Catholick Majesty this proof of his friendship and of his justice. I remain, &c. The Hon. J. Q. Adams. JOAQUIN DE ANDUAGA.

(2.)—The Secretary of State to the Minister from Spain. SIR, Department of State, Washington, 6th April, 1822.

YOUR Letter of the 9th of March was, immediately after I had the honour of receiving it, laid before the President of The United States, by whom it has been deliberately considered, and by whose direction I am, in replying to it, to assure you of the earnestness and sincerity with which this Government desires to entertain and to cultivate the most friendly relations with that of Spain.

This disposition has been manifested, not only by the uniform course of The United States in their direct political and commercial intercourse with Spain, but by the friendly interest which they have felt in the welfare of the Spanish Nation, and by the cordial sympathy with which they have witnessed their spirit and energy, exerted in maintaining their independence of all Foreign control, and their right of self-government.

In every question, relating to the Independence of a Nation, two principles are involved, one of right and the other of fact. The former exclusively depending upon the determination of the Nation itself, and the latter resulting from the successful execution of that determination. This right has been recently exercised, as well by the Spanish Nation in Europe, as by several of those Countries in the American Hemisphere, which had for 2 or 3 Centuries been connected, as Colonies, with Spain. In the conflicts which have attended these Revolutions, The United States have carefully abstained from taking any part, respecting the right of the Nations concerned in them to maintain, or new organize, their own Political Constitutions, by observing, wherever it was a Contest by Arms, the most impartial Neutrality. But the Civil War, in which Spain was for some Years involved with the Inhabitants of her Colonies in America, has, in substance, ceased to exist. Treaties, equivalent to an acknowledgment of Independence, have been concluded by the Commanders and Vice-Roys of Spain herself, with the Republick of Colombia, with Mexico, and with Peru; while, in the Provinces of La Plata and in Chili, no Spanish Force has for several Years existed, to dispute the Independence which the Inhabitants of those Countries had declared.

Under these circumstances, the Government of The United States, far from consulting the dictates of a policy questionable in its morality, has yielded to an obligation of duty of the highest order, by recognizing as Independent States, Nations which, after deliberately asserting their right to that character, had maintained and established it, against all the resistance which had been or could be brought to oppose it. This Recognition is neither intended to invalidate any right of Spain, nor to affect the employment of any means which she may yet be disposed or enabled to use, with the view of reuniting those Provinces to the rest of her Dominions. It is the mere acknowledgment of existing facts, with the view to the regular establishment with the Nations newly formed, of those relations, political and commercial, which it is the moral obligation of Civilized and Christian Nations to entertain reciprocally with one another.

It will not be necessary to discuss with you a detail of facts, upon which your information appears to be materially different from that which has been communicated to this Government, and is of publick notoriety; nor the propriety of the denominations which you have attributed to the Inhabitants of the South American Provinces. It is not doubted, that other and more correct views of the whole subject will very shortly be taken by your Government, and that as well as the other European Governments, will shew that deference to the ex. ample of The United States, which you urge as the duty or the policy of The United States to shew to theirs. The effect of the example of one Independent Nation upon the Councils and measures of

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another, can be just only so far as it is voluntary; and as The United States desire that their example should be followed, so it is their intention to follow that of others upon no other principle. They confidently rely that the time is at hand when all the Governments of Europe, friendly to Spain, and Spain herself, will not only concur in the acknowledgment of the Independence of the American Nations, but in the sentiment, that nothing will tend more effectually to the welfare and happiness of Spain, than the universal concurrence in that Recognition. I pray you, &c.

Don Joaquin de Anduaga. JOHN QUINCY ADAMS.

(3.)—Don Joaquin de Anduaga to the Secretary of State.-(Translation.) SIR, Philadelphia, 11th April, 1822.

I HAD the honour of receiving your Note of 6th instant, in which you were pleased to inform me that this Government has recognized the Independence of the Insurgent Provinces of Spanish America. I despatched immediately to Spain one of the Secretaries of this Legation, to carry to His Majesty news as important as unexpected; and until I receive his Royal Orders upon the subject, I have only to refer to my Protest of the 9th March last, still insisting upon its contents, as if its substance were repeated in the present Note.

With the greatest respect, &c.

The Hon. J. Q. Adams. JOAQUIN DE ANDUAGA.

(4.)—Mr. Forsyth to the Secretary of State.

(Extract.) Madrid, 14th February, 1822. I HAVE the honour to inclose to you a hurried Translation of the last Dictamen of the Commission of the Cortes, on the Affairs of Spanish America, and the determinations made by that Body. The Hon. J. Q. Adams. JOHN FORSYTH.

(Inclosure.)—Dictamen of the Committee of the Cortes of Spain, to whom it was referred to report on the state of the Provinces of Ultramar. Presented 12th February, 1822. (Translation.)

THE Committee has meditated maturely and circumspectly on the Proposition of the Minister of Ultramar; and, after having heard him, has considered the diverse circumstances in which the Provinces of both Americas are at present, and may be found hereafter, and the fruitlessness and inefficacy of the Commissions that have been directed to the Governments established in them; and, possessed with the noble desire that the same may not again, with the waste of public treasure and sacrifice of humanity, occur, is of opinion that the Cortes ought not to lose time in considering the Proposition of the Ministry, since it will be productive of these results; and, in order to obtain them, the Government and the Commissioners it elects, ought to be autho-



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rized to hear and to transmit to the Legislative Power, every class of Propositions, be they what they may; at the same time it judges that the national decorum, and the protection which in justice is due to the European and American Spaniards, call for the establishment of a basis, useful and conducive to the welfare of the Spains.

Before fixing this basis, and that it may be as productive to the common felicity as policy and the national honour require, the Commission lays down the fixed principle that, this new, grand, and legitimate path for pacifick communications being opened, all Treaties be esteemed of no value or efficacy that have been concluded between the Spanish Chiefs and the American Governments, which ought to be understood as null, as they have been, from their origin, as respects the acknowledgment of Independence; inasmuch as they were not authorized, nor could such authority be given them, unless by a previous Resolution of the Cortes.

The Commissioners may hear all the Propositions that may be made to them, in order to transmit them to the Mother Country, excepting such as take away, or limit in any manner, the absolute right of the European and American Spaniards, residing in whatever part of the Ultramarine Provinces, to remove and dispose of their Persons, Families, and Property, as they may think proper, without being opposed by any obstacle or measure that might prove injurious to their interests.

With this explanation, the Committee reproduces its anterior Dictamen, and the Cortes will resolve what may be most proper.

ESPIGA.	OLIVER.
CUESTA.	MURFI.
ALVAREZ GUERRA.	NAVARRETE.
TORENO.	PAUL.
MOSCOSO.	

Senor Oliver proposed to add the following Clause to the Dictamen:

"That it ought to be understood as not affecting the responsibility which Persons, whoever they be, may have incurred in this affair, nor the rights of the Spanish Nation, represented by the Cortes and the King."

Senors Moscoso, Toreno, and Espiga, proposed the following Additions to the Dictamen:

" I. That the Cortes declare, that the Treaty, called that of Cordova, concluded between General O'Donoju and the Chief of the Dissidents in New Spain, Don Augustin Iturbide, as well as any other Act or Stipulation relative to the Recognition of Mexican Independence by that General, are illegitimate and null in their effect, as to the Spanish Government and its Subjects.

" II. That the Spanish Government, by a declaration to all others with which it has friendly relations, make known to them, that the Spanish Nation will regard at any epoch, as a violation of the Treaties, the Recognition, either partial or absolute, of the Independence of the Spanish Provinces of Ultramar, so long as the dissensions which exist between some of them and the Mother Country are not terminated; with whatever else may serve to convince Foreign Governments that Spain has not yet renounced any of the rights belonging to it in those Countries.

"III. That the Government be recommended to take all possible measures, without any delay, to preserve and reinforce those Parts of the Provinces of Ultramar, that remain united to the Mother Country, obedient to its authority, or that resist the separation from it by the Dissidents, proposing to the Cortes the resources it requires and which may not be at its disposal.

" IV. That the Cortes declare that the Provinces of Ultramar, which have declared their Independence of the Mother Country, or do not acknowledge *de facto* the supremacy of the Government of it, ought not to have Deputies in the Cortes during their continuance in their present state."

Senors Murfi, Navarrete, and Paul, proposed to add the following Clause to the foregoing Dictamen : That it is their opinion, that, in case of the approbation by the Cortes of the Dictamen of the Committee, they should not approve the additional Clauses presented by some Individuals of it, they being contrary to the ends proposed by the same Committee, but should put into execution the measures contained in the Dictamen without delay, and without prejudice to what the Ordinary Cortes may resolve upon, with respect to whatever else they may deem convenient.

After a short discussion, whether the Dictamen should be discussed by itself, or with the additional Clauses, it was determined that the Dictamen of the Committee should be first discussed.

During the discussion, Propositions to the following effect were presented by Senor Salanot, viz :

"That the Cortes, with a generosity peculiar to the Constitutional System by which we are governed, and for the general interest of the Spaniards of both Worlds, declare the Independence of all those Provinces of both Americas that actually are so at this day, on condition that each of those Governments pays an Annual Subsidy in recompense of the rights which are renounced; that a Treaty of Commerce be formed on the basis most convenient to the reciprocal interests of the American and Peninsular Spaniards; that all hostilities be completely suspended until such Treaty be finally approved; that all Spaniards who may wish to retire to the Peninsula, may do so freely, with all the funds belonging to them, and without being obliged to pay any duty whatever; that any Spaniard who wishes to live in America, shall have the enjoyment of all his rights and property preserved to him; that every Spaniard who may have been deprived of his



property and of his rights, in consequence of the anterior disturbances, shall be reinstated in them; that all the wealth and property belonging to European Spain shall remain at its disposal, and be removed to the Peninsula, at the expense of America; that all the Troops that are actually in America, belonging to European Spain, shall be main tained in the same Places, at the cost of the American Governments, until the Ratification of such Treaty; that European Spain may dispose of the Naval Force it has in America; and that there be established a Confederation, composed of the American Governments, under the protection of European Spain, upon the basis that may be most convenient, and guaranteed as may be agreed upon."

Senor Munoz Toreno demanded that the Author of these Propositions should withdraw them immediately, as he had no powers to authorize him to make them, or, if he had, to exhibit them.

The Cortes decided that these Propositions should be withdrawn, as contrary to the powers given to them by the Constitution.

After considerable discussion, the Cortes approved of the Dictamen as proposed by the Committee.

On the following day the particular Clauses were discussed and decided as follows:

That of Senor Oliver was not admitted to a vote.

Those of Senors Moscoso, Espiga, and Toreno—the three first Articles approved, and the fourth withdrawn by the Member who proposed the same.

PROVISIONAL STATUTE for the government of the Free Departments of the State of Peru.—Lima, 8th October, 1821. (Translation.)

ON taking upon me the Supreme Command, under the title of Protector of Peru, my intention was to have instituted the fundamental basis upon which those should build who might be called to the sublime destiny of making the People happy. I charged myself with the whole authority, in order to answer for it to the Nation at large; I have freely declared my intentions, in order that they may be judged of by the result; and from the field of Battle where I have sought the glory of destroying oppression, united with my Companions in Arms, I am come to place myself at the head of an Administration, of difficulty and of vast responsibility; at the bottom of my heart are inscribed the assurances which I gave in my Declaration of the 4th of August, and the Statute, which I am now about to promulgate, explains and sanctions them : at the same time, I might have extolled the liberality of my principles in this Provisional Statute, make magnificent declarations on the rights of the People, and augment the List

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of the Publick Functionaries, to make a parade of greater popularity to the present forms; but, convinced that the superabundant display of laudable maxims is not in reality the best means of establishing them, I have limited myself to the practical ideas which may and ought to be realized.

Whilst Enemies exist in the Country, and until the People can form the first elements of an Independent Government themselves, I will administer the Directorial Power of the State, the attributes of which, without being the same, are analogous to those of the Legislative and Executive Authority; but I shall abstain from ever interfering in the solemn exercise of the Judicial Functions, because its Independence is the sole and true safeguard of the liberty of the People, and it is of little importance that sentiments, exquisitely philanthropic, are ostentatiously expressed, when the Individual who makes the Law, is the same that executes or applies it.

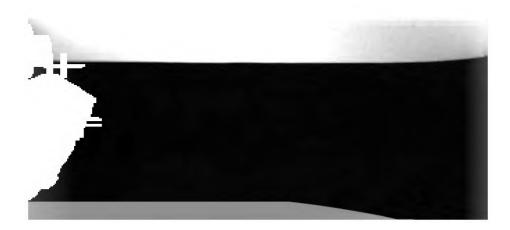
Before exacting from the People the Oath of obedience, I shall proceed to swear before the whole Nation, to observe and execute the Statute, which I give as a guarantee of my intentions: those who, with the experience of the past, meditate on the present state of things, and are most in the habit of analyzing the influence of Administrative Measures, will find in the simplicity of the principles which I have adopted, a proof that I offer no more than I mean to fulfil; that my object is to do good, and not to frustrate it; and that, in a word, knowing the extent of my responsibility, I have studied to regulate my duties by the law of circumstances, in order not to expose myself to a failure in the performance of them.

With such sentiments, and confident of the effective co-operation of all my Fellow-Citizens, I venture to hope that I shall be enabled in due time to lay down the trust with which I have charged myself, with the conscientious satisfaction of having faithfully executed it. If, after having liberated Peru from its Oppressors, I can leave it in possession of its destiny, I will go and seek in private life my ultimate felicity, and will consecrate the rest of my days, in contemplating the beneficence of the Great Maker of the Universe, and in repeating my prayers for the continuance of His propitious influence over the lot of our future generations.

Provisional Statute, given by the Protector of the Liberty of Peru, for the better government of the Free Departments, until the permanent Constitution of the State shall be established.

SECTION I.

ART. I. The Catholick Apostolick Roman Religion is the Religion of the State; the Government recognizes it to be one of its first duties, to maintain and preserve it by every means within the reach of



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human prudence: whoever attacks, in publick or private, its dogmas or principles, shall be severely punished, in proportion to the scandal which he may have occasioned.

II. All Persons who profess the Christian Religion, but dissent in some points from the Religion of the State, may obtain permission from the Government, with the advice of the Council of State, to exercise the creed which belongs to them, so long as their conduct be not injurious to publick order.

III. No Person can be a Publick Functionary unless he professes the Religion of the State.

SECTION II.

ART. I. The Supreme Directorial Power of the Free Departments of the State of Peru resides, at present, in the Protector; his powers emanate from the empire of necessity, from the force of reason, and from the exigency of the publick good.

II. The Protector of Peru is Generalissimo of the Forces by Sea and Land; and, it being his principal duty to liberate all the Towns which are an integral part of the Territory of the State, he will augment or diminish the Armed Force as he may judge convenient.

III. He will impose Contributions, establish Duties, and contract Loans, to meet the Publick Expenses, with the advice of his Council of State.

IV. He will form Regulations for the better employment and organization of the Naval and Land Forces, including the Militia, of the State.

V. He will regulate the Interior and Exterior Commerce, conformably to the liberal principles upon which the prosperity of the Country essentially depend.

VI. He will make the Reforms which he may judge necessary in all the Departments of the Publick Administration, abolishing the Employments which existed under the ancient System, or creating new ones.

VII. He will establish the Provisional Coinage of the State, but the weight and quality which the Money of Peru has hitherto possessed shall not be altered.

VIII. He will appoint the Envoys and Consuls to Foreign States, and will promote the acknowledgment of the Independence of Peru, concluding such Diplomatick or Commercial Treaties as may be conducive to the interests of the Country, with the advice of his Council of State.

IX. He will have the Title of Excellency, the dignity of the Government requiring it; no other Individual or Corporation shall have any other Title than that which will be immediately appointed; all

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those who formerly had the Title of Excellency will have for the future that of Most Illustrious Lord.

SECTION III.

ART. I. The Ministers of State are the immediate Heads of their respective Departments, and of all the Authorities who depend upon them, respectively.

II. They will expedite all the Orders, and direct all the Official Communications, in the name of the Protector, both within and without the Territory of the State, under their own responsibility and Signature, the consent thereto of the Protector being registered in the Office of each Ministry.

III. The Orders and Regulations which the Protector may give, for the reform of the Administration, will be signed by him, and by the Minister to whose Department it belongs.

IV. The Communications from Foreign Governments will be referred to the Minister to whose Department they belong, the same rule being observed in respect of those which may be transmitted to them.

V. Official Communications will be referred directly to the Ministers, according to the Classification of the Affairs over which they preside.

VI. The title of the Ministers will be that of Most Illustrious Lord, with the address of Most Illustrious Senor.

SECTION IV.

Art. I. There shall be a Council of State, composed of 12 Individuals, viz. The 3 Ministers of State ; the President of the High Court of Justice ; the General-in-Chief of the United Army ; the Chief of the Militia of Peru; the Lieutenant General Count Valle-Oselle ; the Dean of the Holy Church ; the Marescal del Campo ; the Marquis of Torre Tagle ; the Count de la Vega ; and the Count Torre Velarde. Vacancies will be successively supplied.

II. Its Functions will be the following; to give its opinion to the Government in cases of difficult deliberation, to examine the great Plans of reform, which the Protector may have in contemplation, to make observations upon them, with a view to the publick good, and to propose Plans which may be conducive to the prosperity of the Country.

III. The Council of State will hold its Sittings in the Palace; the Protector assisting when necessary, in order to resolve, after consultation and discussion, upon difficult points.

IV. The Council of State will name a Secretary, who shall have no vote, and whose duty it will be to draw up its Acts, and to prepare the plans it may form, agreeably to Article II.

V. The Council will meet, whenever necessity or the urgency of publick affairs requires it, and it will extend or diminish its Sittings accordingly.

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VI. The Members of the Council of State will have the Title of Excellency.

SECTION V.

Art. I. The Presidents of Departments are the immediate executors of the Orders of Government, in their respective Department.

II. Their especial duties are: to administer the interior government of the Department; to augment the Militia, in case of necessity, as far as they may judge it necessary, with the consent of the Inspector General of the Civicos; to promote the prosperity of the Revenue of the State, watching scrupulously the conduct of those employed in this important branch, and proposing to the Government the reforms or amendments of which it may be susceptible, according to the local circumstances of each Department; to take care that justice be administered impartially; and that all the Publick Functionaries subordinate to them, fulfil the duties with which they are entrusted, correcting those who violate them, and reporting them to the Government.

III. The Presidents are the Judges of Police in the Departments, and as such they will watch over the observance of the publick morals, the Establishments of elementary education and its progress, and above all whatever may tend to the improvement of the Towns and the health of their Inhabitants.

IV. Articles V. VI. and IX. of the Provisional Regulation of Huara, of the 12th of February last, relative to the powers of the Presidents of the Departments, are hereby confirmed.

SECTION VI.

Art. I. The Municipalities will continue in the same form as hitherto, and will be presided over by the Presidents of the Departments.

II. The elections of the Members of the Municipal Body after the next Year will be popular, agreeably to the Regulation which will be separately given.

III. The title of the Members of the Municipality of the Capital will be Most Illustrious Lord, and that of those of all the other Municipalities of the State, Illustrious Señor.

SECTION VII.

Art. 1. The Judicial Power will be administered by the High Court of Justice, and the other Tribunals which now exist or which may hereafter be established.

II. The High Court of Justice will possess the attributes which have hitherto belonged to the Audiencias, and will also take cognizance of the Civil and Criminal Causes, relating to Envoys and Consuls, and to the Publick Functionaries who fail in the exercise of their authority; its jurisdiction is likewise extended to the Prizes made by the Ships of War of the State, and by those which obtain

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Letters of Marque, according to the Law of Nations; the functions of the Tribunal of Mines will also be included in those of the High Court.

III. The High Court will name a Commission, composed of Individuals of its own Body, and of other Civilians distinguished for their probity and talents, to draw up immediately a Regulation for the administration of Justice; which may simplify that of all the inferior Tribunals; have for its basis the equality before the Law which all Citizens enjoy; and the abolition of the Fees which the Judges receive, which are from this moment decidedly forbidden; the same Commission will present a Regulation for the adjudication of Prizes.

IV. The Members of the High Court will continue in Office during their good conduct; their title will be Illustrious Señor.

SECTION VIII.

Art. I. Every Citizen has an equal right to preserve and defend his honour, his liberty, his security, his property and his existence, and cannot be deprived of any of those rights, except by a Sentence of the competent Authority, given according to the Laws; he who is deprived of them unjustly may demand redress of the Government for the infraction, and publish freely, by means of the Press, the transaction which occasioned his complaint.

11. The house of a Citizen is a sanctuary which nobody can violate, unless in virtue of an express Order of the Government, accompanied by a statement of the cause; when that condition fails, resistance is a right which legalizes the acts which may result from it: in the other Departments, it will belong only to the Presidents to authorize a forcible entry; and in the Cases only of Treason or the subversion of order, can Governors, or Lieutenant Governors, give such an Order.

III. By Treason is meant every machination in favour of the Enemies of the Independence of Peru; the crime of Sedition consists in assembling an armed force, of whatever number it may consist, to resist the orders of Government, in disturbing a Town or part of it with the same view, and in forming Secret Associations against the Legitimate Authorities. No one will be judged as seditions for his opinions on political matters, unless in connexion with some of the circumstances above mentioned.

IV. The Liberty of the Press is sanctioned, under the Regulations which will be separately prescribed.

SECTION IX.

Art. I. All Persons who have been born or may be born in any of the States of America, which shall have sworn to their Independence of Spain, are Citizens of Peru.

II. Other Persons, Foreigners, may be naturalized in the Country, but cannot obtain Letters of Citizenship, except in the cases pre-



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scribed in the Declaration published on the 4th instant, which is now sanctioned.

LAST SECTION.

Art. I. All the Laws which prevailed under the old Government remain in force, provided they be not in opposition to the Independence of the Country, to the forms adopted by this Statute, or to the Decrees and Declarations which may be hereafter published by the Government.

II. The present Statute shall have effect until Independence be declared throughout the whole Territory of Peru, when a General Congress will be immediately convoked, in order to establish the permanent Constitution, and form of Government, which is to prevail in the State.

ADDITIONAL ARTICLES.

Art. I. The Government, animated with a sentiment of justice and equity, recognizes all the Debts of the Spanish Government, which may not have been contracted for the purpose of maintaining the Slavery of Peru, or of making War against the other Independent States of America.

II. The present Statute will be sworn to by the Protector as the fundamental basis of his duties, and as a guarantee to the free People of Peru, of the uprightness of his views; and all the constituted Authorities and Citizens of the State, will afterwards swear, on their part, to obey the Government, and to fulfil this Provisional Statute of Peru; in the other Departments the Presidents will swear before the Municipalities, and, before the former, all Persons holding Employments, and the other Citizens, will take the Oath. The forms of the Oaths which are to be taken, are as follow:

Oath of the Protector.

I swear to God and the Country, and I pledge my honour, that I will faithfully fulfil the Provisional Statute published by me, for the better government and direction of the free Departments of Peru, until the permanent Constitution shall be established; that I will defend the Independence and Liberty of the State, and promote its felicity, by all the means in my power.

Oath of the Ministers of State.

I swear to fulfil, and cause to be fulfilled, the Provisional Statute of Peru, and to execute, with all the zeal and rectitude which the publick service requires, the duties imposed upon me by the Office with which I am entrusted.

Oath of the Publick Functionaries and other Citizens.

I swear to God and the Country, to acknowledge and obey in every thing the Protectorial Government, to fulfil and cause to be fulfilled, as far as concerns me, the Provisional Statute of the free Departments

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of Peru, to defend their Independence and to promote with zeal their prosperity.

Given in the Protectorial Palace in Lima, the 8th of October, 1821. JOSE DE SAN MARTIN.

JUAN GARCIA DEL RIO. BERNARDO MONTEAGUDO. HIPOLITO DE UNANUE.

REPORT of the Secretary of the Treasury, containing the Annual Account of the state of the Finances of The United States.—10th December, 1821.

SIR, Treasury Department, 10th December, 1821. I HAVE the honour to transmit a Report, prepared in obedience to the "Act Supplementary to the Act to establish the Treasury Department." I have the honour to be, &c. The Hon. Philip P. Barbour, WM. H. CRAWFORD.

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 Net Revenue arising from Imports and Tonnage, Internal Duties, Direct Tax, Publick Lands, Postage, and other incidental Receipts, during the Year 1818, amounted to ... Dollars 26,095,200 65 Viz.:

Customs	21,828,451	48
Arrears of Internal Duties	947,946	33
Arrears of Direct Tax	263,926	01
Publick Lands, exclusive of Mississippi		
Stock	2,464,527	90
Dividend on Stock in the Bank of The		
United States	525,000	00
Postage and other incidental Receipts	65,348	93

That which accrued from the same sources, during the Year 1819, amounted to Dollars ... 21,435,700 69 Viz.: Customs...... 17,116,702 96 Arrears of Internal Duties..... 227,444 01 Arrears of Direct Tax.....

80,850 61



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....

D.1....

Publick Lands, exclusive of Mississippi			
Stock	3,274,422	78	
First instalment from the Bank of The and dividend on Stock in that Bank		ites,	
Postage and other incidental Receipts			
And that which accrued from the	same sour	ces,	
during the Year 1820, amounted to Viz. :	Dolla	rs15,284,546	5 29
Customs	12,449,556	15	
Arrears of Internal Duties	104,172		
Arrears of Direct Tax	31,286	82	
Publick Lands, exclusive of Mississippi			
Stock	1,635,871	61	
Second and third instalments from the	-,,-		
Bank of The United States	1,000,000	00	
Postage and other incidental Receipts	63,659		

It is estimated that the gross amount of Duties on Merchandise and Tonnage, which accrued during the 3 first Quarters of the present Year, exceeds 14,088,000 dollars.

The Payments into the Treasury, to the 30th of September last, have amounted to......Dollars...16,219,197 70 Viz.:

Customs	10,068,394	85	
Publick Lands			
Arrears of Internal Duties and Direct			
Тах		26	
Bank Dividends	105,000	00	
Incidental Receipts		51	
Repayments		73	
Loan		00	
	A Care doctor and the second		

And the payments into the Treasury, during the 4th Quarter, are estimated at......Dollars...3,595,278 14 Viz.:

Customs.	3,000,000 00
Publick Lands	
Monies recovered out of Advances ma	
Department, before the 1st July, 1815.	
Balances of Military appropriations car.	ried to the Ac-
count of the Surplus Fund	90,278 14
Direct Tax and Internal Duties, and	
Incidental Receipts	25,000 00
·····································	

Making the Total Amount estimated to be received into the Treasury during the Year 1821 Dollars...19,814,475 84

Which, added to the Balance in the ' 1st January last, of
Make the aggregate Amount of
The application of this Sum for th
follows: viz.—
The payments to the 30th of September 1 Viz :
Civil, Diplomatic, and Miscellaneous
Military Service, including Fortifications
Indian Department, Revolutionary a
Pensions, arming the Militia, and Arres
to the 1st of January, 1817 4,
Naval Service, including the gradual
increase of the Navy 2,6
Publick Debt, including 591,611 dol-
lars 30, of Mississippi Stock 6,4
During the 4th Quarter, it is estimated
amount to
Viz.:
Civil, Diplomatick, and Miscellaneous 690
Military Service
Naval Service
Publick Debt 1,900,
Making the aggregate amount ofD
Which, being deducted from the above s
21,012,937 05 dollars, will leave in the Treast
the 1st day of January next, a Balance esti
atDo

But, of the Balances of Appropriations for the 1821, necessary to effect the object of those Appr of Balances, which will not be required, and which from the Estimates of the Year 1822, or will be can of the Surplus Fund, there remains the sum of 2, which is an existing charge upon the Revenue of the Balance estimated to be in the Treasury on the next, by 490,962 dollars 70.

II .- OF THE PUBLICK DEBT.

The Funded Debt which was contracted before and which was unredeemed on the 30th of September to......Dollar

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UNITED STATES.

And that contracted subsequently to the 1st of January, 1812, and unredeemed on the 30th of September, 1820, amounted to70,654,93	33 65
 Making the aggregate amount of	_
the above, the sum of	7 95
In 6 and 7 per Cent. Stocks, for Treasury Notes brought into the Treasury, and cancelled 3,280 29 In 5 per Cent St. 1	
In 5 per Cent. Stock, under the Act of May 15, 1820	372 221
Deferred Stock reimbursed	
Stock	
Making the Publick Debt, unredeemed on the 1 st of January, 1821Dollars91,294,410 From the 1 st of January to the 30th of September, inclusive, there has been added the sum of	
Three per cent. Stock, for Interest on Registered	
Debt	
Treasury Note, 6 and 7 per cent. Stock 4,454 07	
Loan authorised by Act of 3d of March, 1821 4,735,296 30	
MakingDollars96,034,19 From which is to be deducted the sum of	
Reimbursement of Deferred Stock	
during the same period 276,737 15	
Payments on account of Louisiana Stock 2,071,360 00	
Making the Publick Debt which was unredeemed on the 1st of October, 1821Dollars93,686,095	5 74

To which will be added, in the 4th Qu Note 6 per cent. Stock issued
Making From which will be deducted, in the 4th sum of Viz.:
Reimbursement of Deferred Stock
Residue of Louisiana Stock
Making the Amount of the Publick Debt, on the 1st of January, 1822, as estimated The Treasury Notes yet outstanding are at
The Awards made by the Commissioners, under the several Acts of Congress for the fication of certain Claimants of Publick La Mississippi Territory, amount to
Of which there have been received at the Gene
Office, in Stock 2,44
And there have been paid at the Trea-
sury 1,734
Making together
And leaving outstanding on the 30th of Sept 1821Dol

III.—OF THE ESTIMATES OF THE PUBLIC REVEN FOR THE YEAR 1822.

The diminution of the Revenue from Imports occurred in 1819, advanced with progressive forc reached its lowest point of depression in the first sent Year. The Duties secured in that Quarter w less than those of the corresponding Quarter of amount secured in the second and third Quarter the same period of the preceding Year by 1,172, presenting, on the 30th of September last, an a 445,000 Dollars, for the three first Quarters of 1821 is just reason to believe, will be considerably augme the Year.

Whilst the Duties have progressively increased chargeable upon them have considerably diminished Debentures issued from the 1st of January to the 30 last, being 952,000 dollars less than was issued during the same period of the preceding Year.

The same causes which, in 1819 and 1820, effected so great a reduction of the Revenue, arising from Imports and Tonnage, were felt in an equal degree in the sale of the Publick Lands. Those who, from an auticipation of their resources, previously to those Years, were unable to purchase Foreign merchandise, were equally incapable of purchasing Publick Lands, or of discharging debts contracted with the Government by purchases antecedently made.

In the Annual Report of the Treasury, at the commencement of the last Session of Congress, the Receipts from the Publick Lands, for the Year 1821, were estimated at 1,600,000 Dollars, if no change should be made by Law affecting the obligations which the purchasers were then under, to be punctual in their payments. But, at the close of that Session, an Act was passed for the relief of the purchasers of Publick Lands, which so far impaired that obligation as to induce the Committee of Ways and Means to estimate the proceeds of that source of Revenue at only 800,000 Dollars. It has been shown, however, that the Receipts to the 30th of September last have exceeded 940,000 Dollars; and those of the whole Year are now estimated at 1,300,000 Dollars.

This result in relation to the Publick Lands, and the improvement which has taken place in the Revenue arising from Imports and Tonnage, indicate a favourable change in the condition of the Nation; from which a progressive increase of the Publick Revenue may be confidently anticipated.

Independently, however, of any such increase, the facts disclosed by the fiscal operations of the Year, some of which have been enumerated, warrant the conclusion,

That	the	Receipts	of	the	Year	1822	may	be	estimated	at
							Dollar	·s	16,110,000	00

Viz.:			
Customs	14,000,000	00 ,	
Publick Lands	1,600,000		
Bank Dividends	350,000	00	
Arrears of Direct Tax and Internal			
Duties	75,000	00	
Monies recovered out of Advances			
made in the War Department, before			
the 1st of July, 1815	60,000	00	
Incidental Receipts	25,000	00	
The Expenditures of the Year 1822 are estimated at	Dolla	ars14,947,66	1 80
Viz.:			
Civil, Diplomatick, and Miscellaneous 3 D 2	1,664,297	00	

the estimated Expenditure by

Which, after discharging the difference be Treasury on the 1st of January, 1822, and th tions chargeable upon it, will leave in the 'January, 1823, a Balance estimated at 671,375

It is, however, proper to state, that, in the I Service, only 200,000 Dollars of the annual A₁ Dollars for the gradual Increase of the Navy, is the amount estimated by the Secretary of War, Balance of that Appropriation is for Arrearag Pensions and the Indian Department, which will the Estimates for the Year 1823.

The Expenditure of the 2 succeeding Years not exceed that of the Year 1822, unless a furthe in the intermediate time, be authorized by Law penditure of the Year 1822, and also of 1823 an the annual Appropriation of 10,000,000 Dollars Sinking Fund, is comprehended, except what is nec the interest of the Publick Debt, and the reimburg cent. Deferred Stock. On the 1st of January, 182 ceeding Years, the Debt contracted during the Years and 1815, becomes redeemable at the will of the Go sums greatly exceed the amount of the Sinking Ft those Years to the redemption of the Publick Debt. value of the 5 per cent. Stock, created during the Years, exceeds that of the 7 per cent. Stock, and of Stock of 1812 and 1813, it is presumed that the H Stocks will be disposed to exchange them for an equal cent. Stock, redeemable at such periods as to give full Sinking Fund, as at present constituted. According the subject, 24,000,000 dollars, of the Stocks which will in the Years 1825 and 1826, may be exchanged for 5 pt redeemable, one-third on the 1st of January, 1831, and on same days of 1832 and 1833. This exchange of 6 per

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effected on the 1st of January, 1823, will produce an annual reduction of the Interest of the Publick Debt, from that time to the first mentioned period, of 240,000 Dollars, and an aggregate saving, through the whole period, of 2,160,000 Dollars. If the whole of the 7 per cent. Stock should be exchanged, the saving will be considerably increased.

If such an exchange of Stock should be deemed inexpedient or impracticable, a saving of equal, if not greater extent, may be effected in the Years 1825, 1826, 1827, and 1828, by borrowing, at the rate of 5 per cent. in the first and each successive Year, a sum equal to the difference between the amount redeemable, and that portion of the Sinking Fund, applicable to its redemption; the 5 per cent. Stock, so created, to be redeemable at such periods as to give full operation to the Sinking Fund, until the whole of the Publick Debt shall be redeemed. If the 5 per cent. Stock shall, during those Years, be above par, a saving beyond that proposed to be effected by the exchange of Stock in 1822 will be secured, to the extent of that difference, by the latter process.

But, it is possible that the progressive increase of the Revenue, which has been anticipated, and which is necessary to the full operation of the Sinking Fund, may not be realized. In that event, the Publick Expenditure authorized by Law may, after the 1st of January, 1825, exceed the Publick Revenue.

The remedy in such case must be, 1st, an increase of the Publick Revenue by an addition to the existing Impositions; or, 2d, a reduction of the Sinking Fund.

Ist. A general revision and correction of the Duties imposed upon Foreign merchandize seem to be required. Many of the articles which pay but 15 per cent. ad valorem, ought, in justice as well as policy, to be placed at 25 per cent. which is the duty paid upon the principal articles of woollen and cotton manufactures. The same observation is applicable to some of the articles which pay 20 per cent. ad valorem. A correction of the existing Duties, with a view to an increase of the Publick Revenue, could hardly fail to effect that object to the extent of nearly 1,000,000 Dollars annually. It is highly probable, however, that an increase of duty on some of those articles might eventually cause a reduction of the Revenue; but this can only take place where similar articles are manufactured in the Country. In that event, domestic manufactures will have been fostered, and the general ability of the Community to contribute to the publick exigencies will have been proportionably increased.

2ndly. If it should be deemed expedient to reduce the Sinking Fund, in preference to the imposition of additional Duties, it may be satisfactory to know, that an annual Appropriation for that object of 8,000,000 Dollars, commencing on the 1st of January, 1825, will extinguish the whole of the Publick Debt, exclusive of Year 1839. Should the Sinking Fu Dollars, an exchange of 36,000,000 D cent. Stock may be effected in the cou present price of the latter Stock should in any degree, the operation of that Fur Publick Debt. Such an exchange would 360,000 Dollars.

The Loan of 5,000,000 Dollars, which of 3d March, 1821, has been obtained nearly 5.59 per cent. upon the issue of 5_{\parallel} at the will of the Government, after the 1st

All which is respectfully submitted.

Treasury Department, 10th December, 182

SPEECH of the Lord High Commiss of the Legislative Assembly of the U 4th March, 1822.

MR. PRESIDENT AND GENTLEMEN,

THE extraordinary occurrences which have to your last Constitutional Adjournment, he anxious on the present occasion to meet the Ionian People, than at the Opening of any for liament of these States.

The period I allude to has indeed been nature; and your Executive Government, plac fectly novel, had to adopt such measures as wer the difficulties with which it was surrounded. measures, and on the necessity which dictated my duty to enter into an explanation, with the candour which I have ever used in all my Com Assembly.

At the commencement of the last Session, I (the internal quiet we enjoyed, whilst on the one Naples was in a state of complete revolutionary co other the whole of Epirus in that of rebellion ag Government. I strongly inculcated then, the abso strictest neutrality and non-interference, as the only the part of the Ionian Government that could p from a participation in those horrors which desole Vicinity.

Now, however, the spirit of Revolution has exte

yond the boundaries of Epirus; and it is known to you all, that it thoroughly pervades the whole of Acarnania, and generally every part of Greece; whilst the Morea in particular has becomes the theatre of barbarities at which human nature shudders!

Under these circumstances, your Executive Government continued strictly and religiously to adhere to that principle of Neutrality of which it had already felt the benefit : and to this wise and salutary line of conduct is to be attributed the perfect tranquillity now reigning in every part of the Ionian States; though the Measures in its support unavoidably became of a stronger nature, in proportion as a disposition appeared to contravene the system laid down by the Government.

I shall not, however, now enter into a very minute detail of the nature and progress of those measures. They were all open and avowed, and are well known to every Member of the Assembly; but I have ordered the different Proclamations issued to be laid upon your table, which will give you an opportunity of examining each individually, and of founding inquiry on them; to assist which, the Executive Government will readily furnish any Document or Paper connected with the subject which the Assembly may wish to have before it.

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Nor is it my intention to detain you by a precise detail of those numberless acts of violation of neutrality which the Government was called on to restrain and repress. I shall however advert to some of the most prominent; and particularly to that unfortunate transaction at Zante, which forced the Executive Government to adopt the most decisive steps, at once to crush the tumultuous and rebellious spirit which had thus shown itself in these States.

However deeply I may lament the irritation which has existed, I am willing to allow that it admits of great palliation under all the circumstances of the case. It did not surprise the Executive Government, that, when the spirit of revolt against the Turkish yoke reached the Continent immediately adjacent to the Southern part of these States, the People should display the strongest sympathy in favour of the Insurgents, who were of the same religious persuasion as themselves, with similar habits, language, and manners: and it naturally was to be expected that enthusiasm would prevail for the emancipation of those who had long suffered under a rule of great severity.

These considerations were sensibly felt by the Government; and it was therefore not only desirous of overlooking trifling deviations from its orders, but of passing under silence many acts, which, abstractedly considered, must have been held of a most culpable nature. Determined, however, as the Government was to save the Ionian People from the consequences of an infatuation, it could no longer abstain from adopting measures absolutely necessary for the support of the principle it had declared, when it found to act, so as to endanger the internal tra destroy the whole publick character of t

As a proof that these measures were vernment, I shall call to your recollectic (particularly from the Islands of Cephalc of these States; not individually with ostentation or tumult, to follow their inclinations, but, throwing off their allegi Shores in the face of day, with Arms in the Orders and the authority of the Gover a Power in profound amity and peace with which they at least had no ground of comp

I shall beg to remind you, that the Pro tine departure from the Islands were not these had passed; nor till a regular Manife the Morea, signed by Natives of Cephal themselves the Chiefs and Generals of th Islands.

The conduct of the Parganots is also to it was impossible for the Government to pa consented to be considered as a party to lawless and unprincipled. I allude to the reg from these Islands against Parga, by its had found an asylum in these States; and on the part of this Government again to rece they had suffered in their predatory expedition

I will not dwell on the horrible massacre o in the Island of Cerigo, for I wish for ever to transaction.

And, lastly, it remains for me to speak of Zante, with which is immediately connected the Law, and the decisive measure of disarming t Ionian States. It is to no purpose to enter into passed on this occasion, but a brief statement is

A Turkish Brig of War surrounded by Greek ing their attack, anchored in a bay at the back vicinity of the Town; the population of which, a ing Villages, had assembled to witness the Naval e detachment, of an Officer, and 20 Men, were sent vance of the Sanita Laws on the part of the Turcommenced an attack upon His Majesty's Troops, killing a Soldier, and wounding 2 others, before into a house from which they might defend them reinforcement arrived, the People retired for the tin

IONIAN ISLANDS.

Gentlemen, I call this an act of open and flagrant rebellion, without provocation, for there was not the slightest; and the Troops in fact were employed at the moment in the service of the People, to prevent the danger of the introduction of plague into the Island.

But it has been said that this was merely the ebullition of the moment. I am as ready as any Man to allow for the feelings excited by the Contest existing between the Turks and the Greeks; and in consequence of what was then passing between the Squadrons of the Contending Parties before the eyes of the assembled People, the ebullition of the moment may be pleaded as some palliation for the first attack on this small detachment; but how is such an excuse to be admitted as any extenuation for the subsequent attack actually renewed by the same People on His Majesty's Troops in the middle of the night? or as any apology for the Morean horrors practised on the dead body of the unfortunate Soldier, which fell into their hands in the unhappy business of the morning?

Having now, then, shortly narrated those prominent transactions which drove the Executive Government to the adoption of strong measures, it is necessary that I should explain myself more at length in regard to the strongest of those measures—the disarming the population of these States, and the declaration of Martial Law, without which indeed it was not possible to carry into effect a measure of such a nature and extent.

It is certain that the Government was originally urged to this proceeding by what had occurred at Zante. In that Island there appeared to me to be a most obvious necessity for it, resting on grounds of common military precaution, arising from no suspicion of treason against the State that required proof, but from a downright unprovoked hostile attack on His Majesty's Forces.

In considering then all that had passed, the Executive Government felt that it had no other course to pursue, but that of promptly punishing those who had been guilty of rebellion; taking at the same time further steps to prevent the Population (labouring as they were under an infatuation) from further committing themselves, in the event of Vessels of the Belligerents again coming, which might be daily expected, within the waters of the Island.

But it may be asked, on what grounds the same measure of apparent severity has been carried into effect in Cephalonia, in Santa Maura, and even in this Island.

It is true that the People of Cephalonia had never gone so far as those of Zante; although, as I have already shown, they had acted in a manner highly culpable, contrary to the declared Neutrality of the Government, in support of the insurrection in the Morea. But this Island was as liable as Zante to the approach of the contending Squadrons; and it was impossible, after what had happened, that the Executive Government should infer, in the event of a scene between the Vessels of the contending Pa a scene similar to that which had I quences would not have been the same

In short, the question relative to C not the duty of the Executive Gove the danger, to endeavour at once to s from that risk to which accident daily e:

In Santa Maura the case was some arming was no new measure, it having 1 Years ago. The declaration of Martial 1 necessary on other grounds.

This Island is separated from the Con channel nearly fordable, and exposed on incursions of Banditti. In the present sit incursions had been so frequent, and were acts of outrage and murder, that the M danger in the execution of their functions dared not leave the Town, and the Civil I an end.

In respect to Corfu, I refer you to the 1 with the consent of His Highness the Pres explanatory of the reasons why no exceptio of that Island, notwithstanding the perfect 1 in it, and the invariable submission and obed orders of Government.

Independent, however, of the reasons whi Government to adopt this measure in any Isla sequence of the present surrounding disturba advisable on grounds which may be considered connected with those disturbances.

It is well known that the principle for indis Ionian People was to enable them to repel Forei sors; but in process of time, when these aggres fomidable, the arms were employed in civil broil and too frequently in secret revenge; and this sta much to retard the civilization of the Inhab time that it generally demoralized the People.

This is the view I entertain of the system whi the vices of which the present measure will prove

I am by no means, however, disposed to agre of these Islands should remain totally unarmed; that arms should alone be retained by those, in wl contribute to the due support of civil order and go

With this view, Regulations have been establish under Martial Law, by which Arms will be issued, u considerable extent in each Island; and I shall direc to be laid upon the Table of the Assembly, in order that Legislative Enactments may be made on this important subject, to have effect at the expiration of Martial Law, which it is the intention of the Executive Government immediately to annul.

You have now, then, before you, the motives which have guided the Executive Government in the conduct it has pursued, for the preservation of the People themselves, to vindicate its own political integrity, and to support that Neutrality it had proclaimed, and which the King my Master, the protecting Sovereign, had appoved of in the most decisive manner.

The Executive Government would have been well content, indeed, not to have been driven to measures of a harsh nature. It uniformly waited till mecessity obliged it to act. Its conduct has been the natural result of the infatuation which prevailed; but when this infatuation broke out into open acts of rebellion, it had no choice left but that of making use of the power lodged in its hands, to save the People and the Country from those furious Demagogues, who, to serve their own purposes, were on the watch to plunge these Islands into the utter ruin and desolation which now pervade the neighbouring Provinces.

There can be no doubt that the system of Neutrality observed by the Ionian Government has frustrated the plans of those factious Individuals to whom I allude; who looked to the present opportunity of accomplishing those designs which they have never laid aside.—Hence, not only a false colouring has been attempted to be given to all the acts of the Ionian Government since the Revolution first broke out in Greece, but the Neutrality itself has been assailed by every species of misrepresentation and abuse.

It has been stated, that the commotions which have taken place in the Islands to the southward, are not the result of the revolutionary spirit which has shown itself in Greece, but that they are solely to be ascribed to the oppressive rule of your present Constitutional Government. It is true the greatest industry has been used to convert the natural disposition in favour of the Revolutionists into feelings of hostility against the Government, by means of the basest insinuations against its conduct and principles; but to prove the grossness of this misrepresentation, it is only necessary to reflect on the nature of the disobedience evinced by the People to the orders of Government, and it will be found demonstrated only in acts directly connected with, and in support of, the Revolution itself; and in no instance has the Government to complain of the conduct of the People in any thing disconnected with that Revolution.

It has also been falsely stated that the Neutrality has not been equally observed towards both Parties; insinuating that the Ottoman Government has been favoured in the manner in which it has been carried into effect.

But the fact is, that the very same complaint has been made by the

Porte, which alleged that this Govern Neutrality in favour of the Greeks.

I confess these allegations do no equally without foundation.

The temper of mind of both the little to be judges in their own cause can duly appreciate the motives and looking with a calm and reflecting e People under its Government, and an pending ruin, pursues a steady line of solutely necessary for the maintenance tranquillity.

For my own part, I conceive that the with the utmost steadiness and impartia permit armed Vessels of either of the (within the Ionian Ports, the Government mistaken, of the fairness of its intentions.

Such, Mr. President and Gentlemen, is it fitting to make to you, in regard to th States, since the close of the last Session c they now stand.

The measures which have been adopte ment of the Assembly, with the confidenc rience of the moderation and equity of its tainly afford me the highest gratification, she that the Executive Government of the Coun both delicate and arduous, has acted through and honour.

I shall now, Mr. President and Gentlemen but plain statement of the financial transactio am most happy to say are highly satisfactory.

It will be in the recollection of the Assemi in the Treasury on the 31st of January 1821, made for the purchase of corn, &c. was,

The actual cash in the Treasury on the 31 1822, in which is also included advances for pu

&c. was.....

The increase, therefore, in the balance of t ending the 31st of January, 1822, is 108,726 follows, viz.

Surplus revenue within the Year

Repayment of part of the advances made in Year A full and detailed Statement of the whole Receipt and Expenditure for the past Year, the latter divided into ordinary and extraordinary, and enumerating every item, will be laid upon your Table by the General Treasurer.

I recommend that a Committee, as usual, should examine these Statements with all their relative details; and on their report to the Assembly, such a resolution may be passed as the result of the investigation may appear to require.

The state of your financial affairs presents a favourable aspect, notwithstanding the expenditure within the Year has been considerable; but it is fitting that I should apprise the Assembly, that the Government will be immediately called upon to defray some heavy charges. I allude to the indispensable necessity of erecting publick Prisons in the several Islands, and of making Roads, particularly in the Island of Corfu. There is also a balance (which I mentioned to you on a former occasion) due to the Malta Government, which must be immediately settled.

In respect to the receipt, the substantial benefit that has accrued from abolishing the farming of the Revenues continues to display itself in the most striking colours; and to this in a great measure, should be attributed the progressive increase of the Receipt, as in fact no tax whatever has been laid on the People since the establishment of the Constitutional Government of 1817: for I continue to maintain, that the Regulations of 1818 were nothing more than a general modification of the then existing Taxes, and cannot be considered in the light of additional burdens on the People.

Acts of the Executive Government, during your adjournment, of a legislative nature, are already laid on your Table by the Secretary of the General Department of the Senate, in order that they may become the Law of the Land, if confirmed by this Assembly.

The Civil List will also be submitted to you 6 days after your meeting, according to the provisions of the Constitutional Charter.

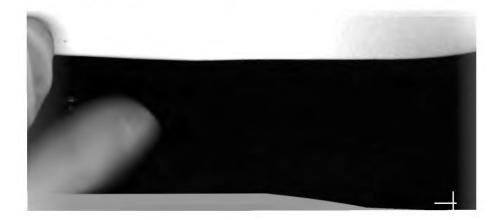
Towards the close of the last Session a Resolution passed the Assembly for the erection of the College of these States in the Island of Ithaca, authorizing the Executive Government to expend such monies in this object as might be necessary; and in consequence an Engineer was employed to fix on the site, and prepare the several estimates. The Government, however, has thought fit to pause for the time in the prosecution of this useful undertaking. The object in view was as much for the benefit of the young Men of the neighbouring Countries, as for those belonging to the Ionian Islands; and in the present unfortunate situation of the whole of Greece, it becomes a question what course it will be prudent to pursue. During the present Session the Executive Government will make a detailed communication on this subject to the **Assembly**, with the view to the adoption of some definite Resolution in regard to it. In the mean time, it will be seen in the detail of the Expenditure, that considerable sums have been expended in the last Year in the encouragement of the establishment of Primary Schools in the various Islands.

It will also be my duty in the present Session to make a communication to the Assembly on the important subject of the Religious Establishment of the States. It is highly expedient that the nomination of the Archbishops and Bishops should take place in the several Islands immediately; for it is impossible that they can be allowed longer to remain under provisional heads of the Church, instead of Dignitaries regularly appointed to superintend the interests of religion, and to whom the People might look up as their permanent guides. This is a measure equally necessary to the decorum and stability of the Government, and which has been only delayed from the difficulties that presented themselves in strictly fulfilling the Article in the Constitutional Chart on this subject, and which difficulties of late have been considerably increased from the repeated violence and change to which the Patriarch at Constantinople has been exposed.

At the same time too that the arrangements relative to the Dignitaries of the Dominant Church are carried into effect, it will be proper also to come to a definitive settlement in respect to the heads of the Roman Catholick Church, which under the Constitution is in these States specially protected.

It would be of no avail to particularize the circumstances which have prevented, even to this day, the substitution of new Civil and Criminal Codes with their relative Procedure, in the room of those now existing, and which were declared by the Constitutional Charter to be generally deficient and inapplicable to the Ionian People; but I may be allowed to express my deep regret at the delay which has taken place, in a point of such vital importance to the Country.

The formation of a new Criminal Code was the principal reason of my visit to England in the early part of last year, accompanied by one of the Ionian Members of the Supreme Council of Justice; but at the time when I entertained sanguine hopes of completing it I was obliged suddenly to return, in consequence of the extensive revolution in the neighbourhood of the Island. It is therefore not at present in the shape in which I think it ought to stand: but it gives me peculiar satisfaction to think (and I say it after due reflection) that I am most thoroughly convinced that the late general measure of prohibiting the bearing of arms in these States without license, making a careful selection of those to whom the licenses are given, will of itself do more to annihilate those melancholy scenes of violence, homicide, and murder, which have at all times unfortunately prevailed, to such an extent in these Islands, than any other measure which the Legislature could devise ; and on this subject it is my intention forth-



with to bring in a Bill, to be submitted to your consideration: in the mean time, the Procedure must undergo further revision on some material points in which it lately has been found defective, for which purpose it is now laid on your Table.

We are now, Mr. President and Gentlemen, arrived at the Opening of the 5th and last Session of the first Parliament held under the Constitutional Charter of 1817; and I should here close the observations I have thought it necessary to make, did not the unfortunate state of my health render it but too probable, that I shall be obliged to seek relief by a temporary absence from the States, antecedent to the end of the present Session.

I cannot therefore delay executing a religious duty that I owe to you, to the Senate, and to the People at large of the Ionian States, by avowing in the most open and in the strongest manner, the deep sense I entertain, not only of the purity, but of the moderation and temper of this Assembly; which has essentially contributed to the attainment of that progressive prosperity which these States now enjoy.

The uniform harmony and good understanding constantly maintained between you and the Senate, evince the patriotism which has guided you throughout, whilst it affords the most substantial proof of the wisdom of that illustrious Body.

Nor can I persuade myself that the unfortunate aberrations of the People in some of the Islands, already detailed to you in the preceding part of this Address, were grounded on the slightest dissatisfaction towards their own Government, although an enthusiasm, much to be lamented, in an attempt equally rash and unfortunate, led them to despise its injunctions and violate its Orders, calculated, as every one I believe must now confess, for their own benefit and salvation.

It is the fact, of your having now for the first time lived, since the fall of the Venetian Rule, for a considerable period under a regular Government; and the experience I have derived of the general character and feeling of your Population, that lead me to express in the most unequivocal manner, my thorough belief that you will see at the close of the present Year, what never happened in this Country before—the whole of the Government of these States constitutionally lapse, and then re-established under the Provisions of the Charter itself, without the slightest difficulty of any sort whatever.

In respect to that Charter, it is the basis to which we must ever look as the life and support of our Constitutional Fabrick. On the whole, it has been found as perfect as reasonably could be desired, and to answer in practice, so as to gratify its most sanguine well-wishers; but should some partial changes be judged advisable in its Provisions, such modifications as the Parliament may agree to, will be constitutionally laid for Ratification before the Protecting Sovereign, my Gracious King

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and Master, of whose benign intentions towards this People, it is superfluous to speak, after the repeated proofs that the universal benevolence, which in such an extraordinary degree distinguishes the elevated mind of that most August Monarch, has ever been directed, in the most earnest manner, to the promotion of the welfare of the United Ionian States, happily placed under his sole and exclusive protection.

By command of His Excellency,

FREDERICK HANKEY. Secretary to the Lord High Commissioner.

NOTE of the Spanish Envoy, to the Secretary of State of The United States, respecting Captures of Vessels arising out of the Spanish Blockade of the Coast of Venezuela. (Translation.)

SIR,

New York, 11th December, 1822.

I HAVE had the honour to receive your Note of the 11th of last month, together with a printed Copy of the Decree of the Judge of the District Court of South Carolina, for the restoration of the Spanish Privateer *Palmira*.

Before I proceed to reply to the other points embraced in your Note, I shall make the remarks to which the Decree gives rise.

The Judge acknowledges the illegality of the Capture of the Palmira, and orders her restoration. I cannot conceive how that opinion can be reconciled with what is stated in the Decree itself, that the conduct of Captain Gregory in this affair is deserving of praise. But what is still more extraordinary is, that a Decree, whilst it releases the Crew of the Palmira, detains in custody those Sailors charged with having robbed the American Vessel Coquette. That decision established so dangerous a principle to all Maritime Powers, that I cannot persuade myself it has escaped your penetration. It is a principle which The United States have resisted with great and laudable energy; a principle, in short, which this Republick has repelled at the expense of a sanguinary War.

The Palmira was carried into Charleston upon the pretence of being a Pirate; after a mature deliberation, she has been pronounced innocent of that offence by the competent Judge, and recognized as a Spanish Privateer, duly authorized, that is to say, as a Spanish Vessel of War. If a part of the Crew are detained for an alleged misdemeanour against Citizens of The United States, it is obvious that the principle and right are thereby established to search friendly and neutral Vessels, and take therefrom such Individuals as it is supposed have trespassed upon the property appertaining to Subjects of the Invading Power, in order to bring them before her Tribunals. I submit to your consideration, Sir, whether that opinion concurs



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with the repeated declarations of your Government, that it would never assent to such a principle ; and with the able Documents that have emanated from the Department of State of The United States, and their Agents, repelling the pretensions of England to examine American Vessels, and take away, not American Citizens charged with committing depredations on British Commerce, but their own Deserters, in which there is certainly a wide difference; and ultimately, whether it was to be expected that a Judge of The United States Court shoul attempt to establish a doctrine which this Republick has so gloriously resisted at immense sacrifices. It is, therefore, important in the highest degree to Europe, and more especially to Spain, to be informed of the sentiments of the Government of The United States on so momentous a subject, and I believe I shall only anticipate your answer by saying I am persuaded, that, in accordance with all Writers on Publick Law, you will indignantly repel a line of proceeding which has already been attended with such fatal consequences, and still holds out a principle so hostile to the tranquillity of the World.

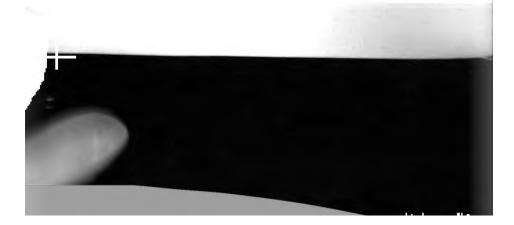
In the a foresaid Decree, the Judge, after stating the reasons upon which he founds his opinion for exonerating the Palmira and her Crew from all responsibility for the robbery of the Coquette, and only holding those Individuals answerable who committed that act, decides, that neither the Palmira nor her Crew, who he acknowledges to be innocent, are entitled to damages for the deaths and wounds inflicted upon them, and for the enormous losses sustained by the Proprietors. I am ignorant of the Laws on which the Judge established that decision, but the dictates of common sense point out, that whoever is acquitted of an imputed crime, and has been maltreated and oppressed, has a right to indemnity for the evils he has unjustly suffered. In short, it is evident that if the Palmira was a Pirate, the Individuals attached to her should have been convicted as such; but if, on the contrary, it is proved that she is a Spanish Vessel of War, her detention (even laying aside all the other circumstances attending it) has been criminal and illegal, and therefore her Proprietors are entitled to damages, and Spain to satisfaction for the outrage committed on her Flag. For these reasons I deem it my duty to request anew from the justice of the American Government, that satisfaction and a compensation for the losses suffered by the Proprietors of the Palmira; and more especially that the Individuals charged with having plundered the Coquette may be delivered up to the Vice-Consul of Spain at Charleston, that he may send them to The Havannah or Porto Rico, with such evidence as may be furnished him of said offence, in order that the Spanish Tribunals may apply the necessary punishment to the Offenders in case they shall be convicted.

The assurance you are pleased to give me of the regret the President has experienced at the occurrence of the event of the Palmira, will be duly appreciated by His Catholick Majesty, who, always anxious to preserve the best harmony with The United States, cannot fail to see, with deep concern, whatever may tend to interrupt the friendship which he desires to maintain with this Republick.

In your said Note of the 11th of last month, you do me the honour to request I would make known to my Government, the President's reliance upon their justice and regard for the amicable relations subsisting between The United States and Spain, to issue the most positive Orders to all the Officers of Spain, Naval and Military, not only to abstain from all unlawful aggressions upon the Commerce of The United States, but also for the suppression of all acts of hostility and depredation, under the pretext of authority, and of Commissions from Spain: you add that the robbery of the Coquette is only one of a great multitude of instances, in which the lawful commerce of The United States has been, and still continues to be, subject to outrages and depredations from armed Vessels, issuing from the Ports of Porto Rico and of Cuba, many of whom are recognized by the Authorities of The Havannah, as Pirates, against which they have taken measures, in concurrence with the Naval Force of The United States ;-that the Authorities of the Spanish Government, in America, will perceive the necessity of withholding all protection from Persons who would misuse their Commissions and Banners for criminal practices, which you support by instances that have happened, of Vessels of The United States that have been carried into Porto Rico and Puerto Cabello, upon the pretence of a Blockade of the Coasts of Venezuela, instituted by the Spanish Authorities, who could neither have the right to proclaim, nor the power to enforce, such Blockade ;- in short, that The United States cannot recognize such Blockade as lawful, and that, in instructing their Naval Officers to protect Merchant Vessels of The United States, lawfully engaged in that Commerce, they will be cautioned to respect the just and lawful Rights of Spain, and to promote, by all the means in their power, the friendly relations subsisting between the two Countries.

That part of your Note requires elucidation, and I believe it my duty, therefore, to acquaint you, with the principles which serve as a basis for the conduct of my Government, in prosecuting the War against their revolted Provinces, with the rights which they acknowledge Neutral Powers have in that painful conflict; and, in short, with the just complaints it has against the conduct observed, since the commencement thereof, by the Government and People of The United States.

In making this exposition to you, Sir, it is my desire to convince the American Cabinet of the rectitude of His Catholick Majesty's intentions, and of the liberality of his policy, supported by the most incontestible and approved precepts of Publick Law. Flattering myself that, both the one and the other being acknowledged, the Government



57. B! will be gratified in doing them justice, by taking the most vigorous measures, to suppress at once the acts of hostility committed by Citizens 包調 of The United States upon Spain, and to cause them to observe that 11 115 Neutrality, to which, with such solemnity and frequency, it has pledged itself, in the present dissensions between Spanish America and the Mother Country.

I do not believe that it is your intention, Sir, to place the Pirates 35 which infest the Coasts of the Island of Cuba, on the same footing 123) with the Privateers, duly authorised by my Government to carry on 7.3. the War a gainst the Insurgents, and thus to deprive it of one of the 10 means of operating against them, and of opposing its just rights to 100 subdue them. With regard to the former, I can assure you, that no and and Power desires their extermination more strenuously than Spain. Even (B) leaving a part all sentiments of morality and humanity, it is evident j I that no one has a deeper concern in their destruction than she has, for 12 15 if this is not attained, the commerce of one of her most valuable Prosaf vinces will soon be completely annihilated. You are pleased to ac-TER knowledge, Sir, in your Note, the efforts which the Authorities in ICAN D The Havannah are making, in concurrence with the Navy of The -1213 United States, to obtain that object, and you may rest assured that retite \$ His Catholick Majesty, as well on his part, as in conjunction with the OF IS Maritime Powers, will omit no effort whatever to exterminate those jd fi Ruffians, enemies to the human race. But the exertions of Spain and للم اوس other Powers will be all in vain, whilst the evil is not cut to the root, 0, OPE which can be done only by The United States. It is from the Ports II STATE of this Union that those swarms of Wretches issue forth ; it is in these IC PRO Ports where the Crews of the Cruisers of the Spanish Insurgent Probe is vinces are enlisted, with the most scandalous publicity; it is in these LIB Ports where the unwary Mariners of Spanish Merchant Vessels are 1 deceived and enticed into that Service; it is in these Ports where UDX: Expeditions are equipped, armed bodies are formed, and enterprises ほし undertaken, to attack the Spanish Dominions. In short, when those Test infamous Adventurers are disappointed in obtaining the imaginary booty and wealth held out to them; when the prostration of the Spaint. nish Commerce offers no further inducement to their exectable avarice; Ser. then those Privateers are converted into Pirates, and involve in their 555 sanguinary horrors all those unfortunate Persons whom they meet on 15 the Ocean, regardless of the Flag which should protect them. The truth of these facts does not require proof; but if this were requisite, 5 I might fill some pages by the recital of them. I believe it necessary, however, to refer to the scandalous Expedition fitted out against Porto Rico; the departure of Daniels from these Ports, a few months since, with 500 American Sailors, to make War upon Spain; and to the numerous other instances which we daily see in the Publick Journals.

I shall abstain from all reflections at present, as to whether, by the

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toleration of such serious proceedings, th friendship for Spain and a religious observa proclaimed. But I will call your attention, Si of taking such measures as may terminate tl what is still more essential, to restrain, by se ceivable number of Americans, who not or and property of Subjects of Powers friend but on their own Fellow-Citizens. Although prudence of the President and Congress, in the most adequate measures for the attainm the liberty to suggest to you, whether it wo tirely to prohibit the admission into the Ports all Privateers belonging to Spain and to the 1 particularly to enact Laws that may put an en are daily committed on Spain from this Count result in depredations on American Commerce its defenceless Mariners.

In replying to the paragraph of your N Privateers and the supposed Blockade of T essential to state the principles which should Civil War that unfortunately subsists between in Europe and America. In vain will it be at with a War between two Independent Power object the subjection of revolted Subjects, and jured rights, or obtain satisfaction for insults rethe Government to be obeyed may use all the Law of Nations, and those besides prescribed b in the latter, such a Government can only avpermitted by the publick Law acknowledged the first case, if the Government that proposes gents, strictly adheres to the above principles, No right to complain, during the continuance of th forcement of Laws that have been acknowledge no remonstrance had been made, whilst the Mon tranquil; for it would be absurd to imagine or sup so to require, that privileges should be granted to H denied to faithful Citizens. So long, therefore, a cognize the self-styled Governments of Spanish An uses her endeavours to bring them back to their duty treasures and blood are expended and shed in this is evident that nobody can dispute, not only the right she is under, to employ all the means allowed by viously respected by other Nations, for the attainn What did those Laws prescribe before the Insurrectio hibition of all Foreign Commerce in the Spanish Pro

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27 Since the discovery of this Hemisphere by Spain, those Laws have been observed, and no pretension or complaint has been urged against them by any Power; and will it now be required of Spain, to grant or suffer a free Commerce that was never permitted, so that the Insurgents may thereby have the greater and perhaps the only means, of aggression, and of withdra wing themselves from her Dominion? I repeat, Sir, that whilst Spain does not renounce her American Provinces, she considers them as an integral part of the Monarchy, and has the right to maintain in them her municipal and mercantile Laws. On this undeniable principle, she can prohibit and interdict by force all Foreign Commerce, as she has done for ages, and consequently such Commerce between the Spanish American Provinces and a Foreign Nation is illegal. Those Persons, therefore, who should attempt to carry it on, must look for sequestration and other penalties, prescribed by the ancient Laws that have been acknowledged and respected for Centuries. I believe I have proved the right of Spain to prohibit that Commerce, and that consequently the remonstrances against the supposed Blockade of Terra Firma are totally inapplicable. Spain will never acknowledge the principle, that in a War between two Independent Nations, either should have the right to declare a Coast or Port in a state of Blockade, without a competent power to enforce it, for she knows too well the interest all Maritime Nations have in repelling that principle; and, therefore, what the Spanish Authorities of America denominate Blockade, should not be considered as such, but merely Orders to enforce the prohibitory Laws which have existed in Spain since the discovery of America. In like manner it would be absurd to say that the Coasts of The United States or the British Colonies were blockaded, because the respective Governments had directed, that commerce should be only carried on at certain Ports, and had prohibited the importation of certain merchandize on board of Foreign Vessels. Under this view, the service which the Spanish Privateers are nois performing, is the same as that which has always been performed by the Vessels called Guarda-Costas, and by the Revenue Vessel, of The United States, and of Great Britain and other Nations, they is to say, to prevent a trade prohibited by their Laws. But if Spain has an interest in seeing this accomplished, it concerns her as much that her Vessels should respect the lawful commerce of other Nations, and abstain from all acts of hostility and aggression upon their Merchant Vessels; and to this end, her Laws contain severe penalties against those who should be guilty of such excesses, and direct that the Owners of Privateers shall enter into heavy Bonds to indemnify the damages and injuries they may occasion, independently of corporal punishment. I assure you, therefore, that the moment my Government is informed of any aggression or act of hostility, committed by its Subjects against the lawful commerce of this Republick, it will not only completely in-

demnify the Sufferers, but will make a severe that will soon put an end to such acts. TI Majesty can do, and will perform with pleasu be required of him; for I do not believe in President to claim from my Government, that with Privateers from the Insurgent Provinc its Subjects from employing Vessels that a their lives and property, and which are also int the Enemies of the State.

As the complaints contained in your said N alleged violated rights of Neutrality of the A₁ will permit me to make some remarks on what should consist of, and on the manner in which i

A State that wishes to remain neutral, on the between two Powers, should observe towards eitl lations of friendship and commerce that subsister ture. Such conduct only can establish a Neutra commencement of hostilities, such State should one of the Belligerents not granted before, or assistance it was in the habit of giving, its Neutra for it augments the power of one of the Belliger the other. Hence it follows, that if a Neutral Pow with one of the Belligerent Parties before the brea it violates its Neutrality, if, by allowing afterward it affords the means of offence and defence which t Let it not be said that Neutrality consists only in conduct towards either Belligerent Power, for it assistance is lent to one of the Parties either in Arm is abundantly supplied with those means, no servic if that aid is afforded to the adverse Party which itself without such assistance, it becomes an effect against the former.

I believe you cannot but assent to this principle, it certainly is, it will be easy to draw the inference, vernment of The United States and its Citizens have observe, an impartial Neutrality between Spain and i vinces in this Hemisphere, and this too, even if the sidered as Independent Powers; and, therefore, un stances in which they are situated, the conduct of i rendered still more extraordinary. I shall not fatig enumerating the acts of hostility committed upon Spi her revolted Subjects, by Citizens of The United State my Predecessors, and my own, on this disagreeable subj relation and proofs of many, but not of all of them. Is your attention, therefore, to this matter, not doubting

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UNITED STATES AND GREAT BRITAIN.

dent, giving it the important consideration it deserves, will adopt the necessary measures to prevent the Officers of this Republick, and its Inhabitants, from violating a Neutrality, which this Government has so solemnly pledged itself to observe.

In concluding this Note, I reiterate to you, Sir, the expression of the sincere desire of His Catholick Majesty to strengthen and cement you that he will omit no effort to secure that object; but, at the same time, he entertains the hope of finding corresponding sentiments in this Government; and that, in common accord, it will use its endeavours to avoid the grounds of complaint and misunderstanding, which have unfortunately been repeated with too much frequency.

Presuming that some of the subjects contained in this Note will be discussed at the present Session of Congress, I shall be much obliged to the President if he will be pleased to communicate it to that respectable Body, and, availing myself of this opportunity, I reiterate to you, &c.

The Hon. J. Q. Adams.

JOAQUIN DE ANDUAGA.

DECLARATION and Decision of the Commissioners of Great Britain and The United States, under the VIth Article of the Treaty of Ghent of 1814, respecting Boundaries.—Signed at Utica, 18th June, 1822.

The Undersigned, Commissioners, appointed, sworn, and authorized, in virtue of the VIth Article of the Treaty of Peace and Amity between His Britannick Majesty and the United States of America, concluded at Ghent, on the 24th December, 1814, impartially to examine, and, by a Report or Declaration, under their hands and Seals, to designate " that portion of the Boundary of The United States, from the point where the 45th degree of North Latitude strikes the River Iroquois, or Cataragui, along the middle of said River into Lake Ontario, through the middle of said Lake until it strikes the communication, by water, between that Lake and Lake Erie; thence, along the middle of said communication, into Lake Erie, through the middle of said Lake, until it arrives at the water communication into Lake Huron; thence, through the middle of said water communication, into Lake Huron; thence, through the middle of said Lake, to the water communication between that Lake and Lake Superior," and to " decide to which of the two Contracting Parties the several Islands, lying within the said Rivers, Lakes, and Water Communications, do respectively belong, in conformity with the true intent of the Treaty of 1783;" do decide and declare, that the following described Line,

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(which is more clearly indicated in a serie this Report, exhibiting correct surveys an Rivers, Lakes, Water Communications, and VIth Article of the Treaty of Ghent, by a l British side with red, and on the American side of which series of Maps is identified by a Cert Commissioners, and by the two principal Surv is the true Boundary intended by the two bef that is to say:

Beginning at a stone Monument, erected b in the Year 1817, on the South Bank, or SI Iroquois, or Cataragui, (now called the St. L ment bears South 74 deg. 45 min. West, and 1, the stone Church in the Indian Village of St. I point at which the 45th parallel of North La River ; thence, running North 35 deg. 45 sec. W a line at right angles with the Southern shore, South of the opposite Island, called Cornwall Isl Westerly, and passing around the Southern and Island, keeping 100 yards distant therefrom, and tures of its shores, to a point opposite to the North of said Island; thence, to and along the middle of it approaches the Eastern extremity of Barnha Northerly, along the Channel which divides the la from the Canada shore, keeping 100 yards dist until it approaches Sheik's Island ; thence, along Strait which divides Barnhart's and Sheik's Islan called the Long Sault, which separates the two las from the lower Long Sault Island; thence, Wes centre of the last mentioned Channel) until it app vards of the North shore of the Lower Sault Isla north branch of the River, keeping to the North lower Sault Island, and also North of, and near (sometimes called Baxter's) Island, and South Islands, marked on the Map A and B, to the Wester Upper Sault, or Baxter's Island; thence, passing Islands called the Cats, to the middle of the Rive along the middle of the River, keeping to the No Islands marked C and D; and North also of Chryst of the small Island next above it, marked E, until i North-east angle of Goose Neck Island; thence, al which divides the last mentioned Island from the Can ing 100 yards from the Island, to the upper end of th South of, and near, the two small Islands called th thence, North of, and near, the Island marked F,

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Island called Dry or Smuggler's Island; thence, passing between the Islands marked G and H, to the North of the Island called Isle au Rapid Plat; thence, along the North side of the last mentioned Island, keeping 100 yards from the shore, to the upper end thereof; thence, along the middle of the River, keeping to the South of, and near, the Islands called Cousson (or Tussin) and Presque Isle; thence, up the River, keeping North of, and near, the several Gallop Isles, numbered on the Map 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, and also of Tick, Tibbet's, and Chimney Islands; and South of, and near, the Gallop Isles, numbered 11, 12, and 13, and also of Duck, Drummond, and Sheep Islands; thence, along the middle of the River, passing North of Island No. 14, South of 15 and 16, North of 17; South of 18, 19, 20, 21, 22, 23, 24, 25, and 28, and North of 26 and 27; thence, along the middle of the River, North of Gull Island and of the Islands No. 29, 32, 33, 34, 35, Blu ff Island, and No. 39, 44, and 45, and to the South of No. 30, 31, 36, Grenadier Island, and No. 37, 38, 40, 41, 42, 43, 46, 47, and 48, until it approaches the East end of Well's Island; thence, to the North of Well's Island, and along the Strait which divides it from Rowe's Island, keeping to the North of the small Islands No. 51, 52, 54, 58, 59, and 61, and to the South of the small Islands numbered and mark ed 49, 50, 53, 55, 57, 60, and X, until it approaches the North-east point of Grindstone Island; thence, to the North of Grindstone Island, and keeping to the North also of the small Islands No. 63, 65, 67, 68, 70, 72, 73, 74, 75, 76, 77, and 78, and to the South of No. 62, 64, 66, 69, and 71, until it approaches the Southern point of Hickory Island; thence, passing to the South of Hickory Island, and of the two small Islands lying near its Southern extremity, numbered 79 and 80; thence, to the South of Grand or Long Island, keeping near its Southern shore, and passing to the North of Carlton Island, until it arrives opposite to the South-western point of said Grand Island in Lake Ontario; thence, passing to the North of Grenadier, Fox, Stony, and the Gallop Islands, in Lake Ontario, and to the South of, and near, the Islands called the Ducks, to the middle of the said Lake; thence, Westerly, along the middle of said Lake, to a point opposite the mouth of the Niagara River; thence, to and up the middle of the said River, to the Great Falls; thence, up the Falls, through the point of the Horse Shoe, keeping to the West of Iris or Goat Island, and of the group of small Islands at its head, and following the bends of the River so as to enter the Strait between Navy and Grand Islands; thence, along the middle of said Strait, to the head of Navy Island; thence, to the West and South of, and near to, Grand and Beaver Islands, and to the West of Strawberry, Squaw, and Bird Islands, to Lake Erie; thence, Southerly and Westerly, along the middle of Lake Erie, in a direction to enter the passage immediately South of Middle Island, being one of the Easternmost of the group of Islands lying in the Western part of said

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Lake; thence, along the said passage, pr Cunningham's Island, and of the three Bass'I Sister, and to the South of the Islands call. and of the Eastern and Middle Sisters ; the mouth of the Detroit River, in a direction to divides Bois-blanc and Sugar Islands; thenc the West of Bois-blanc Island, and to the 1 Stony Islands, until it approaches Fighting, thence, along the Western side and near the she Island, to the middle of the River above the : middle of said River, keeping to the South Island, and to the North-west of, and near, th Pêche, to Lake St. Clair; thence, through the a direction to enter that mouth or Channel which is usually denominated The Old Ship (the middle of said Channel, between Squirrel Is and Herson's Island on the North-west, to the tioned Island, which is nearly opposite to Po American shore; thence, along the middle o keeping to the West of, and near, the Island Isle, and Isle aux Cerfs, to Lake Huron; thenc of Lake Huron, in a direction to enter the ! tween Drummond's Island on the West, ar Island on the East; thence, through the middle divides the two last mentioned Islands; thence, i Westerdly, around the Eastern and Northern sl Island, and proceeding in a direction to enter the Island of St. Joseph's and the American shore, of the intermediate Islands No. 61, 11, 10, 12, 1 the South of those numbered 15, 13, 5, and 1; th mentioned passage, keeping near to the Island St. to the North and East of Isle à la Crosse, and numbered 16, 17, 18, 19, and 20, and to the Sout numbered 21, 22, and 23, until it strikes a line with black ink, and shaded on one side of the p with blue, and on the other side with red) passing the head of St. Joseph's Island, and at the foot of t which line denotes the termination of the Boundary by the VIth Article of the Treaty of Ghent.

And the said Commissioners do further decide a the Islands lying in the Rivers, Lakes, and Wate between the before described Boundary Line and t of Upper Canada do, and each of them does, belong Majesty, and that all the Islands lying in the F Water Communications, between the said Bounda adjacent Shores of The United States, or their Territories, do, and each of them does, belong to The United States of America, in conformity with the true intent of the IId Article of the said Treaty of 1783, and of the VIth Article of the Treaty of Ghent.

In faith whereof, we, the Commissioners aforesaid, have signed this Declaration, and thereunto affixed our Seals.

Done in Quadruplicate, at Utica, in The State of New York, in the United States of America, this 18th day of June, in the Year of our Lord 1822.

(L.S.) ANTH. BARC LAY. (L.S.) PETER B. PORTER.

DECLARATION of the Provisional Government of Greece to Christian Nations.—Corinth, 27th April, 1822.

(Translation.)

La grande lutte dans laquelle est engagée la Nation Grecque a occupée l'Europe, comme elle occupera un jour les plumes des Historiens. Dans le premier moment, tou tes les ames droites et sensibles se sont rejouies en entendant retentir ces mots: " la Grèce combat pour sa liberté." Devenue la victime de l'oppression la plus humiliante et la plus tyrannique, elle a excité la commisération du Monde Civilisé; l'humanité a deman dé à haute voix la délivrance de sa bienfaitrice, l'Europe le rétablissement de sa partie la plus intéressante et la plus précieuse. La justice éternelle a déchiré le voile devant le trône du Tout Puissant, et a accusé les Profanateurs impies des mystères chrétiens, les dépredateurs sang uimaires des fortunes légitimes, qui s'abreuvent des larmes de la veuve et de l'orphelin. Comment s'est-il pu faire que la politique, au lieu de bénir d'aussi justes efforts, ait si étrangement méconnu leur véritable nature? Comment est-il possible qu'une malveillance inouie cherche à calomnier et à dénaturer les intentions d'une Nation opprimée, et à envenimer une entreprise qui a à peine besoin d'excuse ? Insurrection Grecque n'avoit-elle pas un motif cathégorique dans la Tyrannie Ottomane toujours en flagrant délit ? Ne savoit-on pas que le désespoirs et les armes deviendroient bientôt les moyens de parvenir à l'indépendance et à la liberté légitime? Quelles que pussent être l'occasion, le prétexte et les circonstances de l'explosion du mouvement insurrectionnel, il étoit néanmoins évident, qu'ils avoient leur source dans un mécontentement intérieur, général et nourri depuis longtems; mécontentement dont les terribles suites devoient tôt ou tard mettre la Grèce en feu. Du'reste, le soulèvement de cette Nation n'est ni une Révolte ni une Insurrection. Il n'est pas davantage une parodie sans but, ou une émanation matérielle en morale de ces secousses politiques, dont le caractère équivoque a fait

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faire des réflexions sérieuses aux homm horribles que la Grèce avoit à souffrir, pr n'appartenions pas à une Puissance Protec légitimité se deshonoreroit elle-même, si elle en parallèle avec la conduite de ces Barbar anéantissement politique n'avoit point adou liberté civile met en fureur. Aucun sermen lioit à un Pouvoir absolu fondé sur la force, mortelle épidémie, infectoit l'atmosphère de no n'étoit pas sans quelque vraisemblance, quoiqu heureux succès, que le tems étoit arrivé, Royauté Nationale et révérée, non de sacrifie able, bien que défectueuse, aux phantômes « naire, mais de briser la verge de fer de nos Tyra par la force, et de substituer un état légal, invi précaire, sans Lois et sans protection. Et quel plus funeste pouvoit-on craindre que celui où c l'Epire et la Morée? **Une Administration** du Gouvernement avide du Troisième Mahomed, et de pillage, qui tous les jours étoit mise offiarrachoit à un Peuple opprimé les dernières goutt en vain que les plaintes des malheureux s'éleve elles retentissoient, sans pénétrer, jusqu'à la 1 l'autorité qui nous écrasoit.

Déjà le désespoir, causé par le délai des se présenter à la misère de plusieurs Provinces, un chi comme le dernier moyen pour parvenir à la tra évanouir les droits sacrés que l'évangile s'étoit a noissance pieuse de la Nation Grecque. Mais . préféré voir sous ses yeux ce monstrueux parjure? fière d'une Alliance toute Chrétienne, voulu donne suffrage au triomphe du Coran sur la sainte écritu sur la civilisation? Il a fallu prendre les armes p avec honneur. Qu'on ne se fasse point ici illusion blème; en politique chaque illusion a aussi sa puniti plus rigoureuse que les intérêts et les tems que l'on plus importans. Ici, dans le cas actuel, tout nait force des choses. Les hommes, les lieux, les paroles rien. Le premier pas une fois fait, quoique d'une m a fallu continuer sous peine d'être anéanti. La Révo dans ses motifs, devoit le devenir encore plus par le l'ont suivie. Le sort affreux de tout ce que la Nation doit d'hommes distingués et de familles celèbres, la églises et des écoles, les effets d'une vengeance fer

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l'abime où la Nation devoit tomber, si elle avoit eu la lâcheté de se soumettre. Quelle garantie pouvoit-elle espérer pour sa sûreté des contempteurs de tous les Grecs, des violateurs de toutes les Lois? Animée par la situation qui la privoit de l'appui des Lois et de toute protection, elle s'est trouvée par les orages du premier mouvement réduite à l'alternative, où de périr où de s'affranchir. Foible et dépouillée de tout, elle auroit en effet déjà été perdue, si la Divine Providence n'avoit pas jusqu'à présent produit le miracle de ses progrès, et annoncé de nouveau à l'Europe attentive, qu'elle vient au secours des opprimés, et qu'elle montre sa puissance en soutenant les foibles.

Quoi! après un si petit nombre d'Années écoulées depuis la délivrance de l'Europe, exaltée même par les Puissances et les Chefs des Peuples comme une fa veur divine, ne seroit-il déjà plus tems de rappeler en politique que la Toute Puissance veille sur les Nations et les Rois, qu'elle égalise les époques même par des revers, et que du sang repandu avec un généreux sacrifice, par les générations présentes, elle fait naitre le bonheur des générations à venir? Depuis 13 mois nos Peuples ont fait plus qu'ils n'osoient espérer. Abandonnée du reste du monde, ayant derrière elle le souve nir d'un illustre passé, poussée enfin par sa propre misère, la Grèce continuera de parcourir une glorieuse et pénible carrière, et de donner aux Peuples Chrétiens, ainsi qu'aux ames sensibles qui dirigent sa destinée, le spectacle d'un Peuple qui combat pour sa Patrie, et qui est décidé à vaincre ou à mourir dans cette lutte. Tel est son sort et la destination que la Providence lui a assignée. Elle est forcée de la suivre avec persévérance. et de sacrifier dans cette lutte désespérée tout ce qui lui reste de plus cher, à la possibilité de sa délivrance. Si néanmoins le destin de notre Nation, étoit de succomber à la supériorité du nombre ou aux immenses ressources de son ennemi mortel, le sang de cet ennemi coulera avec le sien dans ses défaites, et en finissant comme elle a commencé, elle laissera au mon de par sa chûte la conviction qu'elle étoit La Nation rassemblée par le moyen de ses digne d'un meilleur sort. Représentans, s'étant donnée une Constitution Provisoire, qui embrasse toute la Grèce dans toutes ses parties et ses intérêts, cette Assemblée a cru qu'il étoit de son devoir et conforme aux intérêts de la Nation, à la tête de laquelle elle se trouve, d'exposer aux Puissances Chrétiennes sa Les succès qu'elle a eus dépuis son étasituation et sa résolution. blissement fortifient l'espérance que la Grèce parviendra à jouir paisiblement de son Indépendance Nationale, et des avantages de la civilisation Européenne. Nous protestons d'avance contre toute violation des droits incontestables que nous avons achetés au prix de sacrifices immenses. L'humanité et la religion, les considérations de la politique et du commerce, montreront dans cette occasion aux Puissances Chrétiennes, dans la sagesse de leurs délibérations, le legs conforme aux intérêts de leurs Peuples et à leur gloire, qu'elles ont l'intention de laisser dans cette affaire à l'histoire et à la postérité.

Donné à Corinthe, le (15) 27 Avril, 1822.

Les Membres du Gouvernement Provisoire de la Grèce. MAVROCORDATO, Président. ATHANASE CANACERI, Vice-Président. ANAGNOSTI PAPPAGANEPULO.

> JEAN ORLANDO. JEAN LOGOTHETY.

Le Secrétaire des Affaires Etrangères, NEGRI.

DECLARATION of the Provisional Government of Greece, announcing the Blockade of Turkish Ports.—Corinth, 25th March, 1822. (Translation.)

LE Gouvernement Provisoire de la Grèce.

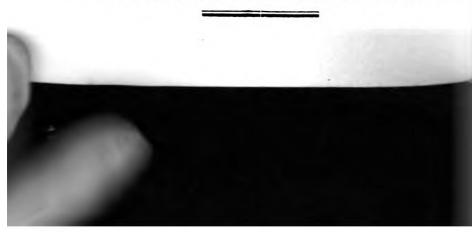
Mue par son propre élan, la Nation Grecque combat contre la Tyrannie; ses droits sont connus et incontestables, elle ne demande rien autre que de faire cesser l'injustice, n'épargnant à cet effet aucun sacrifice, et recherchant ses avantages sans vouloir nuire à aucune société d'hommes justes. Comme elle connoit ses Droits, elle connoit aussi ses devoirs; et en publiant son indépendance, elle a établi un Gouvernement central, afin de protéger les uns, et faire éxécuter ponctuellement les autres; mais comme pour parvenir à ce but sacré et national, le Gouvernement doit enlever à l'Ennemi les moyens de s'opposer à son Exécution, il déclare aujourd'hui, usant à cet effet du Droit des Nations et de l'Europe, en état de blocus, tous les Parages qui sont encore au pouvoir de l'Ennemi, dans l'Epire, dans le Peloponèse, dans l'Ile de Négrepont, en Thessalie, depuis Epidaure (Dulcino) jusqu'à Salonique, même y compris les Iles de la Mer Egée, celles des Sporades qui sont entre leurs mains, et Candie.

Si des navires sous quelque Pavillon qu'ils soient, après avoir été formellement avertis par les Capitaines des Bâtimens Grecs de cette Résolution, entrent dans les Ports ennemis ci-dessus désignés, ils seront pris et traités d'après les Loix généralement établis. Les Commandans des Armemens Grecs continueront à donner des avis de cette mesure aux. Navires Etrangers, jusqu'à ce que le Gouvernement soit informé que la présente publication est parvenue à qui de droit.

La présente Déclaration sera communiquée à tous les Consuls des Puissances amies qui se trouvent en différens lieux de la domination Grecque.

Corinthe, le $\frac{13}{23}$ Mars, 1822.

A. MAVROCORDATO, Président du Tribunal Executif. TH. NEGRI, Ministre des Affaires Etrangères, Premier Chancelier.



MEXICO.

DECREE of Congress, announcing the Election of Don Augustin de Iturbicle as Constitutional Emperor of Mexico. -19th May, 1822. The May, 1822.

THE Regency of the Empire entrusted provisionally with the Government during the absence of the Emperor, to all those who shall see and hear the present, know, that the Sovereign Constituent Mexican Congress has decreed as follows:

In the Palace of Mexico, on the 19th of May, 1822, the 2d Year of Independence, the Sovereign Constituent Mexican Congress, assembled in Extraordinary Session in consequence of the events of last night, and of the Official Report thereon of the Generalissimo Admiral, which transmitted the various Documents inserted in the Proceedings of this day; having heard the acclamations of the People, which are in conformity with the general wish of the Congress and of the Nation; taking into consideration that the Cortes of Spain, by a Decree inserted in the Madrid Gazette of the 13th and 14th February last, have declared the Treaty of Cordova to be null and void, and that, therefore, the Mexican Nation is no longer bound to its fulfilment, but enjoys the liberty, which the IIId Article of the said Treaty grants to the Sovereign Constituent Congress, to name an Emperor, in the event of the renunciation, or refusal, of the Persons therein called to the Throne; has been pleased to elect for Constitutional Emperor of the Mexican Empire, Don Augustin de Iturbide, first of that name, upon the bases proclaimed in the Plan of Iguala, and accepted universally by the Nation, which are described in the form of Oath he is to take before the Congress, on the 21st instant.

The Regency of the Empire will take cognizance of this Decree, and will communicate it to all the Authorities, causing it to be printed, published, and circulated; and will at the same time cease to exercise the functions provisionally entrusted to its care.

FRANCISCO GARCIA CANTARENA, President. FRANCISCO MA. LOMBARDO, Deputy Secretary. JOZE IGNO. GUTIERREZ, Deputy Secretary.

We therefore command all the Tribunals, Justices, Governors and other Authorities, Civil, Military, and Ecclesiastic, to observe and cause to be observed, fulfilled and executed, the above Decree in all its parts. They will adopt the necessary measures for its fulfilment, and that it be printed, published and circulated.

Mexico, 21st May, 1822, the 2d Year of Independence.

JOZE ISIDRO YANEZ. MIGUEL VALENTIN. EL CONDE DE CASA DE HERAS. NICOLAS BRAVO.

Don Jozé Manuel de Herrera.

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PROCLAMATION of Don Augus People, on his Election as Emperor of INHABITANTS OF THE MEXICAN EMPIRE,

THE wish, in addressing you, to preserv simply of a Fellow-Citizen, is still entertain been pleased to raise from that class to the have you found in your Compatriot to rende so exalted and brilliant? Did you, percha who emancipated the Nation from the tyrann Crown an offering of gratitude natural to so rous a People? Yes, certainly, gratitude, tha has implanted in all hearts of this delightful r in greater force than at the time when our Co free and independent. From that moment I tion of the thankful feelings of the Inhabitant and obedience tendered to me with free and sin would then have accepted them at once, mak last sacrifice, assuredly the most painful, cons position and the object of my wishes,-since I parisons between the disquietudes of the World tude-had not my very duties and services, ple furnished me with a two-fold motive for refusing

Fixed in the principle that every thing shou Country; resolute and consistent in the Plan (very of our National Independence, and faithfi cluded at Cordova, with a Minister of the Spani not be said that Iturbide availed himself of the but only to moderate the demonstrations of the Scarcely had publick opinion begun to manifes the Press, designating him as the Person to wie Empire, when he endeavoured, without delay, t direction. He declared and proclaimed his own, vate, as a Citizen and a Magistrate; as one inter the Nation, and punctilious and delicate in respect personal interest. The laurels of that Victory wh of the Oppressors of his Country quietly encomp assigned proper limits to that laudable ambition wh all the virtues. Why then constrain him to ascen whose elevation he can no longer view, with compl rendered to his Country, without feeling himself pi excess of his recompense? But the Nation has will yields to its supreme will, now that he ascertains inconsiderate movement of blind gratitude, but t pulse which always directs the general wish toward perity.

The Nation, indeed, desired it eagerly; but was diverted from it by the dangerous collision of opinions. The form of the Government had no consistency; it appeared destined either to be used in aid of the despotism of those who struggled against its Independence, or to be annihilated by its most enthusiastic Protectors. Our Country was at one that a Foreign Prince might ascend it, and at another to be torn in pieces by the factions of its own Sons. Meanwhile a general apathy began to prevail, which stopped the supplies of the National Treasury, enervated the Army, paralyzed the Government, impaired the vigour of the Empire, and prepared us to be the easy prey either of Foreign Invasion, of secret mac hination, or of intestine discord. Every thing, in short, betrayed sym ptoms of that anarchy into which the Mexican Nation was about to plunge, at the time when the Imperial Army proclaimed its Independence at Iguala.

And was not the Nation freely to exert its will at such a crisis? Was not the hand which had been enabled to rescue it from its former perilous situation, under an obligation, in consistency, ever afterwards to protect and save it? Yes, adored Country, that same hand, with the sole object of your preservation, will sway the Sceptre which you have confided to it! In the same spirit and to the same extent, that he sought honestly to decline it as a reward for past services, will he labour to sustain it, and the weight which is added to it by the very onerous circumstances under which it is received. That which could not be accepted, without reproach to your mere gratitude, cannot blamelessly, be denied to your service, to your benefit, and to your authority.

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You have before you, my Fellow-Citizens, the real impressions of your grateful Compatriot. Heaven, which has deigned, so visibly, always to countenance his sincere intentions, is now witness to them. He invokes Heaven, in proof of the purity of those which have determined him to accept the Crown. You are also aware of our deplorable situation, and of the necessity of escaping from it, by whatever course is open to us. Full of virtue and moderation, you have chosen to pursue the dictates of gratitude, and to exercise the right inherent in every free Nation, to establish the form of its Government, and to nominate its Rulers.

The national will is respected; and he, in whose favour it is pronounced, cannot take umbrage at the dissent which was manifested by some Persons, before the formal Act was promulgated which elevated him to the rank of First Citizen and Chief of the Nation: much less can they be objects of his disapprobation and resentment, who, for their beloved Country, can discover in him who is charged with the common welfare, only the tenderness of a Fellow-Citizen and Friend. Accustomed to obedience from his earliest years, he has received les. sons of command unknown to those who acquire power by hereditary

title: a stranger to prejudice, vanity, and adul acknowledge the supremacy of the Law, and b undoubted truth, that in the love of the Peopl Prince, and in the kindness of the Prince the ha

Let this, therefore, be the glorious found And as you, my Fellow-Citizens, appreciate the prompted my acceptance of your favour, at so clination, let me invite you to co-operate with n Authority may be constantly directed to the repulse of all dangers which may threaten it, a ment of the Empire. Above all, be persuaded of tl and cordiality with which the wishes of the Natio

DECREE of the Emperor Augustin de the Congress of Mexico, and establishin Junta of Government.—31st October, 18 His Majesty the Emperor has been pleased

Decree :

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Augustin, by Divine Providence, and by Nation, first Constitutional Emperor of Mexico, the Imperial Order of Guadaloupe, to all those v the present, know :- That, from the moment Iguala the Independence and Liberty of the M came the centre of the general opinion of all the and that I contracted the obligation of bringing glorious enterprize. I succeeded in this by the efforts of the gallant Army, which, under my undone for the fulfilment on its part of the ge together with me, constituted itself a guarantee Representative Government which I promised in Iguala, and which was ratified by the subseque I have religiously performed my promise. The the Constituent Congress would dictate wise Law of the Government, and the felicity of the Empi pectation of all the People; but melancholy e that, far from fulfilling its duties with exactne tered into questions quite foreign to its institut the very moment of its installation, the powers co. by the Provinces ; arrogating to itself titles and at belong to it; and looking with a cold indifference State, the administration of Justice, the conditi and the misery, which it has employed by every of the Army; notwithstanding that many of the L to dissuade it from such proceedings.

MEXICO.

I have exhausted all the means of prudence, of moderation, and of lenity, in order to induce the Congress to see the path which it ought to follow; but, blind in its ideas, and unwilling to enter upon the consideration of the publick evils, it wishes that the Nation may remain neglected to organize the Financial System; the Army is naked and ill unpaid; the Judges and Employés are full of misery, their salaries being unpaid; and, in short, the Nation is suffering the greatest evils, which are precipitating it to its ruin, and crimes are daily increasing, so as to excite the greatest apprehension.

Being responsible for the completion of the work which I commenced, and which the Nation unanimously confided to me, I cannot permit that it shall be ruined by the evils which are obvious to every one; I have therefore resolved upon the following Decree, which has been already executed, but which, for the information of the Nation, I command to be published by proclamation in this Capital, and in the Cities, Towns, and Villages of the Em pire.

Augustin, by Divine Providence, and the Congress of the Nation, &c. &c. to all those who shall see and hear the present, know: That I took upon myself to establish the Independence of our Country; that the performance of this undertaking is to see it accomplished; that until this happen, I am responsible for the result; that it is unattainable, because the Constituent Congress has not performed its duties with the activity which the critical circumstances of the Nation require.

In order, therefore, to liberate it from the great evils with which it is threatened, it is necessary to adopt energetic measures for the attainment of this important object. Of this description are the following, which, after consulting respecting them with Persons of intelligence, virtue, and patriotic zeal, I have determined upon and decree:

1. The Congress shall be dissolved from the moment that this Decree shall be notified to it.

2. The National Representation, until a new Congress shall assemble, shall be continued in a Junta, consisting of 2 Deputies for each of the Provinces which has returned a greater number, and 1 for each of the other Provinces, together with 8 Substitutes, who shall be named by Me.

3. The labours to which this Junta is to dedicate itself, shall be described in a particular Regulation.

4. The Deputies who are not to belong to the Junta, previously to their leaving the Capital, shall give information of their wish to the Government, through the Political Chief; and during their stay, unless they be permanent Residents in the same, they shall apply to the General Treasury for their daily Allowance.

5. The Commissioner entrusted with the execution of this Decree,

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shall take charge of the Secretary's Office, in whatever may be withdrawn from the same; and deliver up the Papers now under their charge, which are in the different Committees, for the them up, on the 2d of the next Month, to the responding explanations.

6. The Junta shall assemble, in order to entro on the 2d of November, the Deputy who has age presiding over it, ad interim, until I shall the formal Election, conformably to the Regul ceeded upon.

[THE]

You will take charge of the fulfilment of this direct that it be printed, published, and circulated Mexico, 31st October, 1822. DON

DECREE of the Supreme Protector of certain Ports of the Republick in a stu Lima, 15th October, 1821.

THE PROTECTOR OF PERU.

THE Supreme Government being established, a of Peru having been proclaimed by the greater par the moment they could unite their suffrages with th Army; it is one of my duties, conformably to the taken to defend the integrity of the Territory, to which may conduce to fulfil the universal desire of under oppression.

Wherefore, the Intendancy of Arequipa, whic part of the Peruvian State, being still occupied by contrary to the wish and opinion of the Inhabita duced to declare, in the exercise of the Authori invested, and of the right of War which renders i

ART. I. The Ports and Creeks comprehended of 15° and 22° 30' South, from the Port of Caba of Cobija, both included, shall be considered in Blockade, so soon as the Peruvian Ships of War, (effective, and which are nearly ready to sail, shall a

II. This Declaration will be considered as su all friendly or neutral Powers, at the periods specif Article, after which, no traffick can be carried (mentioned Ports, except under the responsibility v Nations impose in the event of any infraction there III. The term of 8 Months is fixed for European Nations, the United States of America, and the Ports of Africa; that of 4 Months for the Brazils and the Rio de la Plata; and 2 Months for Chili and Colombia. The term is extended to 12 Months for the European Establishments of Asia and the Eastern Coast of Africa.

IV. From the day on which the destined Force shall render the Blockade effective, no Ship belonging to friendly or neutral Nations can enter the beforementioned Ports; and the Commanding Officer of the Blockade will notify its existence to those who may arrive before them, according to the verification thereof on the back of the Licence of the Ship, in order that, should it afterwards attempt to enter a blockaded Port, it may be sent to Callao, and be judged accordingly.

V. Every Ship which shall arrive at the said blockaded Ports, after the expiration of the term respectively pointed out in the IIId Article, and which shall have on board Articles, contraband of War, such as Arms, Ammunition, Warlike Stores, Provisions, Naval Stores, and other Supplies which might contribute to the defence of the Enemy, and the continuance of the War, shall be sent to the Port of Callao, to be judged according to the Law of Nations.

VI. Vessels arriving at the said Ports without the necessary Documents, or with simulated ones, are subject to the foregoing Article.

VII. The Minister of State of the Marine Department is charged with communicating this Decree to the Commanders of the Neutral Forces which may be in these Seas, and to whomsoever else it may concern.

Protectorial Palace in Lima, 15th October, 1821.

JOSE DE SAN MARTIN.

By Command of His Excellency, B. MONTEAGUDO.

No. 100

CIRCULAR of the Minister for Foreign Affairs at Lisbon, to the Portuguese Ministers at Foreign Courts, relative to the Departure of the Sardinian Chargé d'Affaires.—4th May, 1822. (Translation.)

M. AvogADRO, late Chargé d'Affaires of Sardinia at this Court, having, by His Majesty's Command, received his Passports to retire from this Kingdom, it is necessary that you be informed of the circumstances of this fact, so as to be enabled to rectify any false rumour that may be spread abroad upon the subject.

As soon as it was known at this Court, through our Ministers residing at the Courts of Vienna, Naples, and Turin, that those Govern-

ments had declared to them, that, a to recognize them as Ministers of having been nominated previously that they were determined not to adr nomination subsequent to that period because they had resolved by comm new order of things, nor the actual Go His Majesty then ordered, not only the diately retire from those Courts, but a. residing in the Ports of the respective C ercise of their functions, so long as thos the strange pretension of constituting the government of this Kingdom; since the necessarily cease to exist in the opinion as they considered illegitimate the Gove. their patents. But, that Commerce mig litical differences, the Government cause Custom-houses of the United Kingdom, by our Consuls, of the Papers of such Shij coming from those Countries, should occas patch, but that they should be treated in a from Ports where no Portuguese Consuls sufficient that the Papers be presented, du Authorities.

At the same time, His Majesty determin faires of Sardinia, residing at this Court, shou as a Diplomatick Agent, although he might should be agreeable to him, as a private Indi

A few months after this communication m. having received from Hamburgh various art applied for an Order for their delivery at th duty, according to the usual practice with respe This demand was acceded to without hesitation longer invested with a diplomatick character, i had ordered the goods at a period when he still the functions of Chargé d'Affaires, and that the that an act practised in good faith should redout

The following Order was accordingly transmi

"The King, through the Secretary of State commands the Administrator-General of the Princ Lisbon, to cause to be delivered, free of duty, to a Case, set forth in the accompanying Bill of Liby J. P. M. de Carvalho e Brito, Secretary in which has been forwarded to him from Hamburgh, *Cuxhaven*, J. Meyer, Master; the said Case having Affaires of Sardinia.

"Foreign Office, 24th April, 1822.

"SILVESTRE PINHEIRO FERREIRA."

Three days afterwards, M. Avogadro came to my house, and, asking my Servant for paper and ink, left me the following Note, open, to be delivered to me, together with the Order to the Customhouse, which, agreeably to the official form, had been courteously sent to him under a flying seal:

"The Count Avogadro regrets much that he cannot deliver to His Excellency in person the inclosed Order, which he finds himself compelled to return to the Secretary of State.

"The total forgetfulness of every sort of decency observed in that Order, does not permit the Count Avogadro to accept or avail himself of it."

No sooner had I received this singular Communication, than I laid the same before His Majesty, by whose order I, on the following day, addressed the accompanying Note to M. Avogadro:

"The Undersigned, Minister and Secretary of State for Foreign Affairs, in answer to the indecorous Note of M. Augustus Avogadro, late Chargé d'Affaires of the Government of Sardinia, transmits to him, by command of the King, his Passports, in order that he may quit this Capital within 24 hours, and the Kingdom within 8 days.

" Foreign Office, 30th April, 1822.

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" SILVESTRE PINHEIRO FERREIRA."

Such is the series of facts, which prove, that this Government makes it a point to pay to all others the tribute of respect that belongs to them respectively, and that, for that very reason, it will never consent to submit to the slightest insult from them,—much less from their Agents.

You will make such prudent use of this Communication as circumstances shall dictate. God preserve, &c.

SILVESTRE PINHEIRO FERREIRA. Lisbon, 4th May, 1822.

ADDRESS of the General Extraordinary and Constituent Cortes of the Portuguese Nation to the People of Brazil, on the New Constitution of the Monarchy.—17th August, 1822. (Translation.)

To establish and to consolidate the Monarchy in both Hemispheres, is the constant object of the Cortes, and the ardent desire of all good Portuguese. To strengthen, by indissoluble ties, the union of two brotherly Nations, though separated by so great a space, is the difficult problem, which can only be solved by means of a thorough conviction, and a frank declaration, of what our circumstances loudly require. Let us not, therefore, spend in useless disputes and reciprocal recriminations, that time which we ought to employ in maintaining the integrity of so vast an Empire, whose greatness and solidity depend upon a well adjusted and permanent Union.

Brazilians! Your European Brethren do not oppose, nor do even the Cortes deny, the natural right which belongs to you, to constitute yourselves Independent, and to select the system of Government which is most agreeable to you; this the Cortes expressly recognized, when they proposed to you the Fundamental Law, as the basis of the Constitution, in order that you might declare whether you wished to form with us, under its conditions, the same Society, and the same Empire. If, in consequence of time and distance, your Representatives could not co-operate in the framing of this Law, you, nevertheless, have since adopted it; you have sworn to it, and the voices of all the Political Assemblies in Brazil re-echoed in the Halls of this Building, amidst the greatest applause and the liveliest enthusiasm. It was then notorious to the whole World, that, far from adopting an unconditional submission, you had recognized and sworn to the basis of the Constitution of the Portuguese Monarchy, and had proclaimed your Union with Portugal, in the most solemn and spontaneous manner, and that under the political system, and the conditions of Government, therein determined.

The essential principles of our original Political Charter have not been altered by the Constitution; they have only been better developed and expounded. They consist, generally speaking, of the division of the Political Powers ;- one single Chamber of Representatives, with Legislative Power, assembling once in each Year ;- an inviolable King, with responsible Ministers ;- the Liberty of the Press ;- the Right of Petition. These are the first guarantees of the Political and Civil Liberty of the People of Portugal and of the People of Brazil; a liberty, Brazilians, which is one and the same, as well for you, as for your European Brethren, since it is equally valuable and efficacious to both; nor does the Constitution allow to one what it refuses to the other; those who tell you to the contrary, wish only to gratify ambitious passions, by alienating your minds, in order to compromise your security. and to draw down upon you all the horrors of anarchy and Civil War; they are evil disposed Persons, who stigmatize every species of authority, for the purpose solely of ascending to the summit of power and wealth, without regarding the mischief and desolation they may occasion. Let, therefore, all illusion, which may yet possess some minds, disappear at once.

Brazilians! When the Cortes displayed to your sight the Standard of Liberty, and invited you to rally with them under it, they certainly did



ot contemplate the retaining you in the abject state of Colonial deendence; when they offered to you the same Constitution, the same Siberty and the same guarantees, it certainly was not for the purpose of making you Slaves. It would indeed be a singular mode of reducing to a colonial condition, and of enslaving a People, by recognizing the rights, of which they had been deprived, and the privileges which they had never fully enjoyed. As if Civil and Political Liberty were some abstract speculation, beyond the reach of ordinary understandings, a Faction of disorganizers have endeavoured to persuade you, that it would be inconsistent with that liberty, to continue the Provincial Juntas, although they have been established by the Elections of the People; to abolish the Tribunals, which are notoriously useless and a heavy charge; to withdraw from America the Heir of the Crown, when political reasons called him to the foot of the Throne, and when This Faction of you had manifested an unwillingness to obey him. ambitious men, enemies of the publick tranquillity, have advanced, and have circulated in the South of Brazil, such ill-founded pretexts ; they at first alleged, that the Cortes had no power to legislate for Brazil; they afterwards alleged that there was injustice in their Legislative measures; and they have, at last, declared their formal disobedience and meditate revolt :- whereas the Legislative Authority of the Cortes had its basis in the will of the People, who have adopted, sworn to, and recognized that authority ;- the justice of the Legislation was founded, both in the nature of things, and in the will of the same People, which had been previously and expressly declared ;--and, finally, partial resistance has become the very crime of Rebellion, which is always the forerunner of anarchy, and ought to be punished in every well organized Society.

The Cortes, being aware that this revolt is merely the work of a few Individuals who have signed a certain Document, have decreed that these Rebels shall be prosecuted. The Cortes respect the general will of all Brazil, and they know that the general will of a People is the vehicle and organ of all prudent Legislation; but they know, at the same time, that the general will of all Brazil is to adopt, under the same conditions, the same system of Government, uniting itself to Portugal by an indissoluble tie, and they also know, that these disorganizing attempts at partial resistance are merely the ramification of In order to prevent the consequences of the Factions of the South. these and other turbulent proceedings, obnoxious to liberty and contrary to the general opinion of the People of Brazil, the Cortes have determined, that the Executive shall be authorized to send Troops to that Continent. A new pretext for the Factions !- but as groundless as their former pretexts. This measure, in the terms in which the Cortes have adopted it, (who of you, Brazilians, does not perceive) is calculated to serve the purpose of suppressing dangerous Parties, but is certainly inadequate to make conquests or to maintain tyranny; this consideration alone is sufficient to hostility. The Cortes, however, hav degree to which the prejudice betwee been carried in Brazil, and how muexcesses of a popular frenzy, which not be able to restrain, have deemed and personal property of a great nur great a mass of interests and opinion other motive has influenced this detern

Brazilians! The resolutions of the whose authority you have recognized an either the principles of universal justice, ment, in the Laws and Orders which the not, therefore, lend yourselves to the int deavours to persuade you to the contrar distract and to ruin you. Reflect within y former condition, and upon the political Constitution elevates you; examine atte of the most solemn oaths attempt to in that some want the excess of liberty, by I Independence, and that others want the exc a road to absolute power and to the privileg. Cortes on the contrary, offer you the Cons middle term between these two dangerous e of your political salvation: they extend a h render it unnecessary for you to undertake the task of establishing a Government entirely net co-operate with activity and wisdom, in mal such additions, as may be consistent with the the Empire, and as may contribute towards the benefit of the Nation. You will possess the dence in the exercise of the Judicial Power ;conveniently situated, cannot properly adminis will not be without an Authority, delegated by t in the distribution of Offices and Rewards, place reach of the intervention of the Royal Power.

Brazilians! The act of adopting or of rejec vernment, is a compromise; let us then weigh we must give and take; we must renounce some. enjoy others, and, as we sacrifice our natural li enjoy with more security the advantages of civil sacrifice a part of the civil advantages to the suf union of a great Empire. Although the seas be a may pass away, although an ocean of 1,500 leagu both space and time between the Law and the exec sphere of human ingenuity is not so circumscribed, b our Institutions may unite what nature has separated; and, even if me inconveniences should remain, they will be amply compensated y avoiding the horrors of anarchy and the vexations of absolute Power. All this was well weighed by you, at the time of your ad-

hering and swearing to the basis of the Constitution.

Brazilians, do not then violate such solemn and just engagements. Exercise your political power, by sending wise Representatives to the Cortes of the Nation; their personal inconvenience will not be of great weight, if you compare it with the importance of the Union: enjoy the blessings of liberty; —the protection of the Government secures to you all the advantages of society.

The Cortes do not pretend to maintain the Union of Portugal with Brazil by means of Arms; force is a weak instrument for retaining in a subordinate and unprofitable condition, a People, who are enterprizing, numerous, increasing, and jealous of their liberty.

Our Union, Brazilians, depends solely upon the affections and interests produced by reciprocal advantages ;—by the ties of friendship and blood, by equal Laws, and by equal protection. The title deed of your Rights is the Constitution :—it will shortly be transmitted to you with the necessary additions. After you shall have perused it, no one will attempt to persuade you into the extravagant and delirious belief, that those who wish to constitute you a Free People, desire to reduce you to Colonists and Slaves: and if this frank and sincere declaration be not capable of removing all causes of discord, and of reestablishing your former unsuspecting confidence, the Cortes, lamenting your blindness and delusion, will, at least, remain satisfied with having followed the dictates of their conscience, by making known their principles and manifesting their intentions.

Palace of the Cortes, Lisbon, August 17, 1822.

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AGOSTINHO JOSE FREIRE, President.

FRANCISCO XAVIER SOARES DE ANDRADE, Deputy Secretary.

JOAO BAPTISTE FELGUEIRAS,

Deputy Secretary.

SPEECH of the King of Spain, on the Closing of the Extraordinary Cortes.—February 14, 1822. (Translation.) GENTLEMEN DEPUTIES,

It affords me the greatest pleasure to be enabled to announce to this august Assembly, that the Legislative measures which have been adopted during the Sittings of the Extraordinary Cortes, have so considerably advanced the great work of our political regeneration, that a few efforts more of the same nature will speedily carry it to the highest pitch of perfection.

SPAIN.

I shall not stop to notice, particularly, the arrangements which have been made respecting the Ports and Custom-Houses, nor the improvements in the Commercial Tariffs, which, by enlarging the provisions of the latter, will tend to suppress smuggling, and to present every excitement to our industry.

It is impossible, however, to refrain from referring, with special eulogium, to two important measures which have been undertaken, viz: the territorial division of Spain, and the Penal Code, the last of which was most difficult and important;—the completion of which, at this period, is solely owing to the wisdom and zeal of the Cortes. To name them is alone sufficient to make known the value of those distinguished works, of which the necessity was evident, and the advantages of which will be handed down to future times, and cannot fail to be always manifest.

I congratulate myself at having to record these monuments of the Spanish character, which, firm in its purpose, always eventually succeeds in accomplishing the most arduous and glorious designs.

In returning, Gentlemen Deputies, to your Provinces, you will be accompanied by the national gratitude and by mine. I trust that, by your patriotic virtues and wise counsels, you will contribute to maintain in the Provinces, publick order and respect for the legitimate Authorities, as the best means of consolidating the Constitutional System, on the punctual observance of which depends the prosperity of this magnanimous Nation.

SPEECH of the King of Spain, on the Opening of the Cortes. 1st March, 1822. (Translation)

GENTLEMEN DEPUTIES,

THE solemn act of opening the Session of the New Legislative Body, is in the highest degree gratifying to me, and I trust that it will prove so to the Nation which you so worthily represent. It affords a new proof of the stability of the Constitutional System, as well as of the steadiness and confidence with which we continue to pursue the path we at first selected.

In every great political change there are many circumstances which render the first steps very difficult, owing to the alterations which the fortunes, hopes, and opinions of all usually undergo. In the course of the 2 Years which have now elapsed since the restoration of the Constitution, occasions have not been wanting in which the publick order and tranquillity have been threatened by the desperate efforts of some rash Men, who do not feel the force of circumstances, and of the age in which we live; but the Spanish Nation, always so distinguished for its prudence and constancy, may justly boast of having frustrated their



ain attempts, and of having offered an example hitherto but seldom et with in the history of Nations.

Our relations with Foreign Powers present the prospect of a lasting Peace, without any fear of its being disturbed; and I have the satisfaction of assuring the Cortes, that all the reports which have been circulated of a contrary character, were absolutely unfounded; they were propagated with the malignant intention of entrapping the unwary, and intimidating the weak, and of thereby opening a door to distrust and anarchy.

The internal state of the Country does not yet present any remarkable improvements, because, on the one hand, a short space of time only has elapsed since the new Epoch began, and on the other, the serious obstacles which, as is well known, we have had to surmount, could not but considerably retard the progress of those improvements which the Nation had a right to expect: in as far, however, as time and the means at the disposal of the Government have permitted it, every thing has been done to encourage agriculture and industry, to free the commerce of the Country from obstruction, and to allow all the great sources of publick prosperity to pour forth their streams in full abundance.

The Reports which my Secretaries of State will immediately present to the Cortes, will give a just idea of the existing state of the different branches of the Administration; and will at the same time inform the Cortes of all that has been done towards carrying into execution the beneficent Laws and Decrees which were enacted during the preceding Sessions.

It now only remains for me to express to the Cortes my confident expectation that, by their wisdom and zeal they will consolidate the great work of publick prosperity, draw still closer the ties which unite the different classes of the State, and insure by every possible means the preservation of tranquillity and confidence. In order to obtain these important results, my Government will aid with all its efforts, to the full extent of the powers granted to it by the Constitution; and, by the decided co-operation of the Cortes, together with the firmness and prudence which have ever characterized the Spanish People, we shall at length succeed in obtaining the reward of our constant exertions, by consolidating for ever the liberty and glory of the Country.

SPEECH of the King of Spain, on the Closing of the Cortes. 30th June, 1822. (Translation.)

GENTLEMEN DEPUTIES,

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On meeting you this day, in order to perform the solemn act of closing the Session of the Cortes for this Year, I cannot do less than

SPAIN.

thank you for your efforts to establish a proper economy in the different branches of the Publick Revenue, and at the same time to enable the Government to meet the exigencies of the Country.

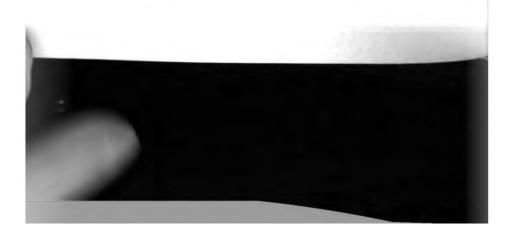
The advantages which the Administration of the System of Finance must derive from the New Territorial Division, the vigour with which the late Decrees will enable Collectors to enforce the payment of the Contributions, the simplicity and uniformity with which the Publick Accounts will henceforward be kept, in order to satisfy the People respecting the object of the sacrifices demanded of them, all offer me hopes of great improvement in a branch of such consequence to the prosperity of the Nation, and so necessary, in order to give my Goverment its proper force and energy.

The consolidation of the credit of a Country depends upon the combination of so many causes, that is impossible to ascertain beforehand the different degrees of its rise or decay; but there are two most important Decrees of the Cortes, which cannot but inspire both security and confidence, amongst Natives, and amongst Foreigners, preserving uncontaminated that reputation for probity and good faith, which has always been the characteristick of the Nation, and committing to the care of the Publick Creditors themselves the inspection of those Funds which are destined to pay off and extinguish the National Debt.

The Cortes have ordered the Permanent Army to be recruited, and have, at my request, authorized the Government to employ, out of their respective Provinces, a certain number of Corps of National Militia. Considering this measure beneficial in every possible point of view, both politically and economically, and desiring to diminish, as much as possible, the burdens of the People, circumstances will determine the use I shall make of the power thus placed in my hands, according as necessity may render indispensable, or prudence advisable.

It will be the object of my Government to exercise, with the same moderation and regard to economy, the other powers with which the Cortes have been pleased, for the present, to enlarge the sphere of its action; thus presenting a memorable example, on the one hand, of the confidence which the Deputies of the Nation have reposed in the Government, and, on the other, of the worthy use which the Government has made of this confidence, employing it only in the most prudent and moderate manner. If this be my firm intention with respect to the powers which admit of a certain latitude from the undefined nature of them, it is unnecessary to assure the Cortes, that, in the exercise of its natural powers, my Government will ever be most scrupulously careful not to exceed, in any case, the bounds prescribed by the Laws.

But, determined as I am to sustain my authority, and not to allow the Laws to be violated with impunity, under any pretext whatsoever, I will, at the same time, exercise to its full extent my Constitutional



^{ower, in} order to consolidate the publick tranquillity, and to secure to Il Spaniards the peaceful enjoyment of their Rights.

The insurrectionary flame which has spread through the Provinces which composed Ancient Catalonia, is a subject of the deepest concern to me; but, notwithstanding that the extreme poverty of some Districts, and the simplicity of the Peasantry, have made them become the instruments and victims of the most perfidious intrigues, the excellent spirit which prevails in all the principal and manufacturing Towns, the intrepid courage of the regular Army, the enthusiasm of the Militia, and the excellent measures adopted in many of the Villages, on seeing their liberties and property menaced with the same dangers, all combine to inspire me with the best hope of seeing the designs of the malevolent frustrated, the deluded People undeceived, and the stability of the Constitutional System increased by this new proof of its strength.

Desiring, as we all do, to contribute our share to so important a work, I trust, Gentlemen, that, on returning to your homes, after having fulfilled the sacred objects of your late charge, you will continue to promote the welfare of the Country, by enlightening and guiding publick opinion in the Provinces, by inspiring all with sentiments of peace and concord, and by confirming, by means of your example and personal influence, that confidence which ought to subsist between the Government and the People; the effect of which is to inculcate respect for the Laws, to give vigour to the Constituted Authorities, and, under their protecting shade, to maintain the rights and privileges of the Subject.

SPEECH of the King of Spain, on the Opening of the Extraordinary Cortes. -7 th October, 1822. (Translation.) GENTLEMEN DEPUTIES,

CIRCUMSTANCES of the highest importance have induced me to summon around me the Representatives of the Nation, so worthy, in every respect, of the confidence which it reposes in them; my own is also revived, by seeing them assembled in this sanctuary of the Laws, because the pressing wants of the Country will now be speedily relieved.

The Enemies of the Constitution, employing every means which the passions, as barbarous as infatuated, can suggest, have succeeded in plunging into the career of crime a considerable number of Spaniards. The misfortunes which these excesses have produced in Catalonia, Arragon, and other Frontier Provinces, weigh heavily on my heart, and must weigh as heavily on yours. It is your duty to apply the most efficacious remedies to such a lamentable state of things. The Country

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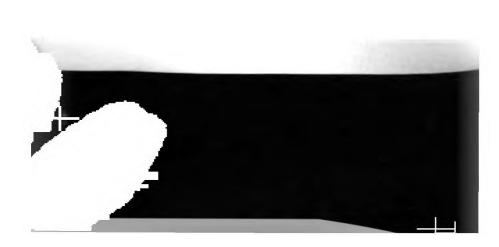
requires the aid of a fresh supply of Men, in order to curb the insolence of its rebellious Sons; and the brave and loyal Soldiers, now serving in the field of honour, demand a large reinforcement, to insure a happy result to the enterprizes in which they are employed.

Nations mutually respect each other, in proportion to their internal resources, and to the energy which they display under certain trying circumstances. Spain, by its position, the extent of its Territory, its productions, and the moral qualities of its Inhabitants, claims a distinguished place in the political scale of Europe. Every thing invites her to assume an imposing attitude, and to secure, by her vigour, the consideration which is due to her from other Nations : every thing teaches us the necessity of forming new relations with those States which know how to estimate our real wealth.

I need not recall to your recollection the glory and the services of the Spanish Army—a model of disinterestedness and patriotism. The heroick sacrifices which it made for the Independence of the Country are well known, and all Europe must acknowledge the services which it is now rendering to the cause of Liberty and of the Country. Those Citizen Warriors call for a new Military Code, which should be consistent with the Fundamental Laws of the Land, and with the improvements which have been effected in the art of War. The Ordinary Cortes, in their preceding Session, undertook this interesting task, the continuance of which is one of the objects which I now recommend to your attention.

Now that we possess a Criminal Code, and that the promulgation of so necessary a work, relieves those who administer justice from the fatigue of seeking it, in the innumerable Volumes in which it has hitherto been concealed, it is absolutely necessary that a Code for regulating all Judicial Proceedings, drawn up in the same spirit, should at once remove all the obstacles which oppose its prompt execution.

Such are, Gentlemen, Deputies of the Nation, the weighty matters for which you have been summoned. Others of equal importance and interest will be submitted to your decision in the course of the present Extraordinary Session. Many are of a delicate nature and of difficult solution, but not superior either to your penetration, your knowledge, or your patriotism. The harmony which will prevail amongst all the Friends of Liberty, will shed a new lustre upon all those eminent qualities, which are the best pledge for Spain and for myself of your arriving at a prudent decision. All good Men will rejoice in seeing you again occupied in promoting their happiness, and Traitors will ever find in the National Congress an insurmountable obstacle to their criminal projects.



ROCLAMATION of the President, to the People and Army of Hayti, respecting the Publick tranquillity.-19th August, 1822. (Translation.) CITIZENS,

Our Country was but a short time ago divided and torn by intestine factions. The traces of desolation are to be seen every where; we still behold the victims of those frightful times when crime was heaped upon crime, and when unbridled passions, overturning what might have constituted the force of the Country, prepared an easy access for Foreign Enemies, who unceasingly meditated the destruction of our National Independence.

You cannot have forgotten the calamities which have afflicted you for more than 20 Years; you are not ignorant of the want of union being the sole cause of all your misfortunes. You are witnesses, that the Government, since the foundation of the Republick, has not deviated from the route marked out for the amelioration of your condition. By perseverance and good faith, by watchings and sacrifices, it has dissipated the clouds which were gathered over your heads; it has united and attached the scattered parts of the State to a common centre, and has formed out of all the Haytians only one family, rendering triumphant throughout our Island the principles of true liberty, the advantages of a wise equality.

The prosperous futurity which such a change seemed to promise to the Children of Hayti, frightened its Foreign Enemies, and overwhelmed with chagrin those few within it who regarded the Nation as existing only for themselves, and who were ever ready to sacrifice it to their vanity and ambition. Thus both conspired against the publick felicity, because their efforts, altogether directed to a different end, co-operated to impede our progress to prosperity.

In fact, whilst I pacified the Eastern part, and that glorious Revolution proved to Europe the force of our Institutions and the shameful and fruitless attempts of France against the Presqu'ile of Samana, General Romain, a man whom, on account of his age, (and with a view to satisfy such as dreamt of our ruin, that no Individual influence could overturn the State), I had rescued from the death he merited, for having organized the conspiracy at Gonaives, in February, 1821, sent secret Emissaries to the North, fomenting troubles and augmenting the number of his partizans: with what intention? It could only be for the purpose of subjecting his Fellow-citizens, and of obtaining the supreme command, by pursuing the path pointed out to him by Christophe. He, therefore, made use of the same means as the latter did against the victorious Petion to excite doubts as to his devotion to his Country.

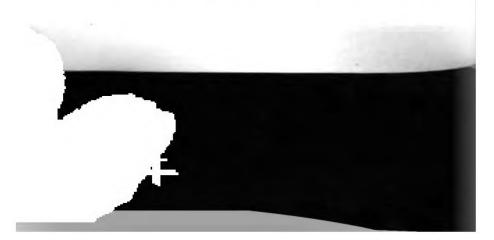
With the exception of a few wretched Intriguers, none have become the dupes of the artifices of Romain, who, more effectually to deceive good Citizens, sent, in the names of Generals Gedeon and La-

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ST. DOMINGO.

motteaigron, a messenger to General Magny, to excite disquietude in his bosom and to shake his devotion. For this purpose the old and ridiculous measure was resorted to, of spreading a report that the Country was sold to the French. General Magny, highly honorable, and indignant at the message which had been addressed to him, arrested James Peter Lamotte, the bearer of it, and informed me of the conspiracy that existed. In answer to General Magny, I repelled the idea that Generals Gedeon and Lamotteaigron were the authors of this infamous message, and ordered the criminal messenger to this Capital. But General Romain heard of this step the moment the news reached Leogane, and attempted to escape from that place, in which he was a prisoner. General Gedeon, who was responsible for his Person, and charged with strictly watching him, then ordered him to the guard house-he positively refused to obey, and compelled them to use an armed force, which he also resisted. It is this resistance which, to my sincere regret and contrary to my intentions, has caused the death of General Romain, who doubtless preferred thus to bury his crime than to appear before Judges whose severe justice would have quickly unveiled his abominable machinations. Such has been the end of a man, who, because he fought, as did many others, for his Country, supposed he could subject it to his will and his caprices. This circumstance, although it has opened the eyes of the Nation, and has called forth additional proofs of their unshaken disposition, has, nevertheless, induced other Intriguers, of a different class to believe, that the moment was favorable for the execution of their Projects, by becoming the compliant echoes of the seditious words of General Romain. Publick opinion has defeated the plans of these perverse Men, and the viplance of Government will pursue them till they have fallen beneath the sword of the Law.

Citizens, the Government, strong in the rectitude of its principles, will always march with a firm step, in order that you may enjoy that quiet which is annoying to your Enemies, and for which you have made such heroic sacrifices. Neither the speeches nor the arts of ambitious Men shall intimidate it; but your repose will be troubled, your families tormented, if you do not exert yourselves to stifle them, by denouncing to the Magistrates, placed as a guard over the publick tranquillity, those Persons who spread alarming reports, and whose seditious proposals have a tendency to shake your confidence. Recollect that these mischievous Characters are to be found in all Countries; that they are restless and envious, never satisfied with what may be done for them, and that they are pleased only by the adoption of such innovations as they themselves propose. Thank Heaven, their number is but small, and that your patriotism is sufficient to restrain them, and to prevent them from again uniting in order to divide you. If, I repeat, you point them out to the proper Authority, they shall no longer be the Agents



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our external Enemies, who await only the slightest disturbance in Country, to fall on it, and to destroy all that you have done for the appiness of your posterity, and the glory of the Haytian name.

Magistrates, Functionaries of every description; you are responsible for the publick tranquillity; recollect that the People wish to enjoy their liberty, their Independence : that it will no longer be the sport of intrigues and factions; that it will obey only the voice of the Government for the defence of its interests and its rights. Hunt down the Alarmists, whomsoever they may be, or to whatever Body they may belong; pursue them agreeably to the established rules, that they may be convicted and punished according to Law, and that the honest and peaceable Citizen may be protected. Fulfil, punctually, the obligations you contracted on accepting your present stations; know that, if your Fellow Citizens consent to respect you, to honour you as publick officers, it is because they consider you as the watchful guardians of their repose; far be from you the criminal idea of acting like those Men, who were ambitious of authority, solely because it offered them lucrative advantages, and the power of oppressing their Fellow Creatures.

Soldiers; you have ever served the Republick, and will forever be the pillars on which the National Edifice will rest. You will be constantly the terror of designing Men, since you have learnt to appreciate the sweets of liberty amidst privations and sufferings known only in Camps. You have sworn, on your arms, fidelity to the Government; listen to my voice, it will be raised only to direct you in the path of honour; you have seen me sharing your pains, your fatigues and your dangers; you will still behold me, to my latest breath, consecrating my existence to your happiness, and urging you fondly to cherish our rallying words: Long live Liberty! Long live Independence! Long live the Republick.

At the National Palace of Port au Prince, the 19th August, 1822. BOYER.

By the President.

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B. INGINAC, Secretary General.

ORDINANCE of the King of Sweden, for the encouragement of Trade between Sweden and South America.—15th June, 1822. (Translation.)

WE, the President and Members of the College of Commerce, &c. do hereby make known, that His Majesty, by His gracious Notification, of the 15th instant, to this Board, has been pleased to declare, that his Subjects may trade with all Places on the Continent of South America. That, for the encouragement of Trade with those Places, the reduction

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of duties, which, under the name of "West India Relief," has hitherto, in certain cases, been granted, shall be extended to goods of South American produce, when imported in Swedish Ships from any Port whatever on that Continent; and further, that Merchant Vessels, belonging to the Inhabitants of such Ports of the said Continent, in which Swedish Vessels meet with a friendly reception, shall be admitted into Swedish Ports, to dispose of their Cargoes, if consisting of goods permitted for consumption, and the produce of the South American Continent, and to purchase return Cargoes.

All which we hereby make known to all whom it may concern. Stockholm, 18th June, 1822.

C. OF KLENTEBERG.

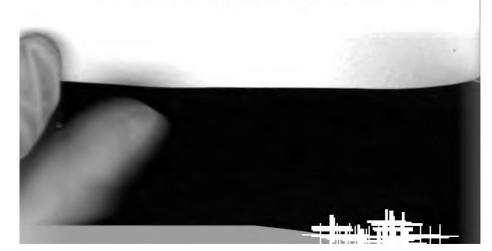
C. LEUNGREN.	E. W. BRANDEL.
S. T. WEGNIS.	GUST. ALTEN.
A. J. WALLSTJERNA.	J. A. HERKMAN.
A. P. V. SYDROM.	ALEX. WIDELL.
S. M. CASSTROM.	C. I. ORMBERG.
G. HAGERT.	O. E. BERGENS.
J. H. V. SY	DOM.

DISCOURS du Roi, à l'Ouverture de la Session Extraordinaire du Storthing de Norvège, le 20 Septembre, 1822. MESSIEURS,

C'EST toujours avec une satisfaction nouvelle que je viens parler aux Représentans des Peuples, que la Providence a confiés à mes soins, le bonheur que je trouve à multiplier les preuves de mes dispositions à leur égard, provient d'une conviction bien acquise, qu'elles sont conformes à l'équité, et à la saine raison, puisqu'elle tendent à consolider l'empire des Loix, librement acquises et franchement exécutées.

Vous savez, Messieurs, par combien d'héroiques efforts, et de pénibles sacrifices les Institutions sont obtenues ou conquises par les Peuples. Vous savez quelles sont les difficultés qu'ils éprouvent à les consolider. Plus heureux que tant d'autres, vous les avez reçues comme un bienfait de la Providence; vous devez ainsi éprouver le besoin de travailler avec une main prudente, à élaguer ce qu'elles ont de contraire à leur exécution, et à ajouter ce que leur stabilité reclame. C'est pour assurer cette stabilité, dans l'exercice de vos droits, que je vous ai appelés, afin de conférer avec vous, sur les moyens de remplir, d'une manière indépendante, des conjonctures accidentelles, les engagemens, qui n'ont été qu'une suite naturelle de la liberté, dont jouit la Norvège comme Etat.

Les ressources que vous avez mises à ma disposition pour acquitter la Dette de la Norvège au Dannemarc, sont positives, et je persiste à croire que, si elles pouvaient être réalisées, elles seroient suffisantes.



Non moins confiant dans vos intentions que dans les miennes, je ous ferai présenter incessamment les moyens les plus propres à obtenir ce résultat si désirable, sans augmenter les charges publiques.

Votre patriotisme et ma sollicitude me permettent de croire, que je ne trouverai d'autre rivalité parmi vous, que celle de respecter, et de servir l'houneur national, à l'envi les uns les autres.

Notre Pavillon d'Union a obtenu de nouveaux avantages commerciaux dans la Mer Noire, et nos relations de bonne intelligence avec toutes les Puissances continuent sur le pied le plus amical.

J'assure le Storthing de la continuation de ma bienveillance Royale.

DISCOURS du Roi, à la Clôture de la Session Extraordinaire du Storthing de Norvège, le 16 Novembre, 1822.

MESSIEURS,

Les objêts importans pour lesquels je vous avois appelés à ce Storthing Extraordinaire, étant maintenant terminés, j'éprouve une satisfaction bien douce en vous faisant connaître, que j'ai l'espoir le mieux fondé que les résultats de vos délibérations seront de nature à consolider la prospérité du Royaume. Je rends justice à l'esprit de modération et de patriotisme qui a présidé à vos Séances. Vous avez reconnu que l'intérêt individuel doit céder à l'intérêt de la masse, et que l'on ne peut assurer les fortunes particulières, qu'autant que la fortune publique est établie sur une base solide. Vous avez reconnu ce principe immuable,-que la bonne foi est l'égide de la Loi, et la sauvegarde de la liberté. Après plusieurs siècles d'une forme de Gouvernement absolue, la Norvège a passé tout d'un coup à un Régime Constitutionnel; malgré cela vous avez évité les écueils, dont les Nations les plus civilisées et les plus éclairées n'ont pu se garantir, et vous avez maintenu avec un respect réligieux l'Acte Fondamental, en reconnaissant que ce n'est qu'avec les léçons de l'expérience qu'on doit procéder à des changemens et à des améliorations.

La marche de l'état social présente souvent de grandes difficultés. Elles sont moindres dans une Monarchie illimitée où une seule volonté régit tout. Lorsque la force ne rend compte qu'à la force, le Souverain peut tout contenir et tout reparer. Mais dans une Monarchie Réprésentative, où le Roi et chaque Citoyen ont des Devoirs et des Droits fixés par la Loi, il faut user d'une grande circonspection. Si un seul Individu veut outrepasser la ligne de ces Droits, il risque de compromettre à la fois les siens, et ceux des autres. Vous avez vu des exemples funestes des malheurs auxquels un Etat peut-être exposé, si les Représentans ne sont pas guidés par la conviction et par l'harmonie de l'opinion publique. Vous voyez encore, dans un des plus beaux Pays de l'Europe, une Nation valeureuse, qui combat depuis tant d'Années pour sa liberté, mais qui, désunie dans quelques Contrées, de sentimens et de volontés, ne voit pas le terme de ses malheurs, malgré les efforts les plus héroiques, et les sacrifices les plus douleureux. U ne confiance mutuelle entre le Chef et les Administrés, une harmonie parfaite entre les Citoyens, et une noble abnégation de toutes les vues d'égoisme et d'intérêt particulier en faveur du bien public, voilà les vrais moyens de faire prospérer un Etat, de la rendre florissant dans l'intérieur et respecté au dehors.

Vons avez rempli ces conditions, Messieurs, et l'Etat receuillera le fruit de vos efforts patriotiques. Vous jouirez personnellement d'une douce recompense, la bienveillance de votre Roi, l'estime et la réconnaissance de vos Concitoyens. Je suis heureux de pouvoir vous rendre publiquement le temoignage que vous avez justifié mes espérances, et rempli l'attente de la Patrie.

En déclarant maintenant, en vertu du Paragraphe LXX. de la Constitution, que les Sessions de ce Storthing Extraordinaire sont closes, je vous invite Messieurs, à vous réunir avec moi, en actions de grace, à la Providence qui ne cesse de vous combler de ses bienfaits, et de veiller sur la Presqu'ile Scandinave.

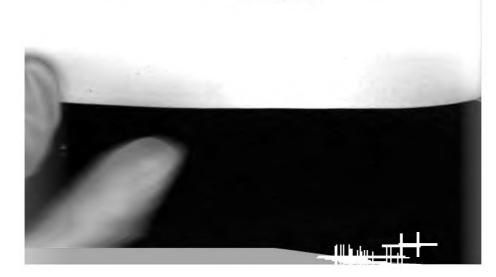
Tranquilles chez nous, en paix et en relations d'amitié avec toutes les Nations, nous pouvons vouer nos facultés à l'accroissement des différentes branches de l'Industrie Nationale, sources premières et intarissables de la prospérité des Etats. De retour dans vos foyers, vous donnerez à vos Frères l'exemple de la concorde, du travail et d'une sage économie, et quoique les fonctions que vous avez si honorablement remplies pendant les deux derniers mois, cessent aujourd'hui, vous continuerez, j'en suis sur, d'être utiles à la Patrie.

Adieu, Messieurs, je fais des vœux pour le bonheur de chacun de vous, et je vous assure tous de ma bienveillance Royale.

MESSAGE from the President of The United States ¹⁰ Congress, transmitting Notes from the Spanish Envoy, respecting Spanish America and Florida.—6th May, 1822.

To the House of Representatives of The United States :

I TRANSMIT to Congress Translations of 2 Letters from Don Joaquin d'Anduaga to the Secretary of State, which have been received at the Department of State, since my last Message, communicating Copies of his Correspondence with this Government. *Washington*, 6th May, 1822. JAMES MONROE.



UNITED STATES AND SPAIN.

Don Joaquin d'Anduaga to the Secretary of State.—(Translation.) IR, Philadelphia, 24th April, 1822.

As soon as the news was received in Madrid of the recent occurrences in New Spain, after the arrival at Vera Cruz of the Captain-General and Supreme Political Chief appointed for those Provinces, Don Juan O'Donoju, and some Papers were seen relative to those same transactions, it was feared that, in forming the Treaty concluded in Cordova, on the 24th of August last, between the said General and the Traitor Colonel Don Augustin Iturbide, it had been falsely supposed, that the former had power from His Catholick Majesty for that act; and in a little time the correctness of those suspicions was found, as, among other things, the said O'Donoju, when on the 26th of the same August, he sent this Treaty to the Governor of Vera Cruz, notifying him of its prompt and punctual observance, he told him, that, at his sailing from the Peninsula, preparation for the Independence of Mexico was already thought of, and that its bases were approved of by the Government, and by a Commission of the Cortes. His Majesty, on sight of this, and of the fatal impression which so great an imposture had produced in some of the Ultramarine Provinces, and of what must without doubt be the consequence, among the rest, thought proper to order that, by means of a Circular to all the Chiefs and Authorities beyond seas, this atrocious falsehood should be exposed; and he has now deigned to command me to make known to the Government of The United States, that it is false, inasmuch as General O'Donoju proceeded beyond his Instructions, and because he never could have been furnished with other Instructions than those conformable to constitutional principles.

In compliance with this Order of His Majesty, I can do no less than observe to you, Sir, how unfounded one of the reasons is in your Note of the 6th instant, for the recognition by this Government of those of the Insurgent Provinces of Spanish America, that it was founded on the Treaty made by O'Donoju with Iturbide, since, not having had the power or instruction to conclude it, it is clearly null and of no value. I repeat to you, &c.

The Hon. J. Q. Adams.

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JOAQUIN D'ANDUAGA.

Don Joaquin d'Anduaga to the Secretary of State.-(Translation.) SIR, Philadelphia, 26th April, 1822.

I HAVE received your Note of the 15th instant, in which you are pleased to communicate to me the reasons which induce the President, not only to refuse to His Catholick Majesty the satisfaction which he demanded, in His Royal Name, for the insults offered by General Jackson to the Spanish Commissaries and Officers, but to approve fully of the said Chief's conduct.

Before answering the contents of the said Note, I thought it my

duty to request Instructions frc without delay, I have laid it befor I have confined myself to two ob 18th of November last, I said, that the actions, which had induced hi pelled from the Floridas, as crimin myself authorized to declare the through inadvertency, but upon the accused has a right to declare an a false, and much more an accusation assertion of mine does not presun merit of the said General, and of the titude of his Country; but although Country to eulogize and reward his lawful for the Representative of a Pov of his conduct. I cannot persuade n expression, you could have thought respect, it not being possible for tha mind, when, by his orders, Mr. Forsyt ster, on the 1st of September last, a 1 the Captain-General of the Island of honourable pecuniary motives, in not 1 without giving any proof of so injurious mark, that the rank of General Mahy as that of General Jackson in The Unite performed by him to his Country have is, of its consideration and respect.

2ndly. Although you are pleased to t taken from Colonel Coppinger are ready American Commissioners, after having ex to be returned to Spain, I do not think their return in this mannner, but in the my Note of the 22d of November last.

As I have seen by the Publick Papers, municated to Congress the Note which you me, dated the 5th inst. and that it has bee take the liberty of requesting that you wil your influence, that this my Answer may manner, in order that Congress and the Publ if I have not answered the first part of it, as ness, it is only to wait for the Instructions of I have answered what was personal. I ren The Hon. J. Q. Adams. JOI

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MESSAGE of the President of The United States to Congress, upon the Subject of the Fortifications on Dauphine Island and Mobile Point.—26th March, 1822.

To the Senate and House of Representatives of The United States :

CONGRESS having suspended the Appropriation, at the last Session, for the Fortification at Dauphine Island, in consequence of a doubt which was entertained of the propriety of that Position, the further prosecution of the work was suspended, and an order given, as intimated in the Message of the 3d of December, to the Board of Engineers and Naval Commissioners, to re-examine that part of the Coast, and particularly that Position, as also the Position at Mobile Point, with which it is connected, and to report their opinion thereon, which has been done, and which Report is herewith communicated.

By this Report, it appears to be still the opinion of the Board, that the construction of works at both these Positions is of great importance to the defence of New Orleans, and of all that portion of our Union which is connected with, and dependant on, the Mississippi, and on the other Waters which empty into the Gulf of Mexico, between that River and Cape Florida. That the subject may be fully before Congress, I transmit, also, a Copy of the former Report of the Board, being that on which the work was undertaken, and has been, in part, executed. Approving, as I do, the opinion of the Board, I consider it my duty to state the reasons on which I adopted the first Report, especially as they were, in part, suggested by the occurrences of the late War.

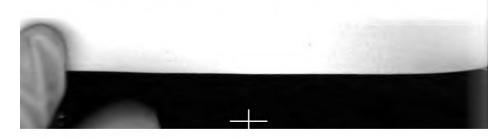
The policy which induced Congress to decide on, and provide for, the defence of the Coast, immediately after the War, was founded on the marked events of that interesting epoch. The vast body of Men which it was found necessary to call into the field, through the whole extent of our Maritime Frontier, and the number who perished by exposure, with the immense expenditure of money and waste of property, which followed, were to be traced, in an eminent degree, to the defenceless condition of the Coast. It was to mitigate these evils, in future Wars, and even for the higher purpose of preventing War itself, that the decision was formed, to make the Coast, so far as it might be practicable, impregnable; and that the measures necessary to that great object have been pursued with so much zeal since.

It is known that no part of our Union is more exposed to invasion, by the numerous avenues leading to it, or more defenceless by the thinness of the neighbouring Population; or offers a greater temptation to invasion, either as a permanent acquisition, or as a prize to the cupidity of grasping Invaders, from the immense amount of produce deposited there, than the City of New Orleans. It is known, also, that the seizure of no part of our Union, could affect so deeply and vitally the immediate interests of so many States, and of so many of our Fellowcitizens, comprising all that extensive Territory and numerous Population, which are connected with, and dependant on, the Mississippi, as the seizure of that City. Strong works, well posted, were, therefore, deemed absolutely necessary for its protection.

It is not, however, by the Mississippi only, or the Waters which communicate directly with, or approach nearest to, New Orleans, that the Town is assailable. It will be recollected that, in the late War, the publick solicitude was excited, not so much by the danger which menaced it, in those directions, as by the apprehension that, while a feint might be made there, the main force, landing either in the Bay of Mobile, or other Waters between that Bay and the Rigolets, would be thrown above the Town, in the rear of the Army which had been collected there for its defence. Full confidence was entertained that that gallant Army, led by the gallant and able Chief who commanded it, would repel any attack to which it might be exposed in front. But had such a Force been thrown above the Town, and a position taken on the Banks of the River, the disadvantage to which our Troops would have been subjected, attacked in front and rear, as they might have been, may easily be conceived. As their supplies would have been cut off, they could not long have remained in the City, and, withdrawing from it, it must have fallen immediately into the hands of the Force below. In ascending the River, to attack the Force above, the attack must have been made to great disadvantage, since it must have been, on such ground and at such time, as the Enemy preferred. These considerations show, that defences, other than such as are immediately connected with the City, are of great importance to its safety.

An attempt to seize New Orleans and the lower part of the Mississippi, will be made only by a great Power, or a combination of several Powers, with a strong Naval and Land Force, the latter of which must be brought in Transports which may sail in shallow water. If the defences around New Orleans are well posted, and of sufficient strength to repel any attack which may be made on them, the City can be assailed only by a Land Force, which must pass in the direction above 'suggested, between the Rigolets and the Bay of Mobile. It becomes, therefore, an object of high importance to present such an obstacle to such an attempt, as would defeat it, should it be made. Fortifications are useful for the defence of Posts, to prevent the approach to Cities, and the passage of Rivers; but, as Works, their effect cannot be felt beyond the reach of their cannon. They are formidable, in other respects, by the body of Men within them, which may be removed and applied to other purposes.

Between the Rigolets and the Bay of Mobile there is a chain of Islands, at the extremity of which is Dauphine Island, which forms, with Mobile Point from which it is distant about 34 miles, the entrance



into the Bay of Mobile, which leads through that part of the State of Alabama, to the Towns of Mobile and Blakeley. The distance between Dauphine Island and the Rigolets is 90 miles. The principal Islands between them are Massacre, Horn, Ship, and Cat Islands, near to which there is Anchorage for large Ships of War. The first object is to prevent the landing of any Force, for the purposes above stated, between the Rigolets and the Bay of Mobile; the second, to defeat that Force, in case it should be landed. When the distance from one point to the other is considered, it is believed that it would be impossible to establish works so near to each other as to prevent the landing of such a Force. Its defeat, therefore, should be effectually provided If the arrangement should be such as to make that result evifor. dent, it might be fairly concluded that the attempt would not be made, and thus we should accomplish, in the best mode possible, and with the least expense, the complete security of this important part of our Union, the great object of our system of defence for the whole.

There are some other views of this subject, which, it is thought, will merit particular attention, in deciding the point in question. Not being able to establish a chain of posts, at least for the present, along the whole Coast, from the Rigolets to Dauphine Island, or on all the Islands between them = at which point shall we begin? Should an attack on the City be an ticipated, it cannot be doubted that an adequate force would immediately be ordered there for its defence. If the Enemy should despair of making an impression on the Works near the Town, it may be presumed that they would promptly decide to make an attempt, in the manner and in the line above suggested, between the Rigolets and the Bay of Mobile. It will be obvious, that the nearer the Fortification is erected to the Rigolets, with a view to this object, should it be on Cat or Ship Island, for example, the wider would the passage be left open, between that work and the Bay of Mobile, for such an enterprise. The main Army being drawn to New Orleans, would be ready to meet such an attempt, near the Rigolets, or at any other point not distant from the City. It is probable, therefore, that the enemy, profiting of a fair wind, would make his attempt at the greatest distance compatible with his object, from that point, and at the Bay of Mobile, should there not be Works there of sufficient strength to prevent it. Should, however, strong Works be erected there, such as were sufficient not only for their own defence against any attack which might be made on them, but to hold a Force, connected with that which might be drawn from the neighbouring Country, capable of co-operating with the Force of the City, and which would doubtless be ordered to those Works, in the event of War; it would be dangerous for the Invading Force to land any where between the Rigolets and the Bay of Mobile, and to pass towards the Mississippi above the City, lest such a body might be thrown in its rear, as to cut UNITED STATES.

off its retreat. These considerations show the great advantage of establishing, at the mouth of the Bay of Mobile, very strong Works, such as would be adequate to all the purposes suggested.

If Fortifications were necessary, only to protect our Country and Cities against the entry of large Ships of War into our Bays and Rivers, they would be of little use for the defence of New Orleans, since that City cannot be approached so near, either by the Mississippi, or in any other direction, by such Vessels, for them to make an attack on it. In the Gulf, within our limits West of Florida, which has been acquired since these works were decided on, and commenced, there is no Bay or River, into which large Ships of War can enter. As a defence, therefore, against an attack from such Vessels, extensive works would be altogether unnecessary, either at Mobile Point, or at Dauphine Island, since Sloops of War only can navigate the deepest Channel. But it is not for that purpose alone that these works are intended. It is to provide, also, against a formidable invasion, both by land and sea, the object of which may be to shake the foundation of our system. Should such small works be erected, and such an invasion take place, they would be sure to fall at once into the hands of the Invaders, and to be turned against us.

Whether the acquisition of Florida may be considered as affording an inducement, to make any change in the position or strength of these Works, is a circumstance which also merits attention. From the view which I have taken of the subject, I am of opinion, that it should not. The defence of New Orleans, and of the River Mississippi, against a powerful invasion, being one of the great objects of such extensive works, that object would be essentially abandoned, if they should be established Eastward of the Bay of Mobile, since the Force to be collected in them would be placed at too great a distance to allow the co-operation, necessary for those purposes, between it and that at the City. In addition to which, it may be observed, that, by carrying them to Pensacola, or further to the East, that Bay would fall immediately, in case of such invasion, into the hands of the Enemy, whereby such co-operation would be rendered utterly impossible, and the State of Alabama would also be left wholly unprotected.

With a view to such formidable invasion, of which we should never lose sight, and of the great objects to which it would be directed, I think that very strong Works, at some point within the Gulf of Mexico, will be found indispensable. I think, also, that these Works ought to be established at the Bay of Mobile, one at Mobile Point, and the other on Dauphine Island, whereby the Enemy would be excluded, and the complete command of that Bay, with all the advantages attending it, be secured to ourselves. In the case of such invasion, it will, it is presumed, be deemed necessary to collect at some point, other than at New Orleans, a strong Force, capable of moving in any



direction, and affording aid to any part which may be attacked, and. in my judgment, no position presents so many advantages, as a point of rendezvous, for such Force, as the mouth of that Bay. The fortification at the Rigolets will defend the entrance by one passage into Lake Ponchartrain, and also into Pearl River, which empties into the Gulf, at that point. Between the Rigolets and Mobile Bay, there are but two Inlets, which deserve the name, those of St. Louis and Pascagola, the entrance to which is too shallow, even for the smallest Vessels; and from the Rigolets to Mobile Bay, the whole Coast is equally shallow, affording the depth of a few feet of water only. Cat Island, which is nearest the Rigolets, is about $7\frac{1}{2}$ miles distant from the Coast, and 30 from the Rigolets. Ship Island is distant about 10 miles from Cat Island, and 12 from the Coast. Between these Islands and the Coast, the water is very shallow. As to the precise depth of water in approaching those Islands from the Gulf, the report of the topographical Engineers not having yet been received, it is impossible to speak with precision ; but admitting it to be such, as for Frigates, and even Ships of the Line, to enter, the anchorage at both is unsafe, being much exposed to North-west winds. Along the Coast, therefore, there is no motive for such strong Works on our part; no Town to guard; no inlet into the Country to defend; and if placed on the Islands, and the entrance to them is such as to admit large Ships of War, distant as they are from the Coast, it would be more easy for the Enemy to assail them with effect.

The position, howe ver, at Mobile Bay, is essentially different. That Bay takes its name from the Mobile River, which is formed by the junction of the Alabama and Tombigbee, which extend each about 300 miles into the interior, approaching, at their head waters, near the Tennessee River. If the Enemy possessed its mouth, and fortified Mobile Point and Dauphine Island, being superior at sea, it would be difficult for us to dispossess him of either, even of Mobile Point; and holding that position, Pensacola would soon fall, as, without incurring great expense in the construction of Works there, it would present but a feeble resistance to a strong force in its rear. If we had a work at Mobile Point only, the Enemy might take Dauphine Island, which would afford him great aid in attacking the Point, and enable him, even should we succeed in repelling the attack, to render us great mischief there, and throughout the whole Gulf. In every view which can be taken of the subject, it appears indispensable for us to command the entrance into Mobile Bay; and that decision being taken, I think the considerations which favour the occupation of Dauphine Island by a strong Work, are conclusive. It is proper to observe, that, after the repulse before New Orleans, in the late War, the British Forces took possession of Dauphine Island, and held it till the Peace. Under neither of the Reports of the Board of Engineers and Naval Commis-



sioners, could any but Sloops of War e between Dauphine and Pelican Island anchorage 18 feet at low water, and 20 between them consists in this: that, in anchorage, reducing the depth of wa omitted. In neither case could Frigat of larger size might. The whole sco turns on a different principle—on the Bay, and by means thereof, New Orle surrounding Country, against a powe sea, and not on the precise depth of we the Bay or to the Island.

The reasoning which is applicable and at the Bay of Mobile, is equally which are to be erected for the defence the other parts of the Coast. All th greater scale than would be necessary, the passage of our inlets by large S instances, formed for defence against a Land and Sea. There are, however, so which are deemed necessary in the (our Union, founded on the peculia Coast. The vast extent of the Missi nel of commerce for so many States, the seizure of that City, or of any pa above it, is one of those striking pec provision. The thinness of the Pop necessary that the Force requisite for distant parts and States, is another assembled at New Orleans, would b case the Enemy should throw a force difficulty of ascending the River to at any other direction, is a third. F Orleans, Mobile Bay, or any part of War would be necessary only as a against a Naval Force on their passa shore, for the landing of the Men, they should be repulsed.

On the important subject of our to observe, that the system was adop by Congress, on great consideration effects of that War—by the enorm waste of life, of property, and by th The amount of Debt incurred in tl without taking into the estimate otl

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communicated, need not now be repeated. The interest of the Debt thus incurred, is four times more than the sum necessary, by annual Appropriations, for the completion of our whole System of Defence. Land and Naval, to the extent provided for, and within the time specified. When that System shall be completed, the expense of construction will cease, and our expenditures be proportionally diminished. Should another War occur before it is completed, the experience of the last marks in characters too strong to be mistaken, its inevitable consequences; and should such War occur, and find us unprepared for it, what will be our justification, to the enlightened Body whom we represent, for not having completed these defences ? That this System should not have been adopted before the late War, cannot be a cause of surprise to any one, because all might wish to avoid every expense, the necessity of which might be, in any degree doubtful. But, with the experience of that War before us, it is thought there is no cause for hesitation. Will the completion of these Works, and the augmentation of our Navy, to the point contemplated by Law, require the imposition of onerous burthens on our Fellow-citizens, such as they cannot or will not bear? Have such, or any burthens, been imposed to advance the System to its present state? It is known that no burthens whatever have been imposed; on the contrary, that all the direct or internal taxes have been long repealed, and none paid but those which are indirect and voluntary, such as are imposed on articles imported from Foreign Countries, most of which are luxuries, and on the Vessels employed in the transportation; taxes which some of our most enlightened Citizens think ought to be imposed on many of the articles, for the encouragement of our manufactures, even if the Revenue derived from them could be dispensed with. It is known, also, that, in all other respects, our condition, as a Nation, is, in the highest degree, prosperous and flourishing, nearly half the debt incurred in the late War having already been discharged, and considerable progress having also been made in the completion of this System of Defence, and in the construction of other Works of great extent and utility, by the Revenue derived from these sources, and from the sale of the Publick Lands. I may add, also, that a very generous provision has been made, from the same sources, for the surviving Officers and Soldiers of our Revolutionary Army. These important facts show that this System has been so far executed, and may be completed, without any real inconvenience to the Publick. Were it, however, otherwise, I have full confidence that any burthens which might be found necessary, for the completion of this System, in both its branches, within the term contemplated, or much sooner, should any emergency require it, would be called for, rather than complained of, by our Fellow-citizens.

From these views, applicable to the very important subject of our Defences generally, as well as to the work at Dauphine Island, I think

it my duty to recommend to Congress a I considered the withholding it at the 1 only of a doubt, by Congress, of the prop as a definitive opinion. Supposing that the at the present Session, I caused the Post Coast as are particularly connected with it the light on which the decision, as to the A might be fully before you.

In the first Survey, the Report of whi Works, intended for the defence of New O Bay of Mobile, and all the Country depend sanctioned by the Executive; the Commi engaged about 6 months. I should have co and interesting Document then, but from a c of our Country would justify its publication now mention, that the attention of Congress

Washington, 26th March, 1822.

PROCLAMATION of the President of declaring the Ports of The United to Vessels from certain British Is 24th August, 1822.

> By the President of the United States A PROCLAMATION.

WHEREAS, by an Act of the Congress of The on the 6th day of May last, it was provided, the dence being given to the President of The Un Ports in the Islands or Colonies of the West Indiof Great Britain have been opened to the Vessels the President should be, and thereby was, author clamation, declaring that the Ports of The United after be open to Vessels of Great Britain, emplointercourse between The United States and such subject to such reciprocal rules and restrictions as t United States might, by such Proclamation, mak thing in the Laws entitled, an Act concerning Na entitled "An Act supplementary to an Act conceto the contrary notwithstanding.

And, whereas, satisfactory evidence has been git of The United States, that the Ports hereinafter nat

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or Colonies in the West Indies, under the Dominion of Great Britain.

have been opened to the Vessels of The United States; that is to say, the Ports of Kingston, Savannah Le Mar, Montego Bay, Santa Lucia, Antonio, St. Ann, Falmouth, 5 in Jamaica. Maria, Morant Bay....... Saint George, Grenada. Rosseau, Dominica. Saint John's Antigua. San Josef...... Trinidad. Scarborough, Tobago. Road Harbour,..... Tortola. Nassau, New Providence. Pittstown,..... Crooked Island. Kingston, St. Vincents. Port George and Port Hamilton, Bermuda. Any Port where there is a Custom House,..... Bahamas. Bridgetown, Barbadoes. St. John's, St. Andrew's, New Brunswick. Halifax,..... Nova Scotia. Quebec,..... Canada. St. John's Newfoundland. Georgetown,..... Demarara. New Amsterdam, Berbice. Basseterre, St. Kitts. Charlestown,..... Nevis.

To Vessels of Great Britain, bona fide British-built, owned, and the Master and three-fourths of the Mariners of which, at least, shall belong to Great Britain; or any United States' built Ship or Vessel which has been sold to, and become the property of, British Subjects; such Ship or Vessels being also navigated with a Master and threefourths of the Mariners, at least, belonging to Great Britain: And, provided, always, That no Articles shall be imported into The United States in any such British Ship or Ve growth, produce, or manufacture, of the in the West Indies, when imported in B. such Island or Colony, and Articles of facture, of the British Colonies in Nor Newfoundland, in Vessels coming from Island, or from any of the aforesaid Pe North America.

Given under my hand, at the City of of August, in the Year of our Lord 1822, Independence of The United States.

By order of the President :

JOHN QUINCY ADAI

CIRCULAR of the Government of 7 Collectors of the Customs, explana Proclamation of the 24th August 18 with certain British Islands and C

Treasury Departs

Washington,

(Extract.)

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You will receive, herewith, a Copy of the sident of The United States, of the 24th ult with the authority vested in him by an Act o 6th of May last, entitled "An act in addiing Navigation, and also to authorise the Collectors."

The Proclamation specifies the British Co. Indies, and in North America, which have, by a the 24th of June last, been opened to the States; and from which British Vessels, poss tions, may be admitted to entry in the Ports until the end of the next Session of Congress.

According to the terms of the Proclamati imported into The United States, in any such other than articles of the growth, produce, of British Islands and Colonies in the West Indies, Vessels coming from any such Island or Colon and articles of the growth, produce, or manu Colonies in North America, or of the Island of case of such Vessels coming from the Port of St. or any of the Ports in North America specified in

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This is a corresponding regulation with that contained in the third Article of the Act of Parliament alluded to, in these words:---"Provided always, that no articles enumerated in the said Schedule shall be imported in any Foreign Ship or Vessel, or in any British-built Ship or Vessel so sold as aforesaid, unless shipped and brought directly from the Country or Place of which they are the growth, produce, or manufacture.

It results that British Vessels coming from British Colonial Ports in North America cannot bring articles of the growth, produce, or manufacture, of the British West India Islands, or the productions of any other Place or Country; and when coming from the British Co-Ionial Ports in the West Indies, cannot bring articles of the growth, produce, or manufacture, of the British Colonial Ports in North America, or the productions of any other Place or Country.

It is not to be understood, however, that the Proclamation limits the importation in British Vessels, to the growth, produce, or manufacture, of the particular Port or Island from which the Vessel may come: on the contrary, a British Vessel coming from any British Colonial Port in the West Indies, may bring articles of the growth, produce, or manufacture, not only of such particular Port, but also of any other of the British Colonial Ports in the West Indies; and a British Vessel coming from a British Port in North America, may bring articles of the growth, produce, or manufacture, not only of such particular Port, but also of any other of the North American British Colonies.

It may be proper to observe, that Vessels of The United States are neither affected by the Act of Congress, of the 6th of May last, before referred to, nor by the Proclamation of the President of The United States; but are still subject to the operation of the 3d Section of the Navigation Act of the 15th of May, 1820; according to which, they cannot import from British Colonial Ports in North America, the productions of the British Colonial Ports in the West Indies, or those of any other Place or Country; nor from the British Colonial Ports in the West Indies, the production of the British Colonial Ports in North America, or those of any other Place or Country; with the same privilege, however, as has already been stated, with respect to importations in British Vessels; that is to say, that the importations in American Vessels are not to be limited to the articles of the growth, produce, or manufacture, of the particular Port from which the Vessel may come; but the same latitude is to be enjoyed in this respect as in the case of British Vessels.

As the Act of Congress and the President's Proclamation extend no farther than to the opening of the Ports of The United States, on certain conditions and restrictions, to British Vessels arriving from certain British Colonial Ports, such Vessels and their Cargoes are not entitled to the privileges of the Convention between The United States and Great Britain, of the 3d of July, 1815; but British Vessels arriving from such Colonial Ports, are liable to 1 dollar per ton for tonnage duties and light money, and their Cargoes to the usual discriminating duty of 10 per cent. between importations of goods in Vessels of The United States, and Foreign Vessels not privileged by Treaty stipulations.

Although the Proclamation has no special reference to *exportations* from The United States, of the productions thereof, in British Vessels, yet from the spirit and intention of the regulation contemplated by it, I am of opinion that the Ports of The United States are to be considered so opened to British Vessels, as to render the provisions of the Act concerning Navigation, of the 18th of April, 1818, and of the Act supplementary thereto, of the 15th of May, 1820, entirely inoperative, as well with respect to exportations as to importations.

You will, therefore, consider British Vessels, having the qualifications mentioned in the Proclamation, as being privileged to export the productions of The United States to any of the British Colonial Ports or Places specified in it, and grant Clearances accordingly.

The Collectors, Naval Officers, and Surveyors, of The United States.

REPORT of the Secretary of War, relative to the Expenses of the Army and Militia. 1818 to 1822.—1st March, 1822.

The Secretary of War to the Speaker of the House of Representatives. SIR, Department of War, 1st March, 1829.

PURSUANT to a Resolution of the House of Representatives of the 7th ultimo, I have now the honour of submitting " a comparative view of the Expenses of the Army proper, and Military Academy, for the Years 1818, 1819, 1820, and 1821, and Estimates for 1822, arranged under the various heads of Expenditures according to the present and former organization of the Department of War." The Military disbursements for the Years 1816 and 1817, as explained by the Letter from the Second Auditor, accompanying this Report, are so blended with the arrearages of prior Years, pay and subsistence of the Militia, and Claims of certain States and Individuals, arising out of the late War, as to preclude the possibility of ascertaining the Expenses of the Army for those Years, and so as to put it out of my power to embrace them in the comparative view called for; though it is believed, if it could be embraced in the comparison, the result would not vary materially from that founded on the Expenditure of the Year 1818, in which Year a separation was made, for the first time, between the cur-



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rent expenses of the Army and the arrearages growing out of the Expenditures of the late War.

Table A, accompanying this Report, is the statement of the Second Auditor, and exhibits a view of the Expenditure of the Army proper, including the Military Academy, from the Year 1818 to 1821, inclusive; from which it appears that the Expenditures, after deducting for the increased expense on account of the Seminole War, in 1818, were, respectively, for those Years, 3,702,495 04 Dollars, 3,374,731 95 Dollars, 2,816,414 11 Dollars, and 2,180,093 53 Dollars; adding to the Expenditure of the last Year the arrearages of the Quarter-master's Department, and subtracting the Expenditure incident to the reducing the Military Establishment in June last, the Estimate for the Expenditure of the Year 1822, including the balances of such of the appropriations of the last Year as are required for the service of this, amount to 1,800,424 85 Dollars.

Table B is an abstract of the general returns of the Army, for the Years 1818, 1819, 1820, and 1821, showing the number of Officers and enlisted Men, as reported by the last Returns received at the Adjutant General's Office, togeth er with the Academic Staff and Military School at West Point, to which is added the number of the Military Establishment, by the present organization, for the Year 1822. From the exhibit in the Table, it appears that the average strength of the Army, including Officers and Cadets, for the Year 1818, was 8,199; for 1819, 8,428; for 1820, 9,693; for 1821, 8,109; and that, from the organization of the present Military Establishment, if the rank and file are kept full, the strength, for 1822, will amount to 6,442.

It also appears from the same Table, that the Commissioned Officers were, in proportion to the Cadets and rank and file of the Army, in service, for those Years, thus :

In 1818, as 1 to 11.75. In 1819, as 1 to 12.11. In 1820, as 1 to 13.57. In 1821, as 1 to 12.18. In 1822, as 1 to 10.25.

Table C. exhibits the result of the comparative view of the Expenditures of the Army for the Years 1818, 1819, 1820, 1821, and estimates of Expenditures for 1822. To illustrate distinctly the operations of the present system, in controlling the disbursements of the Army, through the instrumentality of a proper organized Staff, the items composing the Expenditures of the Army have been classed under 2 divisions, viz :

1st. Those which are fixed by Law, and which cannot be materially affected by Administration; such as, pay to the Officers and Men, subsistence to the former, and the allowance to them for Servants, forage, transportation for baggage, &c.

2ndly. Those items which are embraced under the general character of supplies for the Army, and which may be reduced by correct administration; such as subsistence to Soldiers, Clothing, Quarter-

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masters' and medical Stores. As most of the articles embraced under the above denomination, are exposed to fluctuate in price, and a considerable reduction took place in the medical, subsistence, and clothing supplies, within the periods compared, proper allowances have been made on that account, amounting, in the price of provisions, from 40 to $39\frac{1}{2}$ per Centum, and, in that of clothing and medical stores, from 7 to $8\frac{1}{2}$ per Centum. The Contracts made by the different Departments, and the price currents for those Years, in the principal Cities, have been the guides in fixing on those allowances. To the Quartermaster's disbursements no additions have been made, as any reduction, which may have taken place in the price of supplies furnished by that Department, has been more than balanced by the increased Expendtures to which it has been subject from the extension and multiplication of the Frontier Posts.

In 1818	3,702,495	04 doll
In 1819	3,663,735	16
In 1820	3,061,884	00
In 1821	2,327,552	13
And by Estimates for 1822	1,929,179	91

From the above data and average strength of each Year, conformably to an Abstract of the general Returns of the Army, it results, that the average cost of the Army, for each Individual, taking the aggregate of the Officers, Professors of the Military Academy, Cadets, and enlisted Men, in the service of The United States, for 1818, was, In Expenditures, not materially affected by administration, on an average, each 151 93 Its expenditures, which may be affected by administration, on an average, each 299 64 Total average cost for Officers and enlisted Men, &c. each, for 1818......Dollars... 451 57 For the Year 1819: In Expenditures of the 1st Class, each..... 158 72 In Expenditures of the 2d Class, each..... 275 98 Total average cost, each......Dollars... 434 70 For the Year 1820: In Expenditures of the 1st Class, each...... 140 45 In Expenditures of the 2d Class, each...... 178 43 Total average cost, each......Dollars... 315 88



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For the Year 1821 : In Expenditures of the 1st Class, each	136	62
In Expenditures of the 2d Class, each	150	
Total average Cost, each Dollars	287	02
For the Year 1822:		-
Conformably to Estimates, of the 1st Class, each	155	30
Conformably to Estimates, of the 2d Class, each	144	16
Total average Cost, each Dollars	299	46

From the above it appears that there has been an actual annual reduction in the average expense of each Officer and Soldier in the Service.

In the Year 1819, of..... 16 87 Dollars, each. In the Year 1820, of..... 135 69 In the Year 1821, of..... 164 55

And by Estimates for 1822, of 153 11

The Act of Congress for organizing the General Staff, agreeably to its present formation, was not approved until the 14th April, 1818, and the change in the system for controlling the disbursements of the Army, under the superintendence of the Chiefs of each Department located at Washington, could not be sufficiently matured before the close of the Year 1819, which, with the additional expense to which the Quarter-master's Department was unavoidably subjected in the Year 1819, from occupying advanced Military Posts on the Missouri and Mississippi Rivers, will account for the comparatively little reduction in the Expenditure in that Year.

The Expenditure for the Year 1822, compared with the aggregate of Individuals composing the Military Establishment, though favourable as contrasted with the expenses of 1818, 1819, and 1820, is not so with 1821. This difference is accounted for from the present organization of the Military Establishment, the Officers being in larger proportion to the rank and file, than under the former organization; but, if we should suppose the proportion to be the same, the comparison, founded on the Estimates for 1822, would be more favourable in its results than in the Expenditures of the preceding Year. From Table C it further appears, that the Army for the Year 1818, being 8,199 strong, including General Staff, Professors of the Military Academy, Cadets, and enlisted Men, cost, for that Year 3,702,495 04 dollars, and that the same numerical Force, at the rate of the expenditure in 1818, would have cost.

For 1819	3,564,105	30 dollars.
For 1820	2,589,900	12
For 1821	2,353,276	98
And on the Estimates for 1822	2,455,272	51

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After making an allowance of supplies, as above stat Years are, respectively, 138, 1,247,222 50 dollars.

Such are the results, as 1 Auditor of the Treasury Dep he has assigned in his Report counts of the Expenditure of however, confidently believed t taining the amount of the Expe any considerable degree, vary Expenditure has been effected b by the more minute controul whi the disbursements of publick m property. Its beneficial effects prompt rendition and settlement o. All the Accounts for Supplies, and the Commissary of Subsistence, fo the period at which the Contracts are settled, except a few small c 5,405 46 dollars, though there were bursing Officers attached to this Det.

The settlements of the other sub ment are not less prompt. It is belie nearly all the perfection of which it i the Table marked C, it will be seen th be affected by administration, and whi the Soldiers, will be but little reduced with those of last Year, and it is not dou system will hereafter prevent the accum and of any considerable losses in the exp every circumstance into consideration, th Posts, the quantity and quality of the St tion of Officers and Cadets, which, while i Peace Establishment, renders the Army 1 pared with the aggregate of Individuals, and Privates, it is believed that, at no per Military Establishment been, in proportio under its present organization.

Table marked D contains a comparative of supplying the Army, from the 1st of Ju May, 1817, under the former system, and the from the 1st of June, 1820, till the 31st o system commenced its operation on the 1st some additional expenses were necessarily inc it was thought that the operation of the system

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tested by taking the subsequent Year. The Year from the 1st of June, 1816, was assumed, under the old system, in preference to subsequent Years, under a belief that it presents the fairest test of the operation of the former system, the Accounts of that Year being more completely adjusted, and not involved in the increased expenditure on account of the Seminole War.

I have the honour to be, &c.

J. C. CALHOUN.

Hon. P. P. Barbour, Speaker House of Representatives.

PROCLAMATION of the President of The United States, promulgating the Treaty of Peace between The United States and Algiers, of the 23d December, 1816.—Washington, 11th February, 1822.

JAMES MONROE, President of the United States of America, to all and singular to whom these Presents shall come, greeting:

Whereas a Treaty of Peace and Amity between the United States of America and the Dey and Regency of Algiers, was concluded at Algiers, on the 23d day of December, in the Year of our Lord 1816, by William Shaler and Isaac Chauncey, Citizens of The United States, on the part and behalf of the said United States, and His Highness the Dey of Algiers, for and in behalf of the Dey and Regency thereof; which Treaty was duly signed and sealed by the respective Parties, and is in the words following, to wit:

Treaty of Peace and Amity, concluded between the United States of America and the Dey and Regency of Algiers.

The President of The United States and the Dey of Algiers, being desirous to restore and maintain, upon a stable and permanent footing, the relations of peace and good understanding between the two Powers, and for this purpose to renew the Treaty of Peace and Amity which was concluded between the two States, by William Shaler and Commodore Stephen Decatur, as Commissioners Plenipotentiary on the part of The United States, and His Highness Omar Pashaw, Dey of Algiers, on the 30th day of June, 1815:

The President of The United States having subsequently nominated and appointed, by Commission, the above-named William Shaler, and Isaac Chauncey, Commodore and Commander-in-Chief of all the Naval Forces of The United States in the Mediterranean, Commissioners Plenipotentiary to treat with His Highness the Dey of Algiers, for the renewal of the Treaty aforesaid; and they have concluded, settled, and signed, the following Articles:

ART. I. There shall be, from the conclusion of this Treaty, a firm,

perpetual, inviolable, and universal Peac President and Citizens of the United S part, and the Dey and Subjects of the Re on the other, made by the free consent terms of the most favoured Nations; an after grant to any other Nation any part navigation or commerce, it shall immedi other Party, freely, when freely it is gran but, when the grant is conditional, it shall tracting Parties to accept, alter, or reje manner as shall be most conducive to thei

II. It is distinctly understood betwee that no tribute, either as biennial presents, name whatever, shall be required by the D from the United States of America, on any

III. Relates to the mutual restitution and has been duly executed.

IV. Relates to the delivery, into the ha of a quantity of bales of cotton, &c. and has

V. If any goods, belonging to any Nati Parties are at War, should be loaded on b the other Party, they shall pass free and un shall be made to take or detain them.

VI. If any Citizens or Subjects belongin found on board a Prize Vessel taken from Party, such Citizens or Subjects shall be lik in no case, or on any pretence whatever, sha be kept in captivity or confinement; or the j Citizen, found on board of any Vessel belo which Algiers may be at War, be detained after the exhibition of sufficient proofs of A American property, by the Consul of The U Algiers.

VII. Proper Passports shall immediately of both the Contracting Parties, on condition belonging to the Regency of Algiers, on meetin belonging to the Citizens of the United States permitted to visit them with more than 2 Perso these only shall be permitted to go on board, leave from the Commander of said Vessel, Passports, and immediately permit said Ves Voyage. And should any of the Subjects of *I* the Commander, or any other Person on board plunder any of the property contained in he made to the Consul of The United States resid

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his producing sufficient proofs to substantiate the fact, the Commander or Rais of said Algerine Ship or Vessel of War, as well as the Offenders, shall be punished in the most exemplary manner.

All Vessels of War belonging to the United States of America, on meeting a Cruizer belonging to the Regency of Algiers, on having seen her Passports and Certificates from the Consul of The United States residing in Algiers, shall permit her to proceed on her cruize unmolested and without detention.

No Passport shall be granted by either Party to any Vessels but such as are absolutely the property of Citizens or Subjects of the said Contracting Parties, on any pretence whatever.

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VIII. A Citizen or Subject of either of the Contracting Parties, having bought a Prize Vessel condemned by the other Party, or by any other Nation, the Certificates of Condemnation and Bill of Sale shall be a sufficient Passport for such Vessel for 6 Months, which, considering the distance between the two Countries, is no more than a reasonable time for her to procure Passports.

IX. Vessels of either of the Contracting Parties, putting into the Ports of the other, and having need of provisions, or other supplies, shall be furnished at the market price; and if any such Vessel should so put in from a disaster at sea, and have occasion to repair, she shall be at liberty to land, and re-embark, her Cargo, without paying any customs or duties whatever; but in no case shall be compelled to land her Cargo.

X. Should a Vessel of either of the Contracting Parties be cast on shore within the Territories of the other, all proper assistance shall be given to her and her Crew: no pillage shall be allowed. The property shall remain at the disposal of the Owners, and if re-shipped on board of any Vessel for exportation, no customs or duties whatever shall be required to be paid thereon, and the Crew shall be protected and succoured until they can be sent to their own Country.

XI. If a Vessel of either of the Contracting Parties shall be attacked by an Enemy within cannon shot of the Forts of the other, she shall be protected as much as is possible. If she be in Port, she shall not be seized or attacked when it is in the power of the other Party to protect her; and when she proceeds to sea, no Enemy shall be permitted to pursue her from the same Port, within 24 hours after her departure.

XII. The commerce between the United States of America and the Regency of Algiers; the protections to be given to Merchants, Masters of Vessels, and Seamen; the reciprocal rights of establishing Consuls in each Country; the privileges, immunities, and jurisdictions, to be enjoyed by such Consuls; are declared to be on the same footing, in every respect, with the most favoured Nations respectively.

XIII. The Consul of the United States of America shall not be

responsible for the Debts contracted by the unless he gives, previously, written obligat

XIV. On a Vessel or Vessels of Wa States anchoring before the City of Algie the Dey of her arrival, when she shall rece Treaty or custom given to the Ships of Nations on similar occasions, and which sh And if, after such arrival so announced, an tives in Algiers, make their escape, and ta the said Ships of War, they shall not be re the Consul of The United States, or Comm required to pay any thing for the said Chri

XV. As the Government of The Unit character of enmity against the Laws, relig Nation, and as the said States have never (War or act of hostility, except in defence (high seas, it is declared, by the Contractin arising from religious opinions shall ever the harmony between the two Nations; an of both Nations shall have liberty to celebra tive Religions in their own houses.

The Consuls respectively shall have libe given them to travel within the Territories of by Sea, and shall not be prevented from g they may think proper to visit; they shall li appoint their own Drogoman and Broker.

XVI. In case of any dispute arising fro the Articles of this Treaty, no appeal shall be War be declared on any pretext whatever; b at the Place where the dispute shall happen, the same, the Government of that Country sh in writing, and transmit the same to the Gove the period of 3 months shall be allowed for during which time, no act of hostility shall Party; and in case the grievances are not reduce be the event, the Consuls, and Citizens, and S respectively, shall be permitted to embark with on board of what Vessel or Vessels they shall time being allowed for that purpose.

XVII. If, in the course of events, a War sh the two Nations, the Prisoners captured by ei made Slaves; they shall not be forced to hard ment, than such as may be necessary to secure shall be exchanged rank for rank : and it is agr be exchanged in 12 months after their capture, be effected by any private Individual, legally authorized by either of the Parties.

XVIII. If any of the Barbary Powers, or other States at War with The United States, shall capture any American Vessel, and send her into any Port of the Regency of Algiers, they shall not be permitted to sell her, but shall be forced to depart the Port on procuring the requisite supplies of provisions; but the Vessels of War of The United States, with any Prizes they may capture from their Enemies, shall have liberty to frequent the Ports of Algiers for refreshment of any kind, and to sell such Prizes in the said Ports, without paying any other Customs or Duties than such as are customary on ordinary commercial importations.

XIX. If any of the Citizens of The United States, or any Persons under their protection, shall have any disputes with each other, the Consul shall delide between the Parties; and whenever the Consul shall require any aid or assistance from the Government of Algiers, to enforce his decision, it shall be immediately granted to him. And, if any disputes shall arise between any Citizens of The United States, and the Citizens or Subjects of any other Nations, having a Consul or Agent in Algiers, such disputes shall be settled by the Consuls or Agents of the respective Nations. And any disputes, or Suits at Law, that may take place between any Citizens of The United States, and the Subjects of the Regency of Algiers, shall be decided by the Dey in person, and no other.

XX. If a Citizen of The United States should kill, wound, or strike a Subject of Algiers, or, on the contrary, a Subject of Algiers should kill, wound, or strike a Citizen of The United States, the Law of the Country shall take place, and equal justice shall be rendered, the Consul assisting at the trial; but the sentence of punishment against an American Citizen shall not be greater or more severe than it would be against a Turk in the same predicament; and if any Delinquent should make his escape, the Consul shall not be responsible for him in any manner whatever.

XXI. The Consul of the United States of America shall not be required to pay any Customs or duties whatever, on any thing he imports from a Foreign Country for the use of his house and family.

XXII. Should any of the Citizens of the United States of America die within the Regency of Algiers, the Dey and his Subjects shall not interfere with the property of the deceased, but it shall be under the immediate direction of the Consul, unless otherwise disposed of by Will. Should there be no Consul, the effects shall be deposited in the hands of some Person worthy of trust, until the Party shall appear who has a right to demand them, when they shall render an account of the property: neither shall the Dey, or his Subjects, give hindrance in the execution of any Will that may appear.

ARTICLE ADDITIONAL AN

The United States of America, in (Algiers a proof of their desire to maintal Amity between the two Powers, upon a in order to withdraw any obstacle which is relations with other States, agree to annu Article of the foregoing Treaty, as gives to vantage in the Ports of Algiers over the n Treaties with the Regency.

Done at the Palace of the Government of December, 1816, which corresponds to Year of the Hegira 1222.

Whereas, the Undersigned William Sha of New York, and Isaac Chauncey, Comma Forces of The United States, stationed in duly appointed Commissioners, by Letters 1 of the President and Seal of the United S date at the City of Washington, the 24th of for negotiating and concluding the renewal tween the United States of America, and th Regency of Algiers:

We, therefore, William Shaler and Isaac as aforesaid, do conclude the aforegoing Tre Clause therein contained, reserving the same Ratification of the President of the United S with the advice and consent of the Senate of

Done in the Chancery of the Consulat States, in the City of Algiers, on the 23d Year 1816, and of the Independence of The

[The Signature of the Dey is stamped at the

Now, therefore, be it known, that I, James United States of America, having seen and co have, by and with the advice and consent of th fied, and confirmed, the same, and every Clau

In testimony whereof, I have signed these and caused the Seal of The United States to b

Done at the City of Washington, this 11th Year of our Lord 1822, and of the Independen of America the 46th.

By the President:

JOHN QUINCY ADAMS, Secretary of St

tures issued on the Exportation of Foreign Merchandize; of Payments for Bounties and Allowances; of Expenses of Collection; STATEMENT exhibiting the Amount of Duties which accrued on Merchandize, Tonnage, Passports, and Clearances ; of Debenand of Payments made into the Treasury, during the Years ending 31st December, 1801 to 1820, inclusive.

* * * * *

20,283,608 76 14,667,698 17 16,845,521 61 17,176,385 00 13,224,623 25 5,996,772 08 7,282,942 22 36,306,874 88 11,098,565 33 6,363,550 58 3,313,222 73 26,283,348 49 3 7,257,506 62 8,583,309 31 2 8 74 10,479,417 61 8,368,777 53 Payments into the Treasury. 15,006,612 12,438,235 7 10,750,778 \$ 2,936,487 3,224,623 12,020,279 27 10,130,601 52 11,813,630 72 17,524,775 15 21,828,451 48 17,116,702 96 12,449,556 15 27,484,100 36 13,236,361 46 2,513,490 03 8 8 2 10,332,163 75 6,527,168 20 3 3,142,008 37 69 2 3 Revenue. 36,306,022 14,135,138 16,576,454 16,059,924 7,902,559 6,708,366 4,250,361 Nett 767,222 00 484,045 68 612,622 13 607,750 96 543,227 14 494,998 02 439,882 87 440,924 46 404,428 40 475,838 95 465,015 58 816,373 50 744,810 66 746,422 15 184,018 06 410,483 94 355,862 85 Expenses of Collection. 451,555 7,022,166 22 12,962,872 90 14,689,975 73 17,189,076 82 16,667,675 18 18 389,585 81 22,574,873 63 17,809,628 36 13,216,778 15 86,771,038 09 28,300,473 86 11,718,259 12 7,118,850 15 4,606,224 44 4 10,614,619 58 14 8 8,343,484 08 3,617,847 32 13,719,407 068'2'8'0 Revenue. 12,471,834 Gross 1,811 74 85,319 86 24,346 41 154,587 89 167,100 01 209,003 39 188,634 90 48,940 18 2,268 05 784 13 16,002 42 133,978 07 151,717 66 190,674 04 198,751 02 160,152 55 192,741 51 Bounties and Allowances. 1,542,622 19 560,327 16 26,082 37 1,704,933 22 4,830,311 20 7,819,098 00 4,197,256 00 3,839,160 00 2,227,245 00 4,706,608 00 8 8 \$ 3 2,569,813 00 6,686,483 00 8,955,745 00 9,146,875 00 00 161'290'0 249,396 00 8,937,323 3,343,938 Debentures 8,301,912 8,286,965 Issued. 12,234 00 17,756 00 19,896 00 19,737 70 14,928 00 3,640 00 17,334 00 18,954 00 20,318 00 684 00 23,428 00 22,660 00 8 8 6,006 00 8 88 Passports and Clearances. 13,962 15,902 14,030 8,640 736 460,302 54 Tonnage and Light Money. 172,826 29 219,329 37 206,331 06 169,161 24 215,731 20 208,730 00 19 269'611 151,983 13 124,363 30 155,353 00 315,688 00 137,648 69 614,025 59 323,005 45 131,217 51 8 16 87,991 18 8/6'092 68,827 DUTIES ON db. 11,608,071 27 16,601,711 71 161 20,216,347 49 14,771,566 96 11,164,557 83 21,996,642 12 20,872,567 65 10,427,412 21 4,403,922 12 ş 32,743,569 38 288 5 28,601,709 56 26,295,055 47 26,697,274 02 14,990,188 51 18 668'628'1 Merchandize. 14,257,359 37,847,751 25,798,490 21,228,683 20,216,347 6,533,390 201 탄범 YEARS. 1081

UNITED STATES.

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JOSEPH NOURSE, Register,

Treasury Department, Register's Office, 22d December, 1821.

Junta, or State Council, consisting of Representatives from each of the Brazilian Provinces.—16th February, 1822. (Translation.)

WHEREAS, I have assented to the repeated wishes and desires of the loyal Inhabitants of this City, and of the Provinces of St. Paulo and Minas Geraes, that I should preserve the Regency of this Kingdom, which my August Father conferred upon me, until it receive, through the Constitution of the Monarchy, a final organization, wise, just, and adequate to its inalienable rights, dignity, and future felicity; for as much also, that, by taking any other course, this rich and extensive Kingdom of Brazil would be exposed to the evils of anarchy and civil war; and desiring, for the general advantage of the United Kingdom, and in particular for the benefit of the People of Brazil, to anticipate the regulation and complete establishment of that Constitutional System which they so well merit, and which I have sworn to give them, with the view of henceforth forming a Central Authority for measures and objects, whereby the integrity and liberty of this great and fertile Country may be the better maintained and defended, and its future felicity secured; I have thought fit to order the convocation of a Council of General Representatives of the Provinces of Brazil, to represent them pro tempore; those Provinces which have 4 Deputies in the Cortes, electing 1 Representative; those which have from 4 to 8 Deputies, 2 Representatives; and those which have 8 Deputies or upwards, 3. These Representatives may be removed from their charge by their respective Provinces, in case of not duly performing their duty, should such removal be required by two-thirds of the Provincial Councils, in a general and extraordinary Assembly; the nomination of other Representatives in their stead being then made. '

These Representatives shall be nominated by the Parochial Electors, assembled in the chief Towns, and their Election shall undergo a scrutiny by the Council of the Capital of the Province, those being finally returned who shall have the greater number of votes among the Nominees. In case of inequality of votes, the decision shall be made by lot. All the said nominations and scrutinies shall take place in conformity with the instructions which my August Father ordered to be executed by the Decree of the 7th of March, 1821, in so far as it may be applicable, and is not revoked by the present Decree.

The duties of this Council shall be:—1st. To give me advice, whenever I may call for it, in all important and difficult affairs. 2d. To examine the great Plans of reform which must be made in the general and particular administration of the State, when they shall



be committed to the said Council. 3d. To propose to me those measures and plans which may appear most urgent, and advantageous to the welfare of the United Kingdom, and the prosperity of Brazil. 4th. Each Member to advocate, and zealously attend to, the interests of his respective Province.

This Council shall meet in a Hall of my Palace, at all times when I order it to be convoked; and, also, whenever it may appear necessary for the said Council to assemble, in consequence of the urgency of publick affairs; on which occasions notice shall be given to me by the Secretary of State for the Affairs of the Kingdom.

This Council shall be presided over by myself, and its Sittings shall be attended by my Ministers and Secretaries of State, who shall have seats and vote therein. For the better management and dispatch of affairs, the Council shall appoint from among its Members a Vice-President monthly, who may be re-chosen, should such a re-election appear proper. The Council shall also appoint a Secretary, who shall prepare the Minutes of the Sittings, draw up the Plans which are approved, and the Resolutions which are adopted by the Council. As soon as the Representatives of 3 Provinces shall be assembled, the Council shall proceed to execute its functions.

In order that due honour may be paid to such distinguished Citizens, I have thought fit to grant to them the title of Excellency, whilst in the exercise of their important duties; and I further order, that in all publick ceremonies, the Council shall take precedence of every other Authority of the State, and that its Members shall enjoy all the pre-eminences hitherto usually enjoyed by Councillors of State in the Kingdom of Portugal.

Jozé Bonifacio de Andrade e Silva, Minister and Secretary of State for the Affairs of the Kingdom and for Foreign Affairs, is charged to see this Decree executed with the necessary dispatch.

The Palace, 16th February, 1822.

[By His Royal Highness the Prince Regent.] JOZE BONIFACIO DE ANDRADE E SILVA.

SPEECH of the Supreme Director of Chili, on the Opening of the Preparatory Constitutional Assembly.—Santiago, 23rd July, 1822.

(Translation.) (Extract.) LITTLE more than 5 Years have elapsed since the victory of Chacabuco, and during that time veteran Corps have been formed which guard our liberty, and have proceeded to give it to.Peru and Chiloe; within that period a Marine has been created which has overcome our Enemies in the Pacifick; a Treasury has been formed which has ŝ

doubled its receipts; a Provisional Gov Agriculture, Industry, and Commerce Projects for publick benefit are about to

Such are the triumphs of freedom a turies under our old Government passec change or improvement!

To you, Fathers of the Country, beli fection of the work which has been comr weight of the Government rested on my earnestly supplicate you to relieve me fr has been provisional, and every thing is worthy Citizen you may appoint to succe sword shall be always at his side, in all peri and negociation, shall have given us the s knowledgment which we must obtain of c frankly to you. My request does not ari the perils of War; the embarrassments o Treasury; the want of resources, incidenta blished system of credit or settled national of our industry and commerce being in a knowledge of our numberless wants, which established, and to obtain which, great talen but from a profound sentiment which weigh my permanence in the Command incompati

Dear Fellow Countrymen; I return you zeal and fidelity with which you have shared the Country, and for the sacrifices you made i it. I received it enslaved, and I now deliver it with laurels, but still feeble and in its infar and wisdom to cherish, enrich, educate and d can there be without knowledge and without

My desire has always been, and I have that a Representative Government should be a might be its denomination; but the genera reason and experience, is, that the supreme be confided to a single Magistrate, whose auth by means of suitable Institutions. Care mus not nominal and vain, and that all rights be wise authority, security and the foundation of unstable.

The present state of civilisation and intelli cessity of advancing, or rather establishing in a manner, education and the means of improve Statesmen, Legislators, Economists, Judges, Architects, Mariners, Hydraulic Constructors,

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Artists, and Agriculturists. Knowledge, wealth and power, have always gone hand in hand in Nations; without these elements, which spring from each other, Chili will not be a Nation, nor will she obtain the fruits of her sacrifices.

You know the necessity of a reform of the Laws. Enquire whether the 5 celebrated Codes, so worthy of the knowledge of latter times, which exhibit by contrast the barbarous character of those which preceded them, can be adopted. Let us banish for ever Institutions founded on the Colonial System: if we proceed with diligence, all obstacles will yield to us. We cannot hope to attract Foreign Agriculturists, Artizans, and Capitalists, without offering them a solid guarantee of the liberty which they enjoy in other Countries. This is the most important acquisition. Our fertile soil and the bowels of the Earth are as yet untouched: those to whom I allude will soon extract from them their fruits and treasures.

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BERNARDO O'HIGGINS.

OVERTURE of the Colombian Government to the Governments of Europe, for the establishment of a Political and Commercial Intercourse with that Republick.—8th April, 1822.

(Circulaire.) Le Soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire de la République de Colombie, pour établir ses relations politiques et commerciales avec les Paissances de l'Europe; a l'honneur d'adresser, d'après les Ordres de son Gouvernement, à Son Excellence le Ministre des Affaires Etrangères de Sa Majesté Britannique, la Communication suivante:

Le bruit de la lutte que l'Amérique vient de soutenir contre l'Espagne a retenti dans tout l'Univers. S'il est permis d'en ignorer encore les merveilleux détails, nul doute ne peut du moins s'élever sur les immenses résultats obtenus à force de combats et de victoires. L'Amérique comprimée, asservie pendant trois siècles, a secoué le joug de la Métropole. L'Espagne n'est plus rien au-delà des mers qui baignent la Péninsule.

En effet, l'Amérique avoit atteint sa majorité; l'accroissement de la Population, la propagation des lumières, mille besoins nouveaux que la Métropole ne pouvoit satisfaire, rendoient la crise inévitable. L'Espagne, dépeuplée, sans marine, sans industrie, auroit-elle retenu plus long-tems sous ses Lois un Continent tout entier, séparé d'elle par le vaste Océan ? L'indépendance n'a donc fait que rétablir l'ordre naturel, et a mis un terme à des maux infinis que produisoit nécessairement une liaison mal assortie. L'Espagne, à jamais expulsée des riaucun moyen d'y rentrer. Divisée dans au-dehors, privée des Mines du Mexiqu elle des Soldats pour des expéditions loi. elle aux frais des armemens nécessaires I perdu?

Les Ports, les Havres, les Points f Américains; tous les emblêmes de la sup paru; les Lions et les Tours de Castille of l'Indépendance et de la Liberté. Dans c si long-tems la source de la grandeur Es domination Etrangère, il ne reste plus Guerriers qui furent envoyés pour s'oppos se forment des Etats naissans fondés sur l favorisés par la nature, puissans de ressour qui ne sauroit les tromper. Le climat seu invasions téméraires, si le courage éprou meilleure de toutes les garanties.

Parmi ces Etats s'éleve celui de Ce guerre implacable n'ont pu l'abattre, ni mên lombie a recueilli le fruit de ses nobles tra raine, indépendante. Bientôt, tous ces nou association complette, solennelle, et fixeron bases de cette grande Fédération contre l térieure seroit plus absurde que dangereuse. Monde civilisé, si elle était possible, échouen

Ainsi parvenue au point où elle est, au toutes les Nations existantes, voulant vivre Peuples, l'Amérique n'a plus qu'à se faire Famille dont elle fait partie, et à laquelle manquer d'offrir beaucoup d'avantages.

C'est dans ce but que le Soussigné, Minie République de Colombie, a l'honneur de s'a le Ministre des Affaires Etrangères de Sa Ma communiquer les intentions de son Gouverne

La République de Colombie est constitué en pleine activité. L'Espagne ne possède toire ; une Armée de 60,000 hommes soutenu même force, assure l'existence de Colombie.

La République a tout ce qui caractérise les sur la Terre; elle ne demande à aucun d'eux droit ils sont devenus ce qu'ils sont; ils existen importe de savoir. Colombie respecte tout ce réciprocité, elle la demande, et cette demande térêt, ni par la crainte; l'un et l'autre motif sor généreuse et libre. Qui pourroit l'attaquer? Qui pourroit ajouter à ses richesses, ou les diminuer? De qui aurait elle besoin, et parmi tous les Peuples connus, quel est celui qui n'aspirera pas à établir avec elle des relations commerciales? Colombie à la conscience intime de sa force. Si elle invite tous les Peuples à partager avec elles les trésors que la nature lui a prodigués, c'est plus tôt par un sentiment de générosité que par un esprit de calcul.

Quiconque s'approchera de Colombie avec des intentions pacifiques et bienveillantes, pourra puiser en toute sûreté dans la source commune de nos richesses. Telle est l'unique base des rapports que nous sommes jaloux d'avoir avec tous les Peuples de la Terre: cordialité, liberté, réciprocité. Les jalousies, les défiances, qui jadis séparoient les diverses Nations et les armoient l'une contre l'autre, sont bannies de la Législation ainsi que de l'esprit de nos Concitoyens. Nous ne démentirons jamais les principes philantropiques pour lesquels notre sang a coulé avec tant d'aboudance sur le champ de bataille et les échafauds.

Mais, après avoir ainsi rempli tous ses devoirs à l'égard des autres Nations, Colombie se doit à elle-même d'exiger que ses propres droits soient également reconnus : Colombie ne les tient de personne; elle s'est faite elle-même, et compte sur ses propres moyens pour se soutenir. Indépendante, forte, libre, invulnérable, elle n'obéit qu'à un sentiment de bienveillance générale; elle n'aspire qu'à rendre faciles, amicales, utiles, ses relations avec tous ceux qui traiteront avec elle.

Un vaste et riche Continent, habité par des Peuples civilisés, ne peut demeurer Etranger au reste du monde; toutefois il seroit difficile de concevoir des rapports durables, avanțageux, et tels que l'intérêt du commerce les réclame, entre des Etats dont les Gouvernemens ne se reconnaitroient pas réciproquement.

Ces principes non équivoques, ces considérations puissantes, imposent au Soussigné l'obligation de faire connoître à Son Excellence le Ministre des Affaires Etrangères de Sa Majesté Britannique, les intentions de son Gouvernement, qui sont les suivantes :

1. Que le Gouvernement de Colombie reconnoit tous les Gouvernemens existans, quelles que soient leur origine et leur forme.

2. Qu'il ne communiquera pas avec les Gouvernemens qui, de leur côté, ne reconnaitront point le Gouvernement de Colombie.

3. Que tout commerce, accès, séjour dans les Ports et sur le Territoire de Colombie, sont ouverts et assurés avec pleine liberté, sureté, tolérance et réciprocité, à tous les Peuples dont les Gouvernemens reconnaitront celui de Colombie.

4. Que ces mêmes Ports et Territoires sont et resteront fermés aux Sujets des Etats qui ne reconnoitraient pas celui de Colombie. 854

5. Qu'il sera établi des délais pour l'a le Territoire de Colombie, proportionnés reconnoissance proposée.

6. Qu'il sera pris des mesures par le pour prohiber toutes marchandises proven vernemens refuseront ou différeront de le

Le Soussigné, en portant à la connois: sentimens et les principes de son Gouverne d'une prompte réponse. Son Excellence pénétrer les motifs de cette demande de qui siège à une aussi grande distance, et organisation intérieure, et de l'établissem rieures, ne peut admettre ni les longueu croiroit, d'après d'anciens usages, pouvoir stance nouvelle, et dont la nouveauté mên désirer la prompte solution; solution que égale confiance des lumières du Gouverne propres forces.

Le Soussigné saisit avec empressement S. E. le Marquis de Londonderry.

ACT of Independence of the Province September, 1821

THE anxious wishes to become Independe ment, being publick and indubitable, which i have been manifested by the Inhabitants of Communications having also been received b Constitutional Municipalities of Ciudad Rea in which they inform us that they have proc said Independence, and urge us to do the being also well known that they have addres tions to other Authorities, it has been determi the Provincial Deputation;

That, in order to treat of a matter of su Members of the said Provincial Deputation, th bers of the High Court of Justice, the venerable Chapter, the College of Lawyers, the regular manders, and Publick Functionaries of every semble in the Town-hall, and deliberate thereu

The Communications above alluded to, ha subject fully discussed and meditated upon, and cries of "Independence," having been heard from the People who had assembled in the square, streets, yard, and the galleries of the Townhall, the following Resolutions were agreed upon :--

I. That as Independence of the Spanish Government is the general wish of the People of Guatemala, (without detriment to what may thereupon be determined by the Congress which is about to be formed,) the Political Chief shall be directed to proclaim the same, in order to avoid the consequences which might be apprehended, were the People themselves to proceed to a declaration of that Independence.

II. That Letters shall be immediately addressed to the Provinces by extraordinary Couriers, in order that without any delay they may be pleased to proceed to the election of Deputies or Representatives of their own, who shall assemble in this Capital, and form a Congress, which shall decide upon the question of general and absolute Independence; and, in case of agreeing to the same, determine the form of Government and the Fundamental Laws which shall be put in force.

111. That in order to facilitate the nomination of Deputies, the Electoral Juntas of the Provinces which ought to have elected the last Deputies to the Cortes, shall themselves name the present Deputies.

IV. That the number of Deputies shall be in the proportion of 1 for every 15,000 Persons, without excluding from the rights of Citizenship those who are descended from African Parents.

V. That the Electoral Juntas of Provinces, in conformity to the last Census, shall themselves determine, agreeably to this basis, the number of Deputies or Representatives which they are to elect.

VI. That, in consideration of the importance and urgency of the **business**, they will be pleased to close the Elections in such manner, that, on the 1st day of March, in the ensuing Year, 1822, the whole of the Deputies may be assembled in this Capital.

VII. That, in the mean time, no alterations shall take place in the Anthorities already established, who shall continue to exercise their several functions, in conformity with the Constitution, Decrees, and Laws at present in force, until the aforesaid Congress shall determine what may be more just and advantageous.

VIII. That the Political Chief, Brigadier-General Gavino Gainza, shall continue in the Superior Political and Military Government; and, in order that he may possess the authority suited to existing circumstances; a Consultive Provisional Junta shall be formed, composed of Messrs. Miguel de Larreinaga; Member of the High Court of Justice of this place; Jose Del Valle, Auditor of War; the Marquess de Aicinena, Jose Valdes, Treasurer of the Cathedral here; Dr. Angel Maria Candina, and the Licentiate Antonio Robles, third Constitutional Alderman; the 1st being for the Province of Leon, the 2d for that of Comayagua, the 3d for Quesalternal Chemaltenango, the 5th for Sonsonate, de Chiapa.

IX. That this Provisional Junta sha Chief on all economical and other matte and relating to the Government.

X. That the Catholick Religion, w former ages, and will profess to future on unaltered, and that spirit of Religion si always distinguished Guatemala; the ru shall be maintained, and their persons a

XI. That a Letter of advice shall Prelates of Religious Communities, in ration in the maintenance of peace and of a People, when they effect a transiti another,) they may take care, that the P promote concord and fraternity amongst sentiment of Independence, and in all oth of all personal animosities.

XII. That the Municipality entruste order and tranquillity, shall take the mopurpose, as well in the Capital as in the d

XIII. That the Political Chief shall 1 known the real sentiments of the People, t and Corporations, the measures of this new causes and circumstances which have deciin presence of the first Aldermen, and at t the Independence of the Country, and o Government that may be established.

XIV. That the Provisional Junta shall as the Municipality, the Archbishop, the ' Military Chiefs, the regular Prelates, their 1 the Chiefs and Persons employed in the Re Corporations, and the Troops in the respec

XV. That the Political Chief, in compality, shall make the necessary arrangem upon which the People shall also procla Independence.

XVI. That the Municipality shall give struck, which may transmit to future ages th September, 1821, when we proclaimed our h

XVII. That the present Act, and the afe printed, circulated, and sent to the Provincia tional Municipalities, and other Authorities, Secular, and Military, in order that, agreeing in the same sentiments as those manifested by the People in this City, they may be pleased to act conformably to the stipulations therein contained.

XVIII. That on the day which the Political Chief may be pleased to appoint, a solemn Mass of Thanks shall be celebrated, in the presence of the Provisional Junta. and of all the Authorities, Corporations, and Chiefs, with salutes of artillery, and 3 days of illumination.

National Palace of Guatemala, this 15th day of September, 1821.

SPEECH of The King to the Cortes, on taking the Oath to the Political Constitution of Portugal.—1st October, 1822. GENTLEMEN, _____ (Translation.)

I HAVE examined with attention the Political Constitution of the Monarchy, which, in the name of all the Inhabitants of the United Kingdom of Portugal, Brazil, and Algarve, was offered to me by its legitimate Representatives, united in the General Extraordinary and Constitutional Cortes of the Portuguese Nation; and I have considered, with scrupulous attention, the conditions of this new social Compact.

Placed by Providence at the head of a valiant and magnanimous Nation, and convinced that the general will is the fountain and the medium of all political power; it is my duty to identify my own with that general will, as I have always been sensible that my happiness is essentially connected with the prosperity of the Portuguese People.

Faithful to my principles, I flatter myself with having offered to the Nation, even under the most difficult circumstances, decisive proofs of the love I bear it, and of the uprightness which becomes my own dignity. The Portuguese acknowledge it, and this is the recompense the most worthy of my labours, as well as the sole object of my ambition.

The new social Compact being, therefore, the expression of the general will, the result of your wise meditations, conformable to this enlightened Age, and founded on a reciprocity of interests and sentiments, which make my cause inseparable from the cause of the Nation, I come this day in the midst of the National Representation, to accept the Constitution which you have just framed; and to confirm, by the most solemn Oath, the inviolable promise to fulfil it, and cause it to be fulfilled.

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Yes! Representatives of the heroic Portuguese Nation! your magnificent work, the fruit of so many enlightened and patriotic labours, will be respected and maintained. I swear it by the probity and firmness which you know me to possess. This sacred promise, as spontaneous as the resolution which br to the cradle of the Monarchy, to co enterprise, cannot have a surer guaran which I have maintained the bases to w which, in all the acts which characterise my intentions are pure.

I congratulate myself on meriting the Nation, as well as on the arrival of th in the annals of Portugal. It will shew paralleled example, of a Nation, regene publick tranquillity, and that the first Co tuguese, knowing how to make himself the People, knows also how happy it is Such, Gentlemen, is the glory to which sincere motives which induced me to accep tical Constitution of the Monarchy.

CORRESPONDENCE relative to Prussian Chargé d'Affaires from July, 1822.

WHEN the Court of Vienna, and, throug of Naples and Turin, had expressly refused Portugal, named by His Majesty subsequent of the 4th of July, 1821, it happened that refused Passports to the Chevalier d'Oliveiri Berlin in the quality of Chargé d'Affaires (him acquainted that he could not be admit) Answers, connected with this subject, had Courts of Vienna and Petersburgh, whose Min nounced themselves very positively against his

Although this *hesitation*, on the part of Minister, was much less offensive than the Austrian Government and its actual Suffragan His Majesty's Government, extremely punctilie the national dignity and honour, the protection entrusted to them, thought it their duty stri Prussia the line of conduct which that Governm to trace out to them. And, accordingly, when ment suspended the prosecution of the journey of that fact was met by a corresponding actual sus matick Relations with its Chargé d'Affaires, who The Chevalier d'Oliveira received Orders not to await the decision of the Court of Berlin, but to proceed immediately to that of Stockholm, in order to replace the Minister there, who, through motives of publick service, had been ordered to return to Portugal; His Majesty neither caring to know, what inquiries had been addressed by Prussia to Austria and Russia; what the Answers of those Powers would be; nor, consequently, whether the determination of His Prussian Majesty would be to accept or to refuse the Portuguese Minister.

The Government of His Majesty judged that it would be as much beneath His dignity to await this decision, as it judged it to be opposed to the consideration due by the Court of Prussia to His Royal Dignity, that it should hesitate to receive the Minister sent to it, in reciprocity for its own Agent accredited here since the month of September last.

During the time of this suspension of his functions, the Chevalier d'Olfers applied for an Order, in the usual form, for the free delivery of certain books sent to him from Hamburgh.

No difficulty was made in furnishing him with the same; but as it was necessary that the Director of the Customs should be made acquainted with the ground for exemption of duties, and as he could not be styled Chargé d'Affaires, since at that period he was no longer so, the true reason was given; namely, that the articles had been ordered at a time when he still exercised those functions.

This Order, which was courteously sent to him under flying seal, in order that he might make of it what use he pleased, excited the anger of the Chevalier d'Olfers, who complained that the suspension of his functions had been made publick, while his Court had only intimated, verbally, to the Chevalier d'Oliveira, that he should delay the prosecution of his journey.

In vain was it observed to him that the using, or forbearing to use, the Order which he had solicited, depending upon himself, this publicity, consequently also depended upon himself, which it was in his power to avoid, if he thought that any prejudice to him might arise from it.

Although the Chevalier d'Olfers made no use of the Order, yet he considered his suspension as published, and addressed thereupon bitter complaints to his Government.

In the mean time, the expected Answers from Vienna and Petersburgh arrived at Berlin, and in consequence of them, His Prussian Majesty's Government, being able to give free course to the liberal sentiments which have constantly distinguished it, during the last 25 Years of the war of opinions which has divided Europe, since the beginning of the French Revolution, immediately declared that it would receive any Minister whom the Portuguese Government would send to it. And in this manner ceased the suspicions which had been entertained, that the doubts opposed to the admission of the Chevalier d'Oliveira, proceeded from the same principles as the refusal of the Court of Vienna; it becoming evident that those doubts originated from no other motive than that of delicacy towards its two powerful Allies.

Upon the receipt of this intelligence, the Note of Communication, No. 1, was addressed to M. d'Olfers; who, demanding a Conference, required therein that a formal satisfaction should be made to him, for the alleged offence of having made publick the suspension of his functions; and an express declaration that His Majesty's Government had formed an erroneous and hypothetical judgment of the motives on which the Prussian Cabinet had proceeded.

He was answered, that the Portuguese Ministry, instead of making useless conjectures, as to what might have been the motives of the Prussian Government in hindering the journey of the Chevalier d'Oliveira, motives which that Government never had chosen to declare, had limited themselves to the simple act of retaliation; they had even, in order to shew that they bestowed no more thought upon such a subject, immediately changed the destination of that Minister, ordering him to proceed to the Court of Stockholm, and that he should take no further steps with regard to that of Berlin.

The Chevalier d'Olfers retiring with this Answer, took the resolution to demand his Passports, in the manner set forth in the Note No. 2, which gave rise to the Correspondence, Notes Nos. 3, 4, and 5, in which will be proved, by a fresh example, that the Portuguese Government prefers breaking off all Diplomatick Relations, rather than to suffer that Ministers accredited to its Court shall fail in a single iota in the respect which is due to the dignity of the King and of the Nation. (Lisbon Gazette.)

(1.)—Senhor Silvestre Pinheiro Ferreira to the Chevalier d'Olfers. (Translation.) Foreign Office, 3d July, 1822.

THE Undersigned, &c. has the honour to inform the Chevalier d'Olfers, &c. that he has just received from Berlin the agreeable Official Communication, that the Prussian Government, having entered into such explanations with the Governments of Russia and Austria, as its policy had judged necessary to precede the reception of M. le Chevalier d'Oliveira, Chargé d'Affaires of Portugal, there now no longer exists any obstacle to the reception, either of M. Oliveira, or of any other Person whom His Most Faithful Majesty shall please to accredit to the Court of His Majesty the King of Prussia.

His Most Faithful Majesty, recognizing by this declaration that no

dishonour to the dignity of his Crown had a share in the motives of the delay, which the Cabinet of Berlin thought proper to oppose to the reception of M. Oliveira, has determined that the Undersigned shall signify to M. le Chevalier d'Olfers, for the information of his Government, His Majesty's extreme satisfaction in seeing happily terminated the causes which have, for a moment, suspended the continuation of the relations of friendship, never before interrupted, between the two Courts, and in which His Majesty, equally with His Government, take an interest proportionate to its high importance.

The Undersigned felicitates himself on being the organ of this communication, and seizes this occasion to renew to M. le Chevalier d'Olfers the assurance, &c.

The Chev. d'Olfers. SILVESTRE PINHEIRO FERREIRA.

(2.)—The Chevalier d'Olfers to Senhor Silvestre Pinheiro Ferreira. (Translation.) Lisbon, 6th July, 1822.

THE Undersigned, Conseiller de Légation of His Majesty the King of Prussia, has the honour to inform his Excellency, Senhor Silvestre Pinheiro Ferreira, &c. that, in consequence of the verbal explanations into which he entered with his Excellency respecting the contents of his Note, under date 3d July, it only remains to him to demand his Passports, assuring him at the same time of the regret which he feels at being compelled by his Excellency to this extremity.

The Undersigned, &c.

H. E. Senhor Silvestre Pinheiro Ferreira.

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D'OLFERS.

(3.)—Senhor Silvestre Pinheiro Ferreira to the Chev. d'Olfers. (Translation.) Foreign Office, 6th July, 1822.

THE Undersigned, &c. has just received from M. le Chev. d'Olfers, Chargé d'Affaires, &c. a Note of this day's date, in which, after demanding his Passports, in consequence, as he states, of verbal explanations entered into between him and the Undersigned, on the purport of the Note which he addressed to him on the 3d instant, he concludes with asserting, that he has been compelled to this extremity by the Undersigned.

It being his duty to lay this Note of M. le Chargé d'Affaires before the King, the Undersigned cannot take upon himself to leave to His Majesty the task of divining, from a narrative which it would become necessary to make to Him, of the circumstances which took place between M. d'Olfers and himself, in the Conference of the 3d instant, the reasons which may have induced him to demand his Passports. And if to this be added, that the reputation of the Undersigned will not allow him to permit so serious an imputation to be recorded in the Archives of his Department, unaccompanied by the means of rightly estimating the same, the Undersigned conceives that he possesses the right of requiring, from the honour and good faith of M. le Chev. d'Olfers, an explicit declaration of the motives which, in the conversation which took place between them, on the 3d instant, upon the subject of the contents of the Note in question, can have induced M. d'Olfers to resort to what he terms the extremity of demanding his Passports.

The Undersigned, awaiting this explanation, in order to bring the same to the knowledge of the King, renews, &c.

SILVESTRE PINHEIRO FERREIRA.

(4.)—The Chev. d'Olfers to Senhor Silvestre Pinheiro Ferreira. (Translation.)

SIR,

The Chev. d'Olfers.

Lisbon, 7th July, 1822.

I HAVE had the honour, in many Conferences with your Excellency, to explain the only points of conciliation according to which it would be possible for me to resume my Diplomatick Functions; and this object not having been attained, either by your Excellency's Note of the 3d July, nor by the conversation which took place on occasion of that Note; on the contrary, all probability of arrangement having vanished, in consequence of the peremptory and formal refusal of your Excellency to accede to my propositions; I consider myself justified in saying, without the slightest idea of imputation, that this very refusal of your Excellency has constrained me to the disagreeable necessity, or, which is the same thing, to the extremity of withdrawing from this Court, and, by so doing, to fulfil my duty and the positive Orders of my Court, concerning which I have not left your Excellency in ignorance.

Constantly animated by the best dispositions to terminate amicably this disagreeable affair, I cannot afford to your Excellency a more convincing proof of this, than by repeating to you, even now, that, notwithstanding the new obstacles that present themselves, I am nevertheless yet disposed to renew, verbally, the propositions which I have made at various times; it not being in my power any longer to maintain a Correspondence with your Excellency, until those proposals are admitted, which I had the honour to present personally to His Majesty, and of which your Excellency has doubtless had to render an account-

Your Excellency cannot, moreover, fail to be convinced, that the refusal of those very proposals, constituted a sufficient motive, too well known to His Majesty, to place him in the necessity of forming conjectures.

This is all that I have to state in answer to your Excellency's Note of the 6th instant, to which I should certainly have returned the same answer, without the necessity of a formal appeal to my honour and good faith.

PORTUGAL AND PRUSSIA.

In the event, however, that your Excellency, judging unfavourably of my sentiments, which, it is to be hoped, is not the case, shall persist in withholding the only means within my reach, of reconducting matters to the point at which I desire to see them, permit me again to renew my solicitations for my Passports, referring myself to the Official Communication which I have already made to that effect.

I have the honour, &c.

H. E. Silvestre Pinheiro Ferreira.

D'OLFERS.

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(5.)—Senhor Silvestre Pinheiro Ferreira to The Chev. d'Olfers. (Translation.) Foreign Office, 8th July, 1822.

RESPONSIBLE for my conduct, not only to the King my Sovereign, but also to the Supreme Congress and to the Nation, it is not sufficient that it be known to His Majesty, in order to consider myself free from censure. The accusation which you bring forward against me, of having compelled you to the extremity of demanding your Passports, cannot be judged of by His Majesty, except by means of the explanation which I myself have given to him of the conversation which took place between us.

You will therefore see that I had a right to ask y u to have the goodness to communicate to me, in writing, the circumstances of this conversation, which could oblige you to take such a step. You said that, to induce you to make this declaration, there was no necessity to appeal, as I did, to your good faith and honour, and you refuse this, and offer verbal explanations only.

Although I am very far from believing that it is permitted to affirm, verbally, any thing which may not be repeated in writing, I nevertheless accede to this, such being your instructions; because our Correspondence is sufficient to prove on which side the right exists; whether on that which desires its publicity, or on that which seeks to conceal it under a veil of mystery.

Inclosed I forward the Passports which you have solicited, and which, I can assure you, are delivered to you with regret by the King's Government, who would have desired never to see interrupted the relations of most intimate friendship with that of His Prussian Majesty. But no one regrets so much as myself your retirement from this Court, where I had the happiness of becoming acquainted with those distinguished qualities which have inspired me with the invariable sentiments of consideration and esteem, with which I have the honour, &c. SILVESTRE PINHEIRO FERREIRA.

The Chevalier d'Olfers.

SPEECH of The King, on the C. Constituent Cortes of Portuga GENTLEMEN.

At the moment of closing your labe with you and the Nation, to render the the Legislative measures which you ha of the social edifice.

My attention is naturally fixed or Fundamental Law of the State, which I deliberately, and which receives this day Citizens.

Yes, Gentlemen, all Portuguese mu holding the Rights of Man, as a member o them on principles as solid and durab Throne, built upon the Law, and the pro tions, supported by the sublime power of profess; the safety of Individuals and 1 interest and security of the State; the a between the rights of the Citizen and his d Individual, and the well-being of society, bility of the publick Functionaries, and by What a sum of happy results, Gentlemen social compact promise !

Faithful Representatives of the Natio whole extent of the wants of the People. ditation prepared the work of the Cons provided a remedy for the evils that most u the administration of Justice; the resto Commerce, Navigation, Agriculture, Manuf and philanthropy, have received the impu zeal, which characterise and distinguish the in an enlightened age.

To this spirit of justice and order, with litical regeneration of the Monarchy was co tions of friendship and interest, which hap Powers; and most particularly with the Co tative Governments of both Worlds; and I h in being able to announce to you, that the n of the Governments of France and England against the apprehension of any attack upon

To the same wisdom, and to the measu which you have endeavoured to maintain th Kingdom, and to strengthen the fraternal ti Brethren of Brazil, the dissenting Province return of their tranquillity, and of the blessin

PORTUGAL.

expect, from their union with the Portuguese of Europe. This subject, Gentlemen, awakens recollections, which deeply afflict my heart. I would not touch upon it, were it not so intimately connected with the progress of your labours, and with the claim which it gives you, to the acknowledgments of the Nation, and to my personal gratitude.

The glory of Kings is inseparable from the happiness of their Subjects; and He who presides over a free Nation is as happy as He is miserable who rules over Slaves. This is the measure of the satisfaction which your illustrious and useful labours afford me. They open a boundless career of prosperity and glory to the noble Portuguese Nation, whose fate is essentially united with mine.

You are going, Gentlemen, to receive from your Constituents, the congratulations and benedictions to which your services entitle you. Couvey to them, at the same time, the assurance that my care and solicitude continue to be devoted to the welfare of the Nation. Acquaint them with the sincerity of my intentions and the consistency of my proceedings, of which you have been eye witnesses; and if it should be necessary, inspire them with a true love of their Country, which should induce them to sacrifice every thing for it; and teach them that a faithful adherence to the Constitutional System, essentially consists in obedience to the Laws, and in a love of order and justice, without which the best Institutions cannot prosper. In this manner, continuing to instruct and to edify, you will enjoy, in the publick gratitude, the just reward of your glorious labours; and the generous People to which you have consecrated them, by following the course which you have traced out for them, will become, by the perfection of their social Institutions, the model and the envy of other Nations.

SPEECH of the King, on the Opening of the Cortes of Portugal.-1st December, 1822.

GENTLEMEN,

(Translation.)

Your assembling in this August Hall, on a day celebrated by the Liberty and Independence of the Nation, offers an additional motive for me to congratulate you on the confidence with which your Fellowcitizens have distinguished you, at the same time that I recommend to your consideration the subjects of great importance with which you will have to be occupied.

The Constituent Cortes, by settling the conditions of the social Compact, have fixed the rights of Citizenship and the limits of civil freedom. In framing the Constitution to which we have sworn, they planned and commenced a magnificent work, the completion of which is by the Law and the choice of the Nation intrusted to your hands. So much the more difficult, therefore, must it be for you to fulfil the 866

duties which you have taken upon you correspond with the confidence of you:

Yes, Gentlemen ! great intelligence for the completion of the details of wisdom of which depends the triump rebellion of a constantly refractory ego guese People in general approve of the sensible of the necessity of reform. Pa and the Law, this heroick People are of distinguished place which it becomes the Nations.

The due administration of Justice Constituent Cortes, because that is the Laws, and the most important for Man mands your wise deliberation. It is a which has been begun should be complete ment may make known the effects of the Country desires.

The management of the Revenue, and Credit, claim your special attention. T attaining these objects would be the produthe Publick Income and Expenditure, b agreeably to the rules of a rigid economy. and a reform in the mode of collection and will depend on the wisdom of your deliber

The paternal love which I bear towards my solicitude and particular attention to 1 publick health, and the advancement of force of the People, being in exact proport ence and the preservation of publick safety, power and greatness of a Nation; and the social edifice depend essentially on the enco which derive their origin from a religious res

The well-directed liberty of the Press, the Constitution confers on virtue and talent hope of the moral and political regeneration with the progress of civilization. But the for the encouragement of the arts and science out the support of Legislative Authority; a t ledge and patriotism assure me will not be convinced that a Nation cannot be free wit civilized.

The regulatory Laws of the Municipal an on which, in a great measure, depend the fitution, and the vivifying principles of rege

necessary, for preventing those doubts which frequently arise, in consequence of the powers which belong to each of the constituted Authorities not being precisely defined. It was indispensably necessary to reform the ancient Institutions, but the necessity for those which are to be judiciously substituted for them, is still more urgent.

I am convinced of the wisdom and the zeal of the Legislative Body for the improvement of the different branches of the Publick Admi-My co-operative efforts will always be devoted to the nistration. welfare of the Nation, because I cannot consider my existence as happy unless it be accompanied by that prosperity, dignity, virtue, and felicity, which ought to constitute the habitual and permanent condition of the Portuguese People.

CONVENTION entre la Prusse et la Russie, relativement aux prétentions des Sujets du Royaume de Pologne, du chef d'anciennes Créances Silésiennes.-Signée à Berlin, le 20 Fevrier, 1822.

Au nom de la Très Sainte et Indivisible Trinité !

SA Majesté le Roi de Prusse, Grand Duc de Posen, et Sa Majesté l'Empereur de toutes les Russies, Roi de Pologne, considérant, que les prétentions qui se fondent sur des obligations contractées par l'Ancienne Bankalitats-Cameral-Casse à Breslau, ou par l'Ancien Steuer-A mt de Silésie, ou bien qui en général dérivent de prêts assignés sur les domaines, ou sur les fonds et revenus de Silésie, ont fait l'objet de Traités conclus entre la Prusse et l'Autriche; que la ci-devant Bankalitats-Cameral-Casse à Breslau n'a rien de commun ni avec la Banque de Berlin, ni avec le Comptoir de Banque à Breslau, lequel ne forme qu'un établissement sécondaire de cette dernière; que par la Convention de Berlin, du 23 Mai, 1819, les capitaux, que la Banque et la Caisse Générale des Invalides à Berlin possédent en Pologne, ont été déclarés propriété particulière, et ne sauroient, par conséquent, être attaqués à itre d'aucune créance ou prétention à la charge du Gouvernement Prussien; désirant d'ai leurs écarter les doutes, qui ont été élevés sur 'application des Stipulations contenues dans les Articles XIII et XIV le la susdite Convention du 73 Mai, 1819, et prévenir par rapport à es Stipulations, des interprétations, que, si clles étoient jugées néessaires, il n'appartiendroit qu'aux Gouvernemens seuls de faire; ont commé à cet effet leurs Plénipotentiaires: savoir ;

Sa Majesté le Roi de Prusse, le Sieur Chrétien Gonthier, Comte le Bernstorff, son Ministre d'Etat, du Cabinet et des Affaires Etrangères, hevalier des Ordres de l'Aigle Noire et de l'Aigle Rouge de la Première Classe de Prusse; de ceux de St et de Ste. Anne de la Première Cla l'Ordre Royal de St. Etienne de He l'Eléphant, et Grand' Croix de cel Grand Cordon de la Légion d'Honne l'Ordre Royal de St. Ferdinand et du l l'Ordre du Lion d'Or de la Hesse Elec Hesse Grand-ducale; Chevalier des O. Zahringen de Bade;

Et Sa Majesté l'Empereur de tout Comte d'Alopeus, Son Conseiller Priv Extraordinaire et Ministre Plénipote Chevalier des Ordres de St. Alexandr la Première Classe; Grand' Croix de St. Wladimir; Chevalier de l'Aigle Bl Cordon de la Légion d'Honneur; lesq Pleins Pouvoirs, trouvés en bonne et Articles suivans:

ART. I. Les réclamations fondées s d'obligations contractées par l'Ancienne Breslau, ou par l'Ancien Steuer-Amt de assignés sur les domaines ou sur les fond qui seroient élevées, soit contre la Banqu Berlin, soit contre toute autre institution o qui possèderoit des capitaux ou des biens soumises à la connoissance et à la dé Royaume. Ces Tribunaux ne pourront J arrêt de ce chef sur les propriétés, qu possèdent ou acquerroient en Pologne, et u sera incessamment levé.

II. Les Sujets Polonois qui posséderoie des prétentions de la nature de celles, don précédent, les remettront à leur Gouverne Ministre de Sa Majesté Impériale et Royal Prusse, afin que le Ministre les présent de Berlin.

III. Le Gouvernement Prussien fera dr qu'elles auront été reconnues légitimes et i portent sur des obligations, qui retomberon arrangemens qu'il va prendre avec le Gouv l'exécution définitive du Traité de Berlin de l' qui possedent des Créances de ce genre, s seconde main, ou moyennant des ventes ultéi ce rapport, tout comme les Sujets Prussiens partiennent à la même classe. IV. Les dispositions contenues dans les Articles II, et III, de la présente Convention entreront en vigueur dès que le partage à faire entre la Prusse et l'Autriche des Dettes de la Silésie, sera effectué.

V. Il est entendu, que les Stipulations arrêtées par les Articles IF, III et IV. de cette Convention, ne sont applicables qu'aux prétentions d'origine Polonoise, savoir à celles, qui ont primitivement appartenu à un Habitant du Territoire, qui compose le Royaume actuel de Pologne. Toutes les prétentions de même nature, dont l'origine Polonoise n'aura pas été suffisamment prouvée, rentreront pour le Gouvernement Prussien dans la classe des prétentions possédées par des Etrangers, et bien qu'elles puissent appartenir aujourd'hui à des Sujets Polonois, et que naturellement elles restent astreintes à l'effet des dispositions de l'Article I. de la présente Convention, elles ne pourront pas jouir de la faveur stipulée par les Articles II, III, et IV.

VI. Les dispositions de la présente Convention sont applicables aux réclamations actuellement pendantes aux Tribunaux Civils.

VII. La présente Convention sera ratifiée et les Ratifications en seront échangées dans l'espace de 6 semaines, ou plus tôt si faire se peut.

En foi de quoi, nous, Plénipotentiaires respectifs, l'avons signé et y avons apposé le Cachet de nos Armes.

Fait à Berlin, le 3 Février, l'An de Grace 1822.

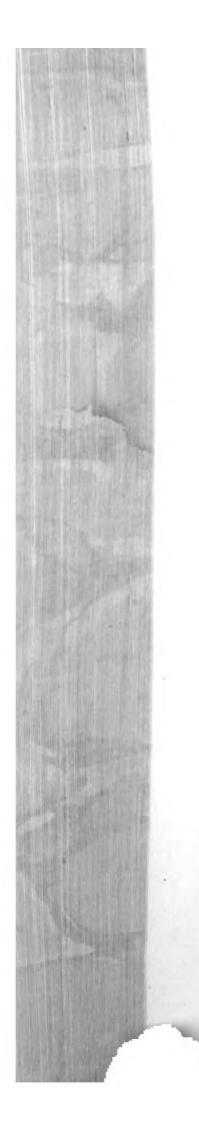
(L.S.) COMTE D'ALOPEUS. (L.S.) COMTE DE BERN-STORFF.

[Cette Convention a été ratifiée, et les Ratifications en ont été échangées le 14 Avril, 1822.]

SPEECH of the Russian Minister of Finance, on the Opening of the Council of Credit, 18th May, 1822. GENTLEMEN, (Translation.)

GENTLEMEN, (Iranslation.) By the Manifesto of the 7th May, 1817, this Council is charged with the examination of the Annual Accounts, and of all the new Measures which relate to these Institutions. In your last Sitting, a Project was presented to you for an Assurance Bank, and for an Office of Loans, for the Proprietors of trades and manufactures. You have examined them with all the attention which objects of this importance demand, and after having made such amendments as you judged useful, have unanimously consented to their adoption. This happy agreement confirms me in the hope, that, at the moment when these Regulations are put in force, after having received the sanction of His Majesty, they will serve to consolidate, to extend, and to give prosperity to the enterprises of our manufacturers. At present, Gen tlemen, I am going to submit to your inspection the Accounts of the Publick Debt for the

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Year 1821; but, before you exampresent to you a statement of their son of their several improvement expect from them in future.

Sinking Fund.—The Publick D contracted for before the institutio from the Loans made to diminish lastly, that which has been contract Sinking Fund, in order to meet the i branches of the Administration.

The first is composed of our Del period—to the Chest of the Imperial Publick Establishments—and Debts able but upon Perpetual Annuities, a as from those of War and Marine. especially those of the War-office, has amination which presented great diffi tinues; and, with the exception of cert has not yet been ascertained, but wh observe that the state of these Debts since the opening of the Commission, to as follows :—

The Debt to Holland, remaining at

the expence of Russia	50
Debts payable at a fixed period in)	3
Russia	62,
Capital of perpetual Rentes }1	8,: 41,8
So that all our Debts in the Country,	
up to the Year 1817, amounted to	11,6

By the Manifesto of April, 1817, it h spect to these Debts, to transmit every Y the Sinking Fund, 30,000,000 of Assignme their redemption or re-payment, as for the the Rentes.

This interest required for the first 1 20,000,000 (as much as 20,190,764 roubles fore, for the liquidation of the Capital, less about 1,000,000 (making 500,000 florins) i ment of the Dutch Debt: the rest has bee tracted in the Country.

Those of which the payment was not fixe been converted into perpetual Rentes, of whi redeemable, the rest not redeemable or inalienable at the will of the Creditor.

The first amounted originally to

A Capital of	117,581,000
The second to	24,227,500

In all..... 141,808,500

For the redemption of the first, a Sinking Fund of 2 per Cent. on the amount has been created. It is annually increased by the Rentes redeemed. These debts had been reduced on the 1st of January, 1822, to the following Capital Sums:

to the following carries	
Debt of Holland	48,600,000 florins
	8,063,080 metal. c.
Debts at terms	23,110,904 paper
Perpetual Rentes in metallic roubles	7,906,692
In paper roubles redeemable	99,007,500
In paper roubles unredeemable	1,701,200
Transferred from Rentes redeemable since the date	8
of their first inscription in the Great Book	26,008,700 metal.
And	125,016,200 paper.
The total of metallic roubles	10,960,772
Of paper	148,127,104
This shows us that, during the last 5 Years, s	since the Sinking Fund
was instituted, the former Debts have diminished	
That of Holland	
That of metallic roubles	
That of paper roubles	
Which being all reduced to Assignats, amounts	
an reduced to many	

to 62,000,000

The Debts at term which remain will be all redeemed in about 10 Years, which will place at the disposal of the Commission a sum of about 12,000,000, and the Sinking Fund on the Perpetual Annuities, which increases every Year by the Rentes redeemed, will bring them into the funds of the Commission in 20 Years.

The second kind of Debt, namely, the Loans made during the 4 last Years to accelerate the diminution of the paper money, has been contracted in 1817 and 1818, in assignats, at 6 per cent. of Rentes, and in 1820 in metallic roubles, bearing interest at 5 per cent. The first 2 Loans amounted in sums inscribed, to 113,633,451 assignats.

And	338,580 metallic roubles.
The sums redeemed of these Debts are	3,740 metallic roubles,
And	3,913,080 assignats.
There only then remained on the 1st of	
January, 1822	334,840 metallic roubles,
And1	09,720,371 paper roubles.

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But as in this sum there were inalie Rentes to the amount of.....

And There only remains of redeemable R

And

Which, by the annual increase of redeemed Rentes, will likewise be r then remain only 11,794,911 inalien 26,000,000 mentioned above, belong blishments. The Loan in metallic ins House of Baring and Hope, is for 40 roubles have been carried to the accou the diminution of the paper money.

We have already redeemed of the roubles. Of the produce which the C burnt in 1820, and we are going to bur The Commission for the Sinking Fund ke Up to January, 1821, we have burnt...

And we are about to burn We have redeemed in all.....

The 30,000,000 fixed annually for with the object of diminishing the paper for the purpose, but there remain at th more than 40,000,000, to be employed the way that shall be thought most as the Debt comprehends those which are c of the different branches of the Administr of the Sinking Fund. They amounted, the sum of 1,305,000 roubles in metalli roubles in assignats, which you have seen been presented.

Last Year, the Government thought account of the Treasury, about one third of tallic currency, which had been opened at 1 Which raised them to

And

But, according to the principle which Government secured the payment of the int in assigning for these two objects, the requinecessary for the use of the former Debts.

In this manner, the whole of our Debts of Dutch Debt.....

Debts in Russian Money, both Debts in Ru render them perpetual.....

In metallic money



Commission will prove to you, Gentlemen, that the fees which it receives from the Treasury are punctually paid, and that it disposes of them conformably to the orders which have been given to it.

Bank of Assignats.—This Bank is limited, as you know, to the exchange of the Notes which, injured by use, cannot any longer remain in circulation, and which it replaces either by new Notes or by copper Coin. It is equally charged with the making of the new Notes necessary for the purpose which I am about to mention; and, finally, it is charged with the recovery of certain sums which Individuals owed to the former Boards.

You will be satisfied, Gentlemen, by the Accounts which will be presented to you, that the prohibition of any new issue of paper is strictly observed.

Last Year I announced to you, and the Accounts of the Bank will have shown to you, that, after having substituted for the former Notes those which circulate at present, we had in circulation about 639,460,270 roubles.

In spite of all the measures taken by the Government to make known to all Persons the term fixed by the Ordinances to exchange the old Notes, many of them were found in the hands of the poor and indigent classes of society. The Government did not wish that the Bank should profit by their negligence, and the Emperor, therefore, ordered all to be paid which should be presented during the Year 1821. To the 1st of January, 1822, there was withdrawn 1,437,200 roubles; the whole mass issued amounts to 640,897,470 roubles; and, as we are going to burn, at the end of this Session, 44,968,230 roubles, there will remain in circulation about 595,926,240 roubles.

Loan Bank.—The Loans which this Establishment has made, in the course of the Year 1821, by order of His Imperial Majesty, amounts to 16,000 roubles in gold; 27,000 in silver; and 9,073,689 roubles in paper.

The greater part of these Loans has been advanced to Manufacturers, for the support of their Establishments. The capitals belonging to this Bank will be solely devoted to the support of industry. The net profit which it derived during the last Year from its operations was 6,322 roubles in gold; 138,782 in silver, and 2,227,624 in paper.

Commercial Bank; instituted for the support of the Commercial Class. This Establishment has last Year rendered important ser-

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vices, by facilitating the operations at a time when our commerce most imperiously required that assistance. Its beneficial influence has not only been felt in the Capital, but has been spread to all the Cities most engaged in commerce. The Offices which it established at Riga in course of the last Year, and at the commencement of the present at Astrachan, will extend the circle of its activity. Its Capital, which at the time of its institution amounted only to 17,000,000, now amounts to the 30,000,000, fixed by the Manifesto of 1817. The deposits, both at the Bank and at its Branches, including what remained from 1820, have amounted, for repayment, to 49,481,000 roubles, and, at interest, to 126,874,000 roubles.

The total sum at its disposal, in addition to its own Capital, amounts to 205,000,000.

The Bank and its Branches have effected the following arrangements : they have advanced, in sums for repayment, 18,818,000 roubles; they have assigned, from one City to another, 30,663,000 : they have restored sums, placed at their disposal, with the intention of deriving interest from them, to the amount of 92,804,405. They have discounted, by Bills of Exchange, the sum of 228,619,000. They have advanced, upon deposits of merchandize, 7,890,000. They have discounted, in Bank Notes, 20,350,000; and in Foreign Bills of Exchange, 3,035,000. The whole of their operations have amounted to 309,357,000.

The advances upon commodities have exceeded by 2,600,000 those made in 1820; and the discount on Bills of Exchange presents a surplus of 58,000,000.

Of the Paper Money protested, there is an amount of 1,403,751 which has not been paid. The majority of it is found to be counterfeited. The Government, however, knows and will prosecute the Forgers. By all that we can learn, the Bank will not experience considerable losses owing to these Persons. These losses will be amply compensated by the profits which the Bank has made, and which amount to 3,204,385 roubles. The total of returns into the Funds of this Establishment, and the Publick Offices, in 1821, amounts to 1,178,454,398 roubles in paper, and 9,165,739 roubles in silver.

Such, Gentlemen, is the situation of our Credit Establishments. It proves that our system of Publick Credit is built on a solid basis, and that we cannot entertain a doubt of the advantage which it will confer upon the State.

The sacred word of the Sovereign, to whom Russia is indebted for this new benefit; the punctuality with which the sums set apart for this service are paid; the rigorous observance of the rules which fix their application; become, when combined, the essential guarantees of our system of credit. Debts formerly contracted are at length perfectly ascertained; each of them has been arranged, upon rules agreeable to the Creditors of the State, and the means have been provided for satisfying them.

Our system of Credit, in consolidating itself, offers the means of providing for expenses which might exceed the ordinary resources of the Treasury, and gives greater facilities to its operations.

The extreme necessity of having recourse, on ordinary occasions, to new issues of **Bank** Paper, so injurious to private and publick interests, cannot, hence forward, conflict with the existence of our system of credit. The **paper** money, arrested in its progress towards depreciation, has acquired a greater value; we neither expect nor desire a sudden rise. By **dimin**ishing the mass of paper from 836,000,000 to 596,000,000, we might have obtained a more sensible amelioration; but the distressing situation of our commerce has relaxed the progress towards such salutary results.

The consolidation of our system of credit leaves us the choice of the means by which we may, in a short time, see the accomplishment of our wishes. We can before-hand predict their success. Our Funds, appearing in general circulation, have not only been secured against loss, but have risen in value. Such are the happy effects of a regulated system of credit. Those which we have still a right to expect will follow the progressive march of time, which alone can prepare and reorganize them.

REPORT of the Minister of Finance to the Extraordinary Cortes of Spain.—8th October, 1822. (Translation.)

URGED by the duty imposed upon me by the functions which I exercise, I am about to communicate with the Cortes upon one of the most important points on which it has to deliberate, and which has offered one of the chief reasons for its extraordinary convocation.

The Finances, which are the soul of States, and without which every branch of the Administration would be paralyzed and destroyed, are about to be presented to the consideration of the August Congress, under their true point of view. The Cortes will be made acquainted with their present state, will discover the extent of the resources which the Government possesses, together with that of the debts which it has to discharge, and, without the inconvenience of correcting the vices and defects which may be remarked, will employ itself in facilitating those plans which may be necessary, in order successfully to meet the publick necessities, and to relieve the Nation from the Factious Bands which infest its Frontier Provinces. I will briefly explain to the Cortes the state which the Publick Finances presented at the close of the Session of its first ordinary Legislature, or the end of the second economical Year; the dispositions of the Government with respect to

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the same branch in the third Y_{ϵ} of the Taxes necessary for disc. Service, up to the end of June, Imy opinion, that increase, in ad Cortes, may be met. I must cla giving mea patient hearing, and s in my mode of explanation; and to the frankness and precision with them the former and the present s

It would be useless for me to tory during the first economical Ye performed by the Ministry, in the *N* the 5th of March. It is sufficient to the first Year, there was experienced 25 maravedis, and that, at the end an arrear in the Estimates of the *N* maravedi.

With this deficiency and arrear, we mical Year. It was met, it is true, by of balances, viz. 31,440,773 reals 13 1 to the 1st of July, 1820, and 84,816,4 corresponding to the first economical Y second Year being compared with the Committee of the contributions and ret in the Journal of the Cortes, there appe 322,060,935 reals 31 maravedis. The dat are to be found in the circumstantial A neral and Accountant, which was presente able a difference is doubtless not extraor value at which the produce of the Reve. Registers, and other branches, were estim of having admitted into the Account an i. imaginary. I must nevertheless state to 1 nution from the estimated value (which in lamentably large) is in a great measure of cient zeal in the Officers, and even, in some operations; for our Enemies make war upon ways, and they have not forgotten that, to de of resources, is a most powerful means of a zealously exerts, and will continue to exert, subject, and will act rigidly and inflexibly 1 it cannot go beyond its powers, which are narrow circle.

With regard to the repartition for the secon Accounts of the Distribution drawn up by the Accountant, and the Abstracts made in my Office

joined to them, show that there have been made good in the said second Year 134,414,441 reals 10 maravedis, for effects previous to the Year 1821, and 600,136,957 reals 7 maravedis, for effects belonging to the second economical Year; that there arises a surplus on the Estimates of the first Year, considered generally; though in particular. and at the commencement of the third economical Year, there remain due to the voted Estimates of the second Year, 191,255,313 reals 1 maravedi. It does not appear necessary, on the present occasion, to advert to the inequality which has occurred during the two Years. and in consequence of which, less from some branches, and more from others, have been collected. The Minister, in the Memorial already cited, has said enough upon the cause of this difference, which solely deserves to be noticed under a regular order of things, when the Estimates necessary for all the details of the Service omit nothing, keep a due proportion to the resources, and allow to no branch a preference over another. Besides, the foresight of the Cortes has prepared a remedy for this evil, by means of the system of account and reckoning wisely established by its Decree of the 7th of May of this Year. The Government hastened to carry this Decree into execution, by means of the Instruction which it published on the 9th of June, and has constantly followed up the same object, amidst the various obstacles of time and circumstances which have been opposed to its complete ad-The same circumstances have been little favourable, or justment. rather, we might say, altogether unfavourable to the Publick Finances, in what we have to state respecting the third economical Year. The occurrences of the first days of that Year rendered torpid the publick service, more particularly in the Capital, from whence proceed all the measures of the Government, and the result of the collection in the Provinces was, as might be expected, thereby greatly influenced.

When I took charge of the Finance Department on the 7th of August, the Decrees of the Cortes respecting the Contributions granted during its last Legislature were in circulation, but they had not failed to suffer some delay, both in the Secretariat of the Congress, and that of my Department, by the hindrance experienced in the dispatch of business in general, during the melancholy days of last July. The Intendants of the Provinces, newly created in the Divisions of the Territory decreed by the Cortes, were already appointed, as well as the Chiefs who were to be established, as well in them as in the Old Provinces, in conformity to the Administrative System ultimately established; but these Functionaries could not themselves repair to their Appointments, nor establish their Offices and Stations, without a precipitation which caused great ultimate injury to the Service. Every thing is now sufficiently forward, and I hope that in a little time all will be settled in the Provinces.



But the Collection has suffered what I have stated. In the month c 30,172,120 reals 1 maravedi, on the li 18,066,197 reals 10 maravedis; it i reals 7 maravedis, according to the A part of the Provinces (for from all, nothing could hitherto be collected; that it will increase progressively in Government will act with greater en properly divided; as strict Orders hav tendants to enforce the Collections 1 authority vested in them by the Cort noticed, and will continue to notice want of zeal of its Agents. Thus the and, in all parts of the economical Adn felt the beneficial influence of a just rij partiality to the Chief of a Province and whenever their conduct may deserve it.

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Nor do the last month's receipts of t of November, 1821, offer an adequate 1 sidering how limited was the produce which came into the Publick Treasury. was received from that Channel, accordi Treasurer-General, the amount of 117,61 which sum 9,000,000 were appropriated to of the same Loan for the half-year ending the liquidation of the expenses of the furni dends, and 3,000,000 to its redemption or since the 7th of August, only 4,500,000 of 1 Loan could have been appropriated.

The present state of this Loan will be a furnished by the Director of the Great B The Cortes will see from them that the Re have been placed in the hands of Ardoui securities, amount to 36,713,432 reals 4 ma reals, Capital, at the price of the Negotiation old Loans placed in the hands of the Gover 134,400,000 reals, the produce of the mont stipulated in the aforesaid Contract of the thirdly, 140,000,000 reals, corresponding to t anticipated in conformity to the same. Certifica been received, payable in Londou, to the amo and, payable in Paris, to the amount of 1 28,671,200 reals of Rentes, which have to remaravedis to complete the above stated 36,713,432 reals 4 maravedis of Rentes. Such is the state in which the produce of the old Loans, converted into Rentes of 5 per Cent, remain at the disposal of the Government.

The conditions of the said Loan being modified, by an Agreement. entered into with the aforesaid house of Ardouin, Hubbard, and Co. on the 14th of June last, and approved by the Cortes on the 27th, Government has taken every necessary step for their punctual execution, and to enable the Managers of the Great Book and Sinking Fund to fulfil their respective obligations. The precision of the operations of the first will be seen by the explanation I have given, and the Cortes would do well to acknowledge them; the second will also execute theirs with equal punctuality, as soon as they can be made acquainted with the Mortgages executed by their Agents in London and Paris. I have before mentioned, that since I have held the Office of Minister of Finance, 3,000,000 of reals have been destined to the extinction of Rentes; which furnishes an incontestable proof of the good faith of the Government, and of its punctuality in fulfilling its engagements. And to this, as well as to the punctuality with which the interest and premium of the other Loans are made good, is undoubtedly owing the improvement in the price of these and of the 5 per Cent. Rentes, which has been manifested in the Foreign Markets, and it has already had its effect on the National Market.

If it was urgent to give to the Collection the impulse which was so much wanting to preserve and improve our Credit, it was no less indispensable to promote that of the Revenues of Monopoly and Excise. The contraband system, pursued to an extent of which even the most calamitous times afford no example, diminishes the proceeds of the latter, and almost annihilates those of the former. The establishment of a Maritime Guard is one of the means most likely to remedy so great and transcendant an evil; and in this undertaking the Government, with the sanction of the Cortes, will vigilantly endeavour to obtain the accomplishment of the good effects which are likely to result, if the Shipowners fulfil their obligations with zeal and fidelity, or, if not, to compel them by force to the observance of their duty.

In order that the Revenue might rise to so high an amount, the Government was obliged to resort to extraordinary means, such as negotiating various anticipations on the produce of the Lotteries and the Cruzada, and appealing to the generous patriotism of the worthy A yuntamiento of the Capital, who, in addition to their services already rendered to publick liberty, cheerfully agreed to perform another equally important one, in the anticipation already effected of 15,000,000 of reals in Bonds and other negotiable Securities on account of the Taxes raised by that Body; a service which the Government highly values, and which more and more confirms the claim of the Ayuntamiento to the publick gratitude.

The state of the Catalonian Provinces has required abundant assistance, and has imposed on the Ministry the duty of approving an anticipation to the Treasury amounting to 6,000,000 of reals, opened by the zealous Authorities of Barcelona, whose conduct merits the praise of the Government, and who are to transmit to the general Treasury whatever sums the anticipation may there produce. Finally, relying on the forthcoming produce of the sale of the Rentes conceded by the Cortes in the last Session to cover the deficit between the Revenue and Expenditure of the economical current Year, and on the express condition of punctual repayment, arrangements were made for transmitting to the General Treasury the Funds which exist in Paris, proceeding from the inscriptions in the Great Book of the Publick Debt of France, in favour of Spaniards, for their indemnification. I know not whether the payment has been realized, but the Government has already made arrangements for the repayment, either to the Holders of the Bills granted by the Treasury-General on that Fund, or to the Fund itself, whether it be or be not made use of; and on this point the Credit of the Nation will remain on a footing consistent with its dignity, thus affording proofs of its being enabled sacredly to fulfil its obligations.

The Negotiation for the Inscriptions to the amount of 30,000,000 granted by the Cortes, and that of the extraordinary Credit of 50,000,000 of reals, for the Ministry of Marine, which belong also to the class of Rentes at 5 per Cent., may at first sight appear under a somewhat favourable aspect. The emission of the 30,000,000 was announced on the 1st of August, and the whole month was appointed for the reception of Proposals. It was necessary to await the event, while the demands of the Treasury were every moment increasing; and amidst the anxiety felt by the Government lest it should not possess the means of supplying its wants, Competitors found a conjuncture favourable to their interested views. Thus all the Propositions were more or less disadvantageous; and though circumstances and thorized some sacrifice, yet the Government, circumspect in its proceeding, and anxious to conceal as far as possible the burden under which it laboured, firmly rejected some Propositions, which, from their amount, as well as their conditions, it would have been blameable to accept.

This energetic conduct, though it occasioned a perplexity of some days, multiplied wants, and rendered necessary the adoption of extraordinary measures to meet urgent obligations; it nevertheless placed the Government in an advantageous position with respect to those who, aware of its situation, wished to subject it to sacrifices which would have entailed on it discredit and ruin.

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It has already been 'observed, that the Government is not regardless of re-establishing its credit, in a manner as far as possible consistent with the good mame of the Spanish Nation, and at the same time of concluding favourable Negociations. For this purpose 3,000,000 of Rentes were appropriated to the extinction of Rentes at 5 per Cent. which, in a great measure, restored its consideration, joined to the political events which have also exercised an advantageous nfluence.

The result has proved as successful as could be wished, and the Government may congratulate itself on having concluded a Contract sufficiently advantageous, compared with that which preceded it, and with that which would have been obtained, had the resolution of the Government been precipitately taken. Fortunately, measures were taken with sufficient caution; and I have the pleasure of announcing o the Cortes, that to this Assembly we are indebted for an advantage of between 18,000,000 and 20,000,000. But in alluding to this subect, I must not omit an acknowledgment, which I consider as an act of justice, and without which I should not feel that I had discharged The Government, renouncing all secrecy in this delicate ny duty. iffair, consulted with various Individuals, whose opinions were received efore any step was taken. To these Individuals we are indebted for he successful issue of the operation, inasmuch as their intelligence and ounsel contributed to bring it to a close. In this affair they evinced in interest truly patriotic, and they have in every respect fulfilled the vishes of the Government. I could here publish the names of those Gentlemen, but the fear of offending them, by so doing, induces me to pass them over in silence.

Such was the state of the Publick Finances at the close of the second economical Year, and such it continues at the present day. On the one hand there appears a deficit of 322,000,000 in the contributions voted by the Cortes for the said second economical Year; on the other hand, there is an arrear in the Estimates of the second Year of the sum of 191,000,000, which must be made up from the Imposts decreed for he third economical Year. Unfortunately, in the Taxes which have peen levied during the last Year, considerable difficulty occurred in he collection; as contraband trade greatly diminishes the most producive Taxes; and as the Insurrection, in the Provinces in which it exists, poses the execution of the administrative provisions, impedes the evying of contributions, and renders null the produce of the Taxes, wing to the vast expense of maintaining the Armed Force necessary or putting down the Rebellion.

The Ministers, in order to fix the demand of Supplies for their Departments, which, among other things, is the object of the Convocaion of the present Extraordinary Cortes, have drawn up and addressed

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to me Estimates, in addition to those already submitted to the Ordinary Cortes. In these Estimates, are required:— Reals Mar.

For the Ministry of State, according to the additional		
Estimate	2,409,416	
For the Ministry of the Interior, according to the ad-		
ditional Estimate	47,395,000	
For the Ultra Marine Ministry, according to the ad-		
ditional Estimate	87,392	15
For the Ministry of Grace and Justice, according to		
the additional Estimate	4,257,169	3
For the Ministry of War, according to the Estimate,	325,000,000	ŝ.
For the Ministry of Marine, according to the Esti-		
mate	31,959,334	
And the Ministry of Finance also solicits, for the		
payment of the 13,000,000 of Rentes already ne-		
gociated, as well as for the Sinking Fund attached		
to them	21,600,000	1
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Total...432,708,311 18

The sum which the Government considers it necessary should be raised, is 664,813,324 reals and 19 maravedis, granted by the Cortes, on the General Estimate of Expenses, decreed the 28th of June, and augmented by 191,255,313 reals and 1 maravedi, with which the Ministry of my Department settles the deficit, liquidated at the end of the second economical Year; the calculated value of the Revenues of the State being compared with the real value produced; and there being also an augmentation of 160,933,332 reals and 11 maravedis, to meet the diminution which probably may arise on the Revenues decreed by the Cortes in the last Session. From the subjoined Account it would appear necessary that the Cortes should make a grant of 784,896,957 reals, and 30 maravedis, in order that all the Engagements for the Publick Service, both past and current, may be fulfilled with that regularity which is proper and indispensable.

Punctuality in the payments will perhaps be found one of the political measures which will most contribute to conciliate minds and restore publick tranquillity. Meritorious Officers who now belong to the inactive class of the Army, because their age or infirmities do not permit them to join the Army; Magistrates who administer justice; Civil Officers of all kinds, whom preceding regulations have placed in the retired class; unfortunate widows and orphans, so worthy of protection—all call for payments which have been for months due, and the want of which has been the cause of much inconvenience and dis-

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tress. They daily present themselves to implore, as a favour, that which is justly their due; and melancholy is the situation of a Government which recognizes the title by which its protection is demanded, and which knows its duty, and yet possesses no means of exercising the one, or fulfilling the other. I repeat, that to meet all demands upon us, will, at the present moment, be a political measure of great influence, in the termination of the Insurrection which at present unfortunately exists in some Provinces, and for enabling the Spanish Nation to appear in the eyes of Foreigners under that imposing attitude, which is indispensable to command the respect of Enemies of every description.

The Government well knows the nature and extent of the sacrifices which it is necessary to demand of the Nation; but being placed under the necessity of procuring for it, at any expense, the enjoyment of internal tranquillity, and of preserving it from being menaced externally under any motive or pretext; and feeling that these necessities are so peremptory and urgent as to require abundant and important measures, without giving rise to new imposts or surcharges on those which already exist, on account of the slow progress of such a collection, His Majesty has thought fit to propose to the Cortes, in order to meet the sum of 784,896,957 reals 30 maravedis, which are considered indispensable towards the end of June, 1823, the inscription in the Great Book of the Publick Debt of 65,000,000 reals of Rentes, at 5 per cent., which may be employed by the Government, whenever it may be found necessary, and in the manner most convenient to the National Treasury.

But this measure, though it is preferable from the promptitude with which it is carried into effect, leaves a Debt in perspective which it will be proper to meet opportunely, particularly as this Loan, which is necessarily very extensive, has been preceded by others of considerable amount, which, combined with it, will form a respectable sum as well in interest as in capital.

Debts of this amount must sink the publick credit if they are not guaranteed by suitable pledges, and it is proper to designate them, in order to ensure the success of the emissions, and to enable them to be made with greater advantages and smaller risks.

Government will consider this point as soon as the concession of the Rentes which it requires is realized, if the Cortes should think proper to grant them. For the present it must confine itself to the demonstration of the necessity of granting the supply, and of granting it immediately; for, as I have before said, if the demands are instantaneous, the supplies must be instantaneous also: the extent of its engagements leaves otherwise no hope of being able to meet them; and it is indispensable that the remedy which may be applied should be as prompt as the circumstances require, in order that its tardiness may not render it useless, or delay increase the evil, and carry along with it

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a necessity for greater sacrifices. The Cortes will doubtless resolve on what they think most advisable.

Madrid, October 8, 1822.

MARIANO EGEA.

PROCLAMATION of the President of Hayti to the People, on the general Union and Independence of the Island.—9th February, 1822.

HAITIENS,

LE Pavillon National flotte sur tous les points de l'Ile que nous habitons, sur cette terre de liberté il n'existe plus d'esclaves, et nous n'y formons tous qu'une seule famille dont les membres sont liés à jamais entr'eux par une volonté simultanée, résultant de la concordance des mêmes interêts. Ainsi les Articles XL et XLI de notre Constitution reçoivent leur entière exécution.

La Réunion des fils d'Haïti, qui a commencé à s'opérer d'une manière définitive depuis 3 années, et qui se trouve achevées par ma rentrée à Santo Domingo, n'a couté de larmes à personne: qui méconnoitroit, dans cette heureuse revolution, la puissance de Dieu qui régle les destinées des Peuples [?] Après avoir été séparés, que dis-je opposés même les uns aux autres par la politique des ennemis de nos droits, après de longues années de déchiremens et de guerres, sa main nous rapproche et verse dans nos cœurs le baume salutaire de l'amité et de la concorde; rendons lui des actions de grace, mes Compatriotes, pour la protection signalée qu'il n'a cessé de nous accorder, et devenons dignes de plus en plus de tant de bienfaits par notre fidèlité au serment que nous avons fait de vivre toujours unis, libres, et indépendans.

Mais pour rendre durable l'oeuvre de notre réunion, et consolider l'indépendance de notre Pays, il faut puiser dans le passé les leçons d'expérience, qui vous apprendront à éviter les écueils que vous n'area franchis que par un courage et des sacrifices héroiques; instruits par 25 années de vicissitudes, que les vertus privées et publiques du bou Citoyen, du Patriote zèlé, forment le ciment qui doit rendre inaltérable l'édifice que vous avez élevé pour assurer l'existence de votre postérité, que votre amour pour la République, que votre respect pour les Lois, votre obéissance aux Magistrats qui en sont les organes, soient constamment la réponse victorieuse que nous pourrons opposer aux sophismes de nos détracteurs, et la justification des philanthropes qui ont défendu et qui défendent encore notre cause.

Possesseurs d'une terre de merveilleuse fécondité, votre industrie agricole, en recevant l'élan qui lui est nécessaire, ouvrira de vastes canaux aux spéculations du Commerce étranger, lui assurera des

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résultats lucratifs, et augmentera par là, et vos ressources et les avantages des Nations qui ont recherché et entretenu des relations avec nous; c'est à celle qui saura le mieux rendre hommage à nos principes, que nous accorderons, par une inclination toute naturelle, la faculté de fournir plus amplement à nos consommations, et d'acheter la plus grande masse des riches productions de notre sol.

Citoyens, vous qui fûtes les premières colonnes avez lesquelles l'immortel Pétion fonda la République, considérez maintenant avec calme l'espace immense que vous avez parcouru depuis le jour, où abjurant une domination étrangère, vous prites la détermination de n'en jamais plus supporter, jusqu'à celui où vous êtes arrivés! Voyez sans orgueil le triomphe de vos efforts et de votre perséverance : vous futes toujours dociles à la voix de votre Chef et prêts à tout sacrifier à la Patrie; continuez à vous montrer dignes de ce que vous avez été.

Et vous, Citoyens de la partie de l'Est, vous avez été longtems malheureux: des Lois arbitraires et prohibitives vous ont contraint de vivre dans les privations et dans la stupeur; cependant, vous aviez combattu pour recouvrer vos droits; mais ceux qui étaient chargés de vous diriger vous ont ramenés sous la dépendance de la Métropole qui vous avoit repoussés de son sein en trafiquant de votre soumission. Enfin vous êtes levés spontanément, vous avez voulu être libres et Haïtiens comme nous, et vous l'êtes devenus; oubliez donc votre ancienne condition pour ne songer qu'à celle dont vous allez jouir; ouvrez vos cœurs à la joie; votre confiance dans le Gouvernement ne sera pas trompée; il s'occupera du soin de guérir les plaies profondes qu'un système antilibéral a faites parmi vous; que désormais aucuns nuages n'obscurcissent les beaux jours qui vont luire pour la Patrie.

Haïtiens! En vain nos Ennemis prétendroient alarmer les Puissances Etrangères sur la réunion de tout notre Territoire! Les principes établis par les Articles XL. et XLI. de notre Constitution qui nous donnent l'Océan pour limite, sont aussi généralement connus que ceux consacrés par l'Article V. du même Acte, et par lesquels nous nous sommes engagés à ne former jamais aucune entreprise tendant à troubler la paix de nos voisins.

Peuple agriculteur et guerrier, les Haïtiens ne s'occuperont que des interêts de leur Patrie; ils ne se serviront de leurs armes que pour défendre leur Indépendance Nationale, si on étoit encore assez injuste pour l'attaquer; toujours généreux, toujours hospitaliers, ils continueront d'agir avec loyauté envers ceux des Etrangers qui, habitant parmi eux, respecteront les Lois du Pays.

Ma destinée étoit sans doute d'être l'instrument dont la Divinité devoit se servir pour faire triompher notre cause sacrée: c'est à sa protection que je rapporte les succès qui ont accompagné mon Administration, depuis que les rênes de l'Etat ont été placées dans mes mains: j'ai constamment fait ce qui a dépendu de moi pour m'en rendre digne;

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toute ma vie sera consacrée de même à remplir réligieusement les obligations que m'imposent la gloire et la prospérité d'Haïu. J'ai le droit de compter sur le concours de tous mes Concitoyens, et j'y compterai pour élever la Nation au rang qu'elle doit occuper dans le monde civilisé.

Vive l'Indépendance! Vive la Liberté! Vive la République! BOYER.

Par le Président;

Le Secrétaire General, B. INGINAC.

Donné au Palais National de Santo Domingo, le 9 Février, 1822, An 19 de l'Indépendance d'Haïti.

ADDITIONAL CONVENTION to the Convention of ⁴/₁₁ June, 1815, between Russia and Austria, respecting the reciprocal Restitution of Deserters.—Vienna, ¹⁴/₂₅ July, 1822.

SA Majesté l'Empereur de toutes les Russies, Roi de Pologne, etc. et Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohème, etc. ayant trouvé conforme aux rapports d'amitié et d'alliance heureusement existans entre les deux Empires, de donner une plus grande extension au Cartel conclu le $\frac{6}{18}$ Juin, 1815, pour la Restitution réciproque des Déserteurs, et désirant en outre assurer au moyen de Stipulations plus précises l'accomplissement de quelques modifications relatives à l'exécution du dit Cartel, préalablement arrêtées entre leurs Ministères, ont résolu de réunir ces différentes Clauses dans des Articles Additionnels au Cartel du $\frac{6}{18}$ Juin, 1815, et ayant nommé à cet effet des Plénipotentiaires, savoir :

Sa Majesté l'Empereur de toutes les Russies, Roi de Pologne, etc etc. le Sieur Georges Comte Golowkin, Conseiller Privé Actuel, Sénateur, Chambellan Actuel, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté l'Empereur et Roi près Sa Majesté Impériale et Royale Apostolique;

Et Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohème, etc. etc. le Sieur Clement-Venceslas Lothaire, Prince de Metternich-Winnebourg, Prince d'Ochsenhausen, Duc de Portella, Chevalier de la Toison d'Or;

Et le Sieur Henri, Comte de Bellegarde, Chevalier de la Toison d'Or, Grand' Croix de l'Ordre Impérial d'Autriche de Léopold, etc. Ministre d'Etat et des Conférences, dirigeant le Département de la Guerre;

Les dits Plénipotentiaires sont convenus des Articles suivans:

ART. I. Outre les Déserteurs de l'Armée active, tout Homme appartenant à ce qui constitue la Force Armée dans les deux Empires, et

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nommément à la Landwehr, ou à la Réserve Autrichienne, de même qu'à la première Réserve Polonoise, lequel passeroit sur le Territoire de l'autre Puissance, sans Passeport ou Feuille de Route en règle, sera considéré comme Déserteur, et restitué comme tel, même sans réclamation préalable, aussi tôt que sa qualité aura été reconnue.

II. Tout Homme non Militaire, et Sujet de l'une des Puissances Contractantes, qui se présenteroit à la Frontière sans Passeport ou autorisation en règle, sera réputé Vagabond, et repoussé comme tel de la Frontière, à l'exception toute fois des Propriétaires limitrophes dont les Possessions sont coupées par la Frontière, à l'égard desquels les Stipulations de l'Article XX. du Traité du 3 Mai, 1815, restent en pleine vigueur.

III. Tous les Hommes désignés pour le Service Militaire, en particulier les Hommes de la Seconde Réserve Polonoise, et ceux portés dans les listes de la Conscription Autrichienne sous la dénomination "Die Conscribirt Anwendbaren," seront restitués, si même ils avoient passé la Frontière avec un Passeport en règle, du moment que de la part de leur Gouvernement, ils seront individuellement réclamés pour le Service Militaire, soit dans l'Armée active, soit dans la Reserve ou la Landwehr, etc.

IV. Les Sujets de l'une des Hautes Parties Contractantes ne seront pas reçus au Service Militaire de l'autre, à moins qu'ils ne fassent constater, ou d'être, par les Lois en vigueur dans leur Patrie, libres de toute obligation du Service Militaire, tant dans l'Armée que dans la Reserve ou la Landwehr, ou d'avoir satisfait à ces obligations; ou enfin d'avoir obtenu l'autorisation de leur Gouvernement d'entrer au Service Militaire Etranger.

V. Les Sujets de l'une des Hautes Parties Contractantes, qui, au jour de la publication de la présente Convention, ont déjà été reçus dans les Armées de l'autre, auront le libre choix, ou de retourner dans leur Patrie, ou de demeurer ultérieurement au Service dans lequel ils se trouvent. Chaque Soldat qui sera dans le cas d'opter de cette manière, devra se déclarer en conséquence dans l'espace d'un An, à dater du jour de l'Echange des Ratifications des présens Articles Additionnels. Si son choix se prononce pour le retour dans sa Patrie, son licenciement aura lieu sans qu'on puisse y opposer ni délai ni prétexte quelconque, et il pourra retourner librement dans sa Patrie, sans que ni pour son éloignement, ni même pour la désertion, s'il s'en étoit rendu coupable, il puisse être inquiété en aucune manière : si au contraire il déclare librement vouloir demeurer au Service Militaire de l'autre Puissance, il n'en résultera pour lui dans sa Patrie ni confiscation de biens, ni autre recherche quelconque. Seront toutefois exclus de ce dernier 'sieufait ceux qui s'étant rendu coupables de désertion ne profiteroient pas du pardon qui leur est ainsi offert pour retourner librement dans leur Patrie.

VI. La liquidation des frais « la restitution s'effectue, ayant prés le mode prescrit pour le calcul de d'y substituer le payement d'une 71 kopeks, ou 15 gros de Pologn nalier d'un Déserteur; payement de pain, pesant 11 livre, ainsi que lesquels on impute 3¹/₂ kreutzers et de paye journalière à chaque Déser du Cartel du 6 Juin, 1815. Les fr sont à rembourser, commencent à cc seront approximativement calculées serteur se trouvoit du poste d'extradi bien entendu toutefois que ce rembo le terme de 3 mois, sauf néanmoins le

VII. Dans le cas où un Déserter ment à l'époque de son arrestation, a été fixé de commun accord à $\frac{1}{2}$ $10\frac{1}{2}$ kreutzers, ou $10\frac{1}{2}$ kopeks, en l'entretien journalier de $7\frac{1}{2}$ kreutzers journées d'hôpital seront remboursé entretien au moment de l'extradition d

VIII. La récompense pécuniaire (T de la Convention de Cartel du $\frac{6}{18}$ Juin noncé ou amené un Déserteur, sera égale par l'Article I. de la présente Conventi pourra être exigée dans le cas où l'Homr le Service Militaire sera restitué en suite voulue par l'Article III. de la présen un tel Individu destiné au Service Milit aux frais du Gouvernement auquel il er remboursement des frais d'entretien et occasionnés, aura lieu au moment de so fixée à l'égard des Déserteurs effectifs.

IX. L'expérience ayant par fois dém aux Déserteurs les vêtemens les plus indis pouvant également avoir lieu à l'égard des Service Militaire, que l'on seroit dans le c réclamation individuelle, conformément à Convention Additionnelle; on est convenu autres les vêtemens dont ils pourront avoir tion suivante, qui contient et les objets à fou être bonifiés de part et d'autre pour ces d'habillement seront confectionnés d'après le dans l'Armée à laquelle le Déserteur appar

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modèles qui en ont été réciproquement communiqués. La fourniture de pareils vêtemens aux Déserteurs sera constatée dans le Protocole de présentation, et le payement se fera en argent au moment de la remise du Déserteur, conjointement avec les frais d'entretien et autres. Si le dit payement se fait en or, le ducat d'Hollande sera calculé à 19 florins de Pologne en argent.

X. Pour assurer l'exécution ponctuelle et régulière des arrangemens concernant la remise réciproque des Déserteurs, il a été jugé utile de fixer de part et d'autre les points sur les Frontières respectives, où cette remise devra exclusivement avoir lieu, et où se trouveront établis des Commissaires Civils et Militaires, spécialement destinés à recevoir les Déserteurs, ainsi qu'à liquider et à solder, au moment même de leur réception, la Taglia et les différens frais qui pourroient être à Ces endroits où la remise des Déserteurs Autrichiens devra bonifier. se faire, seront, en Galicie, sur la Frontière de Russie, Hussiatin et Brodi, et sur la Frontière de Pologne, Narol, et pour la remise des Déserteurs de l'Armée Russe ou Polonoise, Sotanoff, et Radziwiloff en Russie, et Josefoff dans le Royaume de Pologne. En cas que l'une ou l'autre des Hautes Parties Contractantes auroit l'intention de faire de son côté des changemens à l'égard de ces endroits, ce changement ne pourroit s'effectuer qu'après en être convenu réciproquement.

XI. Les présens Articles Additionnels au Cartel du $\frac{6}{18}$ Juin, 1815, auront la même force et valeur que s'ils étoient insérés mot à mot dans la Convention principale, laquelle pour autant qu'il n'y auroit point été dérogé par les dits Articles, conservera sa pleine et entière vigueur.

XII. Les Ratifications des présens Articles Additionnels seront échangées dans le terme de 2 mois, ou plus tôt si faire se peut; après cet échange, ils seront de suite publiés de part et d'autre, et dès lors mis à exécution pour autant qu'ils n'auroient pas déjà été observés antérieurement.

Fait à Vienne, le 14 Juillet, 1822. GEORGE COMTE GOLOWKIN.

METTERNICH. BELLEGARDE.

MEMOIR of the Government of Spain, addressed to Foreign Governments, respecting a Pacification with the Spanish American Provinces.—(Presented to the British Government, 3d May, 1822.) (Translation.)

His Catholick Majesty, in calling the attention of His August Allies to the state of the revolted Provinces of Spanish America, deems useless and unseasonable the examination of the causes which excited,

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in those Regions, the desire of separating themselves from the Mother Country. It is enough for His Majesty to be convinced, that it was neither the abuse of power nor the weight of oppression which inspired the desire of this separation, and that a disunion so melancholy between the Members of the great Spanish Family, has been the effect of extraordinary circumstances, and of the terrible crisis which Spain encountered in protecting its throne and dignity from the rapacity of Foreign domination.

Since that epoch of glory and misfortune, the political aspect of various of our Ultra-marine Provinces has often varied. Military successes have been divided between the Contending Parties; the cause of the Insurgents has assumed a different face in each of the chief portions of the Spanish American Continent; and His Majesty endures the poignant distress of seeing these interesting Regions exposed to all the evils and all the dangers inevitably attendant upon a Revolution.

His Majesty, desiring ardently to terminate this painful situation of anxiety and uncertainty, and to execute the benevolent disposition of the Cortes, has appointed Commissioners, who, by proceeding to the Insurgent Regions of America, are to hear their propositions, to transmit them to the Spanish Government, and to establish a frank and sincere Communication, the object and result of which will be the advantage of Spaniards in both Hemispheres.

It is not as a Monarch, irritated against his offending Subjects, that His Majesty presents himself to the Insurgent Americans; it is as a Father, who wishes to act as a peace-making Mediator in the dissensions of his Children. He throws a veil over the past, the better to see the present; and considers their existing situation in all the relations which bind it with the future. The common good of the Provinces of the two Worlds, is the great object of the Negociation, it is its only basis, and the common centre towards which all arrangements are to tend.

Never were transactions more important, but, at the same time, never did any Government, under similar circumstances, shew greater integrity and good faith. His Majesty cannot persuade himself that the interests of the Provinces beyond Seas are opposed to those of European Spain; and this sentiment, worthy of his paternal heart, induces him to seek the means of reconciling the common advantage of both, and inspires him with the consoling hope of obtaining them.

His Catholick Majesty flatters himself, that, by this frank and generous conduct, he shall be enabled to save the American Regions whole ages of misery and devastation, to prevent the obstacles which will be opposed to the progress of civilization and knowledge, by civil war and anarchy; to avoid the depopulation, misery, and immorality, the inevitable consequences of long political oscillations, which condemn to misfortune the present generation, without securing the happiness and repose of the future.

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His Catholick Majesty is, at the same time, of opinion, that the greatest blessing which he can procure to Peninsular Spain, is to put an end to a devastating and parricidal War; and that, placed in the midst of Brethren, united by the ties of religion, of blood, of language, of habits, and even of interests, his voice will be listened to for the general advantage of all.

But His Catholick Majesty extends his views much further, and considers this grand question as the cause of Europe. A long space of time elapsed before the beneficent effects of the discovery of the New, were felt in the Old World; and no one could foresee them or calculate upon them: it was an immense, unknown, and unbounded career, which determined their extent. His Majesty thinks that the same judgment should be formed of the great events which now agitate America, the effects of which must necessarily influence the fate of Europe, and that in a very rapid manner. It is impossible to calculate either the degree of this influence, or the alteration which it must produce in the mutual relations of the two Worlds; but His Majesty does not hesitate to affirm, that the transaction which will fix the destiny of the Spanish American Provinces, and arrest the blind and impetuous course of Revolution, will be one of the greatest blessings for the civilized World.

Their necessities, customs, and relations of every kind, have multiplied the ties which unite the two Hemispheres; and it may easily be conceived, that that vast Continent, drawn into a conflict of the passions, and become the theatre of Revolution, the end of which cannot be foreseen, must exercise a pernicious influence over the political and moral relations of Europe, which is only beginning to repose after 30 Years of convulsions.

There may be, perhaps, superficial minds, who think they see a consolidated Nation, and a solid and a stable Government. in each Province which has declared its Independence, and who, without regard to the obstacles of every nature, to the principles of publick right and the most known maxims of the Law of Nations, imagine that a Province legitimatizes its independent existence, and acquires the right of being recognized as such by other Powers, by the simple fact of its being detached from that State of which it formed a part.

But a sad experience has demonstrated to Governments the lamentable effects which such an overthrow of principles produces; they foresee that the results of its propagation will be as fatal to Legitimate Governments as to the integrity of Nations; and they are fully aware of the consequences which would be occasioned to Europe, by a sanction of the indefinite right of insurrection demanded, by some Persons, for America.

His Catholick Majesty, therefore, not only deems to be interested in this question, the Nations who possess Ultra-marine Colonies, to which the same theory, which it is wished to legitimatize in the Spanish

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American Provinces, may be applied, but considers this subject as being intimately connected with those conservative principles which form the safety of Governments and the guarantees of Society.

All other considerations are insignificant in comparison with the latter; and therefore His Catholick Majesty forbears to recur to the less important reasons which, in ordinary times, diplomacy would employ in the support and defence of justice.

In looking at the question, in reference to the political balance of power, Spain presents, in all her relations, new and powerful motives for determining other Powers to preserve the strictest impartiality towards her. Exempt from every kind of ambitious pretensionplaced, relatively to other Nations in an inoffensive position, and exclusively occupied with the establishment and consolidation of her internal happiness-she ought not to provoke either suspicion or rivalry, nor to excite a desire to dismember the different parts of the Monarchy, with the object of weakening her. Spain, whatever her strength may be, cannot menace the repose or the safety of other Nations, but, rich and flourishing, she may have an advantageous influence in preserving the equilibrium of the Powers. An instinct of honour and integrity has united the dispersed elements of her power; and, whilst she was engaged in the most unequal struggle, she afforded time to the Continent to rise against the common Enemy, and to destroy his oppressive yoke. This fact alone renders every other reflection and comment unnecessary; it is sufficient to inspire interest in favour of a magnanimous Nation, and to convince the World that her influence will be always beneficial, but never offensive. This is the position amongst Nations which nature and policy have assigned to Spain. European Governments acted upon this great political principle, when they caused the colossal power of Spain to be destroyed, which, during 2 Centuries, had alarmed Europe. After a long conflict, it remained to be considered how to fix the destiny of this Kingdom, which was looked upon as connected with the federative system of Europe, and the advantage was then recognized of consolidating its power, by securing for it in America a point of support, which, by increasing its importance, rendered it the better qualified to maintain the equilibrium of the political balance of Europe.

This consideration in favour of the general interest appeared of such importance, that Spain was bound not to transfer or alienate, in any form, the smallest portion of her Territory in America; and, in order to render her possession of it still more secure and inviolable, and, at the same time, to dispel every motive for mistrust, she was deprived of the power of granting to other Nations, by any means or under any pretext whatever, the advantage of trading with that Quarter.

Time has, nevertheless, produced on this point a very important change; and a less restricted policy, the changes in the commercial relations, the adoption of more economical principles, and a multitude of other causes combined, have convinced Spain, that the continuance of the commercial monopoly, which had been formerly regarded as the principal bond of union between the two great parts of the Spanish Monarchy, would be as injurious to the welfare of the Peninsula, as it would be to that of the American Provinces.

His Catholick Majesty is, moreover, of opinion, that no ties are durable except those which are founded on mutual interest; that European Spain can obtain commercial advantages by means of her industry and Navigation, without aspiring to exclusive privileges; that new necessities and desires, consequent upon the progress of civilization and wealth, render it necessary to adopt towards the Provinces beyond seas, a more frank and liberal system; and that, instead of uselessly struggling against the spirit of mercantile speculation, which exercises such an influence over the political conduct of modern Nations, the true interest of Spain consists in encouraging that spirit as a useful Ally, instead of converting it into an irreconcileable Enemy.

In order to obtain such important results, all the Laws and Arrangements which have been made since the restoration of the Constitutional Government in Spain, have had a beneficent, generous, and favourable tendency towards the colonization of Foreigners in Spanish America, and the freedom of commerce with that distant Territory. The trial made in the Island of Cuba has been sufficient, practically, to demonstrate, that the interests of the Spanish Provinces, both in Europe and America, correspond with those in general of other Nations.

His Catholick Majesty, by these simple and natural means, is enabled to remove the only obstacle which could prevent an entire conformity between the policy of Spain and that of other Cabinets. When the Government of that Country, solid and stable, and recognized as the faithful observer of Treaties, is disposed to negotiate with its Insurgent Provinces of America, and offers to other Nations the greatest commercial advantages; it would be impossible to point out (though the question were reduced to a simple calculation of advantage) an object which could serve as a counterpoise in the opposite direction.

Civil war and anarchy, which are often the consequence of Revolution, and more particularly when, as in America, its elements are heterogeneous and opposite, are assuredly not calculated to multiply the exchangeable productions of a Country, nor to attract Foreigners, by offering them that security which leaves no doubt, and which is the soul of commerce; neither can vacillating Governments do so, which are precarious in their nature and without any guarantee, and which cannot secure to themselves even the advantages which they promise. Buenos Ayres, abandoned to itself, has endeavoured in vain, for the last 12 Years, to consolidate a Government; and the wretchedness and depopulation of the Provinces of Terra Firma have removed, instead of having advanced, the epoch of their prosperity and happiness. In affairs of this description, and when facts come to the support of reasoning, it would be useless to oppose vague and indefinite hopes to certain and evident results.

But it appears that a new calamity has arisen to increase the evils which might have been anticipated. The insurrection of the American Continent has revived Piracy on the High Seas, and has carried it to a pitch, not exceeded, perhaps, by any instances recorded in the history of former crimes of that class; and commerce in general begins to feel the danger of this immoral and barbarous warfare, which knows no other Law than that of sordid gain, and pillages indiscriminately the industrious Subjects of all Nations.

Thus, by an extraordinary concatenation of circumstances, every thing concurs in demonstrating the utility, and the urgency, of a definitive arrangement of a Question which has such vast and profound ramifications; and every thing contributes to impress upon the Spanish Government the folly of retarding through any secondary motive, an accommodation of such vital importance.

His Catholick Majesty, in entering upon this frank and amicable Negociation with the Insurgent Provinces, expects, with the greatest confidence, to find in all Governments, that circumspection and cautious conduct, which are dictated by justice, recommended by policy, and counselled by sentiments of impartiality and good will.

Whilst the Spanish Nation endeavours to put an end to this domestick misunderstanding, the same inviolable respect which she professes for the rights of other Nations inspires her with the just expectation of being treated with reciprocal consideration and regard. She cannot even suspect, on the part of the Powers who desire to preserve friendship and good understanding with her, that any rash step will be taken, which might imply a supposition that the Question is already solved, the decision of which, peculiarly and exclusively, belongs to Spain alone, in the exercise of her legitimate and recognized rights, which she has never renounced. The steps which have been taken to induce the different Powers to a recognition of the Independence of the Insurgent Provinces of America, will afford to the Cabinets in question, a solemn occasion to sanction the fundamental principles upon which are founded the integrity of Territory, the repose of Nations, and the publick morality of Governments.

The tenour and spirit of Treaties—the good faith which ought to reign between Powers in amity—the conviction of a duty which is equally supported by a generous and an enlightened policy—the real welfare of the Insurgent Provinces—and the general advantage of all Civilized States—afford to His Catholick Majesty as many guarantees, that his laudable desires will obtain from His August Allies the most favourable and friendly reception. (A true Copy.)

H. E. The Marquis of Londonderry.

LUIS DE ONIS.

AUSTRIA, FRANCE, PRUSSIA, AND RUSSIA, AND SPAIN. 895

CORRESPONDENCE between the Ministers of Austria, France, Russia and Prussia, at Madrid, and the Spanish Government, respecting the safety of The King and Royal Family of Spain.—July 1822.

The Foreign Ministers to the Spanish Minister for Foreign Affairs. MONSIEUR, Madrid, le 7 Juillet, 1822.

APRES les déplorables Evènemens qui viennent de se passer dans la Capitale, les Soussignés, en proie aux plus vives alarmes, tant par l'affreuse situation actuelle de Sa Majesté Catholique et de Sa Famille, que par les dangers qui planent sur leurs augustes têtes, s'adressent de nouveau à Son Excellence M. Martinez de la Rosa, pour réitérer avec toute la solemnité requise par d'aussi immenses intérêts, les déclarations verbales qu'ils ont eu l'honneur de lui adresser hier collectivement.

Le sort de l'Espagne, et de l'Europe entière, depend aujourd'hui de la sureté et de l'inviolabilité de Sa Majesté Catholique et de Sa Famille: ce dépôt précieux repose entre les mains du Gouvernement du Roi, et les Soussignés se plaisent à renouveler l'hommage qu'il ne peut être confié à des Ministres plus honorables, et plus dignes de confiance.

Les Soussignés, entièrement satisfaits des explications pleines de noblesse, de loyauté, et de dévouement à Sa Majesté Catholique, reçues hier de la bouche de Son Excellence M. Martinez de la Rosa, n'en trahiroient pas moins le plus sacré de leurs devoirs, s'ils ne réitéroient dans ce moment, au nom de leurs Souverains respectifs, de la manière la plus formelle, la déclaration, que de la conduite qui sera tenue envers Sa Majesté Catholique, vont irrévocablement dépendre les rapports de l'Espagne avec l'Europe entière, et que le plus léger outrage à Sa Majesté Royale, plongeroit la Péninsule dans un abyme de calamités.

Son Excellence M. Martinez de la Rosa.

The Spanish Minister for Foreign Affairs to the Foreign Ministers. MESSIEURS, Madrid, le 8 Juillet, 1822. PIPET

ON connait assez les Evènemens déplorables survenus ces jours derniers, depuis qu'un Corps respectable spécialement destiné à la garde de la Personne Sacré de Sa Majesté Catholique, est sorti sans aucun ordre de ses Quartiers, a abandonné la Capitale, et s'est établie à deux lieues de Madrid dans la Résidence Royale du Pardo. Cet incident inattendu a placé le Gouvernement dans une position aussi difficile que singulière : il s'est trouvé privé d'un des principaux appuis qui lui servaient à maintenir l'Ordre public ; la force destinée à faire exécuter les Lois a secoué le joug de la subordination et de l'obéissance, et des Mi-

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litaires chargés du dépôt sacré de la Personne du Roi, non seulementl'ont abandonné, mais encore ont fixé l'attente générale sur le Palais de Sa Majesté, qui continuait à être occupé par leurs Compagnons d'Armes. Dans de telles circonstances, le Gouvernement a reconnu qu'il devait diriger tous ses efforts vers deux objets principaux; 1°. Conserver à tout prix la tranquillité de la Capitale, sans donner lieu à ce que l'état d'alarme et l'irritation des passions amenassent des desordres ou des provocations d'aucune espèce; 2°. Tenter toutes les voies de paix et de conciliation pour ramener au devoir un Corps égaré, sans être obligé de recourir à des moyens de force, et sans arriver à la douleureuse extrémité de verser le sang Espagnol.

Rélativement au premier objet, les mesures du Gouvernement out été si efficaces que l'état de la Capitale dans des jours aussi critiques, a offert un exemple bien frappant de la modération et de la sagesse du Peuple Espagnol. On n'y a pas même vu éclater ces légers desordres, qui même dans les tems ordinaires et tranquils sont si fréquens dans les Capitales.

Quand au second point, les dispositions du Gouvernement ont eu un résultat moins heureux par l'opiniâtreté de la troupe séduite; ou s vainement employé toutes les mesures conciliatrices qu'ont pu dicter la prudence, et le désir le plus ardent d'éviter des suites déplorables; on a épuisé tous les moyens de dissiper les motifs d'alarme et de défance qui eussent pu servir de prétexte au Corps insubordonné ; le Gouvernement lui a donné à trois reprises et en trois occasions différentes, l'ordre de se diriger sur deux points qui lui étaient assignés pour quartiers; le Conseil d'Etat, consulté trois fois, a indiqué des voies de conciliation qui ont toutes été adoptées; enfin le Ministère a poussé si loin sa condescendance, qu'il a proposé aux Troupes du Pardo, d'envoyer les Officiers qu'elles voudraient choisir, pour entendre de la bouche même du Roi, quelle était sa volonté, quels étaient ses désirs : ce qui a eu lieu, quoique sans amener l'effet qu'on en attendait. Malgré tout cela, le Gouverne ment, forcé d'ailleurs de prendre les précautions convenables, a si peu dévié de la ligne de la modération, que non seulement il n'a pas employé contre les Soldats insubordonnés les Troupes en garnison dans la Capitale, mais pour éviter toute appareil hostile, il n'a pas déployé d'autres ressources que celles qui étaient à sa disposition, et dont il a pu légitimement se servir, depuis que ses Ordres ont cese d'être obéis comme ils devaient l'être ; mais tant de ménagemens de la part du Gouvernement, loin de ramener les Bataillons égarés, n'ont fait que les encourager dans leurs coupables projets, qu'ils ont enfin essayé de mettre en exécution en surprenant la Capitale. On sait trop leur invasion hostile; on sait leurs efforts impuissants pour surprendre et battre les vaillantes Troupes de la Garnison et de la Milice Nationale; on sait enfin quelle a été l'issue de leur témérité. Au milieu de cette crise et de l'irritation qu'a dû produire dans les

esprits une agression de cette espèce, on n'a pas vu sans étonnement les Soldats et les Miliciens conserver la plus sévère discipline, sans abuser de leur triomphe, et sans oublier jamais dans leur ressentiment que les Auteurs de ce fatal évènement étaient des Espagnols. Après ce qui étoit arrivé il n'etait ni prudent ni même possible de faire rester les Agresseurs dans la Capitale, et de continuer à leur confier la garde de la Personne sacrée du Roi, objet de la vénération et du respect du Peuple Espagnol. Aussi a-t-on remis ce dépôt précieux à un Régiment, modèle de subordination et de discipline, et les Troupes aussi bien que le Peuple, ont connu et respecté l'immense distance qui sépare une Garde Royale, insubordonnée. et responsable devant la Loi de ses égaremens, qui la sépare, dis-je, de l'Auguste Personne du Roi, déclarée sacrée et inviolable par la Loi Fondamentale de l'Etat. Jamais Sa Majesté et Sa Royale Famille n'ont pu recevoir plus de preuves d'attachement et de respect que dans la crise d'hier ; jamais le Peuple Espagnol n'a manifesté avec plus d'évidence sa loyauté et ses vertus.

Cette simple rélation de faits, notoires par leur nature, et dont il existe tant de témoignages, dispense de toutes réflexions ultérieures sur l'objet important auquel se rapporte la Note de Vos Excellences et de vos Seigneuries, datée d'hier. Le Gouvernement de Sa Majesté Catholique n'a pu manquer d'ailleurs d'en apprécier dignement les sentimens, et de reconnaître que le but en est sous tous les rapports aussi utile qu'intéressant. Je renouvelle, &c.

F. MARTINEZ DE LA ROSA.

Les Ministras des Cours Etrangères.

NOTIFICATION of the Government of Spain, respecting the Sailing of a British Squadron, for the purpose of taking Reprisals upon Spanish Commerce.—20th December, 1822. (Translation.)

The Minister of the Interior to the Political Chiefs of Departments, &c. (Circular.) Madrid, 20th December, 1822.

THE English Government having claimed an indemnity for various Captures, made from the Merchants of that Nation, from the Year 1804 up to the present time, and also for various other damage occasioned to English property, assigning for this purpose a space of time within which it is impossible for the King to come to any determination upon the subject; therefore, until this can be effected, which will take place as soon as possible, in order to avoid the injury which is likely to result to the property of Spanish Merchants, the King commands me to declare to the Consulate, that there have sailed from the Ports of England various Ships of War destined for the Coasts of Terra Firma and Porto Rico, with Orders to detain Spi the debt which the English Government hopes to terminate, in a just and amicab affecting the interests of the Subjects of b Notice is issued with a view to prevent during the interval which must necessari.

You will acquaint the Consulates present Notice.

The Political Chiefs of Departments, Con in Spain and the Colonies.

LETTER from the Secretary of the Statements shewing the Commerce United States, for the Year en ber, 1821.

SIR,

898

Treasury Depa

In conformity with the Provisions of the ary, 1821, entitled "An Act to provide for ments of the Foreign Commerce of The 1 honour to submit the following Statement and Navigation of The United States, for September, 1821, viz:

- 1. A general Statement of the quantity and value into The United States.....
- 2. A summary Statement of the same
- 3. A general Statement of the quantity and value of]
- 4. A general Statement of the quantity and value of F
- 5. A summary Statement of the value of Domestic Art
- 6. A summary Statement of the value of Foreign Arti
- 7. A general Statistical View of the Commerce and P States; and

8. A general Statement of the Amount of American i ployed in the Foreign Trade of The United States

From the foregoing Statements it appear amounted to 62,586,724 dollars, of which an were imported in American Vessels, and 4,54 Vessels: that the Exports have amounted to which 43,671,894 dollars were Domestic, a Articles: that 34,465,272 dollars were expo 9,206,622 dollars in Foreign Vessels: that 762 entered the Ports of The United States, and 804, and that 81,526 Foreign Tonnage entered, at the Ports of The United States. I have the hol W

The Hon. the Speaker of the House of Represent



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(d)

(1.)-A General Statement of Goods, Wares, and Merchandize, imported into The United States, in American and Foreign Vessels, commencing

the 1st day of October, 1820, and ending the 30th day of September, 1821.

	VA	LUE OF MI	ED.	TOTAL VALUE OF IMPORTATIONS.			
IMPORTS FROM	Free of Duty	Paying advalo- rem rates of Duty.	Paying specific rates of Duty.	In American Vessels.	In Foreign Vessels.	From each Country.	From the Dominions of each Power.
issia - Dollars	13,526	77,471	1,761,202	1,852,199	-	-	1,852,199
ssia den 15,188 dish West Indies 304,808 mark and Norway 35 dish West Indies 390,168		387 12,384 28,980 757 102,076	1,012 732,181 276,328 15,364 1,491,330	658,335 601,706 16,156 1,958,738	1,399 101,418 8,410 	759,753 610,116 16,156 1,983,574	1 1 000 790
nish East Indies	1,364,781	257,389	316,783	1,788,754	150,199	1,938,953	1
American Colonies - utch East Indies -	374,158 110	618	470,902 133,641	833,757 134,369	27,193	860,950 134,369))
ngland, Man, & Berwick cotland ibraltar ritish African Ports ewfoundland and British Fisherics	1,014,114 371 4,577 603,801 1,802	1,155,177 626,931 246,504 2 4,581 21	64,544 54,646 383,958 198 192	21,691,813 865,173 533,756 1,032,564 6,581 213	1,489,049 354,919 152,398 201,699 -	23,180,862 1,220,092 686,154 1,234,263 6,581 213	29,277,93
ritish East Indies ritish West Indies ritish American Colonies her British Colonies her British Colonies her Hanse Towns and	802,09	5 8,419		1,530,799 646,395 459,490	280,951 31,214 924	1,530,799 927,346 490,704 924]
Ports of Germany .	226,53	4 700,652	62,979	763,869	226,296		990,165
ench European Ports in he Atlantic	630,91	0 3,169,68	693,322	4,079,330	414,587	4,493,917	1
ench European Ports in he Mediterranean ench West Indies	248,68				61,712	496,023 900,619	5,900,581
nch East Indies arbon and Mauritius	120		10,022	10,022	11 - 1	10,022]
er French African Port	568,06	0 124,53	1,553,664	2,207,559	38,698	and and	2,246,257
nish European Ports in ne Atlantic -	22,09	1 174,58	57,350	242,057	11,968	254,025	1
nish European Ports in ne Mediterrancan neriffe and the other Ca	5,60	1	274,694	280,376	7,992	288,368	10
anilla and Philippine Isl oridas	54,66	8 12,313	102,230	265,089 114,861 174,860	14,870	265,089 114,861 189,730	9,653,728
onduras, Campeachy, & Musquito Shore - ba her Spanish West Indies anish South American	135,74 1,246,42 36,32	7 275,595	5,062,827	210,673 5,661,979 620,898	5,402 922,870 5,716	216,075 6,584,849 626,614	10
Colonies - rtugal deira val and the other Azores pe de Verd Islands ser Portuguese African	499,057 142,73 10,570 1,320 40,780	25,501 615 16,475	187,884 179,098 120,179	1,106,259 351,701 187,701 137,982 63,612	7,858 4,415 2,588 - 424	1,114,117 356,116 190,289 137,982 64,036) } } 1,353,549
orts ist of Brazil and other ortuguese American Co- mies	174,616	22,870	407,640	605,126		605,126	
y and Malta	887,854			973,463		-	973,463
key, Levant, Egypt, &c. becco & Barbary States	118,224 99,302		46,321 34,220	229,792 389,692	5,988	-	229,792 395,680
e of Good Hope na , generally st Indies, do.	48,110	28	1,394,353 123,193	3,111,951 123,221 3,727		- Inte	3,111,95 123,22 3,72
ope do	38 68,342 34,010	46,431	3,202 15,170 285	129,943 34,428	-	-	129,94 34,42
thwest Coast of America				01,120	3,832		3,83
Total	26		112	50.005.000			
Total - Dollars	10,082,313 reasury 1	30,894,917	21,608,494	58,025,899	4,559,825	- 1	62,585,72

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(2.)—A Summary Statement and Merchandize, importe Foreign Vessels, commencin the 30th day of September,

SPECIES OF MERCHANDIZI

1	VALUE OF MERCHANDIZE FREE OF D
	Copper, Brass, and Tin, in Pigs or
	Bullion
	Gold and Silver Coin
	Dye Woods
	Raw Hides
	Brimstone and Sulphur
	Furs, undressed
	Plaster of Paris
	Burr Stones, unwrought
	All other articles free of Duty

Total....Dolla

VALUE OF MERCHANDIZE PAYING DUT ad valorem, viz :

Manufactures of Woollen. piece goods,	
Cloths, and Cas	simer
Worsted and Stu	off
Blankets and Ru	1gs
Cotton, piece goods, printed and co.	lourec
White	
Nankeens	
Woollen and Cotton Hose	•
Cotton Twist, Yarn, and Thread	
Linens, bleached and unbleached	
Silk goods	
Hempen goods	
Brass	
Copper, or of which Copper is the n	nate-
rial of chief value	
Iron and Steel, other than that pa	ying
a specifick rate of Duty	
Wares, Glass, do. do. do	
China]
Earthen and Stone	/
Tin and Pewter	
Paper, writing and wrapping)
Gold, Silver, and precious Stones	/
Hate Cans and Bonnets	
Unmanufactured Copper, subject to a Duty	of
15 per Cent	/
Tin, in sheets or plates	
All other articles paying an ad valorem rate	OII
Duty	. 4.
	-
TotalDollars.	. 29,
	1

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144

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5

112

19.

+ 1.5

STATEMENT—Continued.

20.00	In America	an Vessels.	In Foreig	n Vessels.	Total.			
S OF MERCHANDIZE.			Quantity.	Value.	Quantity.	Value.		
W AND VALUE OF								
ANDIZE PAYING SPE- LATES OF DUTY, VIZ. :		Dollars.		Dollars.		Dollars.		
d sheetings pieces	82,069	893,901	34	375	82,103	894,276		
	2,868,477	1,769,032	346,665	104,432	3,215,142	1,873,464		
rom grain do	441,557	175,802	50,619	28,056	492,176	203,858		
ther materials do	3,124,747	1,572,174	41,227	28,766	3,165,974	1,600,940		
do	9,067,922	1,716,634	19,060	2,593	9,086,982	1,719,22		
, and porter do	35,780	30,027	36,633	29,923	72,413	59,950		
and olive, in	56 000	51,632	28	48	56,948	51 000		
do	56,920 4,975,534	1,322,501	112	135	4,975,646	51,680		
pounds	21,094,934	4,452,506	178,725	37,464	21,273,659	4,489,970		
	1,920,516	231,174			1,920,516	231,174		
te do	1,316	416	10	3	1,326	419		
rown & white do	58,715,219	3,509,714	797,616	43,868	59,512,835	3,559,58		
andy, loaf and					0.00			
mp do	2,810	301	56	12	2,866	313		
do	2,757,028	173,125	121,845	7,910	2,878,873	181,035		
cheese, soap,	1 100 000	155 015	11-	0.000	4,565,995	101 010		
llow do	4,488,880	455,917	77,115	9,302	9 636 160	464.619		
do	2,624,182	307,575	11,987	2,706	2,636,169 584,805	310,281 704,412		
do	577,316 664,883	696,795 135,530	7,489 26,156	7,617 5,086	691,039	140,616		
and snuff do	1,583	253	767	394	2.350	647		
der do	68,046	11,100	5,928	1,316	73,974	12,416		
and glue do	107,949	26,644	15,542	2,511	123,491	29,155		
chre, & c do	2,779,355	217,269	1,590,411	105,299	4,369,766	329,568		
g, bar, & shot do	4,606,779	237,357	881,226	47,344	5,488,005	284,701		
do	872,695	96,517	59,002	11,950	931,697	107,867		
and composi-	00 500	0 -0-	1,186	010	37,892	9,050		
is and spikes do	36,706		21,622	543 1,670	905,359	35,884		
steel wire do	283,737	34,214	21,022	1,070	500,000	33,001		
ks, nails, an- und sheet do	3,169,196	129,843	419,308	15,868	3,588,504	145,711		
bars and bolts,	0,100,100	120,010						
Cwt.	\$1,853	1 1 000 100	11,891	116,555	43,684	\$ 1,213,04		
tto hammered do	321,558	1,096,486	21,536	5 110,000	343,094	5 1,210,011		
pigs do	14,259	\$ 43,348	4,097	13,457	18,356	\$ 56,805		
lings do	5,145)	1,892	1	7,037)		
do	9,955	120,736	1,615	10,5 55	11,570 86,192	131,291 510,489		
do	86,192	510,489	389	1,122	1,364	3,741		
do	975	2,619	684	490	1,829	1,581		
s do	1,145 3,447.428	1,091 530,374	496,299	78,647	3,943,727	609,021		
do	410,489	64,222	217,248	27,130	627,737	91,352		
edquintal	326	2 10,000	20	\$ 377	346	13,186		
kled barrel	326 1,141	\$ 12,809		3 311	1,171	\$ 10,100		
ck at. bottles.gross	3,544	\$ 56,064	6,603	\$ 51,290	10,147	\$ 107,354		
dow 100 sq. fee	6,006))	8,824	6,445		
shoespairs	6,690	5,321	1,305	1,124 886	7,995 11,000	113,601		
cardspacks	10,884 576	112,715 134	116	2	586	136		
						(878 R.L.)		
merchandize, paying		00 919 469	1	796,026	a an a l	21,608,49		
e of duty	1 2 2	20,812,468 8,095,118		1,987,195		10,082,91		
ing ad valorem rate		0,000,110		12.67.53		244 200		
B au taloren fale		29,118,313		1,776,604		30,894,91		
tal valueDollars.		58,025,899		4,559,825		62,585,72		

Treasury Department, Register's Office, 23d January, 1822. JOSEPH NOURSE, Register.

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(3.) A General Statement of Goods, Wares, and Me Manufacture, of The United States, Exported, comm and ending on the 30th day of September, 1821.

	VAL
WHITHER EXPORTED.	In American Vessels.
RussiaDollars	127,93
Sweden	106,219
Swedish West Indies	497.26
Denmark and Norway	165,56
Danish West Indies	1,299,46
Danish East Indies	
Holland Dutch West Indies and American Co-	1,873,87
lonies	520,2
Dutch East Indies	133,0
England, Man, and Berwick	13.895.5
Scotland	448.4
Ireland	. 715.
Guernsey, Jersey, Sark, & Alderney	•
Gibraltar	. 956,
British African Ports	. 9,
British East Indies	. 92,
British West Indies	. 264,
Newfoundland and British Fisheries	1
British American Colonies	. 1,959
Other British Colonies	. 12
The Hanse Towns & Ports of German	y 1,331
French European Ports-Atlantic	. 44
French European Ports-Mediter	29
Colonies	n 84
French East Indies	
Bourbon and Mauritius	. 1
Other French African Ports) -
Hayti. Spanish European Ports-Atlantic	1,79
Spanish European Ports-Atlantic	3
opanish European Ports-Medite	r-1
ranean.	••
Teneriffe and the other Canaries	•••
Manilla and Philippine Islands	••)
Floridas	2
quito Shore	2 C C C C C C C C C C C C C C C C C C C
Cuba.	2,8
Other Spanish West Indies]
Spanish South American Colonies.	
Portugal]
Madeira	••
Cape de Verd Islands	••(
Other Portuguese African Ports.	••)
Coast of Brazil and other Portugue	
American Colonies	se
taly and Malta	••)
Frieste and other Austrian Ports	
the Adriatic	
Turkey, Levant, Egypt, Mocha, ar	12
Aden	
Morocco and Barbary States	
ape of Good Hope	
hina	
hinagenerally	1
vest Indies do	
urope	
fricado	
outh Seas	1
orthwest Coast of America	
Total Dollars	3

Treasury Department.

(4.) A General Statement of Goods, Wares, and Merchandize, of the Growth, Produce, and Manufacture of Foreign Countries, exported from The United States, commencing on the 1st October, 1820, and ending on the 30th September, 1821.

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(10.50) (10.150F)- 3		-	TOTAL	TOTAL VALUE OF			
WHITHER EXPORTED.	Goods free of Duty.	Goods paying Duty a valoren	d- specif	g In Ame ic rican of Vessels	Foreign	To each Country	To the Dominion of each Power.
Russia - Dollars Prussia -	14,82	11,50	67 474,5	66 500,9	55 -	-	500,95
Sweden Swedish West Indies Denmark and Norway Danish West Indies Danish East Indies	8,22 37, 7,61 15,09	5 33,97 7 32,64	$\begin{array}{ccc} 77 & 18,7 \\ 12 & 320,2 \end{array}$	97 47,3 76 360 5	44 5,80		8 9 5 116,11
Holland Dutch West Indies and	77,70	4 71,79	3 1,590,1	95 1,706,59	93 33,09	All states and a	and man a
American Colonies Dutch East Indies England, Man, & Berwick Scotland Ireland Guerneey, Jersey, Sark, and Alderney	34,87 1,260,23 1,942,48 1,35	$5 241,48 \\ 6 94,52 \\ 1,50$	8 80,00 3 88,58 0 12,18	80 1,581,80 85 2,056,40 83 85	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	$\begin{array}{c}3 & 149,76\\1,581,86\\6 & 2,125,59\\5 & 13,69\end{array}$	$\left\{\begin{array}{c} 3,471,27\\ 94\\ 83\end{array}\right\}$
Gibraltar British African Ports British East Indies British West Indies Newfoundland and British	40,91 4 1,897,54	0 417	3 8(8 23,59	0 5.01	3 -	513,63 5,01 1,934,19 47	3 4,603,94
Fisheries - British American Colonies Other British Colonies The Hanse Towns and Porte of Germany	-	8 4	4 1,90	0 22	7 225	4,47 45. 2,35;	5
French European Ports in the Atlantick	22,92	1	020,00	8 542,32	54,717	14-17	597,03
French European Ports in the Mediterranean		1	7 245,16	12 -	349,010	849,010	h
French West Indies and American Colonies	90	1	9,94	6,073	3 4,778	10,851	- model is
Bourbon and Mauritius - Other French African Ports	21,00	43,37 0 =	4 6,46 1,78 1,55	4 1,78	4 -	49,838 1,784 22,556	964,25
Spanish European Ports in	00.00	4 426,68	6 42,64	8 529,579	639	530,218]
Spanish European Ports in	# OF/	0 3,36	5 179,48	5 189,900	- 1	189,900]
Teneriffe and the other		25	66	5 915		915	NUMBER /
Manilla & Philippine Isls. Floridas	7,284 190,000 4,010	13,090	6,86	9 209,964		48,637 209,964 49,522	2,750,566
Cuba Cuba Other Spanish West Indies	278,892 134		421,341	1,590,173	789 452	106,830 1,590,625 83,604	All the second second
Portugal -	55,388 66	378,262	95;909		1,504	529,559	. see 18
Aadeira ayal and the other Azores ape de Verd Islands ther Portuguese African Ports	2,000 205 -	8,551 6,881 6,301	16,116 4,072 1,355	11,158	10	66 26,667 11,158 7,656	541,959
oast of Brazil and other Portuguse American Co- lonies aly and Malta	157,159 26,995	258,784 212,229	80,469 450,272	496,412 689,496	1 , Bard 1 ord years	496,412	
Ports in the Adriatic	11,402	37,895	259,283	1000		All Trends	689,496
urkey, Levant, Egypt, Mocha, and Aden orocco & Barbary States ape of Good Hope	5,974	93,531	307,492	406,997		-	308,580 406,997
sia, generally est Indies, do. urope do.	3,398,026 1,155,192 111 875	483,130 19,807 35,451	20,869 5,798 11,912	3,902,025 1,180,797 47,474 10,782	-	Ξ.	3,902,025 1,180,797 47,474
outh Seas orthwest Coast of America	1,297 9,117	26,889 20,866 208,148	9,907 14,740 8,917 65,240	10,782 41,629 29,791 282,505	1,289	1111	10,782 41,629 81,080 282,505
	0,764,757	4,595,090	5,942,641	20,710,700	591,788	-	21,302,488
ported, entitled to draw- ported, not entitled to Irawback	- 4	3,828,472 766,618	100 States	9,049,689 11,661,011	506,319 85,469	-	9,556,008



	UNITED STATES
(5.)—Summary facture of	Statement of the Value of the Exports of The United States, during the Year end
Fisheries: Dried fish, o Pickled fish saln Whale (com	SEA,
THE	FOREST, 3,794,341
Ginseng Product of we Lumber, (be pole Oak bark and Naval stores	oed : oards, staves, shingles, hoops and es, hewn timber, &c.) other dye s, (tar, pitch, rosin, turpentine). and pearl
AGR	ICULTURE,
Product of an Beef, tallow Butter and	cheese
Horses and	(led) bacon, lard, live hogs mules
Indian corr Rice All other,	od : r, and biscuit a and meal (rye, oats, pulse, potatoes s, &c.)
Cotton All other agri Flax seed . Hops Wax	cultural products
Domestick ma Soap and ta Leather, bo Hats Grain, beer Wood, (inc Cordage Iron Snuff and to Various ite	NUFACTURES, 4 aterials; allow candles oots, shoes, saddlery r, spirits luding coaches & other bbacco ms, (lead, linseed oil pentine, &c.)
Sugar, refit Chocolate. Gunpowder	rials: molasses
Articles not di Manufactur	ERTAIN, istinguisbed in Retur ed
	Tat

Tot

Treasury Department, Register's Office

(6.)—Summary Statement of the Value of Exports of the Growth, Produce, and Manufacture, of Foreign Countries, during the Year ending on the 30th September, 1821.

VALUE OF MERCHANDIZE, DUTY, VIZ.	FREE OF	VALUE OF MERCHANDIZE P. CIFIC RATES OF DUT	LUF. OF MERCHANDIZE PAYING SPE- CIFIC RATES OF DUTY.					
Copper, Brass, and Tin, in		Duck and Sheetings	109 050					
Pigs or Bars	22,822	Wines	423,950					
Bullion	90	Wines	240,929					
Gold and Silver Coin	10,477,969	Spirits from grain	30,137					
Dye Woods		Do. other materials	195,029					
Raw Hides	112,855	Beer, Ale, and Porter	4,615					
caw mucs	61,921	Oil, olive, in casks	2,046					
Brimstone and Sulphur	935	Molasses	11,232					
Furs, undressed	7,839	Teas	242,379					
Plaster of Paris	88	Coffee	2,087,479					
Burr Stones, unwrought	159	Cocoa	228,219					
All other articles free of		Sugar, brown and white	1,549,18					
Duty	80,085	Do. candy, loaf and lump	145					
이 이 이 것은 것은 것이 가지 않는 것을 같을 것 같이 했다.		Fruits						
Total, Dollars	10.764.757	Candles, Cheese, Soap, and	15,375					
		Tallow	00.000					
		Tallow	32,381					
VALUE OF MERCHANDIZE	DITTIO	Spices	236,072					
DITTER AD VALOREN	PATING	Indigo	416.968					
DUTIES AD VALOREM,	VIZ.	Cotton	104,255					
Manufastures - FWII	and shares and	Snuff	782					
Manufactures of Woollen pie		Gunpowder	6,708					
Cloths and Cassimeres	229,785	Bristles and Glue	2,112					
Worsted and Stuff	102,572	Paints	8,444					
Blankets and Rugs	46,895	Lead, Pig, Bar, and Shot	11,276					
Cotton, piece goods:		Cordage	16,646					
Printed and Coloured	379,701	Copper and Composition,	10,010					
White	320,302	Nails and Spikes	3,616					
Nankeens	874,608	Iron and Steel Wire	440					
Woollen and Cotton	011,000	Iron, Tacks, Nails, Anchors,	440					
Hose	2,330	and Sheet	14 001					
Cotton, Twist, Yarn,	2,000	and Sheet	14,291					
and Thread	6 590	Do. in Barsand Bolts, rolled?	61,152					
Linens, bleached and	6,532	Do. do. hammereds						
unbleached	015 040	Do. castings	351					
unbleached	245,848	Steel	16,088					
Silk goods	1,057,233	Alum	41					
Hempen goods	26,516	Copperas	28					
Brass	971	Coal	2,450					
Copper, or of which		Salt	15,321					
Copper is the mate-		Fish, dried and pickled	3,066					
rial, or chief value	5,194	Glass, black quart bottles,	0,000					
Iron and Steel, other		and window	2,751					
than that paying a		Boots and Shoes	2,244					
specific rate of Duty	164,306	Cigars						
Wares, Glass, do. do.	45,583	Cigars.	13,935					
China		Playing Cards	520					
Earthen and Stone	7,804	V.J. CM. I. W.						
Tin and Damater	31,049	Value of Merchandize pay-						
Tin and Pewter	4,018	ing specific rates of Duty.	5,942,641					
Paper, writing and		Do. do. free of Duty.	10,764,757					
wrapping	10,189	Do. do, paying ad va-						
Gold, Silver, and pre-		lorem rates of Duty	4,595,090					
clous Stones	67,395							
Hats, Caps, and Bon-		Total value of Foreign pro-						
nets.	9,967	duce	21,302,488					
Unmanufactured, Copper	0,001	Do. Domestick do						
subject to a Duty of	1 A A A A	Domestick do	43,671,894					
15 per cent	6 nor	Total value of Domestick and						
Tin in sheets or plat-	6,085		AL 071 000					
Tin in sheets or plates	10,291	Foreign produceDolls.	64,914,382					
All other articles paying an	1.0.2							
ad valorem rate of	000							
Duty	939,916							
Dollars.	4,595,090							

Treasury Department, Register's Office, January 23, 1822, JOSEPH NOURSE, Register. æ

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(7.)—Statistical View of the (Articles of every description to, each Foreign Country, ending on the 30th day of S

U

COUNTRIES.

Russia				Dolla	ars.
Prussia		-	-		
Sweden		-			-
Swedish V	Vest Ind	ies		-	
Denmark			•		
Danish W	est Indi	es	-		
Holland		-	-		
Dutch W	est Indi	es ar	nd Ame	erican	Co
lonies		-	-	•	
Dutch Ea	st Indies			-	- 1
England,	Man, an	d Ber	wick	•	1.17
Scotland	•	•	-	•	
Ireland	-	•	•	•	
Gibraltar		•	-	•	
British A	frican Pe	orts			
Newfound	iland an	d Brit	tish Fis	heries	
British Ea	ast Indie	5	-	•	
British W British An	est Indi	es	. •	-	
British An	nerican	Color	lies	•	
Other Bri	tish Cold	nies			
The Hans	e Towns	and	Ports o	f Germ	an
French E	uropean	Ports	s on the	e Atlan	atic
French E	uropean	Ports	s on th	e Med	itei
ranean					0
French W	est Ind	ies a	nd Am	erican	Ce
lonies		-	•	-	
French E			-	•	
Bourbon	and Mau	ritius		-	
Hayti		-			
Spanish J	mropean	Por	s on th	e Atla	nti
Spanish E	uropean	Port	s on th	e Med	ue
ranean			C	-	
Teneriffe	and the	other	Canari	es	
Manilla a	nd Phill	ippin	e Island	1s -	
Floridas	-			-	
Honduras	, Campe	acny,	ac.	-	
Cuba				•	
Other Spa	nish we	st In	Color	-	
Spanish S	outh Am	erica	n Color	11CS	
Portugal	-	•	-	•	
Madeira			-	•	
Fayal and	the oth	er Az	ores	•	
Cape de V Coast of	erd Isla	nas		Dontos	
Coast of	Brazil a	ina d	other	Portug	jue
	an Colon	ies		-	
Italy and	Maita	A	ion Po	-	
Trieste an	ia other	Aust	rian ro	its on	···
Adriatio		mint	8.0		
Turkey, L	evant, E	By br	ac.		
China	-		-	-	
Asia, gene	inc. do	-	- 5		
West Ind	do.				
Europe,	do.	-			
Africa, South Sea	uu.			-	
Northwest	Coasto	fAme	rica	-	
Uncertain	Porte I	Diaces	. &c.		
Uncertain	Torta, I	acce	, ac.		
			Total	- De	11

Value of Articles of every description of Imports from, and the Value of Tonnage of American and Foreign Vessels, arriving from, and departing Power employed in the Commerce of The United States for the Year

OMMERCE.	NAVIGATION.												
Total Value of Domestic	AMERICAN	TONNAGE.	POREIGN	TONNAGE.	Foreign Tonnage entered into The	Foreign Tonnage departing from The							
and Foreign Produce Exported.	Entered into The United States.	Departing from The United States.	Entering into The United States.	Departing from The United States.	United States, belonging to each Power.	United States belonging to each Power.							
628,894	13,827	4,521	-	-	-								
217,181 560,226	10,772 13,083	1,616	726 1,188 863	964	- 931	931 Prussian.							
526,103	1,421	20,774 4,142	- 000	888	5,386	5,602 Swedish.							
1,801,779	39,407	46,299	1,689	633	4,037	8091 Denta							
3,694,205	25,851	26,048	1,403	1,063	- 4007	3,931 Danish.							
683,043	16,468	18,228	422	823		-							
1,714,813	1,597	5,610		- 020	2,466	4,530 Dutch.							
18,464,708	112,053	128,729	39,024	19,546		-							
1,419,131 893,646	4,737 9,479	4,015 12,812	7,232 3,018	6,220	—	-							
1,469,746	11,231	20,954	435	2,201		-							
14,966	376	200	-	-									
4,738 1,966,279	448 4,548	501 3,027			-	-							
265,102	32,631	22.083	1 2		<u> </u>								
2,009,791	110,821	112,223	405	3,169	Ξ	이 문화 프라이지							
14,470 2,132,544	796 14,524	874 17,308	4,180		55,188	55,686 British.							
5,447,853	11,431	798	11,273	4,091 36,392	- 6,024	4,749 Hanse T.							
80,706	8,700	316	838	593	-	-							
896,435	41,729	43,366	-	-	-	-							
7,568 42,156	194	144	2.1		- 1,916	2.872 French.							
2,270,601	49,139	46,171	980	547	370	470 Haytien.							
514,606	6,585	8,604	-	-	-								
25,140	4,747	1,174	563		-	-							
123,465 211,323	2,329 742	3,003 632		92	-	-							
349,770	9,032	9,341	450	320		_							
206,725	5,111	6,009	246	803	-								
4,540,680 208,821	106,826	103,822	4,478 63	3,632	-	—							
1,037,735	14,320 13,838	11,134 13,208	603	282	4,580	4,154 Spanish.							
147,792	19,678	5,106	1,015	-	-	-							
220,081	4,140	8,082	148	-	-	—							
37,995 29,832	2,287 5,038	2,638 825	92		Ξ	Ξ							
1,381,760 1,099,667	10,599 6,573	[22,264 8,802	1	814	=	z							
340,361	2,018	1,895		-	2								
437.850	1.661	1 1.393	192	-	-	-							
4,290,560	5.622	6.040	-	-2-	-	-							
1,213,264 560,513	1,532 216	5,423 17,623			=								
194,636	261	2.294	1 2	1		-							
126,691	1,037	2,294 2,109	-	-	-	-							
71,408 376,998	10,643	17,968 4,298	-		<u> </u>								
-		104	-	-	628	148 Uncertain							
64,974,382	765,098	804,947	81,526	83,073	81,526	83,073							

Treasury Department, Register's Office, 23d January, 1822. JOSEPH NOURSE Register.

	TONNAGE ENTERED INTO THE UNITED STATES.												
FROM						Poi	REIGN						
	AMERI- CAN.	British.	French.	Spanish.	Dutch.	Hanse Towns.	Swedish.	Danish.	Russian.	Haytien.	Colombian.	Uncertain.	Total Fo- reign.
lussia Tons	13,827	-	-	-	-	-	-	- 1	- 1	- 1	_	-	h
russia	10.770	-	-	-	-	-	1100	-	726	-	- 1	-	. 72
wedish West Indies -	10,772 13,083	-	-	-	-	-	1,188 480	2	2	2	383		1,18
Conmark and Norway -	1,421	-	-	-	-	-	-	-	-	- 1	- 1	-	-
Danish West Indies	39,407	557	-	-	-	-	-	1,132	-	-	-	-	1,18
Iolland	25,851	-	-	-	1,043	360	-	- 1	-	- 1	-	-	1,64
outch West Indies and Ame-							1.11		1	S 1	1.11		
rican Colonies outch East Indies	16,468 1,597	-	-	-	422	-	2	-	- 1	2	- 1	-	2
Ingland, Man, and Berwick -	112,053	38,691	-	-	333	-	2	-	2	21	2	5	39,02
cotland	4,737	7,232	-	-	-	-	-	-	-	- 1	-	-	7,23
reland ibraltar	9,479	3,018 435	-	-	-	-	- 1	- 1	2	- 1	-	-	3,01
ritish East Indies	11,231 4,548		-	-	-	-	-	-	-	- 1	- 1	-	-
British West Indies	32,631	-	-	-	-	-	-	-	-	-	-	-	-
British American Colonies - British African Ports -	110,821	405	-	-	-	-	-	21	- 1	- 1	- 1	-	- 48
iewfoundland, &c	376 448	-	-	-	-	-	-	- 1	2	- 1	2		-
ther British Colonies	796	-	-	-	-	-	-	-	-	- 1	-	-	
The Hanse Towns and Ports of Germany	14,524	-				3,804		376	100		1.00		110
rench European Ports on	1-23-2-2		-	-	-		-	0/0	-	-	-	-	4,18
the Atlantic	11,431	3,053	1,916	-	288	1,299	3,406	1,311	- 1	- 1	- 1	-	11,27
rench European Ports on the Mediterranean	9 700				151			687		2.01	1.33		1000
rench West Indies and Ame-	3,700	-	-	- 1	191	-	-	- 100	-	-	-	-	85
rican Colonies	41,729	-	-	-	-	-	-		-	- 1	-	-	-
rench East Indies	- 104	-	-	-	-	-	-	-	- 1	-	-	-	-
ther French African Ports -	194	-	-	-	-	-	-	- 1	21	- 1	1.7	10	-
layti	49,139	319	-	44	-	-	-	247	-	370	12.1	-	98
panish European Ports on	e sor			1.1					- 1		1.1		
the Atlantic	6,585	-	-	-	-	-	-	- 1	-	-	-	-	-
the Mediterranean	4,747	-	-	563	-	-	-	-	-	- 1	-	-	563
eneriffe & the other Canaries	2,329	-	-	-	-	-	-	-	- 1	-	-	-	-
Ianilla and the Philippine	742	-	_	- 1	-	-	- 1	-	- 1		0.10	12	
'loridas	9,032	-	-	450	-	-	-	-	-	-	-	2	450
londuras, Campeachy and				0.10					100	1	1 21		
Musquito Shore	5,111 106,826	1,073	-	246 2,696	229	-	-	-	2	-	-	480	24
ther Spanish West Indies -	14,320	-	-	-	-	-	63	-	24	12	-	-	4,47
panish South American Co-	10.000	105							1		1.11		
lonies Portugal	13,838 19,678	405	1	172	-	561	249	-	205	-	26	-	1,915
ladeira	4,140	-	-	12	-	-	-	-	-00	-	2.2	148	148
ayal and the other Azores -		-	-	-	-	-	-	-	-	-	- 1	-	-
Cape de Verd Islands - Other Portuguese African	5,038	-	-	-	-	-	-	92	-	-	-	-	92
Ports	- 1	-	-	-	-	-	-	-	-	1 - 1	21	1	-
Coast of Brazil and other Por-									0.00		1. 200	1000	
tuguese American Colonies	10,599 6,573	-	-	-	-	1 -	-	-	5.4	-	-	-	-
Frieste and other Austrian	0,010		-	-	-	-	-		100.0	-	-	-	-
Ports on the Adriatic -	2,018	-	-	-	-	- 1	-	- 1	-	-	-	-	1.
furkey, Levant, Egypt, Mocha, and Aden		-					1	100	1.1	1.00		100	
Morocco and Barbary States	1,661	-	-	-	-	-	1	192	2	-	-	5	190
Cape of Good Hope	-	-	-	-	-	1 -	-	- 1	-	- 1	2	121	-
China	5,622	-	-	-	-	-	-	-	-	-	-	-	-
Asia, generally West Indies, do		-	1 -	-	-	-	-	-	-	-	-	-	-
Europe, do		-	-	-	1	-	-		-	-	2	-	
Africa, do	1,037	-	-	-	-	-	-	-	-	-	-	1	-
South Seas	10,643	-	-	-	-	-	-	-	-	-	-	-	-
Uncertain Ports, Places, &c.	-	- 2	1 -	1 -	-	2	12.	120	1	-	-	-	-
And the second second	765,098	55,188				6,024							81,336

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8.)—A General Statement, shewing the quantity of American and Foreign 1st day of October, 1820, and ending

-	1991	TONK	AGE	DEP	ARTI	NGI	ROM	THE	UNI	TED	STAT	ES.	
1		TONNAGE DEPARTING FROM THE UNITED STATES. FOREIGN.										1	
то	AMERI- CAN.	British.	French.	Spanish.	Dutch.	Hanse Towns.	Swedish.	Danish.	Russian.	Haytien.	Colombian.	Uncertain.	Total Fo- reign
Station & County	10 I	Bri	Fre	Spa	Dut	Har	Me	Dan	lusi	Iay	olo	nc	reign
					-				-	-	10	2	_
issia Tons	4,521	-	-	-	-	- 1	-	_	-	-	-		
ussia veden	1,616	1.0	-			-	-	-	-	-	-	-	-
edish West Indies -	20,774	-	-	-	=	1 -	964 740	1 -	-	-	-	-	96
nmark and Norway -	4,142	-	-	-	-	-	-	- 1	1 -	1 -	1 -	148	888
nish West Indies - nish East Indies -	46,299	1000	1	44	170	-	-	419	- 1	4		-	63
olland	26,048	2		2	2,063	-	-21	1.2.1	-	1 -	100	11.1	00
itch West Indies and Ame-	10.000	6 T. (* 1.)		0400.0	10.2%	10.1	1.1.1	1.1.1		1.5	1	-	2,06
rican Colonies	18,228 5,610	002	-	2	736	-		87		-	1	1-1	82
igland, Man, and Berwick	128,729	19,546	-	-	12	1.2	12-	1.2.	1 - 2 -	1 -	1.7	10	- 1
eland	4,015	6,220	-	-	-						1 2	1 -	19,54
braltar	20,954	2,201	-	2	1	1 -	12	1.2.	1.2		-	1-1	6,22 2,20
itish East Indies	3,027	-	-	-	-		1.21	1.2.		1.2	1.5	-	-
ritish West Indies	22,083	3,169	1	-	-	-	17.1		-		-	12	10
Itish African Ports	200	5,105	1 -	5	-	1	12.	1.		-	-	-	3,16
ewfoundland, &c.	501	-	-	-	2-1	-				1.2	1 -	12	1
ther British Colonies Hanse Towns and Ports	874	1.7	-	-	-	-			-		1.2	121	102
of Germany	17.308	1.21	-	-	229	2,473	374	376	639	-		-	12
ench European Ports on		0000	0.000	1.1				0/0	009	-		1 7	4,09
the Atlantic ench European Ports on	798	23,943	2,872	-	1,332	1,779	3,524	2,650	292	-	-	- 1	36,392
the Mediterranean	1 216	363	-	-	12	-		230	-			i ca	1.1
ench West Indies and Ame-		11.1.1		12.				200		5.	1000	-	593
ench East Indies	43,366	1.20	-	1	-	-	-	-	- 1	-	-	1 11	- i.i.
urbon and Manritine	227	1.0-	-	-	-	-	-	-	-	-	120	-	-
her French African Ports		-	-	-	-	-		-	-	-	1.20	12	10
anish European Ports on	46,171	-	-	-	-	-	-	77	-	470	-	-	547
the Atlantic	8 664	-	-	-	-		-	-	-	-	-	-	-
anish European Ports on the Mediterranean	1,174		-	-	S		-	-	-				
neriffe & the other Canarian	2 002	-	-	-	-	-	-	92	-	-	-	-	- 00
anilla and the Philippine			-	-	_					0.1	1	-	92
oridas -	632 9,341	-	-	320	-	-	-	-	-	-	-	-	-
onduras, Campeachy, and	0,041	-			-	-	-	-	-	-	-	-	320
Musquito Shore	6,009	-	-	303	-	-	- 1	161	-	-	-	(17)	303
her Spanish West Indian	103,822	244	-	3,205	-	183	-	-	-	-	-	-	3,632
anish South American Co-	11,10%	10	1	12.1	10.00	151	-	1	-	-	-	-	-
lonies	13,208	-	-	282	-	-	-	-	-	-	- 1	- 1	282
ideira .	5,106 8,082	-	-	2	- 1	- 1	-	-	- 1	-	-	-	-
yal and the other Azores -	2,638	-	-	-	-	-	-	-		21	21	5 1	-
pe de Verd Islands - her Portuguese African	825	-	-	-	-	-	-	-	-	-	-	-	-
Ports -	- 1		-	-	-	- 1	- 1	-	- 1	- 1	- 1		
ast of Brazil & other Por-	0.000	21/22	2.2.1	(0.0)	000	5.0	1.31	102	1214	1.11	100	17.1	-
uguese American Colonies	22,264 8,802	-	-	-	-	314	-	-	-	-	-	-	314
este and other Austrian	0,00-	1000	121	1	1-1	1	-		-	-	-	-	-
Ports on the Adriatic - rkey, Levant, Egypt, Mocha,	1,895	10 mar 1	1-1	1-1	1	-	-	3-0.	- 1	-	-	- 1	10
ing Agen -	1,393		1	-	127	-	No.	-11	1	And	ananit l	abe	
procco and Barbary States	-	-	-	-	-	-	21	- 1	-	-	-	-	-
pe of Good Hope	0.00	17.00	1000	1- 11	2-0	-	e	-	-	1-11	-	-	1
ia (generally) -	6,040 5,423		-	17	-	020	-	-	3	-	-	-	-
est Indies, do	17,623	-	-	-	-	-	-	-	-	-	-	-	-
rope, do	2,294	COLOR S	-	-	-	17	-		-	-	-		-
uth Seas	2,109	-	-	3	-	-	5	-	-	-	-	12	-
orth-west Coast of America	4,298	-	-	-	-	-	-	-	-	-	-	1-	-
icertain Ports, Places, &c.	104	-	-	-	1	-	-	-	-	-	-	-	- 12
Total - Tons	804.947	55,686	2.872	4.154	4.530	4,749	5,602	3,931	931	470	-	148	83,073

Tonnage employed in the Foreign Trade of The United States, commencing on the the 30th day of Scptember, 1821.

JOSEPH NOURSE, Register.

UNITED STATES. ST. DOMINGO.

Statement, exhibiting the quantity of Tonnage entered and cleared in and from the respective States and Territories of The United States, during the Year ending on the 30th September, 1821.

	TONNAGE.							
STATES, &c.	AMERICAN	VESSELS.	FORBIGN VESSELS.					
	Entered.	Cleared.	Entered.	Cleared.				
MaineTons New Hampshire	71,700 9,506	111,854 8,237	883	520				
Massachusetts	158,891	129,741	1,605	1,170				
Vermont	1,019	901	80	40				
Rhode Island	22,808	21,314	143	107				
Connecticut	16,464	14,749						
New York	156,493	158,174	13,856	10,720				
New Jersey	250	231						
Pennsylvania	70,679	69,436	4,162	5,641				
Delaware	4,081	2,388						
Maryland	67,501	61,687	5,489	4,677				
District of Columbia	12,546	15,035	1000					
Virginia	27,004	\$3,545	4,598	6,483				
North Carolina	29,904	37,343	293	109				
South Carolina	30,524	45,342	18,745	19,525				
Georgia	24,075	41,468	11,239	14,666				
Mississippi	6,235	4,197	336	419				
Louisiana	54,802	49,115	19,919	20,904				
East Florida	272	190	178	99				
West Florida	341							
Total	765,098	804,947	81,526	83,073				

PROCLAMATION of the President of Hayti, to the Inhabitants of the Eastern Part of the Island, relative to its Incorporation with the Haytian Republick.—15th June, 1822.

HAITIENS, HABITANS DE LA PARTIE DE L'EST :

EN vous réunissant à la Famille à laquelle vous appartenez, vous avez satisfait au vœu de la Constitution, qui garantit la Liberté et l'Indépendance de la Patrie. En entrant dans la partie de l'Est, je me suis assuré que la politique des Gouvernemens sous lesquels vous aviez gémi, en s'opposant aux progrès de l'agriculture dans le Territoire que vous occupez, n'avait pour but que de vous tenir plongés dans la misère, afin de vous empêcher de songer à vous élever à la dignité de l'Homme libre, du Citoyen. J'ai parcouru près de 2 cents lieues, et je n'ai vu que des Terres extrêmement fertiles sans

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cultures. J'ai vu au milieu d'immenses Forêts, des Familles languissant dans l'indigence et l'oisiveté.....mon cœur en a été vivement navré.

Dans les Villages et les Villes que j'ai traversés, je vous ai, moimême, mes Compatriotes, fait connaître que la République, en vous ouvrant son sein, se disposait à vous traiter avec libéralité et bienfésance; je vous ai fait connaître que les Terres merveilleuses sur lesquelles le Créateur vous avait placés, et qui ne se trouvaient pas légalement possédées, étaient naturellement la garantie de ce que vous pourriez devenir Propriétaires, et fixer, par ce moyen, le bonheur et la félicité de vos Familles; je vous ai annoncé que vous pouviez, avec confiance, vous livrer à la culture de ces Terres et les couvrir de ces plantes précieuses, telles que le caffier, le cacaotier, la canne à sucre, le cotonnier et le tabac, avec tous les vivres qui doivent vous assurer une nourriture abondante; je vous ai enfin dit que dès que j'aurai acquis la preuve que vous auriez fait des Etablissemens utiles à vous, à vos Enfans et à l'Etat, je vous donnerai, au nom de la Nation, pour vous et votre Postérité, en toute propriété et pour toujours, la concession des Terres mises en valeur. Il n'appartient donc maintenant qu'à votre volonté d'éloigner de vos demeures les inquiétudes et les chagrins, que donne le manque de la certitude de posséder perpétuellement la Terre que l'on arrose de ses sueurs et que l'on embellit de ses momens de loisir.

J'ai également annoncé aux Officiers, Civils et Militaires, aux Fonctionnaires Publics, que la Loi leur accordait des Propriétés de Terres pour eux et leurs ayant-causes, à titre de Donations Nationales, et pour constater les services qu'ils ont rendus à la Patrie; je n'attends pour faire expédier les titres de ces concessions que les demandes de ceux qui y ont droit, et l'assurance que les Terres demandées sont disponibles, étant reconnues la propriété de l'Etat.

Les Commandans des Arrondissemens et des Communes, dans toutes les Parties de l'Est, ont déjà reçu mes instructions pour permettre de faire des Etablissemens convenables, de même de les encourager par tous les moyens en leur pouvoir; ils ont été autorisés à délivrer des Certificats à ceux qui les réclameront, après que les travaux auront été constatés, afin que ceux qui les auraient faits se présentent à moi pour obtenir les titres irrévocables de la propriété qu'ils désireraient avoir.

Je renouvelle par la présente Proclamation, aux susdits Commandans d'Arrondissemens et de Communes, les mêmes Instructions, en leur enjoignant de donner à l'accomplissement de ces dispositions toute leur sollicitude.

Haïtiens! La religion qui nous unit tous, vous apprend que c'est outrager le Créateur que de vivre dans l'indolence et la paresse. Vos

ST. DOMINGO.

Oppresseurs vous ont entretenus dans ces vices pour mieux vous subjuger. Ils vous ont ensuite calomniés, en cherchant à faire croire que la vie oisive était dans votre naturel; vos Frères et vos Libérateurs, vous rendent justice; ils ont la conviction que si vous n'avez pas mieux fait, c'est parce que votre énergie était étouffée, et que vous étiez tenus dans la stupeur. Maintenant que tout est dissipé, prouver par votre amour au travail, par votre empressement d'assurer un avenir heureux à vos Enfans, que vous êtes dignes de la bonté du Tout-Puissant; que les Détracteurs d'Haïti qui parcourent nos campagnes, pour chercher à connaître les moindres défauts, les plus petits torts, soient confondus par leurs propres observations ; qu'ils ne voient désormais dans les lieux que l'avarice et l'orgueil avaient réservés pour la pature du bétail, gardés par de malheureuses Créatures humaines, que l'on tenait ou dans l'esclavage ou dans l'avilissement, que des habitations productives de denrées pour l'entretien d'un commerce lucratif, où régnera l'aisance et où l'on trouvera les commodités qui prolongent la vie humaine; que partout les chétives cabanes soient remplacées par des lieux propres à la conservation de la santé et à l'augmentation de la population; que les produits de l'agriculture mettent enfin les Pères de Familles à même de donner à leurs Enfans l'éducation convenable, pour jouir et conserver tous les précieux dons de la Liberté et de l'Indépendance.

Haïtiens, mes Concitoyens, le sort a voulu que je me trouvasse dans la position d'être considéré ici-bas comme votre Père; écoutezmoi comme tel; soyez confians et vous serez heureux; ma sollicitude est de vous faire changer d'état, empressez-vous à vous mettre dans la civilisation, à l'unisson de vos Frères de l'Occident de l'Ile, et comme eux vous serez bientôt fiers et invincibles.

La présente Proclamation sera publiée et affichée partout où besoin sera; elle sera en outre lue, dans les deux langues, pendant 3 mois consécutifs, dans toutes les Eglises de la partie de l'Est, à l'issue des grand' Messes, les jours de Dimanches et Fêtes.

Les Autorités, Civiles et Militaires, tiendront la main à ce que toutes ces dispositions soient exécutées, et les Commandans d'Arrondissemens sont particulièrement chargés de veiller à la susdite exécution.

Donné au Palais National du Port-au-Prince, le 15 Juin, 1822, An 19 de l'Indépendance.

BOYER.

Par le Président :

Le Secrétaire Général, B. INGINAC.

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ACT of the Congress of The United States" for ascertaining Claims and Titles to Land within the Territories of Florida," ceded to The United States under the Treaty with Spain, of 1819.—8th May, 1822.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that for the purpose of ascertaining the Claims and Titles to Lands within the Territory of Florida, as acquired by the Treaty of the 22d of February, 1819, there shall be appointed, by the President of The United States, by and with the advice and consent of the Senate, 3 Commissioners, who shall receive, as compensation for the duties enjoined by the provisions of this Act, 2,000 dollars each, to be paid quarterly, from the Treasury; who shall open an Office for the adjudication of Claims, at Pensacola, in the Territory of West Florida, and St. Augustine, in East Florida, under the rules, regulations, and conditions, hereinafter prescribed.

SEC. II. And be it further enacted, that it shall be the duty of said Commissioners to appoint a suitable and well qualified Secretary, who shall record, in a well bound book, all and every their acts and proceedings, the Clairns admitted, with those rejected, and the reason of their admission or rejection. He shall receive, as a compensation for his services, 1,250 dollars, to be paid quarterly, from the Treasury. He shall be acquainted with the Spanish language; and, before entering on a discharge of the duties of his office, shall take and subscribe an oath, before some Authority competent to administer it, that he will well and truly and faithfully discharge the duties assigned him, and translate all Papers that may be required of him by the Commissioners.

III. And be it further enacted, that said Commissioners, previously to entering on a discharge of the duties assigned them, shall, before the Judge of the Territorial Court at Pensacola, or some other Authority in his absence, competent to administer it, take an oath faithfully to discharge the duties of their offices, and shall commence and hold their Sessions on or before the first Monday of July next, at Pensacola, and on the first Monday of January thereafter, at St. Augustine, for the ascertaining and determining of all Claims to Land within the said Territories; notice of which shall be given, by said Commissioners, in some Newspaper printed at each place, or, if there be no Newspaper, at the most publick places in said Cities, respectively, of the time at which their Sessions will commence, requiring all Persons to bring for-The ward their Claims, with evidence necessary to support them. Session at St. Augustine shall terminate on the 30th of June, 1823, when said Commissioners shall forward to the Secretary of the Treasury, to be submitted to Congress, a detail of all they have done, and deliver over to the Surveyor all the Archives, Documents, and Papers, that may be in their possession.

IV. And be it further enacted, that every Person, or the heirs or Representatives of such Persons, claiming title to Lands under any patent, grant, concession, or order of survey, dated previous to the 24th day of January, 1818, which were valid under the Spanish Government, or by the Law of Nations, and which are not rejected by the Treaty ceding the Territory of East and West Florida to The United States, shall file, before the Commissioners, his, her, or their Claim, setting forth, particularly, its situation, and boundaries, if to be ascertained, with the deraignment of title, where they are not the Grantees, or original Claimants; which shall be recorded by the Secretary, and who, for his said services, shall be entitled to demand from the Claimants, 10 cents for each 100 words contained in said papers, so recorded; he shall be entitled to 25 cents for each subpœna issued: Provided, that if the amount so received shall exceed 1,250 dollars, which is hereby declared the compensation for his services, the excess shall be reported to the Commissioners, and be subject to their disposition, and said Commissioners shall proceed to examine and determine on the validity of said patents, grants, concessions, and orders of survey, agreeably to the Laws and Ordinances heretofore existing of the Governments making the grants respectively, having due regard, in all Spanish Claims, to the conditions and stipulations contained in the VIIIth Article of a Treaty concluded at Washington, between His Catholick Majesty and The United States, on the 22d of February, 1819; but any Claim not filed previous to the 31st day of May, 1823, shall be deemed and held to be void and of none effect. Provided nevertheless, And be it further enacted, that in all Claims submitted to the decision of the Commissioners, where the same Land, or any part thereof. is claimed by titles emanating both from the British and Spanish Governments, the Commissioners shall not decide the same, but shall report all such cases, with an abstract of the evidence, to the Secretary of the Treasury.

V. And be it further enacted, that the Commissioners shall have power to inquire into the justice and validity of the Claims filed with them; and shall be, and are hereby, authorized to administer oaths, to compel the attendance of Witnesses, by subpœnas issued by the Secretary, and the adduction of such testimony as may be wanted; they shall have access to all Papers and Records of a publick nature, relative to any land titles within said Provinces, and to make transcripts thereof. They shall examine into Claims arising under patents, grants, concessions, and orders of survey, where the survey has been actually made previous to the 24th January, 1818, whether they are founded upon conditions, and how far those conditions have been complied with; and if derived from the British Government, how far they have been considered valid under the Spanish Government; and if satisfied that said Claims be correct and valid, shall give confirmation to them: Provided, that such confirmation shall only operate as a release of any interest which The United States may have, and shall not be considered as affecting the rights of third Persons: and provided that they shall not have power to confirm any Claim or part thereof where the amount claimed is undefined in quantity, or shall exceed 1000 acres; but in all such cases shall report the testimony, with their opinions, to the Secretary of the Treasury, to be laid before Congress for their determination. Every Witness attending under any process from the Commissioners shall be allowed 1 dollar a day, and 1 dollar for every 20 miles travel; to be paid by the party summoning him: Provided nevertheless, that the Commissioners shall not act on, or take into consideration, any British grant, patent, warrant, or order of survey, but those which are bonafide claimed and owned by Citizens of The United States, and which have never been compensated for by the British Government.

VI. And be it further enacted, that there shall be appointed, by the President of The United States, by and with the advice and consent of the Senate, a Surveyor, who shall possess the power and authority, and receive the same salary, as by Law appertains to the Surveyor south of the State of Tennessee; but his duties shall not commence until the Commissioners shall have examined and decided upon the Claims in West Florida, who shall thereupon furnish the Surveyor with a list of those admitted, and he shall thereupon proceed to survey the Country, taking care to have surveyed, and marked, and laid down upon a general plan, to be kept in his office, the metes and bounds of the Claims so admitted; causing the same to be surveyed at the expense of the Claimants, the price whereof shall be the same as is paid for surveying the publick Lands; but no Surveyor shall charge for any line except such as may be actually run, nor for any line not necessary to be run. He shall appoint a suitable number of Deputies, and shall fix and determine their fees: Provided, that the whole cost of survey shall not exceed 4 dollars a mile: and provided also, that none other than township lines shall be run where the Land is deemed fit for cultivation; said Surveyor shall reside at such place as the President of The United States may direct, and shall keep his office there, and may charge the following fees, viz: for recording the plat and surveys of private Claims made by any of his Deputies, 25 cents for each mile contained in the boundary of such survey, and 25 cents for any Copy certified from the books of his office.

PHILIP P. BARBOUR, Speaker of the House of Representatives. JOHN GAILLARD, President of the Senate, pro tempore.

Washington, May 8th, 1822 .- Approved.

JAMES MON ROE.

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UNITED STATES AND SPAIN.

CORRESPONDENCE relative to the Claims of Citizens of The United States, under the Treaty with Spain, respecting Florida, of the 22d February, 1819.—March, 1822.

The Commissioners under the Florida Treaty with Spain to the Secretary of State.

SIR,

Washington, 5th March, 1822.

SEVERAL Claims of Indemnity have been presented to this Board by Citizens of The United States, for Losses sustained by reason of the breach of Contracts entered into with them by the Government of Spain. In most, if not all, of these Contracts, the Citizen stipulates to perform acts for Spain, which, as a Subject of a Neutral State, he could not have performed without transgressing the acknowledged Belligerent Rights of other Nations, with whom Spain was then engaged in open War. Acts, therefore, which would have subjected him to the just application of the Laws of War, justified, nay, probably required, The United States to abandon such Citizen to the fate of War, without making any reclamation in his behalf. It is for the performance of such acts that Spain has contracted to make compensation. In support of these Claims it is contended, that it was distinctly understood by the High Contracting Parties to the late Treaty, that Claims of this description were to be included, and were intended to be provided for explicitly by the fifth renunciation of the IXth Article, within the words of which all such are found. And, in proof of this assertion, 'a Letter from the Minister of Spain, as well as the enclosed Document, have been placed before this Board. The Commissioners feel inclined at present to construe this Article of the Treaty in a different mode, and to reject all such Claims as those above described. But, as such a construction, if contrary to the intent of the High Contracting Parties, (as is suggested) may possibly impair the faith of The United States, and lead to consequences involving even their peace, the Commissioners beg leave to submit to you the propriety of adopting some course which may bring before them any Document or suggestion, by which the object and intent of The United States, in concluding this Treaty, may be disclosed more fully than they are now exhibited by the Article before mentioned.

If the President is content to adopt that construction of the Treaty which the Commissioners, as at present advised, are disposed to give it, no suggestion need be made to them. But, if this should not be the case, as nothing will most probably operate to change the opinion which the Commissioners are disposed at present to entertain upon this subject, but a clear annunciation that such a construction would be violative of the intention of the High Contracting Parties, it will be

necessary that a Communication to this effect should be made to them. The mode of making it is submitted to the President.

The want of any Representative of The United States before this Board, has constrained the Commissioners to adopt the course they have thus pursued, with a full knowledge of all the objections that apply to it, not only as they refer to the President, but to the Board itself. We have the honour to be, &c.

The Hon. the Secretary of State. HUGH L. WHITE. WM. KING. L. W. TAZEWELL.

(Inclosure.)—Conversation between Mr. Hamilton and Mr. Adams. Washington, 4th March, 1822.

MR. HAMILTON requested to know from Mr. Adams whether the Parties to the Treaty, and particularly the Government of The United States, did not intend to include Claims arising out of Contracts, within the 5th renunciation of the IXth Article of the Treaty with Spain?

Mr. Adams replied substantially as follows :

During the Negotiation no distinction was ever made by Mr. Onis or myself, between Claims arising out of Contracts or from Torts, or any others which might partake of the character of both. It was understood by me to be the intention of both Parties to the Treaty to provide for all Claims of Citizens of The United States upon the Spanish Government, of which Statements had been made to this Government, and its interposition solicited, whether arising out of Contracts or from Torts.

The Secretary of State to the Florida Commissioners.

GENTLEMEN, Department of State, Washington, 8th March, 1822.

WITH reference to the Letter which I have had the honour of receiving from you, dated the 5th inst, I am directed by the President of The United States to inform you that, in providing for the Claims of the Citizens of The United States upon Spain, by the Treaty of 22d February, 1819, it was not understood or intended, by the Government of The United States, nor, as is believed, by the other Party to the Treaty, that Claims arising from Contracts, as they existed at the time

918 UNITED STATES AND SPAIN.

of the signature of the Treaty, should be excluded from the benefit of the Treaty. The Claims intended to be provided for were those specially enumerated in the renunciations, and embraced all Claims, Statements of which, soliciting the interposition of the Government, had been presented to the Department of State, or to the Minister of The United States in Spain, since the Convention of 1802, and until the date of the signature of the Treaty.

As there is no limitation in the words of this renunciation, with regard to the nature of the transactions in which the Claims originated, whether by Contract or by Tort, so none was intended. They were Claims, of all of which it was believed that the only possible chance of obtaining any satisfaction to the Claimants, consisted in the execution of the Treaty.

Of the absolute obligation of this Government to interpose in behalf of their Fellow-citizens, possessing such Claims, and imploring the sid of their Country to obtain satisfaction for them, no very subtle or punctilious scrutiny had been made. It was the need of the Claimant, and not the legal classification of his Claim, for which the assistance of his Government had been solicited. The delay or denial of justice, which it was desirable to remedy, was the same, whether it was for a wrong committed or a Contract broken. The Claimants had alike been promised that at the Negotiation of the Treaty their Claims would be considered, and endeavours made to provide for them in common with others.

Whether, among the Contracts provided for, there were some upou which the Government of The United States, but for the Treaty, must have eventually abandoned the Claimants to the fate of war, was never a subject of inquiry. Those Claims, it is presumed, were not the less valid against Spain, nor were the prospects of real satisfaction by Spain, in any other manner, believed to be different from the rest. The Government was, indeed, aware that the abstract right to its interposition, of Citizens who had suffered by acts of Foreigners, without any cooperation of their own, was more clear and imperative than that of others, who had voluntarily staked their property upon the good faith of Spain; and, in the course of the Negotiation, a proposal was made to omit the renunciation which included the latter Class of these Claims. It was, however, finally agreed to, with the full understanding that all the Claims should share the same benefit of the provision, be subjected to the same investigation, and be decided upon, not by any subsequent transaction between the Claimant and the Spanish Government, but by the Commissioners, in the manner prescribed by the Treaty, and upon such proof as they should think proper to require, for ascertaining its amount and validity. Of the right to include such Claims in the provisions of the Treaty, in cases wherein the interference of the Government had been solicited by the Claimants themselves, and their Claims had, at their own desire, been made a subject of Negotiation, no doubt

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was entertained. It is sanctioned equally by the moral principles applicable to publick Law, and by the frequent practice of other civilized Nations, as well as by more than one example of our own history. If, indeed, no such right existed, and the two Governments were not competent to make and accept such renunciation, it was certainly neither made nor intended. Whatever Claim The United States were not competent to renounce, remains in full force against Spain, as much as if the Treaty had not been concluded. But that a Government negotiating for the Claims, upon another Power, of its Citizens, at their own entreaty, is not competent to compound for them upon terms as favourable as it can, consistently with its duties to the rest of its own Nation, secure, is a doctrine certainly not contemplated at the Negotiation of the Treaty, and now believed to be without warrant, either in the Laws or usages of Nations.

To ascertain, in the manner stipulated by the Treaty, and in no other, the full amount and validity of these Claims, as existing on the day of the signature of the Treaty, the Commission instituted under the XIth Article of the Treaty was provided. How far Contracts, under the special circumstances mentioned in your Letter, as applying to some of those which have been presented to the Board, were valid Contracts, it is the peculiar province of the Commissioners to decide. The Executive Government had not the means of judging of the validity of any of them, and of their amount it could form no other than a gross estimate. But it is fully believed that the sum stipulated for payment of them, would be adequate to the full satisfaction of every valid Claim embraced by the Treaty, whether the Claim had originated in contract or in wrong. I have, &c. Messrs. White, King, and Tazewell. JOHN QUINCY ADAMS.

BASIS of the Political Constitution of the Peruvian Republick.—Lima, 16th December, 1822. (Translation.)

ART. I. ALL the Provinces of Peru, united in one single Body, constitute the Peruvian Nation.

11. The Sovereignty resides essentially in the Nation; it is independent of the Spanish Monarchy, and of every other Foreign Dominion, and can never become the patrimony of any Person or Family.

III. The Nation shall be denominated The Peruvian Republick.

IV. Its Government is popular representative.

V. Its Religion is the Catholick, Apostolick, Roman, to the exclusion of the exercise of any other.

VI. To the Nation appertains the formation of its Constitution and Laws, by means of its Representatives.

VII. All the Citizens must assist in the election of their Repre-

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sentatives, after the manner which shall be established by the Constitution; this being the only function of the National Power which must be fulfilled without the right of delegating it.

VIII. The basis of the Representation shall be the Population. IX. The Constitution shall provide for :

1. The liberty of the Citizens.

2. The liberty of the Press.

3. Personal security, and that of domicile.

4. The inviolability of property.

5. The secrecy of Correspondence.

6. Equality before the Law, in respect of rewards and punishments.

7. The equal distribution of taxation, in proportion to the means of Individuals, as well as the equal discharge of Publick duties.

8. The Individual right of presenting Petitions and Applications to Congress or Government.

9. The abolition of all confiscations of property.

10. The abolition of all cruel and infamy-descending punishments.

11. The abolition of hereditary Offices and Privileges.

12. The abolition of the Slave Trade.

X. The most essential principle, for the establishment and preservation of liberty, consists in the division of the three principal Functions of the National Authority, commonly called *the Three Powers*, which shall be as distinct from, and as independent of, each other, as possible.

XI. The Legislative Power shall be essentially distinct, so as not to act against itself.

XII. The initiative of the Laws shall belong solely to the Representatives of the Nation assembled in Congress.

XIII. The Deputies to Congress, as Representatives of the Nation, shall be inviolable in their Persons, and shall not be responsible for their opinions.

XIV. The exercise of the Executive Power shall never be for life, much less hereditary.

XV. The Representatives of the Executive Power, and the Ministers of State, shall be responsible, generally, for the Resolutions adopted by them in common, and each Minister, individually, for the acts peculiar to his Department.

XVI. There shall be a Central Senate, composed of Individuals elected by the Provinces, two for each, agreeably to the mode described in the Constitution. Their principal attributes shall be:

1. To watch over the observance of the Constitution and the Laws, and over the conduct of the Magistrates and Citizens.

2. To elect, and present to the Executive Power, the Officers of the Civil List of the State; and to elect the Ecclesiasticks who are to be named for the Nation.



3. To convoke a Congress Extraordinary, in the cases prescribed by the Constitution.

XVII. The Judicial Power shall be independent. The Judges shall be immoveable and for life. In Criminal Cases, the trial shall be publick, the fact shall be recognized and declared by a Jury, and the Law pronounced by the Judges.

XVIII. The imposition of Contributions, and the mode of apportioning them, shall be settled exclusively by the Congress.

XIX. The Constitution shall recognize the Debt of the State, and the Congress shall establish suitable means for the payment of the interest thereof, and the liquidation of the principal.

XX. There shall be a Publick Armed Force, the amount of which shall be annually fixed by Congress. Its object shall be to maintain the external and internal security of the State, under the direction of the Executive Power.

XXI. Education is necessary to all, and is a debt which Society owes to every one of its Members. Congress will resolve on whatever may be requisite for primary instruction, and for the encouragement of science, literature, and the fine arts.

XXII. Publick Hospitals are an obligation due to Society. Congress will provide for the Institutions of charity and beneficence.

XXIII. To maintain union among the Citizens, to cherish the love of our Country, and to commemorate our most signal efforts for emancipation from the Spanish Dominion, National Festivals shall be instituted, on such days, and in such manner, as Congress shall determine.

XXIV. The Constitution now drawn up shall be submitted for the ratification, or amendment, of a General Congress, consisting of Deputies from the Provinces which are actually free, and from those which may be unoccupied by the Enemy.

Let this be understood, and take the necessary measures for its fulfilment, by causing it to be printed, published, and circulated.

Given in the Chamber of Congress, in Lima, the 16th of December, 1822,-3rd Year of Independence-1st of the Republick.

JUAN ANTONIO DE ANDUEZA, President. [Here follow the Signatures of the Deputies.]

CONSTITUTION Politique de la Monarchie Portugaise. Lisbonne, le 23 Septembre, 1822. (Traduction.)

CONSTITUTION DES CORTES, DE 1822.

DOM JOAO, par la grâce de Dieu, et par la Constitution de la Monarchie, Roi du Royaume Uni de Portugal, du Brésil et des Algarves, au delà et en deça de la Mer, en Afrique, &c. Je fais savoir

PORTUGAL AND BRAZIL.

à tous mes Sujets que les Cortès Générales Extraordinaires et Constituantes ont décrété, et que j'ai accepté et juré la Constitution Politique de la Monarchie Portugaise, qui est de la teneur suivante,

Constitution Politique de la Monarchie Portugaise, décrétée par la Cortès Générales Extraordinaires et Constituantes, réunies à Lisbonne, en l'An 1821.

Au Nom de la Très-Sainte et Indivisible Trinité.

LES Cortès Générales, Extraordinaires et Constituantes de la Nation Portugaise, intimement convaincues que les malheurs publies qui l'ont opprimée et l'oppriment encore, ont leur source dans le mépris des droits du Citoyen, et dans l'oubli des Lois Fondamentales de la Monarchie; et considérant que le rétablissement de ces Lois étendues et réformées peut seul procurer la prospérité de cette Nation, et empêcher qu'elle ne retombe dans l'abîme duquel l'a sauvée la vertu héroïque de ses enfans, décrètent la Constitution Politique qui suit, afin d'assurer les droits de chacun et le bien général de tous les Portugais.

TITRE I.

DES DROITS ET DES OBLIGATIONS PERSONNELLES DES PORTUGAIS.

ART. I. La Constitution Politique de la Nation Portugaise assure la liberté, la sûreté et la propriété, de tous les Portugais.

II. La liberté consiste dans la faculté qui appartient à chacun de faire tout ce que la Loi ne défend pas, et de ne pas être obligé de faire ce qu'elle n'ordonne pas. La conservation de cette liberté dépend de l'exacte observation des Lois.

III. La sûreté personnelle consiste dans la protection que le Gouvernement doit donner à tous pour la conservation de leurs droits individuels.

IV. Aucun Individu ne peut être arrêté sans que, préalablement, il soit accusé de crime, selon les formes désignées dans les Articles 203 et suivans.

La Loi déterminera les peines qui seront infligées, non-seulement au Juge qui aura ordonné l'arrestation arbitraire, mais encore à la Personne qui l'aura sollicitée, et aux Huissiers qui l'auront faite.

V. Le domicile de chaque Portugais est pour lui un asile. Aucun Huissier ne peut y entrer, si ce n'est avec un Ordre par écrit de l'Autorité compétente, excepté dans les cas et selon les formes établies par les Lois.

VI. La propriété est le droit sacré et inviolable que chaque Partugais a de disposer de tous ses biens suivant sa volonté et selon les Lois. Si, dans quelque circonstance de nécessité publique et urgente, il devient indispensable qu'il soit privé de ce droit, il devra préalablement être indemnisé de la manière qui sera déterminée par les Lois VII. La libre manifestation de la pensée est un des droits les plus précieux de l'Homme; tout Portugais peut donc, sans être soumis à une censure préalable, émettre ses opinions sur toutes sortes de matières, sauf à répondre de l'abus de cette liberté dans les cas et de la manière que la Loi déterminera.

VIII. Les Cortès établiront un Tribunal Spécial pour protéger la liberté de la Presse, et en réprimer les fautes qui peuvent resulter de son abus, selon la disposition des Articles CLXXVII et CLXXXIX. Quant à l'abus qu'on peut faire de cette liberté en matières religieuses, la censure des écrits publiés sur le dogme et la morale est réservée aux Evêques, et le Gouvernement leur prêtera secours pour la punition des coupables.

Il y aura aussi dans le Brésil un Tribunal Spécial comme il y en a en Portugal.

IX. La Loi est égale pour tous; on ne doit donc pas tolérer les privilèges du barreau dans les Procès civils ou criminels, pas plus que les Commissions Spéciales. Cette disposition ne comprend pas les Procès qui, par leur nature, appartiennent à des Juges particuliers; les Lois désigneront cette classification.

X. Aucune Loi, et surtout aucune Loi pénale, ne sera établie sans une nécessité absolue.

XI. Toute peine doit être proportionnée au délit, et aucune ne doit s'étendre au-delà du coupable. La torture, la confiscation des biens, l'infamie, le fouet, le pilori, la marque du fer chaud, et toutes autres peines cruelles et infamantes, sont abolies.

XII. Tous les Portugais peuvent être admis aux Charges publiques, sans aucune distinction que celle de leurs talens et de leurs vertus.

XIII. Les Emplois publics ne sont la propriété de personne, et leur nombre sera rigoureusement borné d'après la nécessité: ceux qui les occuperont, prêteront, avant leur entrée en exercice, le serment "d'observer la Constitution et les Lois, d'être fidèles au Gouvernement, et de remplir exactement leurs devoirs."

XIV. Tous les Employés publics seront strictement responsables de leurs prévarications, fautes et abus, conformément à la Constitution et à la Loi.

XV. Tout Portugais a le droit d'être récompensé des services importans rendus à la Patrie, dans les cas et de la manière déterminés par les Lois.

XVI. Tout Portugais pourra présenter par écrit aux Cortès et au Pouvoir Exécutif, des réclamations, plaintes, ou pétitions, qui devront être examinées.

XVII. Tout Portugais a aussi le droit de dénoncer toute infraction à la Constitution, et de solliciter de l'Autorité compétente que la responsabilité de celui qui s'est rendu coupable de l'infraction ait son effet. XVIII. Le secret des Lettres est inviolable. L'Administration des Postes est rigoureusement responsable de toute infraction de cette Article.

XIX. Tout Portugais doit être juste : ses premiers devoirs sont de respecter la Religion, d'aimer la Patrie, de la défendre les armes à la main, lorsqu'il y sera appelé par la Loi, d'obéir à la Constitution et aux Lois, de respecter les Autorités Publiques, et de contribuer aux Charges de l'Etat.

TITRE II.

DE LA NATION PORTUGAISE, DE SON TERRITOIRE, DE SA RELIGION, DE SON GOUVERNEMENT, ET DE LA DYNASTIE.

XX. La Nation Portugaise se compose de la réunion de tous les Portugais des 2 Hémisphères.

Son Territoire est formé du Royaume-uni du Portugal, du Brési et des Algarves, et comprend :

1. En Europe, le Royaume de Portugal; composé des Provinces de Minho, Traz-os-Montes, Beira, Extremadura, Alemtejo, et du Royaume d'Algarve, et des Iles adjacentes, Madeira, Porto-Santo, et les Açores;

2. En Amérique, le Royaume du Brésil; qui est composé des Provinces de Parà et Rio-Negro, Maranhào, Piauhi, Rio Grande do Norte, Cearà, Parahiba, Pernambuco, Alagoas, Bahia et Sergippe, Minas-Geraes, Espirito-Santo, Rio de Janeiro, Saő Paulo, Santa-Catherina, Rio Grande do Sul, Goiaz, Matto-Grosso, et des Iles Fernando de Noronha, Trindade, et toutes les autres adjacentes à ce Royaume;

3. En Afrique Occidentale, Bissão, Cacheu; dans la Costa de Mina, la Forteresse Saõ Joaõ Baptista d'Ajudà, Angola, Benguella et Dépendances, Cabinda et Molembo, les Iles de Cabo-Verde, et celles de S. Thomé, Principe et ses Dépendances;—A la Côte Orientale; Mosambique, Rio de Senna, Sofalla, Inhambane, Quelimane, et les Iles de Cabo Delgado;

4. En Asie; Salsete, Bardez, Goa, Damaõ et Diu, et les Etablissemens à Macào, et les Iles de Solor et Timor.

La Nation ne renonce pas le droit qu'elle possède, à aucune portien du Territoire non compris dans cet Article.

Il sera fait une Division convenable du Territoire du Royaume Uni. XXI. Sont Citoyens Portugais, et jouiront de cette qualité;

1. Les Fils de Pères Portugais, nés dans le Royanme-uni, ou ceux qui, étant nés en Pays Etranger, ont fixé leur domicile dans le Royaume; cependant ils n'ont pas besoin de cet établissement de domicile, si le Père était en Pays Etranger, au service de la Nation.

2. Les Fils illégitimes de Mère Portugaise nés dans le Royaumeuni, ou qui, étant nés en Pays Etranger, ont fixé leur domicile dans le Royaume. Mais s'ils ont été reconnus ou légitimés par un Père Etranger, s'ils sont nés dans le Royaume-uni, on observera à leur égard ce qui sera ci-après déterminé au § 5, et s'ils sont nés en Pays Etranger, ce que prescrit le § 6.

3. Les Enfans trouvés dans un endroit quelconque du Royaumeuni dont les Pères sont inconnus;

4. Les Esclaves lorsqu'ils auront obtenu leur liberté.

5. Les Fils de Pères Etrangers nés dans le Royaume-uni, et qui y auront obtenu leur domicile, à condition qu'à leur majorité ils déclareront, par Acte inscrit sur les Régistres de la Municipalité de leur domicile, qu'ils ont la volonté d'être Citoyens Portugais;

6. Les Etrangers qui auront obtenu des Lettres de Naturalisation;

XXII. Tout Etranger majeur qui aura fixé son domicile dans le Royaume-uni pourra obtenir ces Lettres de Naturalisation, s'il a épousé une Femme Portugaise, ou s'il a acquis dans le Royaume quelque Etablissement, consistant en immeubles, capitaux, agriculture, commerce, industrie, ou s'il y a introduit ou exercé quelque commerce ou industrie utile, ou s'il a rendu à la Nation des services importans;

Les Fils de Pères Portugais qui auront perdu la qualité de Citoyen, s'ils sont majeurs et domiciliés dans le Royaume-uni, pourront obtenir des Lettres de Natura lisation sans autres conditions;

XXIII. On perd la qualité de Citoyen Portugais:

1. Par la Naturalisation en Pays Etranger;

2. Par l'acceptation, sans la permission du Gouvernement, d'un emploi, pension ou décoration d'un Gouvernement Etranger quelconque.

XXIV. L'exercice des droits politiques de Citoyen est suspendu :

1. Par une incapacité physique ou morale;

2. Par un jugement qui condamne à la prison ou à l'exil, pendant la durée de la peine.

XXV. La Religion de la Nation Portugaise est la Religion Catholique, Apostolique et Romaine; on permet cependant aux Etrangers l'exercice particulier de leurs cultes respectifs.

XXVI. La Souveraineté réside essentiellement dans la Nation; mais elle ne peut être exercée autrement que par ses Représentans légalement élus. Aucun Individu ou Corporation ne peut exercer d'Autorité Publique qui n'émane de la Nation.

XXVII. La Nation est libre et indépendante, et ne peut être la propriété de personne; c'est à elle seule qu'il appartient de faire, par le moyen de ses Députés aux Cortès, sa Constitution ou Loi Fondamentale, indépendante de la sanction du Roi.

XXVIII. Cette Constitution, une fois faite par les présentes Cortès Extraordinaires et Constituantes, ne pourra être réformée ou modifiée qu'après le terme de 4 Ans, à partir de sa publication; et quant aux Articles dont l'exécution dépend des Lois réglementaires, à partir aussi de la publication de ces Lois. Ces réformes et modifications seront faites de la manière suivante : Après cette première Epoque de 4 Ans on pourra proposer aux Cortès la réforme ou modification désirée. La proposition sera lue 3 fois, à 8 jours d'intervalle, et si elle est admise à la discussion, et que les 2 tiers des Députés présens soient d'accord sur la nécessité, elle sera convertie en un Décret, qui ordonnera aux Electeurs des Députés pour la Législature suivante, de leur donner dans leurs Mandats des Pouvoirs Spéciaux pour opérer la modification ou réformation demandée, en s'engageant à la reconnaître comme constitutionnelle dans le cas où elle serait approuvée.

La Législature qui sera chargée de ce Mandat, discutera de nouveau la proposition; laquelle après avoir été approuvée par les 2 tiers, sera immédiatement réputée Loi Constitutionnelle, et comprise dans la Constitution. Elle sera présentée (Article CIX.) au Roi pour la faire publier et exécuter dans toute la Monarchie.

XXIX. Le Gouvernement de la Nation Portugaise est la Monarchie Constitutionnelle Héréditaire, avec des Lois fondamentales qui règlent l'exercice des 3 Pouvoirs Politiques.

XXX. Ces Pouvoirs sont, le Législatif, l'Exécutif, et le Judiciaire. Le premier réside dans les Cortès, sous la dépendance de la sanction du Roi (Articles CX, CXI, et CXII.) Le second réside dans le Roi et ses Ministres, qui l'exercent sous son autorité. Le troisième réside dans les Juges. Chacun de ces Pouvoirs est tellement indépendant qu'aucun ne pourra s'arroger les attributions de l'autre.

XXXI. La Dynastie Régnante est celle de la Sérénissime Maison de Bragance. Notre Roi actuel est le Seigneur Dom Juan VI.

TITRE III.

DU POUVOIR LEGISLATIF, OU DES CORTES.

CHAPITRE I.—De l'Election des Députés aux Cortès.

XXXII. La Nation Portugaise est représentée par ses Cortès; c'est-à-dire par la réunion des Députés qu'elle élit elle-même, eu égard à la Population du Territoire Portugais.

XXXIII. Dans l'élection des Députés, ont voix les Portugais jouissant de l'exercice des droits de Citoyen (Articles XXI, XXII, XXIII, et XXIV.) domiciliés, ou résidans depuis un An au moins dans la Commune où l'Election doit avoir lieu. Le domicile des Officiers de la Ligne et de la Marine doit être dans la Commune où les Corps ont ses Quartiers permanens.

Sont exceptés de la présente disposition :

1. Les Mineurs de 25 Ans, en admettant cependant les mariés âgés de 20 Ans; les Officiers Militaires du même âge, les Bacheliers en droit, et le Clergé des Ordres Sacrés;

2. Les Fils de Famille qui seront sous l'autorité et dans la maison de leurs Pères, à moins qu'ils n'occupent des Emplois publics. 3. Les Domestiques : sous cette dénomination ne sont pas compris les Régisseurs, ni les Chefs de Charrue, qui vivent séparés de leurs Maîtres;

4. Les Vagabonds, c'est-à-dire les gens sans emploi, métier ou moyen de vivre, connu;

5. Les Réguliers, excepté ceux des Ordres Militaires et les Sécularisés;

6. Ceux qui, à l'avenir, à l'âge de 25 Ans accomplis, ne sauraient pas lire et écrire, s'ils ont moins de 17 Ans à l'époque de la publication de la Constitution.

XXXIV. Sont absolument inéligibles :

1. Ceux qui n'ont point de voix (Art. XXXIII.);

2. Ceux qui n'ont pas pour exister des revenus suffisans, provenans soit d'immeubles, d'un commerce, d'une industrie, ou d'un emploi;

3. Ceux qui ont fait une déclaration de faillite, tant qu'ils n'ont pas justifié de leur bonne foi;

4. Les Secrétaires et Conseillers d'Etat; -

5. Ceux qui occupent des Emplois dans la maison du Roi;

6. Les Etrangers, quoiqu'ils aient des Lettres de naturalisation.

7. Ceux nés en Pays Etrangers.

XXXV. Sont respectivement inéligibles:

l. Ceux qui ne sont pas originaires, ou n'ont pas une résidence continuelle et actuelle de 5 ans au moins, dans la Province où l'on procédera à l'élection;

2. Les Evêques dans leurs diocèses;

3. Les Curés dans leurs paroisses;

4. Les Magistrats dans les districts où ils exercent une juridiction, soit individuellement, soit collectivement; ce qui ne comprend pas les Membres du Tribunal Suprême de Justice (Art. CXCI.) ni les Autorités dont la juridiction s'étend par tout le Royaume, et qui ne sont pas du nombre de celles nommément désignées comme exclues;

5. Ne sont pas éligibles, les Chefs de corps de l'Armée ou de Milices, par les militaires soumis à leur commandement.

XXXVI. Les Députés d'une Législature peuvent être réélus pour les suivantes.

XXXVII. Les élections seront faites par divisions électorales. Chaque division sera formée de manière à ce qu'elle fournisse de 3 à 6 Députés. Le nombre sera réglé à raison d'un Député par chaque 30,000 habitans libres. Il serait néanmoins possible qu'une division fût plus forte ou moindre, de 15,000; dans ce cas, celle des divisions qui aurait de 75,000 à 105,000, fournirait 3 Députés; de 105,000 à 135,000, 4; de 135,000 à 165,000, 5; de 165,000 à 195,000, 6 Députés.

XXXVIII. De la disposition de l'Article précédent, sont exceptés: 1. La Ville de Lisbonne et son territoire qui formeront une seule division électorale, quoique le nombre de leurs habitans excède celui de 195,000. 2. Les lles des Açôres, qui formeront 3 divisions électorales, d'après celle qu'elles ont aujourd'hui en arrondissemens, et chacune de ces divisions électorales fournira au moins 2 Députés.

3. Quant au Brésil, le nombre des divisions de chaque Province et des Députés qu'elle doit nommer sera réglé par une Loi, en conservant toujours la base de 30,000 habitans libres pour chaque Député.

4. Quant à: 1. Le Royaume d'Angola et Benguella; 2. Les lles de Cabo-Verde, Bissao et Cacheu; 3. Les Iles de Saint-Thomé, Principe et ses Dépendances; 4. Mosambique et ses Dépendances; 5. Les Etats de Gôa; 6. Les Etablissemens de Macào, Timor et Solor: chacun de ces districts formera une division, et fournira au moins un Député, quel que soit le nombre de ses habitans libres.

XXXIX. Chaque division électorale élira ses Députés respectifs avec la faculté de les choisir dans toute la Province. Si quelqu'un est élu dans plusieurs divisions, la préférence sera donnée à l'élection faite par le lieu de résidence. Si le Député ne réside dans aucune d'elles, la préférence sera accordée au lieu de la naissance; s'il n'est originaire ou résidant d'aucune, ce sera celle où il aura obtenu le plus de voix qui prévaudra; en cas d'égalité, le sort en décidera. Le tirage au sort sera fait dans la Junte préparatoire des Cortès. (Article LXXVII.) On appellera pour l'autre ou les autres divisions, les Suppléans respectifs (Art. LXXXVI.)

XL. On élira un Suppléant pour chaque Député.

XLI. Chaque Législature durera 2 ans; en conséquence, l'élection aura lieu de deux années une.

XLII. L'élection sera faite directement par les Citoyens réunis en Assemblées Electorales, à la pluralité des voix recueillies dans un scrutin secret, en procédant de la manière suivante :

XLIII. Il y aura dans chaque Paroisse un livre-matricule paraphé par le Président de la Municipalité, dans lequel le Curé écrira lui-même, ou fera écrire par ordre alphabétique, les noms, demeures, et professions de tous les paroissiens qui auront voix dans l'élection. Ces livres-matricules seront vérifiés par la Municipalité, et publiés ² mois avant la réunion des Assemblées Electorales, afin qu'on puisse connaitre les inscriptions illégales et les corriger.

XLIV. La Municipalité de chaque Commune désignera, dans un temps convenable et d'avance, le nombre d'Assemblées Electorales qui devront avoir lieu dans son District, d'après la Population et la distance des lieux, soit qu'il convienne de réunir plusieurs Paroisses en une seule Assemblée, soit qu'il faille diviser une Paroisse en plusieurs Assemblées, de manière que chacune d'elles ne comprenne pas moins de 2,000 Habitans, ni plus de 6,000.

Dans l'Outre-mer, si, à cause de leur grande distance, il se trouve très incommode de réunir dans une seule Assemblée quelques paroisses rurales, en chacune d'elles peut être formée une seule Assemblée, quoi qu'elles ne contiennent pas les 2,000 Habitans. XLV. La Commune qui aura moins de 2,000 Habitans, formera cependant une Assemblée si elle en a 1,000; et si elle a moins, elle se réunis à la Commune de la plus petite Population qui lui sera contigue. Si les deux réunies ne contiennent pas 1,000 Habitans, elles se réuniront à une autre, ou à d'autres, et la plus centrale sera le chef-lieu. L'Administrateur Général du District est le Fonctionnaire qui doit convoquer ces Assemblées. (Article CCXII.)

Dans les Provinces d'Outre-mer, une Loi modifiera cette disposition pour la commodité des Habitans.

XLVI. La Municipalité désignera aussi les Eglises dans lesquelles doit se réunir chaque Assemblée, ainsi que les Paroisses, rues ou autres lieux d'une Paroisse, qui doivent faire partie de cette Assemblée, de manière, que personne ne soit admis à voter dans une autre Assemblée que la sienne. Ces désignations seront inscrites par le Secrétaire de la Municipalité, dans un Livre d'Election qui doit exister dans chaque Municipalité, et que le Président doit avoir paraphé.

XLVII. Dans les Communes où l'on formera plusieurs Assemblées, le Président de la Municipalité présidera celle qui sera réunie au chef-lieu de la Commune, et s'il y a plus d'une Assemblée, il présidera celle que la Municipalité lui désignera. Les autres seront présidées par des Membres actuels de la Municipalité, et s'ils ne sont pas en nombre suffisant, on leur adjoindra quelques-uns de ceux des années précédentes; la Municipalité procédera alors à un tirage qui aura pour objet de désigner à chacun l'Assemblée qu'il devra présider.

Dans la Ville de Lisbonne, tant qu'il n'y aura pas dans la Municipalité des Membres électifs suffisans pour ces Présidences, on y suppléera par des Magistrats de quartiers et par des Conseillers de Cour Royale (Dezembargadores da relação), répartis par la Municipalité; mais ces Présidens, aussitôt que les Assemblées seront réunies de la manière ci-après indiquée (Article LIII.) leur proposeront, d'accord avec les Curés, 2 Personnes de confiance publique, une pour les remplacer dans leurs fonctions ordinaires, l'autre pour un des 2 Secrétaires (Article LIII.) et l'acte de cette élection fait, ils se retireront du Bureau.

XLVIII. Les Curés des Eglises où se feront ces réunions, siégeront avec les Présidens au bureau de l'Election. Quand une Paroisse sera divisée en plusieurs Assemblées, le Curé désignera des Prêtres pour y assister. Les Curés ou Prêtres siégeront à la droite du Président.

XLIX. Les Assemblées seront publiques, et leur ouverture sera préalablement annoncée au son des cloches. Personne n'y entrera avec des armes. Personne n'aura de préséance de siége, excepté le Président, le Curé ou le Prêtre assistant.

L. Dans chaque Assemblée, le livre ou les livres-matricules seront sur le bureau; mais quand une Paroisse formera plusieurs Assemblées, il y aura des listes authentiques de tous les Habitans qui les composent, copiées sur le livre-matricule. Il y aura aussi un cahier, n 8

paraphé par le Président, sur lequel on écrira le procès-verbal de l'Election.

LI. Les Assemblées Electorales, en Portugal et Algarve, se réuniront le premier Dimanche d'Août de la seconde Année de la Législature; dans les Iles adjacentes, le premier Dimanche d'Avril; au Brésil, et en Angola, le premier Dimanche d'Août de l'Année précédente; dans les Iles de Cabo-Verde, le premier Dimanche de Novembre, aussi de l'Année précédente; dans les Iles de Saõ Thomé et Principe, Mosambique, Goa et Macào, le premier Dimanche de Novembre, 2 Ans avant.

LII. Au jour fixé par l'Article précédent, et à l'heure marquée, les Habitans de chaque Commune qui ont voix dans les Elections, se réuniront dans les Eglises désignées, avec des Bulletins où seront inscrits les noms et professions des Personnes qu'ils voudront nommer à la Députation. Ces Bulletins doivent contenir le nombre des Députés qui est attribué à cette division électorale, et autant d'autres pour les suppléer; au revers seront désignées les Paroisses et les Communes des Electeurs; et si ceux-ci sont Militaires, ils doivent en outre déclarer les Corps auxquels ils appartiennent. Tout cela sera annoncé par des affiches, que les Municipalités feront placarder dans un délai convenable, et d'avance.

LIII. Aussitôt que l'Assemblée sera réunie aux lieu, jour et heure, déterminés, il sera célébré une Messe du Saint-Esprit, après laquelle le Curé ou le Prêtre assistant prononcera un petit discours analogue à la circonstance, et lira le présent Chapitre des Elections. Alors le Président, d'accord avec le Curé ou le Prêtre, proposera aux Citoyens présens 2 Personnes de confiance publique pour Scrutateurs, et 2 autres pour Secrétaires de l'Election; et à Lisbonne, une pour Président, une autre pour Secrétaire, conformément à l'Article XLVII. et 3 autres pour les remplacer au besoin. L'Assemblée les admettra ou les rejetera, par un signe quelconque, comme par exemple celui de lever la main droite. Si quelqu'une n'est pas acceptée, on renouvellera la proposition et le vote autant de fois qu'il sera nécessaire. Les Scrutateurs et les Secrétaires élus prendront place à côté du Président et du Curé. Cette Election sera immédiatement écrite sur le cahier, et publiée par un des Secrétaires.

LIV. Le Président et les autres Members du Bureau mettront leurs Bulletins dans une urne, et ensuite tous les Citoyens présens s'approcheront du bureau un à un, et après qu'on se sera assuré que leurs noms sont inscrits sur le livre-matricule, et que l'identité de la Personne aura été vérifié par le revers des Bulletins, les Electeurs les remettront pour être déposés dans l'urne, sans les déplier. L'un des Secrétaires rayera sur le livre les noms de ceux qui auront donnée leurs Bulletins.

LV. Après que tous les votes auront été recueillis, le Président fera compter, publier, et inscrire au Procès-verbal le nombre des Bulleuns. L'un des Scrutateurs lira à haute voix chacun de ces Bulletins, et les inscriptions mises au revers, (Article LII.) en annullant les voix données à des Personnes exclues par les Sections 2, 3, 4, et 5, de l'Article XXXV. A mesure que le Scrutateur lira, chacun des Secrétaires inscrira sur une liste les noms de ceux sur qui se sont réunies les voix, et le nombre de votes que chacun aura obtenus; ce qui se fera de manière que le dernier numéro de chaque nom indique la totalité des voix qu'il aura obtenues; et à mesure qu'on écrira ces numéros, ils les publieront à haute voix.

LVI. Lorsque la lecture des Bulletins sera finie, et que les Scrutateurs et Secrétaires auront vérifié la conformité des listes dressées par ces derniers, un de ces derniers publiera dans l'Assemblée les noms des Candidats, et le nombre de voix que chacun aura obtenues. On inscrira immédiatement au Procès-verbal et par ordre alphabétique, les noms des Candidats, et en toutes lettres le nombre des voix de chacun. Le Procès-verbal sera signé par tous les Membres du Bureau et les Bulletins seront brûlés publiquement.

LVII. Les Membres du Bureau nommeront de suite 2 d'entre eux, afin que dans les jours ci-après désignés, (Articles LXI. et LXIII.) ils aillent présenter une expédition du Procès-verbal à la Junte, qui se réunira dans le local de la Municipalité, s'il y a plusieurs Assemblées dans la Commune, ou à celle qui se réunira dans le chef-lieu de la division Electorale, s'il n'y a qu'une seule Assemblée. Cette expédition sera délivrée par un des Secrétaires, signée par tous les Membres du bureau, close et cachetée. Alors l'Assemblée sera censée dissoute; les Cahiers et listes seront gardés daus les Archives de la Municipalité, en leur donnant toujours le plus de publicité possible.

LVIII. Dans le Procès-verbal d'Election on déclarera " que les Citoyens formant l'Assemblée donnent, aux Députés qui seront élus dans la Junte du chef-lieu de la Division Electorale, à tous, et à chacun solidairement, les plus amples pouvoirs, afin que, réunis en Cortès avec ceux des autres divisions de toute la Monarchie Portugaise, ils puissent, comme Représentans de la Nation, faire tout ce qui sera convenable au bien général, et remplir leurs fonctions conformément aux règles que la Constitution prescrit, sans qu'ils puissent modifier ni altérer aucun de ses Articles; et qu'eux octroyans s'engagent à exécuter et à tenir pour valide tout ce qu'ils décréteront, conformément à la Constitution."

LIX. Si, au coucher du soleil, tous les Electeurs n'avaient pas voté, le Président ferait renfermer les Bulletins et les listes dans un coffre à 3 Clefs, qui seront confiées à 3 Membres du Bureau désignés par le sort: ce coffre sera gardé sous la Clef de l'Eglise, et le jour suivant déposé sur le Bureau de l'Election, où il sera ouvert en présence de l'Assemblée.

LX. Si le Président, aprèsavoir recueilli tous les Bulletins, prévoit que leur dépouillement ne pourra être fini le Lundi suivant, il propo11

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sera, d'accord avec le Curé, aux Citoyens présens, comme dans l'Article LIII, des Scrutateurs et des Secrétaires pour former un autre Bureau. On passera à ce Bureau une partie des Bulletins, qu'il vérifiera de la même manière, et en même temps que le premier Bureau, où finalement se réuniront les quatre listes, après quoi on remplira les formalités prescrites par l'Article LVI.

LXI. S'il doit y avoir dans la Commune plus d'une Assemblée Electorale, les porteurs d'expéditions des Procès-verbaux d'élections (Article LVII.) se réuniront le Dimanche suivant, et aux Iles adjacentes et à l'Outre-mer, dans celui ci-après désigné (Article LXXIV.) à l'heure marquée dans les affiches, en Junte publique, dans le local de la Municipalité, avec son Président et le Curé qui a assisté avec lui à la précédente Assemblée. On élira alors 2 Scrutateurs et 2 Secrétaires pris parmi eux, et, en ouvrant les Procès-verbaux, le Président les fera lire à haute voix, et les Secrétaires écriront à mesure les noms sur 2 listes; après cela, on observera toutes les formalités des Articles LV. et LVI.

Dans la division de Lisbonne la Junte actuelle cessera, et seulement aura lieu celle qui est déterminée par l'Article LXIII, laquelle sera formée par les porteurs des expéditions des Assemblées Electorales.

LXII. Les Membres du Bureau éliront successivement 2 d'entre eux, lesquels, dans le jour ci-après désigné (Article LXIII,) doivent présenter l'expédition de ce Procès-verbal à la Junte du chef-lieu de la Division Electorale. Pour ce qui regarde cette expédition, la dissolution de la Junte, la garde et la publicité du cahier et des listes, on observera ce qui est prescrit, Article LVII.

LXIII. Le troisième Dimanche d'Août, et dans les Iles adjacentes et à l'Outre-mer, comme il est ci-après déclaré (Article LXXIV.) les porteurs des expéditions se réuniront en Junte publique dans le local de la Municipalité du chef-lieu de la division électorale, avec le Président de la même Municipalité et le Curé qui a assisté avec lui à la précédente Assemblée: là, jils procéderont à l'élection des Scrutateurs et Secrétaires; et, après avoir observé ce qui est exigé par les Articles LXI et LV, et dépouillé les voix, seront élus Députés ainsi que Suppléans ceux qui obtiendront la pluralité absolue, c'est-à-dire ceux dont les noms auront réuni plus de la moitié des votes inscrits sur les Bulletins. Ceux qui auront obtenu le plus de voix auront la préséance, et leurs noms seront transcrits dans cet ordre sur les Procès-verbaux. En cas de partage, le sort en décidera. On observera ensuite tout ce qui est prescrit dans l'Article LVI, bien entendu que les relations établies par l'Article LXII doit être conservées.

LXIV. S'il n'y a pas assez de Personnes qui aient obtenu la plumlité absolue pour remplir le nombre des Députés et Suppléans, on fera une Liste qui contiendra trois fois le nombre de ceux qui manquent; sur cette liste seront inscrits les noms de ceux qui auront le plus de voix, avec la déclaration du nombre que chacun a obtenu. Cette Liste sera lue à haute voix, et insérée au Procès-verbal; immédiatement après la Junte sera censée dissoute.

LXV. Le Président fera publier immédiatement la liste, et après en avoir fait tirer par un Notaire autant d'expéditions qu'il y a de Communes dans la division électorale, et les avoir signées, et fait collationner par le Secrétaire de la Municipalité, il les enverra aux Municipalités desdites Communes. Les Présidens de celles-ci enverront immédiatement des Copies faites par les Secrétaires, et signées d'eux, aux Présidens des Assemblées Electorales, pour les faire enregistrer dans les cahiers mentionnés à l'Article L, et leur donner la plus grande publicité.

LXVI. En même temps les Municipalités convoqueront, par des affiches (Article LII,) les habitans de la Commune pour une nouvelle réunion des Assemblées, en annonçant, 1. qu'elle sera faite le troisième Dimanche après celui dans lequel s'est réunie la Junte du chef-lieu de la division électorale, et aux lles adjacentes, et à l'Outre-mer, comme il est ci-après désigné (Article LXXIV,) 2. que le nombre des Députés qui doit être porté sur leur Bulletin doit être choisi parmi les noms contenus dans la liste qui a été envoyée par la Junte, laquelle sera transcrite dans les affiches, de même que le nombre de ceux qu'on doit élire.

LXVII. Dans cette seconde réunion d'Assemblées Electorales, on observera tout ce qui a été prescrit par les Articles LIV, LV, LVI, LVII, LIX, LX, LXI, LXII, et LXIII; bien entendu que les Membres du Bureau resteront les mêmes que dans les premières Assemblées; que les listes envoyées du Chef-lieu de la Division Electorale seront gardées dans les Archives des Municipalités, et que lors du dépouillement des voix dans la nouvelle Junte du Chef-lieu de la division, seront élus Députés Ordinaires ou Suppléans ceux qui obtiendront le plus de voix, (Article LXIII,) quoi qu'ils n'aient pas obtenu la pluralité absolue; en cas de partage, on procédera à un tirage. Au défaut, ou en cas d'empêchement de quelques-uns des Membres du Bureau, on en élira d'autres de la même manière que l'on a fait à la première fois.

LXVIII. Alors la Junte sera censée dissoute. Le livre de l'élection sera gardé dans les Archives de la Municipalité, après lui avoir donné toute la publicité possible.

LXIX. On énoncera dans le Procès-verbal de cette Election, qu'il a été constaté par les Procès-verbaux envoyés de toutes les Assemblées de la Division Electorale, que leurs Habitans octroient aux Députés présentement élus, les pouvoirs déclarés dans l'Article LVIII, dont la teneur sera transcrite dans le même Procès-verbal.

LXX. Après cette opération, l'Assemblée assistera à un *Te Deum* solennel, chanté dans l'Eglise principal; ceux des Députés qui seront présens s'y rendront au milieu d'un cortége formé par les Membres du Bureau.

LXXI. On remettra à chaque Député une expédition du Procèsverbal de l'Election, et on en enverra à la Députation permanente, (Article CXVII.) une autre faite par un Notaire, et collationnée par le Secrétaire de la Municipalité.

LXXII. Les doutes qui s'élèveront dans les Assemblées Electorales se décideront sans recours par une Commission de 5 Membres élus à l'instant même, et de la manière dont on procède à la formation du Bureau (Article LIII.)

Mais cette Commission ne prendra aucune connoissance des doutes relatifs à l'éligibilité des Candidats, sauf les dispositions de l'Article LV; cette connoissance appartenant à la Junte préparatoire des Cortès (Article LXXVII.)

LXXIII. Dans les Assemblées Electorales, on ne pourra traiter que des objets concernant les Elections, et on considérera comme nul tout ce qui serait fait contrairement à cette disposition.

LXXIV. Dans les Iles adjacentes et dans l'Outre-mer, on observen les dispositions de ce Chapitre avec les modifications suivantes :

1. Dans les îles adjacentes, la réunion de la Junte du chef-lieu de la division électorale (Article LXIII.) se fera le premier Dimanche, après que les porteurs des expéditions des élections, de toute la division, seront arrivés. Les Assemblées Electorales se réuniront pour le second scrutin le troisième dimanche, après que les expéditions envoyées par la Junte du chef-lieu de la division auront été reçues par chaque Commune (Article LXV.) Les Juntes des Communes le dimanche suivant le troisième dimanche susdit; celles du chef-lieu de la division le premier dimanche, après que les porteurs des expéditions des élections, de toute la division, y seront arrivés.

2. Dans l'Outre-mer, les Juntes des Communes, celles du chef-lien de la division, et dans le second scrutin les Assemblées Electorales, et les Juntes des Communes et du chef-lieu de la division, se réuniront le dimanche désigné par l'Autorité Civile Suprème de la Province, le quel sera le plus proche possible.

3. Les réunions pour le second scrutin en Angola, Cabo-Verde, Moçambique, et Macáo, ne dependent pas des votes des habitans des lieux distans de chacune de ces divisions, seulement devant y voter ceux qui sont présents, et dans tel espace de tems qui ne retardera pas beaucoup, ni entièrement, les élections.

CHAPITRE II.—De la Réunion des Cortès.

LXXV. Avant le 15 Novembre, les Députés se présenteront à la Députation permanente, laquelle fera porter sur un Registre leurs noms et ceux des Divisions Electorales qui les ont élus.

LXXVI. Le 15 Novembre, les Députés se réuniront en Junte Préparatoire dans la Salle des Cortès; les fonctions de Président seront remplies par celui de la Députation permanente, et celles de Scrutateurs et de Secrétaires par ceux qu'elle choisira parmi ses Membres. On procédera de suite à l'examen des pouvoirs des Députés, et, pour cela, on nommera une Commission de 5 Membres, et une autre de 3 pour vérifier les pouvoirs des 5.

LXXVII. Jusqu'au 20 Novembre, la Junte Préparatoire tiendra une ou plusieurs séances pour vérifier la légitimité des pouvoirs et des Elections; et elle prononcera définitivement sur les Questions qui pourront s'élever à cette occasion.

LXXVIII. Le 20 Novembre, la Junte Préparatoire élira parmi les Députés, au scrutin secret, et à la pluralité absolue des voix, pour rester en fonctions pendant le premier mois, un Président, un Vice-Président, et, à la pluralité relative, 4 Secrétaires. Ensuite, les Députés iront tous à l'Eglise Cathédrale pour assister à une Messe solennelle du Saint-Esprit, à la fin de laquelle l'Officiant recevra le Serment du Président, qui, posant la main droite sur le Livre des Saints Evangiles, dira : "Je jure de maintenir la Religion Catholique, Apostolique, et Romaine; de garder et faire garder la Constitution Politique de la Monarchie Portugaise, décrétée par les Cortès Extraordinaires et Constituantes de 1821, et de remplir bien et fidèlement les devoirs de Député aux Cortès, conformément à la Constitution." Le Vice-Président et les Députés, posant la main sur le Livre des Evangiles, prêteront le même Serment, en disant seulement : "Je le jure ainsi."

LXXIX. Après la solennité religieuse, les Députés rentreront dans la Salle des Cortès, où le Président déclarera qu'elles sont constituées ; ensuite, il nommera une Députation composée de 12 Députés, dont 2 seront pris parmi les Secrétaires, pour annoncer au Roi que les Cortès sont constituées, et pour savoir s'il veut assister à leur ouverture. Si le Roi est absent de la Capitale, cette communication lui sera faite par écrit, et le Roi répondra de la même manière.

LXXX. Le 1 Décembre de chaque Année, le Président, avec les Députés qui se trouveront à Lisbonne, Capitale du Royaume-uni, ouvriront, sans retard, la première Séance des Cortès, et la Députation permanente cessera ses fonctions. Le Roi y assistera s'il le veut; il entrera sans gardes dans la Salle, et sera seulement accompagné des Personnes désignées par le Réglement Intérieur des Cortès. Le Roi fera un Discours analogue à la soleunité, et le Président y répondra. Si le Roi ne se présente pas, les Ministres se présenteront, et un d'eux lira le Discours du Roi, après quoi il le remettra au Président. Les mêmes formalités seront obsérvées pour la clôture des Cortès.

LXXXI. Dans la seconde Année de chaque Législature, il n'y aura pas de Junte Préparatoire, ni de Serment (Articles LXXVI, LXXVII, LXXVIII,) et les Députés réunis le 20 Novembre, sous la présidence du dernier Président, de la dernière Session, éliront de nouveaux, les Président, Vice-Président, et Secrétaires, et, après avoir assisté à une Messe du Saint-Esprit, ils procéderont comme à la première Année.

LXXXII. Lorsque les deux tiers des Députés le jugeront conven-

able, les Cortès pourront être transférées de la Capitale du Royaume dans un autre lieu. Si, pendant leurs Séances, il survient une invasion d'Ennemis, la peste, ou autre motif très urgent, la Députation permanente pourra ordonner cette translation. et prendre toutes autres mesures qui devront ensuite être soumises à l'approbation des Cortès.

LXXXIII. Chacune des deux Sessions de la Législature duren 3 mois consécutifs, et les Cortès pourront les prolonger d'un mois seulement dans les cas suivans : 1. Si le Roi le demande ; 2. S'il y a un juste motif approuvé par les deux tiers des Députés présens.

LXXXIV. Celui qui aura été élu Député ne pourra être exempté de ses fonctions que pour un motif légitime dont il aura justifié devant les Cortès; si quelqu'un est réélu à l'élection suivante il lui sera libre de s'excuser de ce service, mais il ne pourra, pendant les 2 années de la Législature de laquelle il s'est excusé, accepter du Gouvernement aucun Emploi, sauf le cas où il lui appartiendrait par rang d'ancienneté, ou à son tour dans sa profession.

LXXXV. La justification des empêchemens des Deputés residents à l'Outre-mer, se fera devant la Junte du chef-lieu de la division électorale respective, si elle est réunie; et en son défaut devant la Junte préparatoire (Article LXXVII,) ou devant les Cortès.

Par division respective on entendra celle dans laquelle fut élu le Député qui s'excuse ; et si l'élection se faisoit en plus d'une, celle qui doit prendre le pas suivant l'Article XXXIX.

LXXXVI. Quand un Député aura un empêchement légitime et permanent d'assister aux Séances, on appellera son Suppléant, selon l'ordre dans lequel son nom se trouvera inscrit sur les Listes, et cet ordre est déterminé par la pluralité des voix (Article LXIII.)

LXXXVII. Le Premier Suppléant de chacune des Divisions Electorales d'Outre-mer viendra à Lisbonne avec sa Députation, à moins qu'il ne réside en Portugal quelqu' autre Suppléant de la même Division; dans ce cas, ce sera celui-ci qui remplacera le Député manquant. Si quelques-uns des Députés sont réélus, il viendra de suite autant de Suppléans qu'il y a de Députés réélus, en diminuant ceux qui résident en Portugal et Algarve.

LXXXVIII. Les pouvoirs des Suppléans, de même que ceux des Députés qui ne se présenteraient pas au jour fixé, seront examinés par une Commission des Cortès, et le Président recevra le Serment des uns et des autres.

LXXXIX. Si une Invasion de l'Ennemi ou un blocus empêchait les Députés d'une Province de se présenter aux Cortès, les Députés précédens les remplaceront jusqu'à leur arrivée.

XC. Les Séances seront publiques; il ne pourra en être tenu de secrètes que dans le cas où les Cortès l'auront jugé nécessaire, en se conformant à leur Réglement intérieur; ce qui ne pourra avoir lieu quand on discutera une Loi. XCI. Le Roi ne peut pas assister aux Séances des Cortès, excepté à celles de l'Ouverture et de la Clôture. Les Cortès ne pourront délibérer en sa présence. Quand les Ministres se présenteront au nom du Roi, ou seront appelés par les Cortès pour proposer ou expliquer quelque affaire, ils pourront assister à la discussion et porter la parole, en se conformant au Réglement intérieur des Cortès, mais ils ne pourront jamais être présens lorsqu'on votera.

XCII. Le Ministre de la Guerre, dans la première Séance après l'ouverture des Cortès, les informera du nombre des Troupes qui se trouvent cantonnées dans la Capitale, et dans un rayon de 12 lieues, de même que des positions qu'elles occupent, pour que les Cortès ordonnent ce qu'elles jugeront à propos.

XCIII. Sur toute chose relative au gouvernement et à l'ordre intérieur des Cortès, on observera leur Réglement, dans lequel on pourra faire les changemens convenables.

CHAPITRE III.—Des Députés aux Cortès.

XCIV. Chaque Député est le Mandataire et le Représentant de toute la Nation, et non pas seulement de la division territoriale qui l'a élu.

XCV. Il n'est pas permis aux Députés de protester contre les décisions des Cortès; mais ils pourront faire insérer dans les Procèsverbaux leur vote sans le motiver.

XCVI. Les Députés sont inviolables pour leurs opinions émises aux Cortès, et ne peuvent jamais en être responsables.

XCVII. Si un Député est poursuivi criminellement, les Cortès décideront sur le rapport fait par le Juge avant l'arrestation, si le Procès doit être suspendu, et si le Député doit continuer l'exercice de ses fonctions.

XCVIII. Depuis le jour auquel les Députés se seront présentés à la Députation permanente jusqu'à la clôture des Cortès, ils jouiront d'un subside pécuniaire fixé par elles, durant la seconde Année de la Législature précédente; ils auront en outre une indemnité des frais de voyage, aller et retour. Il sera alloué de plus un subside aux Députés d'Outre-mer (non compris ceux des Iles adjacentes), pour le temps de l'intervalle des Sessions. Sont exceptés ceux qui sont établis en Portugal et Algarve. Ces subsides et indemnités seront payés par le Trésor National.

XCIX. Aucun Député, à partir du jour où son élection aura été constatée dans la Députation permanente, jusqu'à la fin de la Législature, ne pourra accepter ou solliciter pour lui-même, ni pour d'autres, des pensions ou décorations. Il en sera de même des Emplois à la nomination du Roi, à moins qu'ils ne lui appartiennent par droit d'ancienneté, ou à son tour de rôle dans la carrière qu'il parcourt.

C. Les Députés, durant les Sessions des Cortès, ne pourront exercer leurs emplois Ecclésiastiques, Civils et Militaires. Dans l'intervalle des Sessions le Roi ne peut les employer hors du Royaume de Portugal et des Algarves; et ils ne doivent pas même suivre leurs Emplois quand cela les empêchera de se réunir, en cas de la convocation des Cortès Extraordinaires.

CI. Si dans une circonstance extraordinaire, de laquelle dépend la sûreté publique ou le bien de l'Etat, il est indispensable que quelques uns des Députés sortent des Cortès pour être employés ailleurs, les Cortès pourront les y autoriser, si les deux tiers des voix sont de cet avis

CHAPITRE IV.—Des Attributions des Cortès.

CII. Les Attributions des Cortès sont: 1. De faire les Lois, de les interpréter, d'y déroger; 2. De veiller à l'observation de la Constitution et des Lois, et en général au bien de la Nation Portugaise.

CIII. Les Cortès ont droit, indépendamment de la Sanction Royale:

1. De recevoir le Serment du Roi, du Prince Royal, et de la Régence ou du Régent;

2. De reconnaître le Prince Royal comme Successeur à la Couronne, et d'approuver le plan de son éducation ;

3. De nommer le Tuteur du Roi Mineur;

4. D'élire la Régence ou le Régent, (Article CXLVIII et CL.) et de fixer les limites de leur autorité;

5. De résoudre les difficultés qui peuvent se présenter dans l'ordre de successibilité à la Couronne ;

6. D'approuver, avant leur ratification, les Traités d'Alliance, Offensive ou Défensive, de Subsides et de Commerce;

7. De fixer tous les Ans, sur la proposition ou le rapport du Gouvernement, les Forces de Terre et de Mer, tant les ordinaires en temps de Paix, que les extraordinaires en temps de Guerre;

8. De permettre ou d'empêcher l'admission des Forces Etrangères de Terre et de Mer, dans le Royaume ou dans ses Ports;

9. De fixer annuellement les Impôts et les Dépenses Publiques, de répartir la Contribution directe entre les Districts des Conseils Administratifs, (Article CCXXVIII,) d'examiner l'emploi des Deniers Publics et les Comptes de Recettes et Dépenses;

10. D'autoriser le Gouvernement à faire des Emprunts après un rapport motivé, excepté dans les cas urgens;

11. De déterminer les moyens les plus convenables pour le paiement de la Dette Publique;

12. De régler l'administration des Biens Nationaux, et de décréter leur aliénation en cas de besoin;

13. De créer ou de supprimer les Emplois et Charges publics, et d'en fixer les appointemens ;

14. De déterminer l'inscription, le poids, la valeur, le titre, le type, et la dénomination des Monnaies; 15. De rendre effective la responsabilité des Ministres et autres Employés Publics;

16. D'ordonner ce qui concerne le régime intérieur des Cortès.

CHAPITRE V.-De l'Exercice du Pouvoir Législatif,

CIV. La Loi est la volonté des Citoyens, déclarée à l'unanimité ou à la pluralité des voix de leurs Représentans réunis en Cortès, après une discussion publique.

La Loi oblige tous les Citoyens, indépendamment de leur acceptation.

CV. L'initiative directe des Lois appartient exclusivement aux Représentans de la Nation réunis en Cortès; cependant les Ministres peuvent faire des propositions, lesquelles, après avoir été examinées par une Commission des Cortès, pourront être converties en Projets de Loi.

CVI. Tout Projet de Loi sera lu une première et une seconde fois à 8 jours d'intervalle. A la seconde lecture, les Cortès décideront s'il doit être admis à la discussion. Si elles l'ordonnent, le Projet sera imprimé et distribué aux Députés, et 8 jours après on indiquera celui où la discussion commencera; la discussion durera une ou plusieurs séances, jusqu'à ce que le Projet paraisse suffisamment examiné. Alors les Cortès décideront s'il y a lieu à voter; si elles se prononcent pour l'affirmative, on y procédera sur-le-champ: chaque proposition sera acceptée ou rejetée à la pluralité absolue des voix.

CVII. Dans un cas d'urgence, déclaré tel par les deux tiers des Députés présens, on pourra commencer la discussion dans ie même jour où le Projet est présenté, et même la clôre; mais alors la Loi sera considérée comme provisoire.

CVIII. Si un Projet n'est pas admis à la discussion, ou mis aux voix, ou si ayant été admis, il est rejeté, il ne pourra plus être proposé dans la même Session.

CIX. Si le Projet est adopté, il sera rédigé double sous la forme de Loi et lu dans les Cortès; les 2 originaux, signés du Président et de 2 Secrétaires, seront présentés au Roi par une Députation de 5 Membres, nommée par le Président. Si le Roi n'est pas dans la Capitale, la Loi sera présentée par le Ministre du Département qu'elle concerne.

CX. Au Roi appartient la sanction des Lois; il la donne au moyen de la Formule suivante, signée de sa main: "Je sanctionne, et soit publiée comme Loi."

Si le Roi, le Conseil d'Etat entendu, trouve qu'il a des raisons pour que la Loi doive être rejetée on modifiée, il pourra suspendre la sanction par cette Formule: "Soit envoyée aux Cortès," en exposant après sa signature, les raisons qu'il a eues pour refuser la Ces raisons seront présentées aux Cortès, imprimées et discutées. Si les Cortès décident que néanmoins la Loi doit être publiée comme elle était rédigée, elle sera de nouveau présentée au Roi, qui, à l'instant, lui donnera sa sanction.

Si les raisons exposées sont trouvées juste, la Loi sera rejetée ou modifiée, et le même objet ne pourra plus être traité dans la même Session.

CXI. Le Roi devra donner ou refuser sa sanction dans l'espace d'un mois. Quant aux Lois Provisoires faites dans des circonstances urgentes (CVII.) les Cortès fixeront le délai dans lequel il devra les sanctionner.

Si la clôture des Cortès arrive avant l'expiration du délai dans lequel le Roi doit donner sa sanction, ce délai s'étendra jusqu'aux premiers 8 jours de la Session suivante.

CXII. Sont indépendantes de la sanction Royale :

1. La présente Constitution, et les modifications qu'on y pourra faire à l'avenir (Article XXVIII.);

2. Toutes les Lois et toutes autres dispositions des Cortès Extraordinaires-constituantes actuelles;

3. Les décisions concernant les objets indiqués dans l'Article CIIL

CXIII. Après que la Loi aura été sanctionnée, le Roi la fera publier avec la Formule suivante :

"Dom N..... (le nom du Roi), par la grâce de Dieu et la Consitution de la Monarchie, Roi du Royaume-uni de Portugal, Brésil, et Algarve, en-deçà et au-delà de Mer, en Afrique, etc.; je fais savoir à tous mes Sujets que les Cortès ont décrété et que j'ai sanctionné la Loi suivante (ici le texte de la Loi.) En conséquence, j'ordonne à toutes les Autorités à qui la connaissance et l'exécution de cette Loi appartiendra, qu'elles l'exécutent et la fassent exécuter complètement. Le Secrétaire d'Etat des Affaires de (le nom du Département respectif) la fera imprimer, publier et circuler."

Le même Ministre contre-signera la Loi, la fera sceller avec le Sceau de l'Etat, et fera garder l'un des originaux dans les Archives du Royaume. L'autre original (Article CIX.) après avoir été signé par le Roi, et contre-signé par le Ministre, sera gardé dans les Archives des Cortès.

Les Lois qui ne sont pas assujéties à la sanction, seront publiées avec la même Formule, en supprimant les mots "j'ai sanctionné."

CXIV. Si le Roi, dans le délai fixé par les Articles CX. et CXIne donne pas sa sanction à la Loi, il sera censé l'avoir donnée, et la Loi sera publiée. Néanmoins, si le Roi refuse de la signer, les Cortès la feront publier; mais alors elle sera signée par le Ministre chargé de la faire exécuter.

CXV. La Régence ou le Régent du Royaume auront, sur la sanction et la publication des Lois, l'autorité que les Cortès leur accordée au Roi.

CXVI. L'abrogation des Lois a lieu avec les mêmes formalités.

CHAPITRE VI.—De la Députation Permanente, et de la Réunion Extraordinaire des Cortès.

CXVII. Les Cortès, avant la clôture de chaque Session, éliront 7 de leurs Membres; savoir: 3 des Provinces d'Europe, 3 de celles d'Outre-mer, et le 7me sera désigné par le sort entre un Député d'Europe et un Député d'Outre-mer. Elles éliront de même 2 Suppléans, un d'Europe, et un d'Outre-mer; chacun d'eux remplacera les Députés de son pays qui seraient empêchés.

Ces 7 Députés formeront une Junte appelée Députation Permanente des Cortès, laquelle résidera dans la Capitale jusqu'au moment de l'ouverture des Cortès Ordinaires de l'Année suivante.

La Députation élira chaque mois, parmi ses Membres, un Président, lequel ne pourra être élu 2 fois de suite, et un Secrétaire, lequel pourra être réélu à volonté.

Si quelques Provinces du Royaume Uni viennent de perdre le droit d'être représentées dans les Cortès, elles fixeront la manière de former une Députation permanente, cependant sans changer le nombre de ses Membres.

CXVIII. Les Pouvoirs de cette Députation consistent: 1. A provoquer la réunion des Assemblées Electorales, dans le cas où les Autorités négligeraient de les convoquer; 2. A préparer la réunion des Cortès (Articles LXXV. et suivans); 3. A convoquer les Cortès Extraordinaires, dans les cas énoncés à l'Article CXIX; 4. A veiller à l'observation de la Constitution et des Lois, pour instruire les Cortès prochaines des infractions qu'elle aura observées; 5. A ordonner ce qui est prescrit par l'Article LXXXII.; 6. A faciliter l'installation de la Régence Provisoire, dans le cas de l'Article CXLIX.

CXIX. La Députation Permanente convoquera les Cortès Extraordinaires à jour fixé dans les cas suivans : 1. Lorsque le Trône sera vacant ; 2. Lorsque le Roi demandera à abdiquer ; 3. Lorsque le Roi sera hors d'état de gouverner (Article CL.); 4. Lorsqu'il sur viendra des affaires graves et urgentes, ou des circonstances dangereuses pour l'Etat, selon l'opinion de la Députation Permanente ou du Roi, qui, dans ce cas, en fera part à la Députation pour qu'elle expédie les ordres nécessaires.

CXX. Les Cortès Extraordinaires ne s'occupent que de l'affaire pour laquelle elles sont convoquées, et elles se séparent quand elle est terminée; mais si, avant de l'avoir fini, arrive le 1 Décembre, les Cortès Ordinaires continueront à s'en occuper. La Députation Permanente continue ses fonctions pendant la durée des Cortès Extraordinaires.

TITRE IV.

DU POUVOIR EXECUTIF, OU DU ROI.

CHAPITRE I.—De l'Autorité, du Serment et de l'Inviolabilité du Roi. CXXI. L'autorité du Roi émane de la Nation; et elle est indivisible et inaliénable. CXXII. Son pouvoir consiste en général à faire exécuter les Lois, expédier les Décrets, Instructions, et Réglemens nécessaires pour cet objet, et à veiller à tout ce qui est relatif à la sûreté intérieure et extérieure de l'Etat, en se conformant à la Constitution.

Ces Décrets, Instructions, et Réglemens seront publiés au nom du Roi.

CXXIII. Outre ce pouvoir, le Roi a principalement les attributions suivantes:

1. De sanctionner, et promulguer les Lois (Art. CX. et CXIII.);

2. De nommer, et de renvoyer librement ses Ministres;

3. De nommer les Magistrats sur la présentation du Conseil d'Etat, faite selon les Lois ;

4. De nommer, selon les Lois, à tous les autres Emplois Civils non électifs, et Militaires;

5. De nommer à tous les Evêchés sur une triple présentation du Conseil d'Etat; de nommer à tous les Bénéfices Ecclésiastiques du Patronage Royal, Curés ou non Curés, après un concours et un examen public devant les Prélats Diocésains;

6. De nommer les Commandans de la Force armée de Terre et de Mer, et de l'employer de la manière la plus convenable au service public. Cependant si la liberté de la Nation et le Système Constitutionnel sont en danger, les Cortès pourront faire ces nominations;

En temps de Paix, il n'y aura pas de Commandant en Chef d'Armées, ni de Flottes.

7. De nommer les Ambassadeurs, et autres Agens Diplomatiques, après avoir entendu le Conseil d'Etat; et les Consuls, sans prendre son avis;

8. De diriger les Relations Diplomatiques et Commerciales avec les Nations Etrangères;

9. D'accorder des priviléges exclusifs pour le bien de l'Industrie, et des Lettres de Naturalisation, en se conformant aux Lois;

10. D'accorder, conformément aux Lois, des titres, des honneurs, et des distinctions, en récompense de services rendus. Quant aux récompenses pécuniaires que, par les mêmes motifs, il jugera devoir conférer, il ne le pourra qu'avec l'approbation des Cortès; et, pour cela, il leur en fera présenter, dans la première séance de chaque Année, un état motivé;

11. De faire grâce ou de diminuer les peines des Coupables, en se conformant aux Lois;

12. D'admettre ou de rejeter les Décrets des Conciles, Bulles Pontificales, et toutes autres Constitutions Ecclésiastiques, avec le consentement des Cortès, dans le cas où les dispositions qu'elles contiendraient seraient générales; et après avoir entendu le Conseil d'Etat, si ces Bulles traitaient d'affaires particulières qui ne fussent pas contentieuses; car, dans ce cas, elles devraient être soumises au Tribunal Suprême de Justice; 13. De déclarer la Guerre et de faire la Paix, en rendant compte ux Cortès des motifs qui l'y ont déterminé;

14. De faire des Traités d'Alliance, Offensive et Défensive, de Subides et de Commerce, avec l'approbation des Cortès (Article CIII. §6.);

15. De décréter l'emploi des Fonds destinés par les Cortès aux liverses branches de l'Administration Publique.

CXXIV. Le Roi ne peut:

1. Empêcher les Elections des Députés, s'opposer à la réunion des Cortès, les proroger, les dissoudre, ni protester contre leurs décisions;

2. Imposer des Tributs, Contributions, ou d'autres Levées d'Argent quelconques ;

3. Suspendre les Magistrats, excepté dans les cas prévus par l'Article CXCVII.;

4. Faire arrêter un Citoyen, excepté: 1. Quand la sûreté de l'Etat l'exigera; dans ce cas, l'Individu arrêté sera livré dans les 48 heures, au Juge compétent; 2. Quand les Cortès auront suspendu les formes judiciaires (Article CCXI.);

5. Aliéner aucune portion du Territoire Portugais;

6. Commander la Force Armée.

CXXV. Le Roi ne peut, sans le consentement des Cortès :

1. Abdiquer la Couronne;

2. Sortir du Royaume de Portugal et Algarve; s'il le fait, il est censé avoir abdiqué. Il en sera de même si, après être sorti du Royaume avec la permission des Cortès, il l'excède quant au temps et au lieu, et si, après avoir été rappelé par elles, il ne revient pas dans le Royaume.

Cette disposition sera applicable au Successeur à la Couronne, et s'il ne s'y soumet pas, il sera censé avoir renoncé au droit d'y succéder.

3. Faire des Emprunts au nom de la Nation.

CXXVI. Le Roi, avant d'être couronné, prêtera, entre les mains au Président des Cortès, en présence de cette Assemblée, le Serment suivant: " Je jure de maintenir la Religion Catholique, Apostolique et Romaine; d'être fidèle à la Nation Portugaise; d'observer et de faire observer la Constitution Politique décrétée par les Cortès Extraordinaires et Constituantes de 1821, et les Lois de la Nation, et de travailler au bien général autant que je le pourrai."

CXXVII. La personne du Roi est inviolable; il n'est sujet à aucune responsabilité. Le Roi a le titre de Majesté Très Fidèle.

CHAPITRE II.—De la Délégation du Pouvoir Exécutif en Brésil.

CXXVIII. Il y aura dans le Royaume du Brésil une Délégation du Pouvoir Exécutif éxercée par une Régence, qui residera dans l'endroit le plus convenable, désigné par la Loi. Quelques Provinces puissent rester indépendantes de ce pouvoir, et immédiatement assujetties au Gouvernement de Portugal. CXXIX. La Régence du Brésil sera composée de 5 Membres, l desquels sera le Président, et de 3 Secrétaires, tous nommés par le Roi, avisé par le Conseil d'Etat. Les Princes et les Infants (Article CXXXIII.) ne peuvent être Membres de la Régence.

CXXX. Un des Secrétaires s'employera des Affaires du Royaume, et des Finances; un autre des Affaires de la Justice et de l'Eglise; un autre des Affaires de Guerre et de la Marine. Chacun aura une voix dans les Affaires de son Département: le Président l'aura seulement en cas de partage. Le rapport se fera au nom du Roi. Chaque Secrétaire paraphera les Décrets, Ordres, et autres Actes, appartenants à son Département.

CXXXI. Les Membres de la Régence, aussi bien que les Secrétaires, seront responsables au Roi. En cas de transgression de la part de quelqu'un des Secrétaires, la Régence le suspendra et suppléera à sa place, par interim, donnant de suite avis au Roi. Il sera de même quand la charge de Secrétaire vient à vaquer d'autre manière.

CXXXII. La Régence ne peut:

1. Présenter aux évêchés; mais elle proposera au Roi une liste de 3 Personnes les plus propres, paraphée par le Secrétaire respectif.

2. Remplir les places du Tribunal Suprême de Justice, et des Présidents des Tribunaux.

3. Remplir la place de Brigadier et des autres grades plus élevés; ni d'aucun Emploi dans la Marine.

4. Nommer les Ambassadeurs et autres Agents Diplomatiques, et les Consuls.

5. Faire de Traités Politiques ou commerciaux avec les Etrangers.

6. Déclarer la Guerre offensive, et faire la Paix.

7. Accorder de titres, même en recompense de services, ou quelque autre grâce, dont l'application n'est pas déterminée par la Loi.

8. Accorder ou nier le consentement aux Décrets des Conciles, des Lettres Pontificales, et de toutes autres Constitutions Ecclésiastiques, qui contiennent des dispositions générales.

CHAPITRE III. — De la Famille Royale, et de sa Dotation.

CXXXIII. Le Fils du Roi, héritier présomptif de la Couronne, portera le titre de Prince Royal, son Fils aîné celui du Prince de Beira, et les autres Fils du Roi et du Prince Royal, le titre d'Infants.

Ces titres ne peuvent pas s'étendre à d'autres personnes.

CXXXIV. Les Princes et les Infants, ne peuvent commander la Force Armée.

Les Infants ne rempliront aucun Emploi électif ni administratif publique, excepté ceux de Conseillers d'Etat. Quant aux Emplois donnés par le Roi, ils peuvent les remplir, excepté ceux de Ministre, Ambassadeur, et Président ou Juge des Tribunaux de justice.

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CXXXV. L'héritier présomptif de la Couronne sera reconnu par les premières Cortès qui se réuniront après sa naissance. Lorsqu'il aura atteint l'âge de 14 ans, il prêtera, devant les Cortès, et entre les mains du Président, le serment de maintenir la Religion Catholique, Apostolique et Romaine, de maintenir la Constitution Politique de la Nation Portugaise, et d'être fidèle aux Lois et au Roi.

CXXXVI. Au commencement de chaque Règne, les Cortès assigneront au Roi et à la Famille Royale une dotation annuelle analogue à sa haute dignité. Cette dotation ne pourra pas être changée dans le courant du même Règne.

CXXXVII. Les Cortès assigneront, s'il est nécessaire, des pensions annuelles aux Princes, Infants et Infantes, dès qu'ils auront atteint l'âge de 7 ans, et à la Reine Douairière.

CXXXVIII. Lorsque les Infantes se marieront, les Cortès fixeront leur dot; et cette dot, une fois payée, la pension annuelle cessera. Les Infants qui se marieront continueront à recevoir leurs pensions, tant qu'ils résideront dans le Royaume; mais s'ils vont résider ailleurs, il leur sera payé, une fois pour toutes, telle somme que les Cortès aviseront.

CXXXIX. La dotation, et les aliments et dots mentionnés dans les 3 Articles précédens, seront à la charge du Trésor National, qui les versera entre les mains de l'Administrateur nommé par le Roi. Ce sera cet Administrateur qui exercera, ou contre qui on dirigera, toutes les actions actives et passives de la Maison Royale.

CXL. Les Cortès désigneront les Palais et les Terrains qu'elles jugeront convenables pour l'habitation et les plaisirs du Roi et de sa Famille.

CHAPITRE IV.-De la Succession à la Couronne.

CXLI. La Succession à la Couronne du Royaume-uni suivra l'ordre régulier de primogéniture et de représentation entre les Descendans Légitimes du Roi actuel, le Seigneur Dom Juan VI. en préférant toujours la ligne antérieure au postérieure; dans la même ligne, le degré plus proche au plus éloigné; dans le même degré, le sexe masculin au féminin; dans le même sexe, la personne la plus âgée à la plus jeune; conséquemment:

1. Les Enfans nés d'un mariage légitime succèdent seuls à la Couronne;

2. Le Fils du Prince Royal, dans le cas où son Père viendrait à mourir sans avoir succédé à la Couronne, est préféré à ses Oncles, et succède immédiatement à son Grand-père par droit de représentation;

3. La ligne la plus proche ne peut succéder tant que la régnante n'est pas éteinte.

CXLII. Si la ligne descendante du Seigneur Dom Juan VI. s'éteint, on appellera celle des lignes de la Maison de Bragance, qui doit être preférée, selon la règle établie dans l'Article CXLI. Si toutes ces lignes s'éteignent, les Cortès appelleront au Trône la personne qu'elles jugeront le plus convenable au bien de la Nation; et dès ce moment, la Succession se réglera selon l'ordre établi par l'Article CXLI.

CXLIII. Aucun Etranger ne pourra succéder à la Couronne du Royaume-uni.

CXLIV. Si l'Héritier de la Couronne Portugaise succède à une Couronne Etrangère, ou si l'Héritier de celle-ci succède à l'autre, il ne pourra pas cumuler l'une avec l'autre; il choisira celle qu'il voudra, et s'il opte pour le Trône Etranger, il sera censé avoir renoncé au Trône Portugais. Cette règle s'applique également à un Roi qui succède à une Couronne Etrangère.

CXLV. Lorsque la Couronne écherra à une Femme, celle-ci ne pourra se marier qu'avec un Portugais, et avec l'approbation préalable des Cortès. Son mari n'aura aucune part au Gouvernement, et ne s'appellera Roi que quand il aura un Fils ou une Fille de la Reine.

CXLVI. Si le Successeur à la Couronne est frappé d'une incapacité connue et perpétuelle de gouverner, les Cortès le déclareront incapable de succéder.

CHAPITRE V.—De la Minorité du Successeur à la Couronne, et de l'empêchement du Roi.

CXLVII. LE Roi sera mineur jusqu'à 18 ans accomplis, et m pourra régner avant cet âge.

CXLVIII. Dans le cas où le Trône viendrait à vaquer pendant la minorité du Successeur, si les Cortès sont assemblées, elles éliront de suite une Régence, composée de 3 ou de 5 Citoyens naturels du Royaume, parmi lesquels elles désigneront le Président.

Si les Cortès ne sont pas assemblées elles seront convoquées et traordinairement pour faire la nomination de la Régence.

CXLIX. Jusqu'à ce que cette Régence soit nommée le Royaume sera gouverné par une Régence Provisoire de 5 Membres, qui se composera de la Reine-mère, de 2 Membres de la Députation Permanente, et de 2 Conseillers d'Etat; ce seront les plus anciens selon l'ordre de leur nomination à la Députation et au Conseil d'Etat.

S'il n'y a pas de Reine-mère, le plus âgé des Frères du feu Roi sera Membre de la Régence; et s'il n'y a pas de Frères du Roi, le troisième Conseiller d'Etat par rang d'ancienneté.

Cette Régence sera présidée par la Reine ou par le Frère du Roi; et s'il n'y en a pas, par le plus ancien Membre de la Députation Permanente. En cas de décès d'une Reine régnante, son Mari présidera la Régence.

CL. Les dispositions des deux Articles précédens s'étendront au cas où le Roi, à cause d'une incapacité physique ou morale, se trouverait dans l'impossibilité de gouverner. La Députation Permanente,

après avoir pris toutes les informations nécessaires, déclarera provisoirement cette incapacité.

Si l'incapacité du Roi excède le terme de 2 ans, et que son Successeur immédiat soit majeur, les Cortès pourront le nommer Régent au lieu de la Régence.

CLI. L'une et l'autre Régence ainsi que le Régent préteront serment suivant la Formule de l'Article CXXVI, en y ajoutant le serment d'être fidèles au Roi; la Régence Permanente ou le Régent y ajoutera en outre qu'aussitôt que le Roi sera devenu majeur, ou que l'empêchement aura cessé, ils lui remettront le Gouvernement du Royaume.

Cette dernière Formule, de remettre le Gouvernement cessant l'empêchement du Roi, s'ajoutera aussi au serment du Régent; et à celui de la Régence Provisoire s'ajoutera celui de remettre le Gouvernement à la Régence Permanente.

La Régence Permanente et le Régent prêteront serment devant les Cortès, et la Régence Provisoire devant la Députation Permanente.

CLII. La Régence Permanente exercera l'autorité Royale, en suivant le Réglement qui sera fait par les Cortès, et elle veillera avec le plus grand soin à la bonne éducation du Prince Mineur.

CLIII. La Régence Provisoire n'expédiera que les affaires qui ne souffrent pas de délai, et ne destituera ni nommera aucun Fonctionnaire public, si ce n'est par interim.

CLIV. Les actes de l'une et de l'autre Régence seront publiés au nom du Roi.

CLV. La tutelle du Roi Mineur appartieudra à la Personne que le feu Roi aura désignée par son testament; s'il n'y a pas pourvu, la Reine-mère sera Tutrice tant qu'elle restera veuve. A son défaut, le Tuteur sera nommé par les Cortès; dans le premier et troisième cas, le Tuteur devra être naturel du Royaume. Le Successeur immédiat du Roi mineur ne pourra jamais être son Tuteur.

CLVI. Le Successeur à la Couronne, pendant sa minorité, ne pourra pas se marier sans le consentement des Cortès.

CHAPITRE VI.-Des Secrétaires d'Etat.

CLVII. Il y aura dans le Ministère 6 Départemens, auxquels les Cortès pourront faire les changemens qu'elles jugeront convenables. Ces Départemens sont :

Celui de l'Intérieur, de la Justice, des Finances, de la Guerre, de la Marine et des Affaires Etrangères.

Les Cortès détermineront par un Réglement les affaires qui appartiendront à chaque Ministère.

CLVIII. Les Etrangers, lors même qu'ils auraient reçu des Lettres de Citoyen, ne pourront être Ministres.

CLIX. Les Ministres sont responsables envers les Cortès: 1. De l'inobservation des Lois; 2. De l'abus du pouvoir qui leur a été 3P2

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confié; 3. Des Actes attentatoires à la liberté, la sûreté ou la propriété, des Citoyens; 4. De la dissipation ou du mauvais usage des Fonds publics. Cette responsabilité, dont aucun ordre verbal ou écrit du Roi ne pourra les exempter, sera réglée par une Loi particulière.

CLX. Pour rendre effective la responsabilité des Ministres, les Cortès déclareront par un Décret qu'il y a lieu à accusation. Après ce Décret, le Ministre sera à l'instant suspendu de ses fonctions, et les pièces relatives au Procès seront envoyées au Tribunal compétent, conformément à l'Article CXCI.

CLXI. Tous les Décrets et tous les Ordres du Roi, du Régent on de la Régence, seront signés par le Ministre du Département compétent; les Ordres non revêtus de la signature du Ministre ne seront pas exécutoires.

CHAPITRE VII.-Du Conseil d'Etat.

CLXII. Il y aura un Conseil d'Etat, composé de 13 Citoyens choisis parmi les Personnes les plus distinguées par leurs connaissances et leurs vertus; 6 des Conseillers seront des Provinces d'Europe, 6 de celles d'Outre-mer, et le 13me sera tiré au sort entre un Citoyen d'Europe et un Citoyen d'Outre-mer.

Si quelques Provinces du Royaume Uni viennent de perdre le droit d'être représentées dans les Cortès, dans ce cas elles fixeront la manière de former le Conseil d'Etat, en pouvant diminuer le nombre de ses Membres, pourvû qu'il ne contienne pas moins de 8.

CLXIII. Ne pourront être Conseillers d'Etat : l. Ceux qui n'auront pas l'âge de 35 Ans; 2. Les Etrangers, même naturalisés; 3. Les Députés aux Cortès pendant leur Députation. Si un Député obtient sa démission, il ne pourra pas être Conseiller d'Etat durant la Législature à laquelle il appartenait.

CLXIV. L'Election des Conseillers d'Etat se fera de la manière suivante : lesCortès éliront, à la pluralité absolue des voix, 18 Citoyens Européens ; on formera une liste de leurs noms divisée en 6 séries, chacune de 3 noms, en sorte que les noms des Citoyens qui auront en le plus grand nombre de voix occupent le premier rang de chaque série ; le second rang sera occupé par ceux qui les suivront, et le 3e par ceux qui auront eu le moins de voix. On dressera une autre liste de 18 Citoyens d'Outre-mer. Ensuite le sort décidera si le 13e Conseiller sera d'Europe ou d'Outre-mer, et alors on formera une nouvelle série de 3 noms, laquelle sera insérée dans la liste respective d'Europe, ou d'Outre-mer. Les deux listes seront présentées au Roi, qui choisin dans chaque série un Conseiller.

CLXV. Les Conseillers d'Etat resteront en exercice pendant 4 Ans; puis on présentera au Roi de nouvelles listes, dans lesquelles pourront être proposées ceux des Conseillers qui auront fini leur service.

CLXVI. Avant de prendre possession de leurs places, les Conseillers d'Etat prêteront serment au Roi, de maintenir la Religion Catholique, Apostolique et Romaine, d'observer la Constitution et les Lois, d'être fidèles au Roi, et de ne lui conseiller que ce qu'ils croiront utile au bien de la Nation.

CLXVII. Le Roi prendra l'avis du Conseil d'Etat dans les affaires importantes, spécialement lorsqu'il s'agira de donner ou de refuser sa sanction aux Lois, de déclarer la Guerre, et de faire la Paix et les Traités.

CLXVIII. Il appartient au Conseil de proposer au Roi des Candidats pour les Evêchés, et pour les places de la Magistrature (Article CXXIII. § 3 et 5.)

CLXIX. Les Conseillers d'Etat sont responsables des propositions qu'ils feraient au Roi, et qui seraient contraires aux Lois, ainsi que des conseils opposés à ces mêmes Lois, et manifestement mal intentionnés.

CLXX. Les Conseillers d'Etat ne pourront être destitués sans avoir été jugés par le Tribunal compétent.

Lorsqu'il y aura une place vacante au Conseil d'Etat, les premières Cortès qui seront assemblées présenteront au Roi 3 Personnes, conformément à l'Article CLXIV.

CHAPITRE VIII.-De la Force Militaire.

CLXXI. Il y aura une Force Militaire Nationale, permanente, composée du nombre de Troupes et de Vaisseaux que les Cortès détermineront. Sa destination est de maintenir la sûreté intérieure et extérieure du Royaume, sous les Ordres du Gouvernement, à qui il appartient de l'employer comme il le jugera convenable.

CLXXII. La Force Militaire est essentiellement obéissante; elle ne doit jamais se réunir pour délibérer ou prendre des résolutions.

CLXXIII. Il y aura, en outre, dans chaque Province, des Corps de Milices. Ces Corps ne doivent pas faire de service continuel, mais seulement quand les circonstances l'exigeront. Ils ne peuvent être employés dans le Royaume de Portugal et Algarve, en temps de paix, hors de leurs Provinces, sans la permission des Cortès.

L'institution et l'organisation de ces Corps sera réglée par une Ordonnance Spéciale.

CLXXIV. Il doit être formé des Gardes Nationales composées de tous les Citoyens que la Loi n'excepte pas: elles seront exclusivement assujetties aux Autorités Civiles: ses Officiers seront électifs et temporaires: elles ue peuvent pas être employées hors de leurs Communes sans la permission des Cortès. Une Loi particulière règlera sa formation et son service.

CLXXV. Les Officiers de l'Armée, de terre et de mer, ne pourront être destitués de leurs grades que par jugement du Tribunal compéten⁴

TITRE V.

DU POUVOIR JUDICIAIRE.

CHAPITRE I.—Des Juges et des Tribunaux de Justice.

CLXXVI. Le pouvoir judiciaire appartient exclusivement au Juges. Les Cortès ni le Roi ne pourront, en aucun cas, l'exercer, ni évoquer une Cause pendante, ni remettre en cause un Procès jugé, ni dispenser des formes de procédure ordonnées par la Loi.

CLXXVII. Il y aura des Jurés dans les Causes Criminelles et Civiles, dans les cas et selon la manière que les Codes détermineront.

La connaissance des délits commis par l'abus de la presse appartient, dès ce moment, aux Jurés.

CLXXVIII. Les Jurés seront élus directement par le Peuple; et pour cela, on formera dans chaque District une liste d'un nombre déterminé de Personnes qui aient les qualités requises par la Loi.

CLXXIX. Il y aura, dans chacun des Districts, désignés par la Loi de la division du Territoire, un Juge Lettré de Première Instance, lequel jugera du droit dans les Causes où il y aura des Jurés, et du fait et du droit dans celles où il n'y aura pas de Jurés.

A Lisbonne et dans les autres grandes Villes, il y aura un nombre de Juges Lettrés de Première Instance, proportionné aux besoins.

CLXXX. Les Districts seront subdivisés en d'autres Districts; et dans tous ceux-ci, il y aura des Juges élus directement par les Citoyens, dans le même temps et de la même manière que les Membres des Municipalités.

CLXXXI. Les attributions de ces Juges électives sont :

1. De juger, sans appel, les Causes Civiles de petite importance, désignées par la Loi, et les Causes Criminelles, désignées par la Loi, quand les délits seront légers. Dans toutes ces Causes, ils rendront verbalement leur jugement, après avoir entendu les Parties, et en feront consigner le résultat dans un Acte public;

2. De remplir l'Office de Conciliateur, conformément à l'Article CXCV.

3. De veiller à la sûreté des Habitans du District, et à la conservation de l'ordre public, en se conformant au Réglement qui leur sera donné.

CLXXXII. Pour pouvoir occuper la place de Juge Lettré, indépendamment des autres conditions requises par la Loi, il faut: 1. Etre Citoyen Portugais; 2. Avoir 25 Ans accomplis; 3. Avoir complété les études de Bachelier en droit.

CLXXXIII. Tous les Juges Lettrés seront perpétuels dès que les Codes auront été publiés et les Jurés établis.

CLXXXIV. Aucun Juge Lettré ne pourra être privé de l'exercice de ses fonctions que par un Jugement, à cause d'un délit, ou après sa retraite par une cause motivée, conformément à la Loi. CLXXXV. Les Juges Lettrés de Première Instance seront changés simultanément, tous les 3 Ans, d'un District à un autre, selon que la Loi l'ordonnera.

CLXXXVI. La promotion des Juges suivra l'ordre d'ancienneté de service, avec les restrictions que la Loi déterminera.

CLXXXVII. Les Juges Lettrés de Première Instance connaîtront, dans leurs Districts:

1. Des Causes contentieuses qui ne seront pas exceptées.

2. Des Affaires de juridiction volontaire, qui, jusqu'ici pouvaient être jugées par toutes les Autorités, dans les cas et selon que la Loi l'ordonnera.

CLXXXVIII. Les Juges Lettrés de Première Instance décideront sans appel, les Causes Civiles jusqu'à la valeur désignée par la Loi. Dans celles qui excéderont cette valeur, l'Appel de leurs Jugemens et autres Décisions sera porté au Tribunal correspondant, qui jugera en dernier ressort. Dans les Causes Criminelles, on admettra l'Appel des Jugemens de Première Instance, dans les cas et selon les formes prescrites par la Loi.

CLXXXIX. On'pourra appeler des Décisions des Jurés au Tribunal compétent; mais seulement pour qu'il fasse revoir l'affaire par le même Juré ou par un autre, dans les cas et selon la forme expressément déclaré par la Loi; dans les délits de liberté de la presse, l'appel sera porté au Tribunal spécial (Article VIII.) établi à cet effet.

CXC. Pour juger les Causes en seconde et dernière instance, on établira, dans le Royaume-uni, les Tribunaux nécessaires pour la commodité des Habitans et la bonne administration de la Justice.

CXCI. Il y aura, à Lisbonne, un Tribunal Suprême de Justice, composé de Juges Lettrés nommés par le Roi, conformément à l'Article CXXIII.

Les attributions de ce Tribunal seront :

1. De connaître des erreurs dont sont accusés dans l'exercice de leurs fonctions, les Juges de ce même Tribunal et ceux des Tribunaux Provinciaux, les Ministres, les Conseillers d'Etat, les Ministres Diplomatiques et les Régens du Royaume: mais quant à ces 4 dernières Classes, les Cortès doivent déclarer auparavant qu'il y a lieu à la mise en accusation, selon l'Article CLX.

2. De connaître des doutes sur la compétence des juridictions qui pourraient exister entre les Tribunaux Provinciaux de Portugal et Algarve.

3. De soumettre au Roi, avec un exposé des motifs, les doutes qu'il peut avoir, de même que ceux qui lui auront éte exposés par d'autres Autorités, sur l'intelligence de quelque Loi, pour provoquer la déclaration des Cortès :

4. D'accorder ou refuser la révision.

Le Tribunal Suprême de Justice ne jugera pas sur la révision, mais ce sera le Tribunal compétent; quand ce dernier Tribunal aura jugé qu'il y a nullité ou injustice dans le Jugement dont le Tribunal Suprême aura accordé la révision, celui-ci rendra alors effective la responsabilité des Juges, dans le cas où, selon la Loi, elle doit être exigé.

CXCII. La concession de révision n'aura lieu, pour les Jugemens rendus par les Tribunaux, que dans les cas où la nullité ou l'injustice serait notoire; dans les Causes Civiles, quand la valeur excédera celle fixée par la Loi, dans les Criminelles, dans les cas plus graves que ceux désignés par elle.

C'est seulement des Sentences des Juges du droit qu'on peut demander la révision, mais jamais des Décisions des Juges du fait.

Tous les Plaideurs sans exception, de même que le Procureur du Roi, peuvent demander la révision dans le délai déterminé par la Loi.

CXCIII. Dans le Brésil il y aura aussi un Tribunal Suprême de Justice, dans le lieu où réside la Régence de ce Royaume, et il aura les mêmes pouvoirs que celui de Portugal autant qu'ils sont applicables.

Les procès qui seront institués dans les Tribunaux sur le Territoire Portugais en Afrique et en Asie; la permission d'appel et la responsabilité des Juges dans ces cas; et les fonctions du Tribunal protecteur de la liberté de la presse (Article VIII.) dans le dit Territoire, seront traités dans le Tribunal et de la manière désignée par la Loi.

CXCIV. Dans les Affaires Civiles, et dans les Criminelles intentées civilement, il est permis aux Parties de nommer des Juges Arbitres pour les terminer.

CXCV. Les Juges Electifs rendront des Jugemens de Conciliation dans les affaires, et de la manière prescrite par la Loi (Article CLXXXI.)

CHAPITRE II.—De l'Administration de la Justice.

CXCVI. Tous les Magistrats, et tous les Officiers de Justice, seront responsables des abus du pouvoir, et des erreurs qu'ils peuvent commettre dans l'exercice de leurs fonctions.

Tout Citoyen, même celui qui n'y est pas intéressé immédiatement, pourra les accuser de connivence, ou de subornation; s'il y est intéressé, il pourra les accuser pour toute prévarication à laquelle la Loi inflige une peine, sauf l'infraction aux formes de la procédure.

CXCVII. Quand on portera au Roi des plaintes contre un Magistrat, Il pourra le suspendre de ses fonctions, après l'avoir entendu, et pris les informations nécessaires, et l'avis du Conseil d'Etat ; le résultat de ces informations sera de suite remis au Tribunal compétent pour que le Procès soit instruit, et l'affaire décidée.

CXCVIII. Le Tribunal auquel sont soumises les pièces du Procès, desquelles il résulte que le Juge inférieur a commis des infractions aux Lois sur les formes de la procédure, pourra le condamner aux frais ou autres peines pécuniaires jusqu'à la somme déterminée par la Loi, ou le faire réprimander à l'audience, ou hors du Tribunal. Pour les délits ou erreurs graves dont il est parlé dans l'Article CXCVI, il le fera juger par le Tribunal compétent.

CXCIX. Pour les délits qui n'appartiennent point aux fonctions de Juge, il y aura seulement lieu à suspension, quand le Juge sera prévenu d'un crime qui mérite la peine capitale, ou celle qui la précède immédiatement, ou quand il sera arrêté, même sous caution.

CC. On assignera a tous les Magistrats et Officiers de Justice des traitemens suffisans.

CCI. L'interrogatoire des Témoins, et tous les autres actes de procédure civile seront Publics; ceux de procédure criminelle le seront après la déclaration de Prévention.

CCII. Les Citoyens accusés de crimes auxquels la Loi inflige une peine moindre de 6 mois de prison, ou d'exil de la Province où ils sont domiciliés, ne seront point arrêtés et se défendront en liberté.

CCIII. S'ils sont accusés de crimes qui emportent une peine plus grande que celle de l'Article précédent, l'arrestation ne pourra avoir lieu sans qu'au préalable on ait procédé sommairement pour constater l'existence du crime et l'identité du Délinquant.

Elle doit aussi être précédée d'un Mandat d'amener signé par l'Autorité légitime, et revêtu des formes légales, lequel sera représenté à l'Accusé lors de son arrestation ; s'il désobéit à ce Mandat, ou s'il resiste, il sera puni selon la Loi.

CCIV. Peuvent seulement être arrêtés sans ces formalités :

1. Ceux qui sont pris en flagrant délit ; dans ce cas, chacun a le droit de les arrêter ; ils seront conduits immédiatement devant le Juge.

2. Ceux contre lesquels il existe des indices: 1. De vol fait avec effraction ou avec violence sur quelque Individu; 2. De vol domestique; 3. D'assassinat; 4. De crimes relatifs à la sûreté de l'Etat dans les cas exprimés par les Articles CXXIV, § 4, et CCXI.

CCV. Ces dispositions sur les arrestations sans formalités n'excluent pas les exceptions qui seront établies par les Ordonnances Militaires, comme étant nécessaires à la discipline et au recrutement de l'Armée.

La même chose aura lieu dans les cas qui ne sont pas purement criminels, et pour lesquels la Loi ordonne l'arrestation d'un Individu pour avoir désobéi aux Ordres de la justice, ou pour n'avoir pas rempli quelque devoir dans le délai prescrit.

CCVI. Dans tous les cas le Juge fera remettre à l'Individu arrêté, dans les 24 heures de son entrée en prison, une Note signée de samain, dans laquelle seront énoucés la cause de l'arrestation, le nom de l'Accusateur, ou des Témoins, s'il y en a.

CCVII. Si l'Accusé, avant d'être conduit en prison, ou après y être entré, donne caution devant le Juge, il sera à l'instant mis en liberté, sauf dans les cas où la Loi défend la caution.

CCVIII. Les prisons seront sûres, propres et bien aérées, en sorte qu'elles servent à la sûreté des Détenus, et non à les torturer. Il y aura différentes salles dans lesquelles les Détenus seront séparés selon leurs qualités et la nature de leurs crimes; on doit avoir un soin particulier de ceux qui, étant simplement Détenus, ne sont pas encore condannés Toute-fois il est permis au Juge, quand cela sera nécessaire pour la découverte de la vérité, de mettre le Détenu au secret dans un lieu propre et commode, pendant le temps déterminé par la Loi.

CCIX. Les prisons devront indispensablement êtré visitées au époques fixés par la Loi. Tous les Détenus devront être présens à la visite.

CCX. Le Juge et le Concierge qui manqueront aux dispositions précédentes, relativement à l'emprisonnement des Criminels, seront punis de la manière ordonnée par les Lois.

CCXI. Dans les cas de Rébellion déclarée, ou d'invasion d'Ennemis, si la sûreté de l'Etat exigeait qu'on suspendît quelques-unes des formes sur l'arrestation des Délinquans, on ne pourrait le faire que sur un Décret des Cortès rendu pour un temps déterminé.

Dans ce cas, après le temps déterminé, le Gouvernement envers aux Cortès une liste des arrestations qu'il aura fait faire, en exposant les motifs qui les justifient: les Ministres et autres Autorités seront responsables de l'abus qu'ils auront fait de ce pouvoir au-delà de ce qu'exigeait la sûreté publique.

TITRE VI.

DU GOUVERNEMENT ADMINISTRATIF ET ECONOMIQUE.

CHAPITRE I.—De l'Administrateur Général, et du Conseil d'Administration.

CCXII. Il y aura dans chaque District un Administrateur Géneral nommé par le Roi, le Conseil d'Etat entendu; la Loi désignera les Districts, et fixera la durée des fonctions de l'Administrateur.

CCXIII. L'Administrateur-Général sera assisté, dans l'exercice de ses fonctions, par un Conseil Administratif. Ce Conseil sera compose d'autant de Membres qu'il y aura de Municipalités dans le District: mais les Villes populeuses qui auront une seule Municipalité fourniront le nombre de Membres désigné par la Loi. L'élection des Conseillers se fera tous les Ans dans le même temps, et de la même manière que celle des Membres des Municipalités.

CCXIV. Le Conseil se réunira tous les Ans dans les mois de Mars et de Septembre, dans le lieu le plus central et spacieux du District. Dans les cas extraordinaires le Gouvernement peut ordonner sa plus fréquente réunion. Chacune des réunions ne durera que 15 jours, mais elles peuvent être prolongées 15 jours davantage, suivant l'urgence des affaires.

CCXV. Le Conseil prononcera dans les matières de sa compétence. L'exécution de ses Décisions, de même que des Ordres du Gouvernement, appartiendra exclusivement à l'Administrateur-Général; dans les cas urgens qui exigeront une résolution prompte, l'Administrateur pourra décider et exécuter, mais après il en fera part au Conseil.

CCXVI. Tous les objets d'administration publique seront de la compétence de l'Administrateur-Général et du Conseil.

Ils connaîtront de ces objets par voie de recours, inspection, consultation ou rapport, comme les Lois l'ordonneront. Par voie de recours, ils connaîtront de tous les øbjets qui sont de la compétence des Municipalités; par inspection, de l'exécution de toutes les Lois administratives; par consultation au Gouvernement, ou rapport aux directions générales, de toutes les autres affaires d'Administration. Par directions générales, on entendra toutes celles qui seront créées par les Lois pour traiter d'objets particuliers d'Administration, et toutes autres directions administratives d'intérêt général établies par le Gouvernement, quand même leurs attributions seraient limitées à un seul District.

Il appartiendra aussi à l'Administrateur-Général et au Conseil de répartir entre les Communes du District la Contribution directe (Article CCXXVIII.) et les Contingens des Recrues.

CCXVII. La Loi désignera explicitement les attributions des Administrateurs-Généraux, et des Conseils d'Administration, les formes de leurs actes, le nombre, les devoirs et traitemens de leurs Employés, et tout ce qui sera convenable pour la plus grande utilité qu'on peut retirer de cette Institution.

CHAPITRE II. - Des Municipalités.

CCXVIII. Le Gouvernement économique et Municipal des Communes appartiendra aux Municipalités, qui l'exerceront selon les Lois.

CCXIX. Il y aura des Municipalités dans tous les endroits où cela sera convenable pour le bien public; leurs Districts seront établis par la Loi qui déterminera la division du Territoire. CCXX. Les Municipalités seront composées du nombre de Membres que la Loi désignera, d'un Procureur et d'un Secrétaire Les Membres et le Procureur seront élus annuellement, directement, à la pluralité relative des voix, au scrutin secret, et en Assemblée Publique. Tous les Habitans de la Commune, qui auront voix dans l'Election des Députés aux Cortès, pourront aussi voter dans cette Election, exceptés :

1. Les Militaires de la Ligne, non compris ceux qui sont natifs de la Commune, ni ceux en retraite;

2. Les Militaires qui feraient partie de l'Armée des Milices, quand ils seront réunis hors de leurs Communes respectives;

Cependant les Fils de Familles, mentionnés à l'Article XXXIII. § 2, de 25 Ans, et les Individus qui ne sauraient lire ni écrire, suivant le même Article, § 6, ne seront pas exclus de voter étant majeur.

Celui des Membres qui aura obtenu le plus de voix, sera Président de la Municipalité; en cas de partage le sort en décidera.

Les Membres et le Procureur de la Municipalité auront des Suppléans, élus dans le même temps et de la même manière.

CCXXI. Le Secrétaire sera nommé par la Municipalité; il aura un traitement suffisant, et restera en fonction tant qu'il n'y commettra pas de fautes, ou qu'il n'aura pas d'incapacité morale ou physique.

CCXXII. Pour être Membre de la Municipalité ou Procureur, il faut jouir du droit de Citoyen, être majeur de 25 Ans, avoir résidé 2 Ans, au moins, dans la Commune, avoir des moyens honnêtes de subsistence, et n'avoir pas d'Emploi incompatible avec les fonctions municipales. Ceux qui auront servi un An ne pourront être réélus qu'après un An d'intervalle.

CCXXIII. Les attributions des Municipalités seront :

1. De faire les Ordonnances Municipales;

2. De protéger l'agriculture, le commerce, l'industrie, la sasté publique, et, en général, de surveiller toutes les commodités de la Commune;

3. D'établir des foires et 'des marchés dans les lieux les plus convenables, avec l'approbation du Conseil du District;

4. De surveiller les Ecoles primaires et les autres établissemens d'éducation qui sont payés des deniers publics, et de même les Hôpitaux, Maisons d'enfans trouvés et autres établissemens de bienfaisance, en se conformant aux Lois.

5. De surveiller les Travaux particuliers des Communes, la réparation des ouvrages publics, et encourager la plantation d'arbres dans les terrains en friche, et dans ceux qui appartiennent à la Commune.

6. De repartir la Contribution directe entre les Habitans de la Commune (Article CCXXVIII.) et de surveiller la perception et l'envei des Revenus Nationaux ; 7. De percevoir et de dépenser les Revenus de la Commune, de même que les Contributions extraordinaires, qu'à défaut d'autres Revenus, elles pourront imposer aux Habitans, selon que les Lois l'ordonneront.

Dans tous les cas ci-dessus mentionnés, on aura recours à l'Autorité compétente (Article CCXIV.)

CHAPITRE III.—Des Finances Nationales.

CCXXIV. Les Cortès décréteront ou confirmeront annuellement les Contributions directes, sur la présentation du Budget, faite par le Ministre des Finances (Art. CCXXVII.) Si les Cortès ne décrètent ou ne confirment pas les Impositions, les Contribuables ne seront plus dans l'obligation de les payer.

CCXXV. Nulle Personne, nulle Corporation, ne devra être exempte de ces Contributions.

CCXXVI. Les Contributions seront proportionnées aux Dépenses Publiques.

CCXXVII. Le Ministre des Finances, après avoir reçu des autres Ministres les Budgets particuliers de leurs Départemens, présentera, tous les Ans aux Cortès, au commencement de la Session, un Budget général de toutes les Dépenses Publiques de l'Année suivante, et un autre du montant de toutes les Contributions et Revenus Publics, et le Compte des Recettes et Dépenses du Trésor National pendant l'Année précédente.

CCXXVIII. Les Cortès répartiront les Contributions directes entre les Districts des Conseils Administratifs, selon les Revenus de chacun. L'Administrateur et son Conseil fixeront la quote-part de chaque Commune de leur District, et la Municipalité divisera celle qui sera assignée à la Commune entre tous les Habitans et les Propriétaires non résidans, en raison des Revenus de chacun.

CCXXIX. Dans chaque District désigné par la Loi, il y aura un Contrôleur des Finances, nommé par le Roi, sur la proposition du Conseil d'Etat, lequel sera chargé de poursuivre et surveiller le paiement des Revenus Publics, et qui en restera directement responsable envers le Trésor National.

CCXXX. Les Municipalités devront envoyer annuellement au Contrôleur, des états certifiés de la répartition de toutes les Impositions directes; lui communiquer le choix qu'elles auront fait des Percepteurs et Trésoriers, et lui fournir toutes les explications qu'il leur demandera, soit pour connaître la somme des Revenus Publics de la Commune, soit pour savoir l'état de leur perception. Ce même devoir s'étendra à ceux qui administreront les Douanes ou autres Bureaux de Recettes Fiscales. CCXXXI. Tous les Revenus Nationaux entreront dans le Trésor National, excepté ceux qui, sur la délégation ou d'après la Loi, devront être payés à d'autres Trésoriers. On ne créditera le Trésorier en chef d'aucun paiement qui ne serait pas fait sur Ordonnance signée par le Ministre Secrétaire d'Etat des Finances, et dans laquelle on n'aurait pas énoncé l'objet de la dépense, et la Loi qui l'autorise.

CCXXXII. Le Compte d'entrée et de sortie du Trésor National, de même que celui des Recettes et des Dêpenses de tous et chacun des Revenus Publics, sera rendu et contrôlé dans la Chambre des Comptes du Trésor, laquelle sera organisée par un réglement spécial.

CCXXXIII. Le Compte-Général des Recettes et des Dépenses de chaque Année, aussitôt qu'il sera approuvé par les Cortès, sera imprimé et 'publié; ce qui aura aussi lieu pour les Comptes que les Ministres Secrétaires d'Etat rendront de toutes les dépenses faites dans leurs Départemens.

CCXXXIV. Au Gouvernement appartient la surveillance de la perception des Contributions, conformément aux Lois.

CCXXXV. La Loi désignera les Autorités à qui appartiendra le pouvoir de juger et faire exécuter les décisions en matière de Finance, les formes du procès, le nombre, les appointemens, et devoirs des Employés, dans la répartition, surveillance et perception des Revenus Publics.

CCXXXVI. La Constitution reconnaît la Dette Publique. Les Cortès accorderont les fonds nécessaires pour son paiement au fur et à mesure de sa liquidation. Ces fonds seront administrés séparément des autres Revenus Publics.

CHAPITRE IV.—Des Etablissemens d'Instruction Publique et de Charité.

CCXXXVII. Il y aura dans tous les endroits du Royaume où cela sera jugé convenable, des Ecoles suffisamment dotées, dans lesquelles on apprendra à la Jeunesse Portugaise des deux sexes, à lire, à écrire, le calcul, et le catéchisme des devoirs religieux et civils.

CCXXXVIII. Les établissemens actuels d'Instruction Publique recevront de nouveaux réglemens, et on en créera d'autres, où cela conviendra pour l'enseignement des sciences et des arts.

CCXXXIX. Tout Citoyen a la faculté de former un établissement d'Instruction Publique, sauf à répondre de l'abus qu'il ferait de cette liberté, dans les cas et de la manière déterminés par la Loi.

CCXL. Les Cortès et le Gouvernement auront un soin particulier des fondation, conservation et augmentation des Maisons de Charité, et des Hópitaux Civils et Militaires, et surtout de ceux destinés aux Soldats et Marines invalides : il en sera de même des Hospices des Enfans trouvés, Monts-de-Piété, et autres Etablissemens de Charité, ainsi que de la Civilisation des Indiens.

A Lisbonne, au Palais des Cortès, le 23 Septembre, 1822.

[Suivent les signatures des Membres.]

ACCEPTATION ET JUREMENT DU ROI.

J'accepte et jure de garder et de faire garder la Constitution Politique de la Monarchie Portugaise, laquelle vient d'être décretée par les Cortès Constituantes de la dite Nation.

Salle des Cortès, le 1er Octobre, 1822.

JOAO VI.

PROCLAMATION of the Political Chief, to the Inhabitants of Santo Domingo, relative to the Union of the Spanish Part of Hayti with the Haytian Republick.— 19th January, 1822. (Translation.)

Faithful Dominicans, and beloved Countrymen,

THE charges and recriminations are not unknown to me which the discontented are preparing, as well as those which they have already brought against me, for my conduct during the progress, and for the consequences, of our political change, which was effected on the 1st of December last, with that good order which all have witnessed. I reply to them, that the proceedings in favour of Independence commenced on the 8th of November, in Lajabon, in Beler, and Monte Christi, and that the Capital merely encountered them, with the pure and loyal intention of dispelling the new and violent tempest, which had broken out in those Places, and which might soon have reached us, reinforced with the dreadful materials which it would have collected in its passage: I reply, in short, by promulgating the Official Letter, by which the most Excellent Señor, the President of the Republick of Hayti, answered my Letters of the 19th December and 5th of this month. I shall conceal nothing from you, as it is time that you should be acquainted with the frankness of my proceedings, in execution of the duties of my publick Ministry. I invite you to read the following Document, with that meditation with which the anxiety for your welfare must inspire you, and afterwards to judge of my conduct :

" LIBERTY, EQUALITY, REPUBLICK OF HAYTI.

Jean Pierre Boyer, President of Hayti, to the Citizen José Nuñez de Caceres, Political Chief of Santo Domingo.

CITIZEN,

I RECEIVED yesterday your's of the 5th inst. with the Document which accompanied it. As the welfare of my Country is the object of my

ST. DOMINGO.

cares, I will frankly enter with you into all the explanations which the present state of the Eastern part of Hayti requires. If the truth which actuates me can be appreciated by those who are at the head of affairs at Santo Domingo, and if the object of their solicitude is the perfect regeneration of that part of the Island, which has so long been a prey to humiliation and misery, that regeneration will be as speedily, as it will be pacifically, effected, to the satisfaction of all who are really interested in it.

From the moment of the promulgation of Independence it has never been in contemplation to make a division of the Island: *its whole extent*, *including the adjacent Islands*, *constitutes the Territory of the Republick*; as it was determined by Chapter II. Article XL. of our Constitution, which is generally known throughout the World. The Republick *is one and indivisible*. (Article XLI.) Here we possess that which, besides establishing the guarantee of our Independence, imposes obligations, the derogating from which would render me culpable, as well towards the present generation as towards the most distant posterity.

This is a moment to ask ourselves, why the Eastern Part has not been united to the Republick, since the promulgation of the Constitutional Act?—because new Establishments cannot reach the point of perfection without passing through a series of misfortunes and catastrophes, which frequently bring with them the destruction of the enterprize; and even when such is not the case, it is evident that a long experience, the effect of time alone, must afford its aid in order to attain the end proposed. Such has been the case with the Republick; its history for 18 Years past is known to all, and it is therefore unnecessary to comment upon it.

The calamities which have been experienced by our Government have prevented an earlier consideration of the Union of the whole Territory; however the neighbourhood of the Eastern Part may have suffered from prejudice and privation, it was undoubtedly in a peaceful state, and it would have been inhuman to have exposed it to the horrors of a Civil War, at a time when it was not convenient to concentrate the several dispositions. Such was the generous feeling which prevailed, in opposition to my Predecessor's inclination to assist those who were desirous of shaking off the yoke of the ancient Metropolis, which he might have effected by a supply of Arms and Ammunition in favour of D. Juan Sanchez de Ramirez, when the principal part of its Citizens were resolved to expel those who, by Treaties, had obtained possession of the Country : and I declare, that the being penetrated with the same feelings, was what induced me constantly to refuse protection to the several Parties who had manifested an intention of undertaking the overthrow of a Foreign Dominion.

An Enemy to disorder and the effusion of blood, I was determined never to give a partial assistance to the Citizens of the East, being

convinced that the time had not yet arrived, when I might operate a total moral revolution there, which, by changing their unfortunate condition, would have placed my Countrymen of the Eastern Part, without dispute or violence, under the tutelary protection of the Laws of the Republick. That time was indicated by the pacification of the North. I received Communications from Santiago, from San Juan, and even from Santo Domingo, in which I was assured of their wish to enjoy the advantages of our Institutions; but without exposing themselves to the inevitable calamities of a change of Government brought on by warfare. I again recommended patience to them all, and at length determined upon taking an ostensible step towards the Publick, by acquainting Brigadier General Pascual Real with my intentions, and suggesting what prudence and humanity dictated to us both. It was for this purpose that I despatched the Mission, of which Colonel Fremont was the Chief, who, on his arrival at Santo Domingo, was informed of the change which had taken place there on the 1st of December last.

Information was scarcely received of the Acts which had been published at Santo Domingo, when they were brought to me from the Interior by the Inhabitants themselves, who protested to me that if they had shewn any signs of enthusiasm at the news of this change, it was from the belief that, conformably to the Constitutional Act, the indivisibility of the Government of Hayti would be an essential condition of the resolution taken. I did not cease to exhort them to moderation, and I awaited the return of my Envoys, before I came to any decision upon the subject.

Colonel Fremont arrived, and delivered me your Letter, dated the 19th of December. I was delighted that no blood had been shed during the events of the 1st of that month. I felt unbounded esteem for those who had prevented its effusion ; nevertheless I deplored the error which proceeded from the co-ordination of a Government, which separated itself from the system already established by the Fundamental Law of the State, and declared itself a part of the Republick of Colombia. Being always inclined to indulgence, and to judge of Men from the purity of my own principles, I was of opinion that although those who had directed the change, which took place on the 1st, had acted improperly, in taking their measures, they might have been influenced by circumstances unknown to me, and I concluded that, if it were so, they would soon discover their error, and the Publick be of course undeceived. I was naturally anxious to see this opinion realized, and you are aware that I was not mistaken in it. Those who have since declared themselves, by hoisting the Haytian Flag, have done their duty; they know their real interests, and have ensured their safety from all molestation.

You, Citizen, have shewn great penetration, in recognizing in the

enthusiasm of the People, on the disappearance of the Spanish Flag, the sentiments of its resolution, thereby manifested, to live under the same Laws with the rest of the Haytians.

There is no delusion in this result: two separate States can neither exist nor maintain themselves, independently of each other, in our native Island; if the Constitutional Act of Hayti had not decided the question of its indivisibility, reason and the preservation of its Inhabitants, would have imperiously demanded it; those who are really interested for the prosperity of this Island must admit this truth; for to be effectually independent, it should possess within itself the means of securing its Independence. The Republick, I will venture to say, has, after many storms, acquired those means, and possesses all the necessary elements for the preservation of its Liberty and Independence.

My duties are pointed out to me, and I must fulfil them towardsall the Citizens of the Republick. The Inhabitants of Lajabon, Monte Christi, Santiago, Pto. de Plata, Las Caobas, Las Matas, San Juan, Neyba, Azua, La Vega, &c. have received my Orders, and they obey them. I shall proceed to visit, with powerful Forces, the whole of the Eastern Part, not as a Conqueror, (God forbid that I should ever entertain such a thought,) but, consistently with the Laws of the State, as the Pacificator and Conciliator of the interests of all.

I flatter myself that I shall meet with none but Brothers, Friends, and Sons, to embrace. No obstacle shall be allowed to detain me: every one may rest assured of the safety of his person, and of that of his property. As for you, Citizen, whom I believe to be solely animated, as you have assured me, by a desire to promote the interests of your Country, be cheerful and full of confidence; the Independence of Hayti shall be indestructible, by the union of all hearts in one and the same bosom. You will ensure titles to my esteem, you will gain inestimable repute, by uniting with all your Fellow-citizens in hoisting in Santo Domingo, on the receipt of this Letter, the only Flag which is suited to the existence of the Haytians—that of the Republick. I hope that your Reply, which must not be delayed, will be conformable to the duty which your native Country imposes upon and expects from you.

I have the honour to salute you, Citizen, with distinguished consideration. BOYER.

National Palace at Port au Prince, 11th January, 1822; the 19th Year of the Independence of Hayti."

As you are now informed of the resolution of his Excellency the President of Hayti, I have merely to recommend to you the observance of that docility and pacifick feeling with which you should await his arrival, because, according to his own words, he comes as a Father, a Friend, and a Brother, to embrace you, and to unite you all under

the tutelary safeguard of one single Constitution : he will be the harbinger of peace, and we must all act in concord towards each other. Look upon this as the last scene which will be performed upon the political stage of our Island; tempestuous clouds will disappear from its sky; the happy epoch of your safety, and of immediate relief from your calamities, is about to commence amongst you; the advantages and conveniences which are enjoyed by our Countrymen of the West will be extended to you. Open your hearts in gratitude to the generous hand that bestows them upon you. Assume a resolution not to listen to the echo of former prejudices, but to present to the political World the example of a People, experienced in the vicissitudes and changes of Government, who know how to conform to the necessary modifications. Every Government is good, if we enjoy under it the imprescriptible rights of Nature,-liberty, equality, personal security, and social peace; and I proclaim to you that you will fully enjoy all these blessings, under the Constitution and Laws of the Republick of Hayti.

Santo Domingo, 19th January, 1822.

JOSE NUNEZ DE CACERES.

MANIFESTO of the King of Spain to his Subjects, relative to the Proceedings of the Regency of Urgel.—16th September, 1822. (Translation.)

SPANIARDS :

FROM the moment when, having a knowledge of your wishes, I swore fidelity to the Constitution, promulgated at Cadiz, on the 19th of March, 1820, my mind could not but rejoice in the bright prospect of your future felicity. A painful and lamentable experience of the consequences of an absolute Government, in which every thing was done in the name of the Monarch, without his real will having, in effect, the least share in it, induced us to adopt with pleasure the Fundamental Law, which, by pointing out the rights and obligations of those who command and those who obey, provides against the irregularities of all, and leaves the operations of the State more tranquil and more free, so that they can be conducted by the direct road of justice and prosperity. Who is it that still retards our progress? Who has now the intention to hurry us into an opposite course?

I must announce it to you, Spaniards,—I who have suffered so many mortifications, on the part of those who would carry us back to a system which shall never return, and whose conduct I cannot support in silence, because it would sacrifice you all. Placed at the head of a magnanimous and generous Nation, whose welfare is the constant object of my anxiety, I seize the favourable opportunity that presents itself, to address you in the voice of peace and confidence, which will, at the same time be a salutary warning profit by it, to avoid the consequences pretend to exculpate themselves for ϵ be applicable to them, chastisement offences.

The period of error respecting the since the Spanish People have decla existing Institutions. Those who asp merit, and to command without v considered it necessary to dissemb the less real. Their concealed hui changed into hatred and rage, agai the Constitutional System. This, S tions which harass you. The artific the violent seditions, the many inq are all evils originating in the im customed to listen to any other voic to yield to the salutary restraint criminal projects upon the altar invoke the name of a King, who o the liveliest indignation; in vain vileges of him, who is ambitious of tutional Monarch of the Spains.

The scenes which the struggles I try and their criminal Adversaries 1 my attention, too horrible for me no of the Laws, and not to excite the name of Spaniard. You are with and are still committed by that lift to exhibit to your view the pict other Provinces of this fine Count nations, and conflagrations; the the Father against the Son, have your courageous indignation, an to flow. Embrace, in idea, all t supply by your own feelings all t convey to you my own.

Valour and firmness will for of unworthy Children of the Cou their hopes insane. If they be yield to the cry of sordid intere separable virtues, animate and short duration, and the low artific to the intelligence of our age. ' the Constitutional King of the s Men who arraign a Law, which co inseparable from the works of human creation. The Constitution proclaims, in the most solemn manner, the worship of your Fathers, and they would substitute for your piety the most abominable fanaticism. By the Constitution you are free and happy; with them you would sink again into desolation and misery. Behold the blood which is shed by the fury of those Banditti; contemplate your domestick circles, formerly the asylums of peace, but now the theatre of a fratricidal War. Fix your eyes upon that Throne of derision and ignominy, erected by imposture, at Urgel. Behold, in short, the precipice from which they seek to hurl you.

Enlightened Europe sees with horror so many excesses and machinations. Humanity demands vengeance for the many insults to which she has been exposed; the Law, for violations committed against it; the Country, for its soil and honour outraged. Should I continue to keep silence? Should I tranquilly behold the evils of the magnanimous Nation of which I am the Chief? Should I, in disgraceful silence, suffer that my name be profaned by the perjured Men who make it the shield of their crimes? No, Spaniards! My voice denounces them to the rigorous tribunal of the Law; I devote them to your indignation, and to the execration of the Universe. May that voice be as the rainbow which announces safety ;—the voice of confidence which applies a salutary balm to the evils of the Country.

Valiant Soldiers, redouble your efforts to present your victorious banners in every Quarter. Civil Chiefs, executers of the Law, labour day and night to ingraft the love of Liberty upon the hearts of the People; and let your example, and the benefits which they receive from the Constitution, be their principal support. Ministers of Religion, you who announce the word of the living God, and preach His morality and meekness, tear off the mask with which the perjured conceal themselves; declare that the faith of Jesus Christ is not to be defended by crime, and that it rejects from the number of its Ministers, those who take up fratricidal arms; deal forth anathemas against those criminal Sons, and crush them, from the altar's height, with those thunder-bolts which the Church has deposited in your hands; be worthy Priests as well as worthy Citizens.

And you, publick Writers, who direct publick opinion, the Queen of Nations! You who often make amends for the insufficiency of the Law and the errors of Governments, employ your hands for the National Cause with more ardour than ever; expose the machinations of the Enemies of Liberty; infuse the love of it into the hearts of all Spaniards; appeal to their reason; dissipate by degrees the darkness of their understandings; heal the wounds of the Country, and guard against their bleeding afresh; inculcate union, which is the basis of power; excite the noble passions which lead to good, and deprecate those which wither the soul and produce fatal errors.

SEVEN ISLANDS.

We have much to do, Spaniards, in order entirely to heal all the wounds which our dear Country has received : several of them still continue open. But, in the midst of such great confusion, and so many contentions, it would be 'unjust not to notice the progress that we have made. The Cortes of Spain have already reformed various flagrant abuses, although many still remain. Their deliberations have given the sanction of experience to what was demanded by the intelligence of the age, and has proved the advantage of a Representative Government.

None can be better acquainted with the necessities of the People, none can represent them with greater warmth and interest, than the Deputies who are charged to represent the wishes of the Nation. I anticipate all that can be expected from their labours. I rely upon you; upon your intimate and sincere union; upon the active co-operation of the Political Chiefs, and other administrative and popular Authorities; upon the firmness of the Standing Army and the National Militia; to complete the grand work of your political regeneration, and to raise the Country to that degree of elevation to which virtuous Nations are destined, who feel all the esteem for Liberty which it merits. My power, my authority, my efforts, shall all be directed towards that object. FERDINAND.

Palace, 16th September, 1822.

SPEECH of the Lord High Commissioner of the United States of the Ionian Islands, on the Closing of the Legislative Assembly, 30th May, 1822.

MR. PRESIDENT AND GENTLEMEN,

It is not my intention, in the temporary absence of the Lord High Commissioner, to take up your time by entering into a minute review of the present Session; but I should imperfectly fulfil the instructions of His Excellency, and ill discharge my duty to the Sovereign, were I to omit acknowledging the satisfaction of the Executive Government, at finding the measures adopted by it, under circumstances of no common difficulty, have not only received the confirmation and support, but met the warmest approbation, of the Representatives of the People.

The candid exposure of the principles on which those measures were grounded, in the comprehensive Address of His Excellency, at the Opening of the Session, renders it superfluous now further to advert to them; but I cannot help congratulating the Assembly on the fortunate result of those measures, which, admirably calculated for the circumstances, emanated from the wisdom of the Senate, were recommended by its authority and firmness to the loyalty of the People, and have maintained the whole of the Ionian Islands in a state of perfect peace and tranquillity, notwithstanding the scene of horror and confusion which unhappily still continues to desolate the neighbouring Countries.

Under these circumstances, the Assembly has been enabled to pass the Bill for annulling Martial Law in all the Islands without exception; to which the assent and approval of the Senate and the Lord High Commissioner were immediately given.

In regard to that Bill, it will be in the recollection of the Assembly, that it was His Excellency's intention to have brought it forward immediately after the meeting of the Parliament; but, with the consent of the Assembly, this was laid aside for a short time, owing to the descent from some Vessels of the Greek Fleet (composed of 34 in company) on the Island of Santa Maura, and the ravage committed by them on the property of the Inhabitants.

On this subject, a British Man-of-war was immediately sent to the Island of Idra, to which it appeared the Vessels belonged, who had made this aggression on the Ionian Territory, and violated the general Sanital Regulations, respected by all Governments; and I am happy to say, that, whilst on the one hand, the leading Men at Idra did not attempt either to palliate or deny the outrage, that on the other, they expressed the deepest regret for the occurrence, and evinced the most perfect disposition to make every apology, and offer every satisfaction in their power. And subsequently, too, a Person was sent here from the Greek Chiefs at Corinth, with declarations to the same effect.

The Lord High Commissioner found himself precluded from entering into any thing like a formal discussion or agreement with a nominal Government, of which he had no official knowledge, and not recognized by the Protecting Sovereign; but it was highly satisfactory to him to learn, that the territorial aggression had proceeded from the anomalous nature of the Greek Force, and from the impossibility (as the Chiefs themselves confessed) of keeping the Crews of the Greek Vessels under due restraint; but all intention of premeditated insult to the Ionian Government was distinctly disclaimed.

Under this explanation, the matter was no further pushed. On the contrary, the Ionian Government immediately relaxed the measures, to which it had unwillingly resolved to have had recourse, to prevent a recurrence of the same scene, and returned to that system of extreme forbearance, which it has shewn from the first, in the mode in which it has acted under the Neutrality observed to both the Contending Parties; immediately bringing forward before the Assembly the Bill I allude to, for annulling the Martial Law in all the Islands.

We are now, Mr. President and Gentlemen, on the eve of the

natural dissolution of the Parliament, it having completed its constitutional period of 5 Years.

On the *Proces Verbal* of the Assembly, particularly during the present Session, the sentiments of the Members have been fully expressed, both in regard to the state of these Islands under other Governments, and in former times, and to their present state under the Constitutional Government of 1817, and the exclusive protection of the King, my gracious Master.

It has been shewn by many of the Members, and all have asserted the fact, that, during this first Parliament, held under the Constitution, changes the most salutary and beneficial have been effected. They have acknowledged that the Finances have been rescued from the gripe of those, who seemed to consider the greatest portion of the income of these States as their own private patrimony; and that a prudent management, now practised in the mode of collecting the Revenues, and an equitable economy in dispensing them, have rendered them fully adequate to the whole expenditure of the Government, without the slightest increase of taxation, since the establishment of the Constitutional Government; that the Government Buildings have been restored, from the state of complete dilapidation into which they had fallen, and other Edifices erected for the Publick Service; that the Publick Functionaries are adequately remunerated, and a stop put to that most grievous of all'taxation, the levying on the People, in an indirect manner, an arbitrary sum, by means of fees to the Publick Servants of the Government, for the discharge of their official duties.

It has also been repeatedly remarked by this Assembly, that party heats and dissensions, which formerly prevailed in these Islands to such an extraordinary degree, have almost entirely ceased; whilst the discord arising from a rivalship between Island and Island, one of the most serious impediments to the general prosperity of the Ionian States, no longer exists. And lastly, that the administration of Justice has been most essentially ameliorated in all its branches; that the operation of the Laws is equally extended to every class of the Population, whilst the liberty of the Subject, and the security of his person and property, stand on a most improved basis.

Such are the declarations of this Assembly, which appear on its **Proces Verbal** on several occasions during the present Session of Parliament; and whilst I acknowledge the great pleasure I have derived from this authentick record on a subject of such deep interest. I have to express my perfect conviction, that nothing has been exaggerated; that the opinion entertained on the subject by the Representatives of the People is fully participated by the People themselves, and must be acknowledged by every Individual informed upon the subject, who is not led away by a factious spirit, by wild speculation, or blinded by prejudice.

Mr. President and Gentlemen, the last act of this Assembly has been to make an Address to His Majesty the Protecting Sovereign, in terms the most appropriate.

This Document, which I consider both becoming and well timed, shall be immediately transmitted to the Lord High Commissioner, in order that, through His Excellency, it may reach the King, to whom the loyal expressions contained in it, of duty and affection to his Person, and of confidence in his benevolent intentions, cannot fail to be acceptable, and highly gratifying to those feelings of deep solicitude constantly demonstrated by His Majesty for the interests of the Ionian People.

The sentiments of His Excellency, in respect to the spirit which has universally actuated this Assembly, have been often expressed in the strongest language of praise. Any attempt on my part to enhance the value of the testimony of so competent a judge may appear presumptuous; yet must I declare that, in my humble opinion, you return to your Constituents after the most useful, zealous, and conscientious discharge of your important duties; that the wisdom and moderation which have characterized your proceedings have essentially tended to promote the great object in view, the consolidation of the mutual interests of the protecting and the protected State, and that the remembrance of the first Parliament, under the Charter of 1817, will long be cherished by your patriotick Countrymen with every sentiment of profound gratitude and respect.

By Command of His Excellency,

FRED. HANKEY, Secretary of the Lord High Commissioner.

DECREE of the Emperor of Brazil, containing Regulations relative to the Equipment, &c. of Privateers against Portugal.—30th December, 1822. (Translation.)

I, THE Constitutional Emperor and Perpetual Defender of the Empire of Brazil, make known to those who shall see this Decree of Regulation, that, having taken into consideration how just and necessary it is, to repel by every possible means the attacks which the Government of Portugal, instigated by its demagogue Congress, seems resolved, in the most manifest and perfidious manner, to direct against the publick and private property of this Empire; I have resolved, after having heard my Council of State on a matter of such great importance, to grant to all my Subjects, and to Foreigners, the power to equip Privateers, which, during the present Conflict with that Kingdom, may employ themselves as such against the property thereto belonging; following, however, and scrupulously observing, what is contained in the 5 Chapters, and respective Articles, of this Regulation, hereinunder written.

CHAPTER I.

OF PRIVATEERS, AND OF THE FORMALITIES UNDER WHICH THEY MUST BE EQUIPPED FOR SAILING.

ART. I. Every National or Foreign Ship may become a Privateer against the Portuguese Flag, and the publick and private property under it.

II. The Commanders, Officers, and Sailors, who wish to engage in such undertakings, must prove that they embark with the consent of the Owners, and the knowledge of the competent Authorities.

III. As it belongs to my authority to grant Privateer Patents,¹ command that, in this Province of Rio de Janeiro, they be issued through the Secretary of State for the Affairs of the Marine; and that, in the other Maritime Provinces of the Empire of Brazil, the respective Governments do distribute the Patents, which shall be transmitted to them by the said Secretary of State of the Marine, through whom they will inform me of the number issued, and of the Names of the Owners of the Ships to whom they have been granted.

IV. The applications for Privateer Patents shall contain, in very clear terms, the name of the Ship, its tonnage in Portuguese tons, the number and weight of the Cannons mounted, and the number of Persons composing the Crew. To this must be added, the legal Contract between the Owner and the Crew of the Privateer; the Captain, 2 Officers, and the Clerk of the Ship, signing for them.

V. The fitting out being completed, and security having been given for the proper use of the Patent, the Privateer must be registered, in the Intendancies of Marine, in a book to be kept for that purpose, which shall contain the particulars expressed in the application, and, after depositing the original Contract, the Parties shall receive a Certificate thereof in due form. In Foreign Countries, all these formalites, which are indispensable, shall be observed, before the Agents or Consuls of the Empire of Brazil.

VI. All Ships furnished with these Patents, are authorized to become Privateers, in the manner specified in the First Article, and shall enjoy the privileges of War, the same as the Ships of War of the National Marine.

VII. The Prizes which they shall capture from the Enemy, shall enjoy these privileges till the moment of their sale. Neither they nor the Privateers shall pay higher Port Dues than those paid by Ships of War. VIII. Should these Privateers require any military equipments, or arms, or stores, of which there may be an abundance in the National Arsenals or Depôts, they may make application for them, giving security for the eventual restoration of those which belong to the Department of Artillery, and paying for all the rest, including powder, gun carriages, &c., at the price which they cost the State.

IX. These articles shall be paid for by the National Privateer Owners in Bills at 12 Months; but should they prefer to pay for them on delivery, a discount of half per cent. per month shall be allowed to them.

X. The articles to be restored shall be paid for, in case of loss, at the prices stipulated at the time of their delivery, and, in case of damage, at a valuation made by competent Persons, with a deduction for Natives of 5 per cent.

XI. The National Privateer Owner, in case of loss, shall not be required to restore the articles received.

XII. Damage received in action with Ships of War, Troop Transports, or hostile Forts, shall not be required to be made good, in the case either of Foreigners or Natives.

CHAPTER II.

OF PRIZES, AND OF THEIR LEGALITY AND SALE, IN BRAZILIAN AND FOREIGN PORTS.

ART. I. No Prize shall be considered as legal, until Sentence be pronounced by the competent Authority.

II. Prizes, in the Port of Rio de Janeiro, shall be adjudged by the Supreme Military Council; in the Ports of the other Provinces, by a Commission, composed of the Intendant of Marine, of the Magistrate residing there, highest in authority, of the Military Commandant, and of 2 of the most intelligent Seamen. Should a Vessel be adjudged a good Prize, the Captor may sell it how and where he thinks best. Should any of the Parties interested wish to appeal from the Sentence pronounced, they may do so through the Supreme Military Council, but without suspension, in case of its being adjudged a good Prize; the Captor giving security equivalent to its total value, that the Parties interested may be indemnified by the Owner of the capturing Ship, in the event of their succeeding in the appeal instituted.

III. Should the Captor conduct the Prize to any Foreign Port, the Commission shall be composed of the Consul of the Empire of Brazil, of 2 Arbitrators for the Captor, and as many more for the Captain of the captured Vessel. Should this rule, however, be contrary to the Law established by that Nation to whose Port he may have come, the Captor shall submit to the Laws established for such cases, he having recourse to the Consul of Brazil to direct him.

IV. In order to establish the legality of a Capture, the Privateer Patent held by the Captor must be produced in Court, together with the Passport, Bills of Lading, Invoices, and all other Papers which can establish the property of the Vessel and effects captured.

V. In case of the concealment, destruction, or disappearance in any way, of such Documents, the Captor commanding shall institute a summary Process, signed by the Captain of the captured Vessel, and by 2 or 3 Seamen, (in default of Officers) in order to substantiate where the Prize was fallen in with, under what Flag it sailed, and what were its course, route, destination, and cargo.

VI. The Process above-named. together with the Persons who signed it, must either be sent with the Prize, or retained on board of the Privateer, (as shall be deemed best) in order that they may appear at the end of the cruize before the competent Authority.

VII. The warlike stores, gold and silver, coined or in bars, utensils of labour, machines of new invention, applicable to the industry of Brazil, and fit for the improvement of her manufactures, which may be found on board, as well as the captured Vessel, shall be exempted from all duties.

VIII. The Government shall have the preference in the purchase of such articles.

IX. All and every Agreement, or Contract, with the Proprietors, Captains, or Masters, of captured Vessels, is prohibited, excepting that for which a legal permission, for valid reasons, shall have been previously obtained.

X. The produce of the Prizes shall belong entirely to the Captor.

XI. The distribution thereof must be regulated agreeably to the Contract concluded between the Owner and the Crew of the Privateer. Without the production of such Contract, no Privateer Patent shall be issued.

XII. The Commandants and Officers captured shall be treated with the distinction belonging to their class, and the Seamen with all the humanity which is required by the Law of Nature and of Nations.

XIII. Property captured from Insurgents and Smugglers shall be landed at the first Port, where one half of its total value shall be paid to the Privateer, the rest remaining at the disposal of the Proprietors, or their Agents, in case of absence.

XIV. Recaptures are valid within 24 hours, after that space of time the Vessel recaptured shall be deemed a good Prize.

XV. Vessels sailing under the Portuguese Flag, and the merchandize on board, of national property, shall be deemed to be good prize, on the Coast of Brazil in 2 months, in North America in 3 months, beyond Cape Horn in 4 months, in Europe in 3 months, on the Eastern Coast, as far as the Cape of Good Hope, in 2 months, and in all other Seas, in 4 months, after the publication of this Decree.

XVI. The principal and most especial duty of a Commander, as well by Sea as by Land, is to prevent the waste of captured goods, and to adopt the customary methods for that purpose, such as the fastening down of the hatches, the collecting, and taking an Inventory of, every thing on board, and selecting for Prize Masters, Men truly worthy of that preference.

XVII. The Commander of a Privateer cannot in any way dispose of the effects captured or detained, before the Sentence shall have been pronounced which legitimatizes the Prize: he may, however, in case of necessity, make use of the provisions, and munitions of War, he being responsible for their value, as may be decided by the Sentence.

XVIII. When 2 Privateers are concerned in the same Capture, the produce of the Prize shall be equally divided between them; but if one of them, on account of a positive inability to assist, shall be within sight without taking part in the action, it shall receive a third only of the value, the other two thirds being granted to the capturing Ship.

XIX. The same proportion shall be observed, if one of the capturing Vessels be a Ship of War. Should the latter, however, be engaged alone in the conflict, and prove to be double the force of the other, the Privateer shall then only be entitled to a fifth part.

XX. When an Enemy's Vessel, chased by a Privateer, shall reach a Port and deliver itself up to a Land Force, the Troops on guard, or detachment, in the principal Fort, shall be entitled to a tenth part of the value captured, which shall be equitably distributed by the Officer, the highest in rank at the Place.

CHAPTER III.

OF HOSTILITIES AGAINST ENEMY'S SHIPS OF WAR; OF REWARDS TO PRIVATEERS ENGAGED IN ACTION WITH THEM; AND OF THE CONDUCT OF PRIVATEERS TOWARDS THE VESSELS OF FRIENDLY AND NEUTRAL POWERS.

ART. I. Privateers, bearing in mind the glorious object of the present struggle, will no doubt prefer on all occasions to combat the Enemy's Ships of War, whether Transports or Packets; nevertheless, it is hereby made known and declared, that it is a duty of gratitude on the part of the Brazilian Nation, generously to reward all those who shall'give so decided a proof of honour, and of adherence to the sacred cause of Independence.

II. Without prejudice to the advantage which they may derive from the reward alluded to in the preceding Article, the Privateers of Brazil shall receive the amount of the valuation of each armed Ship of War which they may capture from the Enemy.

III. They shall also receive for each piece of Artillery found on board 200 milreis.

IV. For each Soldier 50 milreis; inferior Officer 100 milreis; Subaltern Officer, up to Captain inclusive, 400 milreis; Major, up to Colonel inclusive, 800 milreis; General Officers 2 contos of reis.

V. For the Correspondence and Despatches of the Enemy's Government, they shall receive what may be deemed adequate to the importance of their contents. VI. Any hostile operations undertaken in Ports or Arsenals, the assaulting of Fortresses, the capturing of Publick Chiefs, or any other similar enterprize, shall be considered as a direct service to the Empire of Brazil.

VII. The Commanders and Subalterns who distinguish themselves in such undertakings shall be rewarded in proportion to their merit. The Masters, Mates, and Sailors, shall receive in cash a gratification of from 25 to 400 milreis, according to the importance of the service. Those who shall be maimed and invalided in the course of such services shall receive an annual Pension corresponding with their class.

VIII. Every act of inhumanity, opposed to the Law of Nature and of Nations, excludes the Aggressor from the benefit of such rewards, and subjects the Delinquent to punishment according to the enormity and circumstances of the case.

IX. Should any Ship of War, Military Post, or Fortress, belonging to the Enemy, capitulate without resistance, Privateers cannot pillage or make Prize of private property; the Government however will, in a fitting manner, grant a suitable allowance on such occasions.

X. It is free and permitted to visit and search the Vessels of Allies, as well as National Vessels, but it is rigorously prohibited to insult them, or to cause them damage, from motives of ambition; trangressors of this description shall be severely punished in conformity to the Laws.

XI. Pirates, who make use of 2 Passports, and also those who, having thrown their Papers into the sea, cannot prove, as they ought, to what Nation they belong, shall be liable to the Penalties established for such cases by the Laws, and by the Privateer Regulations.

XII. The immunity of friendly and neutral Ports, Bays, Forts, and Coasts, shall be recognized according as they may be recognized by the Enemy. Prizes made at such points shall be treated and adjudicated upon by the Law of retortion, or in default thereof by the Regulations for Privateers.

XIII. Privateers shall be bound to give an account of the manner in which they are treated by the Governments and Squadrons of Neutrals, and, when circumstances give occasion for complaint, they must present Documents and Proofs to establish the same.

XIV. Unforeseen cases not provided for in this Regulation shall be adjudicated by the general Laws of the Sea and Land Service, or by the Civil Code of the Empire, as the case may be.

CHAPTER IV.

OF THE DUTIES OF, AND PENALTIES AGAINST, COMMANDERS.

ART. I. The Commander of a Privateer should possess skill, valour, and discipline. II. His duties are, 'generally, such as are required of all Officers appointed to command agreeably to the Rules of the Navy or the Regulation for Fleets.

III. The Commander shall be personally responsible for the value of all Property received on board of his Ship, as well as of that found on board of captured Vessels.

IV. Any deficiency in this respect shall be regarded as an offence against Military honour, and the confidence of the Owners; the punishment of it remaining at the pleasure of the competent Authorities.

V. When, in order to the fulfilment of his duties, it may appear requisite to adopt extraordinary measures, the Commander will be at liberty to adopt them, provided they do not contravene the letter and spirit of this Regulation.

VI. The Commander and Subaltern Officers of a Privateer will be considered as Officers of War, and, they should, therefore, on all occasions, maintain the honour of the National Flag, and prefer its glory to any views of self-interest. A contrary practice will be regarded as treason or cowardice, according to the nature or circumstances of the case.

VII. Privateers are bound to assist the National Ships and Squadrons, in the event of their being engaged in action, and the right of receiving pay for the services they render, and for the damage they sustain, will be granted to them.

VIII. The Commanders and Officers of Privateers shall wear a blue uniform, with green facings, yellow buttons, and a round hat, with the National Cockade.

IX. This uniform must be invariably worn, when on service, and in matters of etiquette, especially in Foreign Ports.

CHAPTER V.

OF THE DUTIES OF, AND PENALTIES AGAINST, SUBALTERN OFFICERS AND SAILORS OF BRAZILIAN PRIVATEERS.

ART. I. Obedience, activity, vigilance, and the greatest zeal for the general service of the Ship, should be the distinguishing qualities of the Officers and Crews of Privateers.

II. All crimes which directly affect subordination, and those which proceed from cowardice, unskilfulness, or malice, shall be rigorously punished, conformably to the Regulations and Laws of the Navy, whether the Offenders be Officers or Sailors.

III. Robbery shall be punished with chastisement and penalties proportioned to the enormity of the crime: should robbery be committed on board of Prizes, either by the Prize Masters or by the Persons charged with navigating them, it shall invariably occasion to the guilty the loss of their portion of the produce of the cruize, whatever may be its amount. IV. The portion confiscated shall go to the general account, to be divided according to the agreement made with the Owners.

V. The Prize Master who shall mutiny, or who shall propose, or voluntarily consent to, the Vessel's deviating from its course, or to its being delivered up to the Enemy, through cowardice, malice, carelessness, or unskilfulness, shall incur the penalty of death.

VI. All Persons found guilty of Piracy, or the project of committing it, followed by any other act, such as seduction, subornation, or any combination, or plot, shall be subject to the punishments attached to similar offences by the general Regulations of the Fleet, as well as to the loss of all that they may have gained in the Privateer Service, which shall be distributed as is declared in the IVth Article of this Chapter.

VII. Should the Delinquents allege, and prove, that they were instigated to a robbery, by reason of frauds practised upon them in the distribution of any property, or in the wages, or pay, due to them by their Contract, the Judge may mitigate the penalty according to the circumstances, causing chastisement to fall upon the Commanders of Officers who shall be convicted of the offence charged against them.

VIII. This Regulation shall be read and explained to every Crew, on the 1st, 2nd, and 3rd days of the cruize. If it shall appear, by the Journal of the Captain, or of his Second in command, that this formality has been strictly complied with, no one shall be allowed to plead ignorance in his defence, in order to palliate his errors or offences.

IX. Should the Delinquent, however, fully prove that he was ignorant of the Penal Laws set forth in this Regulation, owing to the omission of the Captain or the Second in command, to whom expressly belongs the execution of what is enacted in the VIIIth Article, they shall be punished with an arbitrary penalty, proportionate to their neglect.

X. In all cases not contemplated in this Regulation, and with respert to the penalties which are not therein specified, the competent Tribunal and Judges of Commissions shall act conformably to what is laid down in the Decree of Regulation of 7th November, 1796, and in that of 9th May, 1797, which describe their duties; which Decrees shall also, in the meanwhile, be observed, in whatever else may be applicable to the Privateers of the Empire of Brazil.

Wherefore I command Luiz da Cunha Moreira, of my Council of State, my Minister and Secretary of State for the Affairs of the Marine, and the Supreme Military Council, and the Governors and Authorities to whom belongs the cognizance of this Decree of Regulation, to fulfil, and cause to be fulfilled, the same, as is therein prescribed; for which purpose my Minister and Secretary of State aforesaid, shall send Copies thereof to them, in order that they may be registered in the proper Places. And it shall be valid as a Document which has passed through the Chancery, although it be understood that it has not to pass through the same. Given in the Palace of Rio de Janeiro, on the 30th of December, 1822. First of Independence and of the Empire.

THE EMPEROR.

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LUIZ DA CUNHA MOREIRA.

CORRESPONDENCE between the Commanders of the Cruizers of The United States and the Spanish Authorities, in the West Indies, respecting Piratical Vessels, and the Spanish Blockade of Terra Firma. Transmitted in the Documents from the Naval Department, accompanying the President's Message to Congress, 3d Decembe, 1822.

> (1.)—Captain Biddle to the Secretary of the Navy. United States' Frigate Macedonian.

SIR,

Havannah, 6th May, 1822.

I HAVE the honour to inform you that I arrived here on the 28th ultimo: my passage was somewhat protracted by chasing, out of my course, suspicious looking Vessels among the Islands, and by having 2 days under convoy an American Schooner, that requested me to see her safe past Cape Antonio. On my arrival, I saluted the Captain-General and the Admiral, receiving from each, in return, gun for gun. agreeably to previous arrangement. On the 29th, I had an interview with the Captain-General, relative to the business with which I am charged by Mr. Adams, the Secretary of State. On the 30th I addressed a communication to him, upon the subject of landing our Boats and Men upon the Coast of Cuba when in pursuit of Pirates. I enclose a Copy of my Communication, as also of the Captain-General's Answer; and you will perceive he declines acceding to the proposition I made to him. I think it preferable to pursue one object at a time with the Government here, and I shall therefore drop this subject for the present, renewing it when my Correspondence in regard to the Florida Documents is terminated. He certainly ought, and perhaps will consent, to our landing upon those parts of the Coast that are uninhabited, and where, though within his jurisdiction, he is utterly incapable of exercising any authority. There are many such Places on the Coasts of this Island.

The measures adopted by the Captain-General, and to which he refers in his Letter to me, consist simply of a Proclamation, in March last, establishing certain Regulations with respect to the clearances of coasting Vessels, Launches, and other Boats. These Regulations, I understand, are not strictly enforced, and, even if they were, they are altogether insufficient for the suppression of Piracy along the extensive Coast of Cuba. As this Proclamation has been published in the American Newspapers, I do not think it necessary to send you a Copy.

I regret to state that I have not met any of our Cruizers either at this Port or off Cape Antonio, nor have I been able to gain any information as to where they probably now are. It is some time since any of them were here. The British Frigate *Tribune* is here, from Porto Bello, and is about to sail for England with specie. I have, &c. Hon. Smith Thompson. JAMES BIDDLE.

(Inclosure 1.)—Captain Biddle to the Governor of Cuba. United States' Frigate Macedonian,

SIR,

Havannah, 30th April, 1822.

I HAVE the honour to represent, that the commercial relations between The United States and Cuba are already very considerable, and that they would unquestionably be more considerable, if rendered more secure from unlawful depredations. As these relations, too, are mutually beneficial, it is important to both Parties that they should be effectually protected. For this object the Government of The United States, on its part, has employed an adequate Naval Force, which is placed under my direction and controul. But as the depredations have been committed chiefly in open Boats, immediately upon the Coast, and off the Harbours, it is important that we should have your Excellency's co-operation. I have, therefore, the honour to propose, that your Excellency should so far co-operate with me as to sanction the landing, upon the Coast of Cuba, of our Boats and Men, when in putsuit of Pirates. This measure would be promotive of our common benefit, is indispensable to the entire suppression of Piracy, and is not intended in any manner to infringe upon the territorial rights of your Excellency. It will operate against those only whose atrocious crimes render them obnoxious to every regular Government, and should place them without the protection of all Law. I have, &c. H. E. Don Nicholas Mahy. JAMES BIDDLE.

(Inclosure 2.)—The Governor of Cuba to Captain Biddle. (Translation.) Havannah, 2d May, 1822.

I AM too sensible of the importance of the commercial relations which exist, and may continue, between the Ports of this Island and those of The United States, which I am desirous of cultivating, not to have adopted measures to put a stop to depredations which might obstruct them along the extensive Coasts of this Island, under myjurisdiction. I repeat, that such measures have been adopted, and have been made publick; and with the zealous co-operation with which you informed me you are charged, we shall doubtless effect shortly a happy extermination of those Enemies, who, under all Colours, have laid

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waste and committed robberies, both on the High Seas and every Coast, without respecting any Flag.

With respect to the permission you solicit, for landing upon this Coast with Troops and People in Boats, for the purpose of pursuing those Pirates, I cannot and must not consent to it. I repeat that the necessary measures have been adopted to defend my territorial jurisdiction and for the apprehension of every description of Outlaws.

All which I communicate in answer to your Official Letter of yesterday. God preserve you many Years. J. Biddle, Esq. NICHOLAS MAHY.

> (2.)—Lieutenant Gregory to Captain Biddle. United States' Schooner Grampus,

(Extract.)

St. Thomas, 24th August, 1822.

I HAVE the honour to acquaint you, for the information of the Hon. Secretary of the Navy, that I arrived at St. Bartholomew's on the 2d of August; sailed again on the 7th with Convoy for St. Thomas. On the morning of the 9th fell in with 2 Spanish Cruizers off Tortola, who demanded permission, and claimed a right, to board the Convoy, which being peremptorily refused, they hauled off. The same day I arrived at St. Thomas, and received from Captain John Souther, of the Schooner Coquette, of Georgetown, D. C. the enclosed Deposition. having been plundered by those Vessels. On the 14th I left St. Thomas, with two valuable Vessels, bound to Curaçoa, and on the evening of the 15th saw an hermaphrodite Brig, hovering upon our weather quarter, apparently a Cruizer; continued my course without regarding her; at day light made her a-head and gave chase; at half past 9, having gained considerably upon her, she hoisted English Colours; changed them to Spanish at 10, and fired a gun to windward, and at half past 10 hove too, and set a white Flag at the fore. On nearing her I perceived her to be the Pirate that had fired upon and plundered the Coquette, and therefore considered it my duty to arrest her. At 20 minutes past 11 the Grampus was laid under her lee, within pistol shot, and her surrender demanded as a Pirate, which she affected not to understand, and answered me to that import. While repeating the demand, he poured into us a full volley from his small arms and cannon, which was instantly returned, and continued 31 minutes, when he struck his Colours, a complete wreck, having 1 man killed and 6 wounded, and in a sinking condition. The Boats were dispatched instantly to their relief, and it was only owing to the great exertions of Lieutenant Voorhies, that she was prevented from going down, having received 3 shot between wind and water, one of which injured the pumps. The Grampus received some trifling injury in her sails and rigging, but not a Man hurt.

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The captured Vessel proved to be the notorious Privateer Palmyra, formerly the Pancheta, from Porto Rico; carries 1 long brass 18, and 8 18lb. carronades, and a Crew of 88 men. They acknowledge the robbery of the Coquette, and the only excuse given by the Officeris, that they could not prevent those things happening now and then. Several of the plundered articles were found on board. Captain Biddle.

FRANCIS H. GREGORY.

(Inclosure.) - Deposition of the Captain of the Coquette.

St. Thomas, 10th August, 1822.

PERSONALLY appeared before us, Capt. John Souther, Commander, and in part Owner, of the Schooner Coquette, of Georgetown, D.C. who, being duly sworn upon the Holy Evangelists of Almighty God, deposeth and saith, that he is a native born Citizen of The United States of America, and that, while on a Voyage in said Vessel to the West India Islands, and on his passage from St. Bartholomew's to St. Thomas, on the morning of the 9th of August, 1822, at 5 A. M. G thereabouts, he was fired at by a sail in chase, upon which, the Deponent sayeth, he immediately hove too. Was boarded by an Officer and Boat's Crew, under Venezuelian Colours; they immediately demanded his Papers; after examining them, they commenced searching the Vessel, then went into my cabin, and searched the births, chests, &c. They took from the Vessel stock, and clothing from the Officers and Men. The Deponent further says, she was an hermaphrodite Brig with a red streak, and 1 long gun midships and several others, not knowing the exact number. JOHN SOUTHER.

Attest, J. ROHDE, Capt. R. Navy and Harbour Master.

FRANCIS H. GREGORY, Lt. Com. U. S. Navy.

The foregoing Deposition of Capt. John Souther having been read before John Peabody, Jun. Mate of the Schooner Coquette, John Reynolds, and Henry Sterling, Seamen, and they being duly sworn, declare the same to be true. JOHN PEABODY, Jun.

JOHN REYNOLDS. HENRY STERLING.

Attest, J. ROHDE, Capt. R. Navy and Harbour Master. FRANCIS H. GREGORY, Lt. Com. U. S. Navy.

(3.)-Lieutenant Gregory to the Secretary of the Nacy. United States Schooner Grampus. (Extract.)

I HAVE the honour to inform you that this Vessel, accompanied by the Palmyra alias Pancheta, was safely anchored in this Port on the 12th, after a passage of 15 days from St. Thomas. The Palmyra was captured on the 16th of August to the Southward of St. Croix, by the Grampus, after a short action, in which she was the principal sufferer, as detailed in my Reports to Captain James Biddle, Commander of The United States' Naval Forces cruising in the West Indies. Copies of which have, for your information, already been forwarded to the Department.

It was my wish and intention to have entered a more northern Port, but light and adverse winds, and the great number of Prisoners on board, obliged me to make the nearest Port, and that as soon as possible. The Prisoners, 76 in number, have been safely lodged in jail, committed for Piracy. At leat one-third of them are of the Sugar Key gang, who have come to Porto Rico for the purpose of covering their villiany with Spanish Commissions. All the original Documents respecting this Vessel have been placed in the hands of The United States District Attorney, and the Vessel libelled. Several of her own Crew have turned informants, and I expect a great scene of villainy will be exposed.

I frequently saw Gentlemen from Porto Rico while at St. Thomas's, and was informed that several small Privateers were fitted out there, which if not looked after in time, will certainly commit some very serious depredations upon our commerce, as they are, in reality, nothing but Pirates; most of their Crew being from the establishments of Cuba, and to their thirst for plunder add a deadly desire of revenge whenever they fall in with a defenceless American.

The Hon. Smith Thompson.

FRANCIS H. GREGORY.

(4).—Lieutenant Ramage to the Secretary of the Navy. United States' Schooner Porpoise,

(Extract.)

St. Thomas, 9th July, 1822.

HAVING sailed from St. Bartholomew's on the evening of the 6th instant, I fell in, the next morning, with 2 Brigs of War, bearing the Mexican Flag. I run down, with our Colours flying, between them; and, when opposite to each, received a gun from the one to windward, which was instantly returned from this Vessel: shortly after I received a similar salute from that to leeward, which was promptly replied toboth Vessels, on firing, hauled down the Mexican, and hoisted the Spanish National Colours. I then ranged alongside the Brig to leeward, observing her Crew in a state of extreme confusion ; they opened an irregular and ill directed fire of grape and musketry, but without any effect. I was in the act of giving orders to return our broadside, when hostilities ceased; and I directed Lieut. Curtis to board the Brig. and examine her Papers; they proved to be His Catholick Majesty's Brigs Palmyra, of 14 guns, 130 Men, and G. Boves, of 8 guns and 100 Men, both from Cadiz. The inclosed is a literal copy of a Letter addressed me by the senior Commanding Officer.

I now hasten to communicate the intelligence received by me at this Place, which I believe to be entirely authentick, that several Spanish Privateers of considerable force, have lately been equipped

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from the Island of Porto Rico, for the purpose of capturing all Vessels sailing to or from the Ports on the Coast of Spanish America, in possession of the Patriot Forces, under the plea that they are violating a system of Blockade established by the Government of Spain. These Privateers have already made several captures of American and other Vessels which have been carried to remote Ports in the Island of Porto Rico, and will doubtless be condemned. The injury that will result to the commerce of our Country, from this system of pretended Blockade, will be very serious, if not timely checked by an adequate force in this quarter ; and, as I have no means of communicating from hence, with Captain Biddle, I consider it my duty to lay the present information before you.

The Hon. Smith Thompson.

JAMES RAMAGE

(Inclosure.)—Capt. Lluager to Lieutenant Ramage.

"SIR, "S. N. B. G. Boves, At Sea, 8th July, 1822. "I AM sorry you will be incomoded with me by firiying you this "morning, being the case that we thought you were Patriots, and we "have Comission from our Government to blockade all the Men Ports, "and happened that must all the Vessels from the men hoisted and fight "with the American Flag, we took you to be one of them.

"I hope therefore you will forgived the uncasionally affair.

"I remain your sincear, &c.

M. Ramage, U. S. Sc. Porpoise. "PABLO LLUAGER."

(5.)-Lieutenant Ramage to the Secretary of the Navy.

SIR, United States Schooner Porpoise, Curaçoa, 22d July, 1822.

I HAD the honour to address you on the 9th inst. from the Island of St. Thomas, communicating the injuries committed on our commerce by Spanish Vessels of War near to Porto Rico, in consequence of their pretended Blockade of the Coasts of Spanish America. I have now to inform you that the same causes have produced the same effects in this quarter, and that 4 American Vessels have been comdemned at Porto Cabello for a breach of Blockade. The Naval Force of Spain in these Seas consists of an old 44 gun Frigate (one of the Russian Contract) a Brig and Schooner. These are employed 11 furnishing supplies to Porto Cabello from this Island, and yet with such a force and so employed, they uphold the monstrous principle of Block ading a Coast of more than 1200 miles in extent. It does not appear that any injury has been committed on our commerce by the Vessels of the Colombian Republick. I have the honour to be, &c. Hon. Smith Thompson. JAMES RAMAGE

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(6.)—Lieutenant Ramage to Captain Biddle.

(Extract.)

United States Schooner Porpoise:

UNDER the plea of a breach of Blockade, the Spanish Squadron in this direction capture all Vessels bound to or from Ports in possession of the Colombian Republick. The Naval Force of Spain now here consists of an old 44 gun Frigate, the *Ligera*, (one of the Russian Contract) an 18 gun Brig, the *Hercule*, and a Schooner; the whole of which are employed supplying Porto Cabello with provisions from Curaçoa; yet, with such a force, and so employed, they uphold the monstrous principle of blockading a line of Coast of more than 1200 miles of extent.

Captain Biddle.

JAMES RAMAGE.

(7.)—Lieutenant Ramage to Capt. Laborde. United States' Schooner Porpoise,

SIR, Harbour of St. Ann, Curaçoa, 21st July, 1822. I HAVE received from the Master of the American Schooner Antelope, a Communication, of which a Copy is herewith transmitted you. From this statement it appears that a very serious injury has been done by you to the rights and property of Citizens of The United States, by the capture and subsequent condemnation of an American Vessel and cargo pursuing a lawful commerce; but it is hoped that more just reasons will be exhibited on your part for the course pursued, than those stated in the Communication referred to.

I have received information that the American Vessels named underneath, have been carried into Porto Cabello, and there condemned, under the pretext of a breach of Blockade of the Coast and Harbours of the Spanish Main. In consequence thereof, it becomes my duty to demand from you the release of all Vessels and property so seized, and further to state, that The United States cannot recognize such a system of Blockade, to the manifest injury of their commerce, where the Force of Spain is so evidently inadequate to its fulfilment.

I am, &c. JAMES RAMAGE. Capt. Laborde, Comd'g H. M. C. M. Frigate Ligera, Curaçoa.

American Brig Calypso of New York.

Rising States of New York.

Schr. Union of Salem.

(Inclosure.)—Statement of Arthur Edgarton, Mate of the Brig, General Andrew Jackson.

ARTHUR EDGARTON, Mate of the Brig General Andrew Jackson, taken by the Privateer General Pereira, on the 22d July, as nigh as he can remember, the Log-book being taken from him—Capt. Langdon and the Cook were sent in the Brig to Ponce, and the Mate and Men were taken on board the Privateer, having been robbed of every article of clothing except what they had at the time on their backs. The Men had recently left The United States, and had each a new suit of good clothes, many of which can, at most hours, be seen at this place, worn by the Crew of the Privateer in publick. Except being robbed of clothing, knives, razors, &c. were well treated on board the Privateer, where they remained about 17 days—were then put into the Puntilla (prison) without food, until the afternoon of the third day. The Keeper of the prison, observing the wants of these Men, sent word to the Captain of the Privateer, "That he must furnish them daily with food, or he would be punished;" which was complied with.

(8.)—Captain Spence to the Secretary of the Navy. United States' Ship Cyane,

SIR,

St. John's, Porto Rico, 3d September, 1822.

AFTER a passage of 25 days from the Chesapeake, during which we experienced an alternation of calms and head winds, I anchored in I found no small excitement existing, produced by this Harbour. the capture of the Pancheta. The presence of a Ship of our force was perhaps seasonable, and possibly may have been the means of preventing unpleasant consequences to the Americans here. Before I could enter upon the business specially delegated, I was informed of the imprisonment of several Citizens of The United States, taken from the Brig General Jackson, captured and sent into Ponce. As no American ought to be restrained of his liberty, in any quarter of the World, one hour, without just cause, I addressed His Excellency Don Francisco Gonsalez de Linarez, demanding their release. My Letter, marked A, is herewith transmitted. The Men being liberated, I felt myself at liberty to enter upon the execution of my Instructions, and immediately addressed him upon the subject of the capture of American Vessels by Privateers out of the Island of Porto Rico. A Copy of my Letter, marked B, is herewith enclosed. On the 27th ult. I addressed to His Excellency, Letter C, annexing Memorandum No. l, being a List of Vessels sent into the different Ports of the Island, for adjudication. On the 28th, I received from His Excellency a Reply to my representations, which is herewith transmitted, with other subsequent Communications from him. I then addressed to him Letter D, with Copies of the accompanying Documents, 2, S, and 4.

Some of the circumstances of the capture of the *Pancheta* being known, for the purpose of preventing the ill effects of distorted and prejudiced representations, and to allay the sensations of which His Excellency speaks, I addressed to him, on that subject, Letter marked E. Receiving several reiterative Communications, of which I obtained but very imperfect Translations, I replied with Letter marked F, and came to the consummation of the duty confided to me in Letter G, and I

trust, in the declarations there made, I have neither gone beyond the letter or spirit of my Instructions; having been influenced, throughout the whole Correspondence, by a strong desire to discharge a delicate trust with becoming graciousness; and, while making known the sentiments of the American People, and the determination of my Government, to conciliate, by a friendly style and manner, the good feelings of those in Authority, all of whom are Men of high standing, and justly estimable. I hope my remarks on the Laws of Blockade will be considered by yourself and the President pertinent and proper. I believe I conceived your views on that subject. It cannot, however, be expected that an Officer who embarked at the age of 11 on an element where the accomplishments of a Scholar are not required, should shine in a Correspondence of a diplomatick cast, especially when depending wholly on his own feeble capacity. What I have written on this occasion, has been with a heart glowing with American feelings, with an enthusiastick admiration of our Laws, Institutions. and great Men: if, therefore, a little egotism should occasionally appear, I plead this in extenuation.

The hospitality of the Port has been freely and fully extended to my Ship; and the personal attentions of those in Authority have been gratifying to me and my Officers. To a system of Privateering they are opposed, and the Governor will do all in his power to discourage its continuance. Indemnification for the past, I fear, we shall have to look for to the Treasury of Spain.

I shall be active in attending to every thing in which the interest of our commerce is concerned, and shall endeavour to sustain the American character by a manner, gentle yet firm; taking on myself no responsibility, keeping constantly in eye the reciprocal rights of Nations, and your Instructions.

I have the honour, &c.

ROBERT TRAIL SPENCE.

P.S. I shall leave these Seas the last of October for Africa. The Hon. Smith Thompson.

(Inclosure A.)—Captain Spence to the Governor of Porto Rico. United States' Ship Cyane,

SIR,

St. John's, Porto Rico, 26th August, 1822.

INSTRUCTED to proceed to Porto Rico, to communicate with your Excellency, in relation to the infringement of American rights, by Vessels fitted out of different Ports of this Island, I had scarcely anchored with this Ship, ere I learnt that several Citizens of The United States (after experiencing the most brutal treatment from a gang of Desperadoes belonging to an armed Schooner now in, and said to be of this Place) have been imprisoned, and are at present in confinement. These American Citizens I understand were taken from the Brig Andrew Jackson, while peaceably pursuing their vocation on the high Seas, under the Flag of The United States.

So gross a violation of the usages of all Civilized Nations is calculated to excite universal abhorrence; and the just indignation I am persuaded your Excellency must feel on being informed of such an atrocious act, renders it only necessary that it should come to the knowledge of your Excellency, to cause the immediate release of said Citizens, and the prompt and salutary punishment of those Violators of the Laws of Nations and humanity.

With the most perfect consideration, &c. H. E. Francisco Gonzalez de Linarez. ROBERT T. SPENCE.

(Inclosure B.)—Captain Spence to the Governor of Porto Rico. United States' Ship Cyane,

SIR, St. John's, Porto Rico, 27th August, 1822. I AM directed to call the attention of your Excellency to the capture and detention, by Privateers fitted out from this Island, of several American Merchant Vessels, while pursuing a lawful commerce, during a time when The United States enjoy profound Peace with all Nations.

Your Excellency will readily perceive that, under such circumstances, the violation of American rights, here complained of, calls for a speedy interposition of justice and authority. Justice, that a resttution of these Captures may be made, and authority to prevent a repetition of similar outrages.

I will as soon as possible transmit to your Excellency the names of the Vessels to which this complaint refers, with a statement of the circumstances attending their capture; confidently believing that your Excellency will adopt, as early as possible, such measures as shall, in your wisdom, be deemed sufficient to arrest these depredations, which, in some cases, can be viewed in no other light than piratical.

The Flag of The United States, floating in every Ocean, guarantees protection to all who lawfully sail under it: the invasion of rights identified with this Flag, it would neither be honourable, wise, nor expedient to permit; and that trade to which, as a Neutral, The United States have claim uninterruptedly to pursue, cannot be molested.

The American commerce, second to none for magnitude, enterprine, and fair dealing, must, to insure a continuance of these constituent features, be preserved inviolate; and the protection necessary to effect this object, the Government of The United States is determined to afford, whether in the Seas of the Mediterranean, Pacifick, or Caribbean, where outrages, tending to degrade the Flag under which they are committed, are daily occurring: these, as far as they shall come under the cognizance of your Excellency, I am persuaded will be restrained and prevented.

The amicable and friendly footing on which Spain and The United States are at this time, convinces me, that nothing more than a proper representation of these facts is required to call the subject-matter to the *immediate attention* of your Excellency.

Fully believing this, I have the honour to remain, &c.

ROBERT T. SPENCE.

H. E. Don Francisco Gonzalez de Linarez.

(Inclosure C.)—Captain Spence to the Governor of Porto Rico. United States' Ship Cyane,

SIR,

St. John's, Porto Rico, 28th August, 1822.

HAVING informed your Excellency, that I have been instructed to proceed to this Place, to communicate with your Excellency on the subject of captures, made by Privateers fitted out of this Island, of American Vessels, while pursuing, in time of Peace, a lawful trade, I now have the honour to transmit a Memorandum, embracing the names of these Vessels, and the circumstances attending their seizure.

It appears that some of these Vessels have been sent in, and, after a grievous detention, declared to be a "bad Prize;" subject, however, to pay all the costs of suit, and one-third of the expenses of the Privateer.

To one as profound in all matters of law and equity as your Excellency, this must appear a strange proceeding; a proceeding, calling, with much emphasis, for the interposition of your Excellency's authority, to remedy evils bearing a character calculated to diminish the high respect heretofore entertained by the World, for the equitable decisions of Spanish Courts.

A pretended violation of Blockade, it appears, is the pretext for sending into the Ports of this Island, Vessels navigating the Sea under the American Flag. The whole, therefore, may be resolved into two descriptions of Cases: the first, comprising Vessels seized and again released as "bad Prizes," paying the whole of the costs of trial, and a portion of the expenses of the Privateer.

The principles of equity applicable to such Cases are too simple to require exposition. The innocent are not to pay the penalty of another's guilt or imprudence. If an American is interrupted in her voyage, captured and vexatiously detained, until a judicial investigation determines her to be a "bad Prize," it seems to me self-evident, that all costs of the Suit should be paid by the Captors, in whom the wrong is; add to this, that proper damages should be levied on the Aggressor, that the sufferer may be fairly indemnified, and the "Privateersman" be restrained in future by a fear of being, in all similar cases, called upon to make good the injury resulting from his wantonness: without such a check, what is there to limit the mischief done by Men of this order, who, stealing from their dens and lurking places, pollute the Ocean with the blood of defenceless Sailors, and gorge their cupidity with the spoils of plunder and ravage?

The good of every Nation, and the honour of some, require that so foul a system should be made to cease, that every navigable Sea may be rendered safe to the honest efforts of enterprize.

The second description of Cases to which I wish to call the immediate attention of your Excellency, are those Vessels sent in under a pretext of attempting to enter a Blockaded Port. The pacifick policy uniformly pursued by the Government of The United States, the just and liberal principles by which it has been governed through all its various struggles, to treat all Nations as Friends, and, especially, to be on the most friendly footing with Spain, entitle the Citizens of America to the privilege of navigating the Seas without molestation, on pretexts so flimsy as those of violating a "Blockade" which has never existed *de facto*.

It is well understood, that a Blockade, to carry with it the penalty of forfeiture, must be conformable to the established opinions of those distinguished Civilians, who have fully and ably expounded this subject.

In the first place, it must be practicable; it must be defined within limits commensurate with the ability; a stationary Force must intervene; the Vessel entering must be warned off; these, and other qualifications, are essential to constitute a Blockade, as now understood by the President of The United States and other great Statesmen. If, then, such is the form and nature of a Blockade; if the constant presence of a stationary Squadron, adequate to the purpose of intercepting all Vessels, is indispensable; how is it, that a whole Coast, without any definite limit, should be under the ban of interdiction, without any visible Force; consequently, without the first requisite of a Blockade?

While such pretexts for spoliation exist, and the commerce of The United States is thus devastated, the relations of love and friendship now existing between the two Nations must be shaken, and a state of things produced such as I am persuaded your Excellency will feel desirous to avert.

I trust I shall be excused these remarks, made to one by whom the principles of "Blockade" are fully understood, and whose experience is such as to render the application of them in all cases just and proper.

It will readily occur to the wisdom and justice of your Excellency, that injuries sustained by American Citizens from illegal seizure and

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detention, carry with them a fair claim to indemnity; and that where there has been a manifest partiality, in the Courts deciding on some of the cases presented for your consideration, that the arm of authority should be extended, to remedy, and to require more equitable decisions. In these cases, it is *hoped* and *expected* that your Excellency will direct a revisal of the proceedings of subordinate Tribunals, that such of the Citizens of The United States as have suffered by them, may be immediately made whole in their property, and *receive damages* for unjustifiable detention.

Your Excellency, influenced by high and honourable motives, will doubtless see the propriety of ordering all American Vessels now detained to be *forthwith released*, and the punishment of Marauders who have tarnished the dignity of the Spanish character by acts of inhuman treatment to Citizens of The United States; by the most flagrant outrages; by a prostration of all the usages of civilized society; thereby bringing the Commercial World into a state truly to be deplored, tending to arm Man against his brother Man, and to make safety no where but in strength and habitual hostility.

Submitting this application to the early attention of your Excellency, and calling upon your Excellency immediately to interpose your authority to prevent a continuance of these causes of just complaint, and confidently believing that your love of justice, order, and humanity, will impel you promptly to meet the wishes of my Government on this subject, I remain, &c.

ROBERT T. SPENCE.

H. E. Don Francisco Gonzalez de Linarez.

(Inclosure C. 1.)—List of American Vessels captured by Spanish Privateers, and sent into the different Ports of Porto Rico.

Barque American, Emery, Master, of Kennebunk. This Vessel was sent into Cape Roxo by the Spanish Felucha La Carmen, tried, and declared a bad Prize, but sentenced to pay all costs of the trial, and one-third of the charges of the Privateer for her detention; and was compelled, in consequence, to sell her Cargo at a great sacrifice.

Brig Sam, of Portland, Crowell, Master. This Vessel was sent into Cape Roxo by the same Privateer, and it is understood that she is still detained.

Brig Bliss, of Baltimore, Dungan, Master. This Vessel was sent into Cape Roxo by the same Privateer, and, after a vexatious detention, was suffered to proceed, paying all the costs of trial, and one-third of the expenses of the Privateer.

Brig *Elizabeth*, of Georgetown, West, Master. This Vessel was sent into Aguadella by the Privateer *General Percira*, for trading to a Blockaded Port.

UNITED STATES AND SPAIN.

Brig General Jackson, of New York, Langdon, Master, captured and sent into Ponce by the Schooner General Pereira, at which Place she is now detained; and part of her Crew, after very inhuman treatment, imprisoned at this Place.

(Inclosure D.)—Captain Spence to the Governor of Porto Rico. United States' Ship Cyane,

SIR,

St. John's, Porto Rico, 29th August, 1822.

I HAVE the honour to acknowledge the receipt of your Excellency's Letter of the 27th instant (a Translation I have but this moment been able to obtain), in which you refer me to a Communication made to Mr. Lord, the Commercial Agent, in reply to an application, made the day previous to my arrival, for the release of the Crew of the Brig *Andrew Jackson*. The sentiments and expressions of your Excellency, in relation to this outrage, are duly appreciated. I felt persuaded that the harsh and illegal imprisonment of unoffending American Citizens could not have come to the knowledge of your Excellency; and there are other outrages of similar character not yet known, I am convinced, to the High Authorities of Porto Rico.

I beg leave to enclose you a Copy of a Letter from the Government Interpreter at Ponce, into which Place the Brig Andrew Jackson was taken. This is a Representation from a Spanish Functionary, and your Excellency, I doubt not, will agree with me, that, if the facts there stated are true, there is no other application by which I could designate the Perpetrators of such inhuman severity, save that of "Desperadoes;" Men restrained by none of the gentle obligations of humanity.

It is a fact, notoriously known, that the Crew of the "Andrew Jackson," illegally and harshly confined at the time of my writing to you, had been previously robbed of every thing save the clothes they had on at the time of entering the Prison; their jack-knives were even cut from their laniards! If to Men who can thus act, who can divest a defenceless "American Tar" of every thing, even to his wearing apparel, I could apply any other distinguishing name than that of "Robber," I confess to your Excellency I should have selected a milder epithet.

A glance at the history of the past, displays, in the Spanish character, the principles and high sentiments of which you speak : the Island before us bears full testimony of their enterprize and greatness. It was to those sentiments and principles I appealed, when I requested your early attention to proceedings calculated to sully that dignity of which every "Spaniard" is justly proud.

The capture of the *Pancheta* by a Vessel of War of The United States, was entirely unknown to me on my arrival at St. John's; but

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I can confidently assure your Excellency, that you have been misinformed as to some of the circumstances attending it. I have understood that the Privateer *Pancheta* has been of considerable annoyance to our commerce in these Seas, and that, falling in with The United States' Schooner *Grampus*, fired into her. The consequences that would result from such an act, may be conceived by your Excellency.

The instructions given to Officers of the American Navy are such, as to render it impossible that they can be the Aggressors; and the feelings that have characterised them, will always insure, in these unhappy rencontres, humanity and tenderness.

Vessels have formerly been sent into Ports of The United States on apparent good grounds, such as, attempts on our commerce; but, in all instances in which cause for condemnation did not appear, heavy damages were awarded, and the Sufferers made more than whole in their property: retribution is there always at hand.

In the Case of the *Pancheta*, I beg leave to assure your Excellency, there must have been great cause for the course pursued. As to the indignity offered to the Flag, your Excellency, I trust, is misinformed; for no Officer in the Navy dare stand before the Tribunal of the American People, justly charged with having violated the best constituents of the American character—magnanimity and knightly generosity.

This unfortunate occurrence has grown out of the necessity of sending an Armed Force to these Seas, for the purpose of convoying our Vessels, and of guarding them against the violence that has been committed upon them by Privateers infesting the Ocean, for the purposes of plunder. If, in the execution of this duty, rendered necessary by the state of things, calamities unavoidably occur, they must, doubtless, be deplored by the lovers of peace and concord, but cannot be chargeable to us, as voluntary acts.

It is an indisputable fact, although not known to your Excellency, that the Captain's and Mate's trunks of the American Brig Sam, captured and taken into Cape Roxo, were broken open while himself and Crew were on board the Privateer, and 420 Spanish dollars taken from them; also, 1 trunk of Madras handkerchiefs and other merchandize. These are transactions unknown to your Excellency, having taken place prior to your Excellency's arrival; they are the acts of Privateersmen, from which it would be absurd to infer the character of a wise and liberal Nation, like that of Spain.

Seeing the evils that result from the course pursued by Privateers out of this Island, I call upon your Excellency, in the name of humanity, and of that benign policy which has marked the course of our political career, to place such checks and restraints upon their proceedings, as will, in future, secure the American commerce from interruption, and those vexatious seizures, of which the Citizens of The United States justly complain.

These complaints, resting on the foundation of wrongs of an aggravated nature, which cannot be justified by any previous aggressions of American Citizens, convinces me that they will not be sanctioned by one of your Excellency's liberal and comprehensive views.

Confident of this, I feel much satisfaction in complying with that part of my Instructions which requires me to learn from your Excellency, how far Privateers fitted out of this Island are authorized to capture and bring in for adjudication the Vessels of The United States pursuing a lawful commerce. Information on this head will serve to explain fully the footing on which our maritime relations rest in this quarter. Be pleased to accept, &c.

ROBERT T. SPENCE.

P.S. I also enclose a Copy of a Letter from the Master of the Brig General Andrew Jackson, relative to his treatment from the Crew of the Spanish Privateer General Pereira.

H. E. Don Francisco Gonzalez de Linarez.

(Inclosure E.)—Captain Spence to the Governor of Porto Rico. United States' Ship Cyane,

St. John's, Porto Rico, 30th August, 1822.

SINCE the receipt of your Letter, alluding to the capture of the **Pancheta**, some of the circumstances attending it have come to my knowledge.

It appears that this Privateer has been, for a considerable time, engaged in intercepting our Vessels, frequently boarding them, and exercising an intolerable inquisition, vexations of themselves, sufficient to call for a remedy, but would not have occasioned any offensive measures on the part of American Cruisers. The instructions given to our Commanders confine their discretionary powers within limits too circumscribed to admit of their being led to an act of indiscretion. They are imperatively commanded to do nothing that can tend to interrupt the harmony existing between The United States and other Powers, whose maritime rights have ever been respected, and never designedly infringed.

The immediate cause of the *Pancheta's* capture, was, her having been guilty of several recent acts of plunder; and her having, but a short while previously to her "mishap," taken a number of articles from an American Trader, to which the Captain and Crew made oath. If these facts are as represented, and I am induced to think they will be incontrovertibly established, they certainly must be denominated acts of Piracy committed upon the Citizens of The United States, who have

SIR,

been made to suffer, in their property and feelings by these and similar outrages. Add to these causes, on being hailed, she fired into the United States' Schooner *Grampus*! What Armed Vessel could expect to fire at an American Ship of War with impunity ?

These circumstances, when the affair shall be judicially investigated, I am inclined to think, will be found substantially correct: if otherwise, there is an equity in the Government and Laws of The United States, that never was appealed to in vain. There is a sentiment of honour and generosity in "the American People," that will sustain the injured, be he friend or foe,—that will redress wrongs with "even-handed justice."

I have deemed it proper to make this statement, with a view to allay the sensations of which your Excellency speaks, as having been excited by this transaction :—sensations I have had occasion myself to experience, with the additional aggravation of knowing, that the Authors of them, lurking in obscurity, were sheltered from personal amenability, while, in the present case, your Excellency must feel an assurance, that the standing of the active Officer in command of the *Grampus*, as well as the magnitude of the affair, are such, as to pass them in review of the whole American People,—a never-erring ordeal; that Laws, and not Individuals, will decide as to the criminality of the cruize of the *Pancheta*; and will determine how far that Officer was justifiable in arresting her depredatory excursions.

American Cruizers have been sent to these Seas to protect our trade. There existed a crying cause; the means of mischief were accumulating; impunity had produced audacity; and the Ocean washing the Shores of these Islands, which the interest of the World require should be unprofaned by the path of the Plunderer, had become the theatre of outrage and rapine. American Citizens had suffered in their property and sacred persons. To remedy these evils, our Officers will be active, vigilant, and unweary; producing, by their conduct, a conviction, that, when acts are perpetrated, such as the *Pancheta* is charged with having committed, there is no escape. There must be safety in Peace, or its best objects are defeated; there must be security on the great "thoroughfare" of all Nations, otherwise its best purposes are perverted.

Persuaded that your Excellency will not consider this as unreasonable, and that you will see the consequences I have pointed out, as the inevitable result of causes herein set forth,

I remain, &c.

ROBERT T. SPENCE.

H. E. Don Francisco Gonzalez de Linarez.

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(Inclosure F.)-Captain Spence to the Governor of Porto Rico. United States' Ship Cyane, SIR.

St. John's, Porto Rico, 1st September, 1822.

YOUR Letters of the 28th and 31st ultimo, in answer to several Communications from me, have been duly received-Translations of which, I have but this moment been able to obtain.

In relation to the capture of the Pancheta, I beg permission to repeat, that it must be considered as a disaster growing out of the unjustifiable conduct of her Crew, and as one of the retributive results, of an abuse of her Cruizing License.

We require, that our lawful commerce shall be unmolested; that our Vessels shall not, from frivolous causes, and on pretexts, of which every Privateersman constitutes himself a judge, be intercepted, and subjected to inquisitorial scrutiny, and American Citizens made to incur intolerable inconvenience and expense. Evils like these, have a remedy, which the most forbearing would not expect should remain dormant.

I am convinced your Excellency has been incorrectly informed, as to the treatment of the Crew of the Pancheta, which you represent as cruel, and unnecessarily harsh. The Officer commanding the Schooner Grampus is well known for his humane feelings, and I am persuaded that all practicable and proper mildness was exercised on the occasion.

It is not to a discussion of the Laws and principles of "Blockade," that I am desirous of calling your Excellency's attention-they are settled, and established by the concurrent opinion of the wisest Statesmen, and are no longer doubtful. "Blockade" is not a mystical arcanum; it involves certain practical Rules, amply explained, and I am persuaded, well and fully understood by your Excellency.

It was to invite a just application to these principles, according to the acknowledged usages of the Age, that I was led to present the subject to your Excellency's attention; thereby to prevent the seizure of our Vessels, and to do away a pretext, often alleged, for sending them in for adjudication.

It was presumed, that your Excellency's powers extended to the correction of evils, existing within the range of your Authority; that you had the means of checking the licentiousness of Privateering, and that, seeing the pernicious effects of it, would feel every disposition to shield the commerce of The United States, by the interposition of seasonable restraints.

While I feel confident, that your Excellency will adopt, with promptitude, measures calculated to ascertain the extent of the grievances set forth in my Communication of the 28th ultimo, I must beg leave, again to repeat the expression of my hope and expectation, that you will cause

all American Vessels, now illegally detained, in the Ports of this Island, forthwith to be released, and equitable damages awarded such of the Citizens of The United States, as have suffered, either in property or person.

The well known character of your Excellency, for wisdom and justice, inclines me to believe, that these expectations will appear reasonable and right, and that they will be fully and satisfactorily realized by Your Excellency's, &c.

ROBERT T. SPENCE

H. E. Don Francisco Gonzalez de Linarez.

(Inclosure G.)—Captain Spence to the Governor of Porto Rico. United States' Ship Cyane,

SIR,

St. John's, Porto Rico, 3rd September, 1822.

I HAVE had the honour to receive several Communications from your Excellency, in reply to Letters addressed to you on subjects of very considerable moment.

Your professions of respect for the Laws of Nations, and your determination of making them, and the Laws of the "Constitutional Monarchy of Spain," your guides; and the intention you express of inquiring into the matters set forth in my Official Representations, &c. are all properly appreciated, and will, doubtless, prove highly efficacious. The Laws of Spain, no doubt, are all which the accumulated experience of Ages, and the united wisdom of sage Men, can make them; and, if administered by one of your Excellency's impartiality, would, I am persuaded, afford no good cause of complaint.

I had the honour, a few days since, to present for the consideration of your Excellency, some of the Proceedings and Decisions of the constituted Tribunals of the Island: whether such are just or legal, your Excellency can decide—to me they seem novel, and extraordinary; and, with a knowledge of some of the minor circumstances attending these vexatious Trials, I cannot refrain from saying they appear strange.

I am sure your Excellency will deem it due to the dignity of the "Constitutional Monarchy" you represent, to cause American Citizens to be indemnified for the loss sustained by such adjudications as your Excellency has been invited to investigate. It is but right and just to expect this of the Laws of Spain; and, while I indulge a belief that such will be the course pursued, I am led to call your attention to the policy of doing away all future occasion for dissatisfaction, by rendering the Owners, or Captains, of the Privateers out of Porto Rico, more accountable.

In my Letter of the 29th ultimo, I requested that your Excellency would do me the honour to state how far these Privateers are authorized by the Authorities of the Island, to capture and bring in for Adjudication Vessels of The United States engaged in the pursuit of a lawful commerce. This information your Excellency has not thought proper to afford.

From the facility with which these small Privateers are fitted out, and from the description of Persons on board some of them, it has occurred to me, that they are not made to enter into penal bond, to restrain and produce responsibility for the excesses they may commit, but are left to cruize *ad libitum*. Under such circumstances, transgressions are inevitable.

It is against the aggressions of such Vessels, I remonstrate-protesting against the improper privilege they have exercised, of intercepting and detaining, on the High Seas, Vessels of The United States engaged in a lawful trade. And it becomes necessary for me to inform your Excellency, and wish it should to be known to all whom it may concern, that, with a view to prevent, as far as practicable, a state of things fraught with mischief and abuse; to guard against a mantime anarchy, to which the commerce of The United States cannot be subjected; to secure to its Citizens safety, and to its Flag the benefits of peace and neutrality; and to preserve the harmony my Government is desirous should exist between the two Nations ; I shall, as far as possible, give Convoy to American Vessels navigating these Seas, and shall forbid, and prevent, any interruption or detention by any Privateer or Armed Vessel, and shall feel it incumbent on me to treat as an Enemy, and send to The United States, any Privateer, or Armed Vessel, that shall cause hindrance to the lawful Voyage of an American Vessel, or shall be found violating the Flag of The United States, and the Laws of Nations.

Satisfied that your Excellency will look upon this course of conduct as moderate, and unavoidable, I remain, &c.

ROBERT T. SPENCE.

H. E. Don Francisco Gonzalez de Linarez,

(Inclosure G. 1.)—The Governor of Porto Rico to Captain Spence. (Translation.)

SIR,

Porto Rico, 27th August, 1822.

On the receipt of your Official Letter, informing me, generally, of the depredations and excesses committed by the Spanish Privateers of this Island, upon the Vessels of The United States, as I was informed, and in particular, upon the Brigantine, General Andrew Jackson, by the Pereira, I resolved to take the first care with respect to the last, by the information of an Individual of that Nation, Mr. Judah Lord.

My Answers to this Gentleman shewed him my surprise, and the just indignation which so unlawful a transgression of the Law of Nations had excited in this Government; the precautions which it took to prove its truth; and the justice which animated it to punish the crime with all the rigour of the Spanish Laws ;—Laws capable of them-selves of what he, on his part, can desire.

The same, therefore, that I said to Mr. Lord, I repeat to you; animated with the same principles and sentiments which govern the conduct of the supreme Government of the Spanish Nation, and which form its character, acknowledged by all the Nations of the Earth.

But I am certain that you have not been well informed regarding the destruction and spoliations generally committed upon all American Vessels. I have the most repeated proofs of the regular conduct of the Spanish Privateers towards these Vessels, which they have examined and respected in very considerable numbers, showing to the World, that they are not Desperadoes, because they know not what it means, nor Thieves because they are Spaniards.

Would to God that some Vessels of the Military Marine of The United States, had observed towards Spanish Vessels, and towards the National Military Flag, a conduct so regular! I am certain that then there would not have been the disagreeable sensations which now exist from it.

When I speak to you, Sir, in this manner, I do it with respect to the scandalous attack made by The United States Schooner of War, the *Grampus*, upon the Spanish Privateer the *Palmyra*, which she attacked in the midst of Peace, killed and wounded several of her Crew, treated with indignity the Spanish Flag, confined in chains the greater part of her Crew, and that at the very moment when an Officer was about going on board of her to present her Papers, and to comply with the Law of Nations.

You will perhaps be informed of this attack, seldom seen in the history of civilized Nations; and no doubt if you have been so with truth, as I am, you will have had the same horror and disgust; because it is impossible otherwise to consider the most sacred Conventions trampled upon, and the majesty of a Nation insulted;—of a Nation which has always preserved her Rights, and which, oftener than once, has given publick proofs of her constancy, and of her never having been offended with impunity.

For my part, with respect to this event, I do nothing else but point it out to you as a particular piece of news, because its decision belongs to the Supreme Government of both Nations. As a functionary of mine, I will not depart from the path which it has pointed out to me: justice shall always be my guide. I shall respect the Laws of Nations; and I shall punish, with the Laws in my hand, such Spanish Subjects as shall transgress their duties.

God preserve you many years.

Captain Spence.

FR. GONZALEZ DE LINAREZ.

(Inclosure G. 2.)—The Governor of Porto Rico to Captain Spence. (Translation.)

SIR, I HAVE just seen your Official Letter of yesterday, relative to the depredations which are said to have been committed by Spanish Privateers against the Vessels of The United States.

As this Communication is substantially the same as the former, it appears only necessary to repeat my yesterday's Answer; but, wishing to give you new proofs of the justice and good faith of the Spanish Government, I will enter into new explanations.

I am persuaded that the armed Privateers of this Island have not committed, upon the Vessels of The United States, the scandalous crimes with which your personal concern has been raised, or a mistake has entered into your mind. They have been examined by many, and have, without the least injury, continued their Voyages; and doubtless, in a short time, you will be convinced of a truth so notorious.

I only speak of the Privateers armed in this Island, and an very far from making an apology for those that have been armed in other Provinces, because I am ignorant of their conduct; and although it may have been criminal in this manner, it belongs not to my authority to punish them.

But if it is very strange that, even when there were some trifing excesses, energetical remonstrances were made for them; and the attack of the American Schooner *Grampus* has been passed over in silence, or considered as a circumstance of no moment, in which the particular circumstance occurred of her belonging to the Navy of The United States; —what comparison can ever exist between the detention of a Vessel, and even committing some pitiful and contemptible depredation (if such has been done) and the attack of the other, to destroy her in a perfidious manner, to cause the death, and imprisonment of the Crews in chains; and what is more, insulting and trampling upon the Spanish Military Flag ! Who ever so openly violated the Maritime Law of Nations? And who, after such a violation, will attempt to declaim against injuries either imaginary or immensely less !

In fine, the peace between two Nations, as Spain and that to which you belong, Sir, is a blessing for the preservation of which I am ready to become a sacrifice; therefore I do not hesitate to assure you that the Laws will be enforced in as far as they have been transgressed; and therefore I consider myself entitled to require the same frankness and consideration from you, notwithstanding my having explained myself so rudely; because our respective Governments will do what they think proper, and will do what is most just for the well being of their People. God preserve you, &c.

Captain Spence.

FR. GONZALEZ DE LINAREZ

(Inclosure G. 3.)—The Governor of Porto Rico to Captain Spence. (Translation.)

SIR,

Porto Rico, 31st August, 1822.

I HAVE the honour to answer the Note which you were pleased to address to me, under date of 28th instant, relative to the indemnification which ought to be made to the American Vessels detained by Privateers of this Island, and condemned to pay Costs, after being declared innocent by the Courts of Justice; and also, relative to the nullity and illegality of the Blockade declared against the Ports of Terra Firma, for the reasons which you are pleased to give as your opinion.

The principles established by the Maritime Law of civilized Nations are not unknown to me, nor the causes which have influenced the declaration of Blockade against the Ports occupied by the Insurgents; nor even the Maritime Military Force by which this declaration can be, and has been, supported; yet, as, on one hand, my authority being circumscribed to a Province, at a distance from those Places, has no influence, nor can have, in any Official acts; and, on the other, subjects of this nature belong, by their character, to the examination and decision of the Supreme Governments of the Nations, it is my duty to avoid all interference in them, and to confine myself to the circle of my functions.

I have before me the Note which you were pleased to enclose to me in your said Official Letter, containing the Vessels detained, with the circumstances in which they have been, and the consequences which have ensued. I owe it to the justice, to the unalterableness of my principles, and to the rectitude of the Government which I represent, to declare to you, that I shall take all the provisions within my power, to elicit the truth of what has occurred with respect to the detained Vessels, repeating, that you may rest assured, that the Laws of the Kingdom shall judge and decide upon them, without the possibility of any alteration in their legitimate application. Neither partiality nor personal interest, nor the passions, shall have any voice, or take any part in the decisions: the Law shall dictate, and all (I the first) shall submit to it. God preserve you, &c.

Captain Spence.

FR. GONZALEZ DE LINAREZ.

(Inclosure G. 4.)—The Governor of Porto Rico to Captain Spence. (Translation.)

SIR, I HAVE just received the Translation of your Official Note of the 29th ult., and which is an Answer to mine of the 27th, containing also the former acknowledgment of the Letter of the Interpreter, De Ponce, which was communicated to me by Mr. Lord, a Citizen of The United States; and now recently of the Declaration of Mr. Arthur Edgarton, Mate of the Brig Andrew Jackson, in which I have had the pleasure of reading that he and his Companions, detained on board the Privateer, had been well treated.

You will be pleased, Sir, to let me know the things which have been plundered from the detained Vessel, and claim the damages which have ensued on her detention. I have taken all the measures which were in my power, for eliciting the truth of the facts, in the manner provided by the Laws of Spain ; and when, according to them, the Delinguents are tried and convicted, they shall be punished; then the Tribunals established by the Constitutional Law of the Monarchy will take cognizance, to which the power of judging and applying the Laws is exclusively granted-principles from which it is impossible for me to deviate, as it is with respect to those which rule in The United States, for any Functionary to deviate from them.

You may rest assured, that, if the Authorities appointed there to try crimes of this class, are inexorable in their conduct, admitting nothing but Law and justice, those which are in the Territory of the Constitutional Monarchy of Spain, summoned for that purpose, will never yield in their principles of justice, and in the fulfilment of their duties. To them it belongs to try by the Laws, and to apply them, and to the political government of the People, to enforce the execution of the legal decisions of the Judicial Power, and to watch over the observance of the Laws, by taking care that no one breaks them.

> God preserve you many years. FR. GONZALEZ DE LINAREZ.

Captain Spence.

(Inclosure G. 5.)—The Governor of Porto Rico to Captain Spence. (Translation.)

Porto Rico, 2nd September, 1822. Your Official Note of the 30th ult. has informed me of the intelligence which has reached you, of the motives which the Schooner Grampus had, for the hard and unexpected treatment of the Spanish Privateer the Palmyra.

My former Communications have shown you what my principles are, and what my conduct has been in this matter, as a faithful observer of the Fundamental Laws of the Spanish Monarchy. The truth of what has happened in that capture, will be the result of a legal investigation, in which sinister informations, which partiality or personal interest often dictate, have no part. When that shall have been elucidated in the way which the Laws require, our Supreme Governments will decide with justice what is proper.

God preserve you many years.

Captain Spence.

FR. GONZALEZ DE LINAREZ.

SIR.

(Inclosure H.)—The Governor of Porto Rico to Captain Spence: (Translation.)

SIR,

Porto Rico, 9th September, 1822.

I HAVE the honour to answer your Official Note of the 1st instant. Its object is—1st, The good conduct of the Schooner *Grampus* in the capture of the *Pancheta*. 2nd, The necessity under which the Government is of putting a stop to the operations and irregular conduct of the Privateers towards American Vessels. 3rd, To procure the immediate liberation of those that may have been detained in the Ports. 4th, Prompt indemnification for the losses they have sustained.

On making the enumeration of these matters, I must call your attention to my former Answers, because they have already been treated of in them implicitly and explicity. Notwithstanding, I will repeat to you that the decision upon the justice or injustice, the validity or invalidity, the legality or illegality, of the Blockade of the Coast of Terra Firma, is beyond my authority : that the Privateers are informed by the Ordinances of their Cruize of their respective obligations, for the transgression of which they will be responsible, and punished by the Laws, in the same manner as in similar cases the Privateers of The United States, would be by the justice of the Government, if they should transgress the limits which should be prescribed to them; but without this transgression they should not be responsible : lastly, that by the Political Constitution of the Spanish Monarchy, the functions of the Judicial Power, are clearly designated, the Government being totally prohibited from being joined with them; and one of the great props of civil liberty consisting in this clear separation. To preserve interior tranquillity and security; to procure publick prosperity; to maintain established order; to watch over the observance of the Laws; to publish them; to cause the execution of the Decisions of the Courts of Justice; to be, in all its parts, an Agent of the Government-here, Sir, you may see the circle of my functions.

God preserve you many Years.

Capt. Spence.

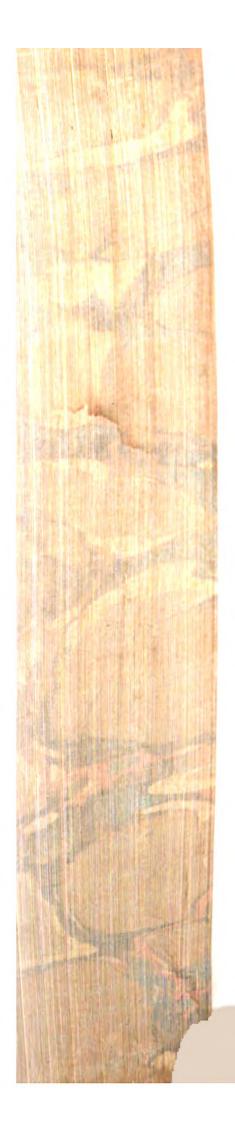
(Extract.)

FR. GONZALEZ DE LINAREZ.

(Inclosure I.)—Captain Spence to the Secretary of the Navy. United States' Ship Cyane,

St. John's, Porto Rico, 5th September, 1822.

SINCE my Letter of the 3d inst. transmitting my Correspondence, I have had a conversation with the Governor, who begs me to be assured, that all he can do, shall be done to meet my wishes, in relation to the **Privateers** fitted out of the Island; that those already out were equipped before he assumed the Government; that he is opposed to it, both in his private and publick capacity; that future restraints shall be placed upon them; and that he will remedy all abuses, as far as he has the **power**. That the Brig Andrew Jackson he had ordered to be set at



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liberty; that he should inquir unless good and sufficient reas cause the Judge to be removed to keep the Laws of Nations Blockade he can do nothing; i between the two Governments General Morillo, it was recognis it were inevitable; over this que Hon. Smith Thompson.

(Inclosure J.)—List of the Name from the various Ports

Palomo.—A full rigged Brig. (18lb. carronades) has a complem Port, and now on a cruize.

Pancheta.—An hermaphrodite to 12 guns, has a complement of 1 Schooner, General Pereira.—I guns, and has a complement of 80 and now in this Port.

Schooner, Bruquena.—Carries from this Port, and now on a cruize Schooner, Hora de la Mar.—Fit cruize; carries 1 gun and 40 Men. Flechera, La Carmen.—Fitted o guns, and a complement of 50 Men. Besides the above, there are (I a Privateers, from the different Ports force of which I have no knowledge.

DECREE of the Cortes of S₁ tion with the Spanish America certain Arrangements conclud ary, 1822.

Measures for the Conciliation of THE Extraordinary Cortes, in put them by the Constitution, have decreed

I. That the Government, without with the appointment of Persons who, dition, the good opinion entertained of cumstances have distinguished them, ar Governments which are established in hear and receive all the Propositions wh order to be transmitted to the Mother Country; excepting those States which have prohibited, or have in any way trenched upon, the absolute liberty belonging to European and American Spaniards, who may be resident in any part of the Ultramarine Provinces, of removing, or disposing of their Persons, Properties, and Families, at their pleasure, so as not to be exposed to any obstacle or measure tending to the detriment of their fortunes.

II. That the Commissioners shall remain there until an Answer be received by them, without the Government being, however, thereby prevented from adopting measures, in the mean time, for receiving the propositions which may be made to it, by Persons authorized by those Governments, and from transmitting them to the Cortes.

111. That the Treaty of Cordova, as it is called, concluded between General O'Donoju and the Chief of the Dissidents of New Spain, Don Augustin de Iturbide, is illegal and null in its effects, as to the Spanish Government and its Subjects, as well as every other Act or Stipulation, relative to the acknowledgment of Mexican Independence, of the said General.

IV. That the Government be invited to set forth, by means of a Declaration to the other Governments, with which it holds friendly relations, that the Spanish Nation will, at all times, consider as a violation of Treaties, their partial or absolute acknowledgment of the Independence of the Spanish Ultramarine Provinces, until it has brought to a conclusion the discussions which exist between some of them and the Mother Country; and to explain all other things which can prove to Foreign Nations, that Spain has not yet renounced any of the rights which belong to her in those Countries.

V. That the Government, by every possible means, do endeavour to preserve, and do reinforce, as soon as possible, the Points which, in any of the Ultramarine Provinces, are still united to the Mother Country, and obedient to her Authority, and do resist those of the Provinces which wish to separate from her; proposing to the Cortes the measures which are necessary, and may be within their power.

Madrid, 13th February, 1822.

RAMON GIRALDO, President. NICOLAS GARCIA PAGE, Deputy Secretary. MARIANO DE ZORRAQUIN, Deputy Secretary.

DECREE of the Cortes of Spain, respecting a Pacification with the Spanish American Provinces.—28th June, 1822. (Translation.)

THE Cortes, in pursuance of the power vested in them by the Constitution, have decreed as follows:

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I. The Government is authorized to proceed, with regard to Ultramarine Affairs, according to the convenience and exigency of the different circumstances existing in the Places, respectively, where it may be necessary to interpose its influence and authority, or to make use of other more energetic and active means in relation to those Affairs.

II. It is also directed to employ the greatest zeal in protecting and defending, and in causing to be respected, the Persons, property, and liberty of all those who are well inclined towards the Mother Country, and who may wish either to remove to the Peninsula, or to remain in these Countries.

III. In order to approximate and to cement more closely the relations subsisting between those Provinces and Peninsular Spain, and to the end that, during the Negociations, the reciprocal Commerce may not be interrupted, the Government shall authorize the Commissioners whom it may nominate, to discuss and conclude Provisional Conventions of Commerce with the said Provinces, on the fundamental bases which the Government may prescribe to them in their Instructions.

IV. The greatest efforts shall be made, to ensure from all risk, or invasion, the faithful Provinces of America, especially the Islands of Cuba and Puerto Rico, and to keep up frequent communications with all of them; to the end that the Correspondence of the Government and of Private Individuals may not be delayed or interrupted.

V. The property and effects, which now, or hereafter, may exist in, or come to, the Peninsula, and the adjacent Islands, belonging to the Natives and Inhabitants of the Ultramarine Provinces, or to those of the Peninsular, residing in those Provinces, whatever may have been their opinions, and political conduct, during the disturbances in those Countries, shall be respected and protected, the same as those of the Peninsular Spaniards, according to the Constitution and the Laws.

VI. The Natives or Inhabitants of Spanish America, or of the Peninsula, who reside in those Provinces, and shall come to Spain, or to the Islands adjacent, whatever may have been their conduct or political opinions during the period of the Revolution, may remain and establish themselves, without any molestation whatsoever, on account of the said conduct and political opinions prior to their arrival, excepting only the Officers of the Spanish Army, who may have deserted from their Colours, and passed over to the Service of the Dissidents, concerning whom the Government will propose to the Cortes, whatever it may deem expedient.

VII. Should the sums mentioned in the Estimates of War and Marine be insufficient for all these Arrangements, those Departments may propose an extraordinary Sum, which shall be solely appropriated thereto.

SEVEN ISLANDS AND TURKEY AND GREECE. 1005

VIII. The Government shall take care to promote, and provide for, the destination of skilful Naturalists, to the Islands of Puerto Rico, Cuba, and the Philippines, and to encourage therein the study of all the branches of Natural History, and especially Chemistry and Mineralogy.

Madrid, 28th June, 1822.

ALVARO GOMEZ, President. JOSEF MELCHOR PRATT, Deputy Secretary. ANGEL DE SAAVEDRA, Deputy Secretary.

ACT of the Ionian Parliament, respecting the Punishment of Ionian Subjects, for engaging in the War between Turkey and Greece.—2d April, 1822. (Translation.)

In pursuance of the Act of Neutrality published by the Ionian Government, with respect to the calamities of War and Insurrection, existing in Epirus, the Peloponesus, and the neighbouring Countries, which has been graciously approved by His Majesty the August and exclusive Protector of these States;

And it being expedient, as well as necessary, for especial and weighty reasons of State, that those Ionian Subjects, who, in abuse of the reiterated paternal indulgences of their Government, violate the National Laws, and compromise the highest duties of honour and the most important interests of their Country, should meet with the punishment due to their criminal delinquency;

It is therefore ordered and directed, by these presents, under the authority of his Highness the President, and the Most Excellent Senate, with the approbation and concurrence of the Most Noble the Legislative Assembly of the United States of the Ionian Islands, in this Fifth Session of the First Parliament, and with the consent of his Excellency the Lord High Commissioner of the Sovereign Protector:

I. That the Subjects of these States who, in respect of the calamities abovementioned, have taken, or do or shall take, an active belligerent part, in favour of, or against, any of the hostile Parties, in Epirus, the Peloponesus, or the Islands, Countries, or Seas adjacent, are for ever banished from the Territory of the Ionian Islands, and their Dependencies.

II. That their moveable and immoveable property, and effects of every description, shall be confiscated agreeably to the Laws in force.

III. That they shall also be punished personally, with the utmost rigour of the Law, whenever they fall into the power of the Government. IV. That the term within which the foregoing enactments shall be enforced against Ionian Subjects in belligerent activity, shall be; in Epirus, 20 days, and in the Peloponesus, and the other Countries and Seas above set forth, 40 days, after the Proclamation of Neutrality of the 7th of June, 1821.

V. The present Act shall be printed, and promulgated, and transmitted to the Authorities entrusted with its execution.

Corfu, 2d April, 1822.

DEMO. VALSAMACHI, Secretary to the Most Noble the Legislative Assembly.

PROCLAMATION of the Regency of Urgel to the Spanish Nation, respecting the Government of Spain.—15th August, 1822. (Translation.)

SPANIARDS!—Ever since the 9th of March, 1820, your King, Ferdinand VII., has been a Captive; deprived of the means of promoting the good of his People, or of governing them according to the ancient Laws, Constitution, privileges, and customs of the Peninsula, dictated by a wise, free, and impartial Cortes. This innovation is the outrage of certain Individuals, who, preferring their interest to Spanish honour, have consented to become Instruments for the subversion of the altar, the throne, and the order and peace of all Europe. What right have they, by such subversions, to make you the scandal of the Universe? No other than that of force, acquired by criminal means. Not satisfied with all the evils which they have inflicted upon you, they conduct you, by the dissolution of the social body, to the most frightful catastrophe.

The Ordinances which they promulgate, in the name of the King, are issued against his wish, and without his consent. His August Person is exposed to insults and indignities, since, yielding to the revolt of a part of his Army, and menaced with greater evils, he saw himself constrained to swear to a Constitution, made during his previous captivity—a Constitution contrary to the wishes of Spain, which deprived it of its ancient organization, and despoiled the Princes who are to succeed to the Throne, of those rights of which His Majesty himself could not dispose; a Constitution, in fine, the source of the great evils which oppress this precious portion of Europe, and of which our Country must become the victim, which France, our Neighbour, became, by pursuing a similar course.

You have already experienced how fatal is this desire of innovation in all things. Compare the promises with the actions of the Men thus engaged, and you will find them in perpetual contradiction. If the

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former dazzle you for an instant, the latter undeceive you. The religion of our Fathers, which they promised you to preserve untouched, is despoiled of its Temples; its Ministers are vilified, reduced to poverty, and deprived of all authority, and of all influence. Every where they have opened the road to demoralization and atheism. The Nation is exposed to anarchy, without the possibility of improving, and without the hope of reaping the fruits of its labour and industry. Your destruction is certain, if you do not arm yourselves, and make use of the Right of which no one can deprive you.

Astounded by the attack made against order, and the customs, and interests of your Country, will you behold with apathy your King torn from His throne: while the Innovators despoil you of your property; occupy the Publick Stations; render justice arbitrary in its decisions, for the furtherance of their own purposes; fill the dungeons, and crowd the scaffolds with victims for endeavouring to restrain that violence of which, however they may assert to the contrary, they were the primary instigators,—by exciting tumult in the first instance, and then by making tools of those Persons who have been elected by bribery and corruption;—who style themselves a Cortes, and most notoriously cause the Representation of the Kingdom to be a mere nullity [?] Your condition is that of Orphans, embroiled in faction, deprived of liberty, and plunged in a chaos.

The contributions demanded of you, although beyond your means, are insufficient to carry on the expences of the State; the Loans which weigh heavily on you have only served to exalt the Projectors and Agents of your ruin; you are not secure in your homes, and peace has been driven from amongst you in order to despoil you of your fortunes. One of the losses which you have already incurred is the want of union between your Territories. America has declared itself independent, and the misfortunes of the Year 1812, in Cadiz, have caused, and will continue to cause, calamities of direful extent. The soil of your Country is threatened to become the theatre of new Wars, although it has not as yet recovered the ravages of those that have past. All these evils are the consequence of your having cast aside the monarchical Government; which promoted the tranquillity of your Forefathers, and to which, as being the best invented by Man, all Countries have returned, when they have awakened from their delusions. The deceptions now held out to you are the same as those which have ever produced the overthrow of States. Your Laws were the fruit of the wisdom and experience of Ages, and you have a right to demand the observance of them : the reforms which time may render necessary should be very carefully considered, and not adopted until after mature reflection : those Laws provided for your security, they promoted your riches and felicity, and under them you enjoyed all the happiness possible to society, together with the freedom of expressing your thoughts.



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The repeated Conspiracies the Advocates for the new ord tion of the happy Measures whi adopt;---a ferment, hostile to the every thing into confusion; and embraced, in order to produce to Year 1820, when His Majesty, volliged to swear to the Constitupopular Sovereignty. Aid us, the so that in Juntas, freely and leg examined, and the measures caevery particular, fully and wisely a sure guarantee of your repose, i stitution, rights, and privileges.

Every Spaniard should assist, evils-union is indispensable-and to succumb to a Martyrdom, which catastrophe; with this difference, 1 The Nation still possesse miny. having forgotten their first Oaths, w on his Throne, in restoring peace 1 to the path pointed out to them by t the innovations which are the chime resolution will withdraw us from oppr the State requires it for the King, th the interest of the Country calls on yo evident, various Provinces, and the In Peninsula, have reiterated to us their Don Ferdinand VIIth shall be at perfec. Name, put ourselves at the head of th to us, giving to the Government that cness of the Nation renders necessary, evils of anarchy in which it is plunged the propriety of those entreaties, and d of all Spaniards, who love the Altar, 1 have accepted this duty, relying for such Providence, and resolved to employ all save the Nation which solicits our aid, tous perhaps that has ever befallen it, s Monarchy.

In virtue whereof,—constituting ours vernment of this Kingdom, in the name Don Ferdinand VIIth, (during his captivi Dynasty (in their relative situation) for the their legitimate rights, as well as those of curing for it that felicity and welfare of which it is now deprived; and of removing all the pretexts which have been employed to seduce it;— We hereby command:

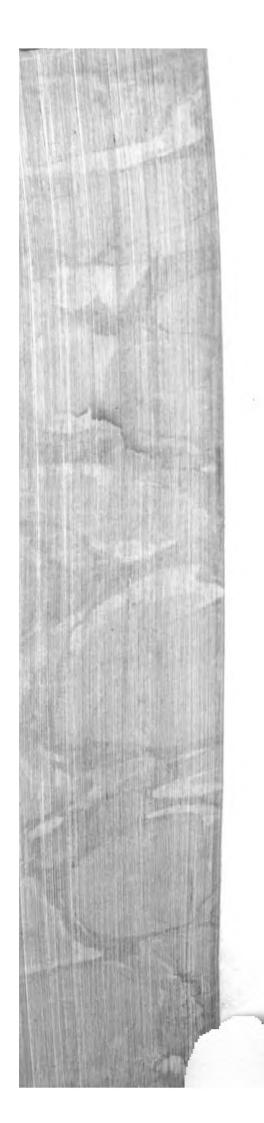
I. That the installation of the present Government be made known to all the Inhabitants of Spain, so that all Orders emanating from it may be obeyed; notifying to them that for every disobedience shewn against those Orders they shall be accounted Enemies to the Legitimate King, and to their Country. In virtue whereof, affairs shall at present be regulated by the observance of the Military Ordinances and Laws which were in force before the said 9th day of March, 1820.

II. That it be declared that, since the day on which, by force and threats, the Lord Don Ferdinand VIIth was compelled to take the Oath to the Constitution, which, in his absence and without his consent, was proclaimed in Cadiz in the Year 1812, His Majesty has been in a state of rigorous captivity. In consequence whereof, the Orders communicated in his Royal Name shall be accounted of no value or efficacy, and shall not be complied with until His Majesty, restored to perfect liberty, can ratify or issue them anew.

III. That those who have conspired against the liberty of His Majesty, and those who continue publickly to detain him in the said captivity, by force, or by means of his co-operative assistance, shall be tried according to the Laws, and suffer the penalties by them attached to so flagrant a crime.

IV. That it be declared that many Members of the Cortes, which promulgated the said Constitution in Cadiz, were not chosen by the People, and that some of them were not at liberty to express and maintain their opinions. That the subsequent Cortes, composed in a great measure of Individuals elected by subornation and threats, whose powers were assigned to them during a state of violence and anarchy, were as little the Representatives of the Nation, and could not in a valid manner enact any measure that should be obligatory on the Inhabitants of this Peninsula, and of America belonging to it.

V. That, persuaded of the fidelity of a great part of the Army, which served under the banners of Religion, of the King, and of the Country, on the said 9th day of March; that they have been compelled to succumb to force, and that some have deemed it needless to manifest their sentiments, whilst others were not aware of the violence which compelled His Majesty to take the Oath aforesaid, or of the want of his authority and consent to the Orders issued in His Royal Name; and convinced that they are desirous of preventing (that which will otherwise be necessary) the arrival of Foreign Troops in the Peninsula, to stem the tide of evils, which must inevitably increase, mless His Majesty be restored to his Throne; we call upon all the Military, who are attached and faithful to the objects above stated, to perform their duty, and to unite under those banners which we shall



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carry during the captivity of Soldier who presents himself with an additional real per day Soldier who comes armed, and who brings with him a horse.

sides receiving a gratification, above them. And, as a great proving their true fidelity, withously, when their conduct shal placed in the situation adapted merit and rank, and shall be imi and they shall be still more h some Soldiers with them. But i shall be conceded only to thos months.

VI. That, in order that the a Military alluded to in the foregot Majesty which are in our charge, pation in the favours promulgate entitle them thereto it will suffice th place in which they may be, when the to them, they do openly come forwa of His Majesty and of his Rights, pl nication with this Supreme Govern subject to our Orders at the nearest any particular service whereby they favour of the Royal Person will be n

VII. That the rights and privil sessed, at the period of the innovation His Majesty, shall be entirely restored same will be submitted to the first Co

VIII. That the Contributions sha sible amount, collected by the least j with the greatest prudence and circum perfected when the free voice of the Na to its ancient Constitution.

IX. That, in order to attain that wisdom of the Nation may alone guide the Towns and Provinces shall be ancient customs and usages of the Peni the means of raising the necessary bringing them into use with fairness, an habitants; and who shall state to us the those which they may have suffered durin unfortunately occurred, to the end that, and during his captivity, we may afford them redress and consolation, and adopt the measures calculated to ensure their future welfare and tranquillity.

X. That, considering the merit acquired by this Province, in having been the first to offer, with heroic fortitude, to its King, the warmest sentiments of its ancient fidelity, and that a great portion of its resources depends upon its industry and commerce, we will grant to its Inhabitants, in particular, all the favours and privileges which may be in our power, in order to promote their interests, which shall be extended to others, who shall be found possessing equal energy, excepting solely those Places which shall manifest disobedience to this Government.

XI. That this Supreme Government, being desirous of proving to the whole of Europe that the only sentiments which animate it are, the re-establishment of peace and order, and the destruction of ideas subversive of and contrary to Religion and Thrones, we command all the Authorities subject to our jurisdiction to take especial care that, within the extent thereof, no Person be sheltered, of whatever class or condition he may be, who, either in publick or private, directly or indirectly, may have attempted or shall attempt to overthrow any of the Thrones of Europe, and their legitimate Governments; and that, if any such Criminal be apprehended, he be placed at the disposal of this Supreme Government, for the ulterior measures.

XII. That, it being indubitably notorious that the respectable Person of His Majesty is treated with every insult, and that repeated attempts have been made against his estimable life, which is the most secure guarantee of the felicity of Spain, it be declared that, should similar excesses be repeated, notwithstanding the appeal of this Government, which expresses the true wish of the Nation, we will omit no means to cause such chastisement to fall upon the Perpetrators thereof as shall be a warning to future Generations; but that, on the other hand, rewards will be conferred upon those who contribute to His Majesty's defence.

Given at Urgel, the 15th of August, 1822.

THE MARQUIS DE MATAFLORIDA. THE ARCHBISHOP P. DE TARRAGONA. THE BARON DE EROLES.

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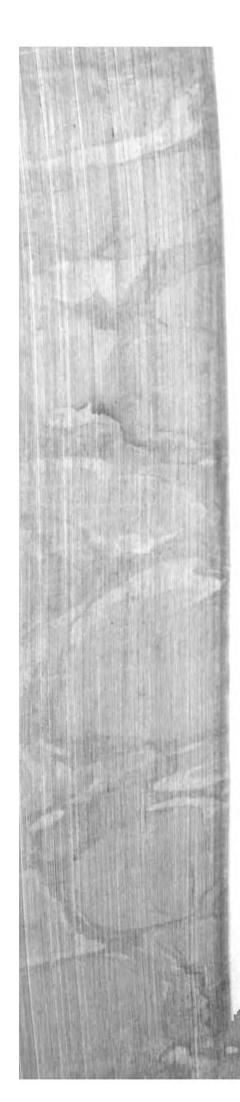
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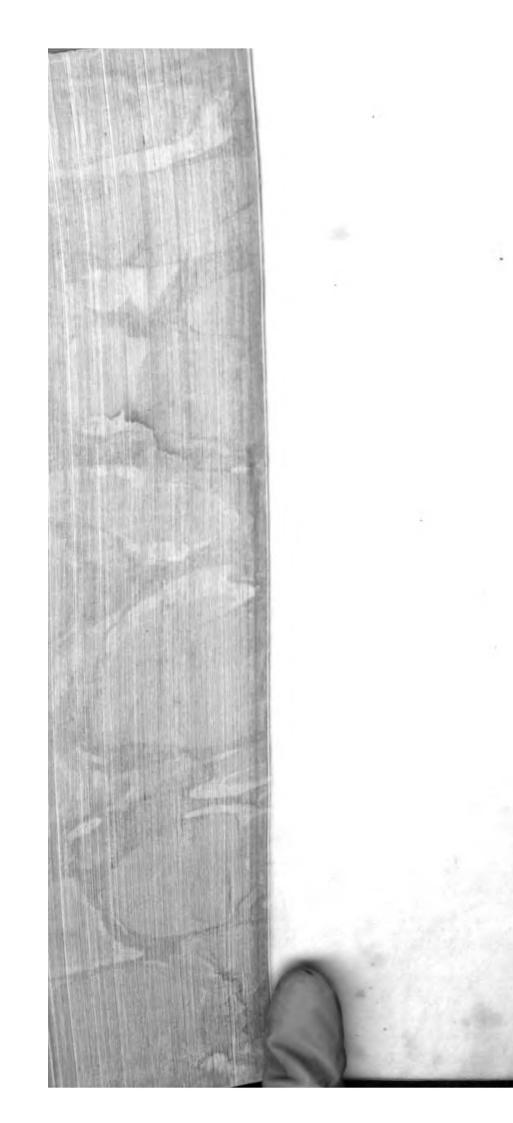
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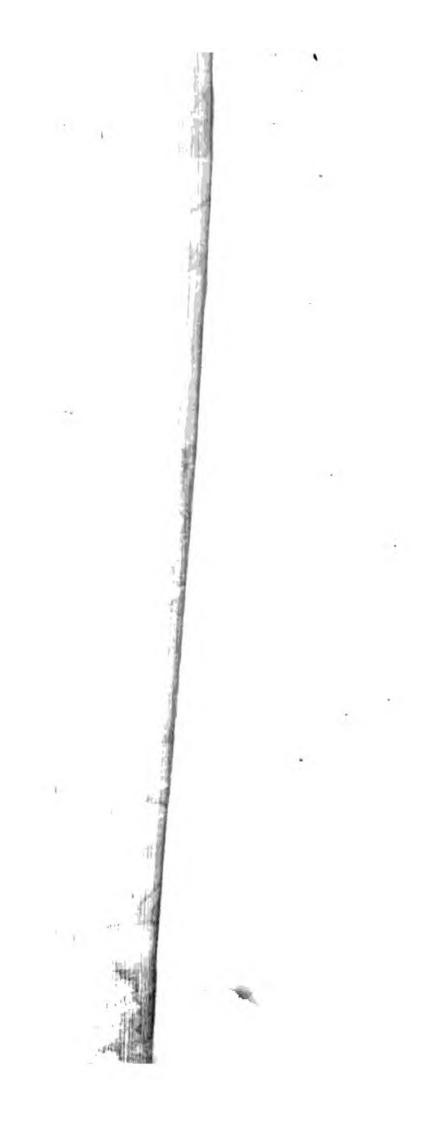


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